

procurement in a manner that maximizes full and open competition consistent with the requirements of this section. A State agency must:

(i) Provide a minimum of 30 days between the publication of the solicitation and the date on which the bids are due, unless exempted by the Secretary; and

(ii) Publicly open and read all bids aloud on the day the bids are due.

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \* The bid solicitation must identify the composition of the State alliances for the purpose of a cost containment measure, and verify that no additional State shall be added to the State alliance between the date of the bid solicitation and the end of the contract. \* \* \*

\* \* \* \* \*

(g) *May a State agency implement cost containment systems for other supplemental foods?* Yes, when a State agency finds that it is practicable and feasible to implement a cost containment system for any WIC food other than infant formula. The State agency must:

(1) Provide notification to FNS by means of the State agency's State Plan.

(2) Comply with paragraphs (c)(2) and (k) of this section.

(3) Provide a minimum of 30 days between the publication of the solicitation and the date on which the bids are due, unless exempted by the Secretary. The State must publicly open and read all bids aloud on the day the bids are due.

(4) Issue separate solicitations for authorized foods if any alliance served a monthly average of more than 100,000 infants during the preceding 12-month period.

\* \* \* \* \*

(k) *What are the requirements for infant formula and authorized food rebate invoices?* A State agency must have a system in place that ensures infant formula and authorized food rebate invoices, under competitive bidding, provide a reasonable estimate or an actual count of the number of units purchased by participants in the program.

\* \* \* \* \*

**§ 246.19 [Amended]**

■ 11. Section 246.19(b)(2) is amended by adding the phrase "breastfeeding promotion and support," after the word "education," in the first sentence.

■ 12. In § 246.25:

■ a. Amend paragraph (a)(1) by adding the phrase "including breastfeeding

promotion and support," after the word "education,";

■ b. Redesignate paragraphs (b)(1)(i)(C) and (D) as paragraphs (b)(1)(i)(D) and (E), and add a new paragraph (b)(1)(i)(C); and

■ c. Add new paragraph (b)(2)(iii).

The additions read as follows:

**§ 246.25 Records and reports.**

(b) \* \* \*

(1) \* \* \*

(i) \* \* \*

(C) Actual and projected rebate payments received from manufacturers.

\* \* \* \* \*

(2) \* \* \*

(iii) The State agency must submit local agency breastfeeding participation data on an annual basis to FNS.

\* \* \* \* \*

Dated: September 20, 2011.

**Audrey Rowe,**

*Administrator, Food and Nutrition Service.*

[FR Doc. 2011-24722 Filed 9-27-11; 8:45 am]

**BILLING CODE 3410-30-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 95**

[Docket No. 30805; Amdt. No. 496]

**IFR Altitudes; Miscellaneous Amendments**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**DATES:** *Effective Date:* 0901 UTC, October 20, 2011.

**FOR FURTHER INFORMATION CONTACT:** Rick Dunham, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (*Mail Address:* P.O. Box

25082 Oklahoma City, OK 73125) *telephone:* (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

**The Rule**

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

**Conclusion**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 95**

Airspace, Navigation (air).

Issued in Washington, DC, on September 16, 2011.

**John M. Allen,**  
Director, Flight Standards Service.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the

Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, October 20, 2011.

**PART 95—[AMENDED]**

■ 1. The authority citation for part 95 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

**REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS**

[Amendment 496 effective date October 20, 2011]

From	To	MEA	MAA
<b>§ 95.4000 High Altitude RNAV Routes</b>			
<b>§ 95.4037 RNAV Route Q37 Is Added to Read</b>			
FORT STOCKTON, TX VORTAC ..... *18000—GNSS MEA *DME/DME/IRU MEA	CAVRN, TX FIX .....	*25000	45000
CAVRN, TX FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	YORUB, NM FIX .....	*25000	45000
YORUB, NM FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	IMMAS, NM FIX .....	*25000	45000
IMMAS, NM FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	PUEBLO, CO VORTAC .....	*25000	45000
<b>§ 95.4042 RNAV Route Q42 Is Amended to Read in Part</b>			
BRNAN, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	HOTEE, PA FIX .....	*18000	45000
HOTEE, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BTRIX, PA FIX .....	*18000	45000
BTRIX, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	SPOTZ, PA FIX .....	*18000	45000
SPOTZ, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	ZIMMZ, PA FIX .....	*18000	45000
<b>§ 95.4062 RNAV Route Q62 Is Added to Read</b>			
NOLNN, OH FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	WEEVR, OH FIX .....	*18000	45000
WEEVR, OH FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	PSKUR, OH FIX .....	*18000	45000
PSKUR, OH FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	FAALS, OH FIX .....	*18000	45000
FAALS, OH FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	ALEEE, OH FIX .....	*18000	45000
ALEEE, OH FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	QUARM, PA FIX .....	*18000	45000
QUARM, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BURNI, PA FIX .....	*18000	45000
BURNI, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	MCMAN, PA FIX .....	*18000	45000
MCMAN, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	VALLO, PA FIX .....	*18000	45000
VALLO, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	RAVINE, PA VORTAC .....	*18000	45000
RAVINE, PA VORTAC .....	SUZIE, PA FIX .....	*18000	45000

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 496 effective date October 20, 2011]

From	To	MEA	MAA
*18000—GNSS MEA *DME/DME/IRU MEA SUZIE, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	SARAA, PA FIX .....	*18000	45000
<b>§ 95.4406 RNAV Route Q406 Is Added to Read</b>			
BROADWAY, NJ VOR/DME ..... *18000—GNSS MEA *DME/DME/IRU MEA	DBABE, NY FIX .....	*18000	45000
DBABE, NY FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BASYE, NY FIX .....	*18000	45000
BASYE, NY FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	TRIBS, CT FIX .....	*18000	45000
TRIBS, CT FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BIGGO, CT FIX .....	*18000	45000
BIGGO, CT FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BARNES, MA VORTAC .....	*18000	45000
<b>§ 95.4448 RNAV Route Q448 Is Added to Read</b>			
POTTSTOWN, PA VORTAC ..... *18000—GNSS MEA *DME/DME/IRU MEA	LANNA, NJ FIX .....	*18000	45000
LANNA, NJ FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	DBABE, NY FIX .....	*18000	45000
DBABE, NY FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BASYE, NY FIX .....	*18000	45000
BASYE, NY FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	TRIBS, CT FIX .....	*18000	45000
TRIBS, CT FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BIGGO, CT FIX .....	*18000	45000
BIGGO, CT FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BARNES, MA VORTAC .....	*18000	45000
<b>§ 95.4480 RNAV Route Q480 Is Added to Read</b>			
ZANDR, OH FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BELLAIRE, OH VOR/DME .....	*18000	45000
BELLAIRE, OH VOR/DME ..... *18000—GNSS MEA *DME/DME/IRU MEA	LEJOY, PA FIX .....	*18000	45000
LEJOY, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	VINSE, PA FIX .....	*18000	45000
VINSE, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BEETS, PA FIX .....	*18000	45000
BEETS, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	HOTEE, PA FIX .....	*18000	45000
HOTEE, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BTRIX, PA FIX .....	*18000	45000
BTRIX, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	SPOTZ, PA FIX .....	*18000	45000
SPOTZ, PA FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	CANDR, NJ FIX .....	*18000	45000

REVISIONS TO IFR ALTITUDES AND CHANGEOVER POINTS—Continued

[Amendment 496 effective date October 20, 2011]

From	To	MEA	MAA
CANDR, NJ FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	JEFFF, NJ FIX .....	*18000	45000
JEFFF, NJ FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	KINGSTON, NY VOR/DME .....	*18000	45000
KINGSTON, NY VOR/DME ..... *18000—GNSS MEA *DME/DME/IRU MEA	LESWL, CT FIX .....	*18000	45000
LESWL, CT FIX ..... *18000—GNSS MEA *DME/DME/IRU MEA	BARNES, MA VORTAC .....	*18000	45000
BARNES, MA VORTAC ..... *18000—GNSS MEA *DME/DME/IRU MEA	KENNEBUNK, ME VORTAC .....	*18000	45000

From	To	MEA
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**§ 95.6001 Victor Routes—U.S.**

**§ 95.6003 VOR Federal Airway V3 Is Amended to Read in Part**

#KEY WEST, FL VORTAC ..... *14500—MCA BIPIN, FL FIX, W BND **GNSS MEA #KEY WEST R-082 UNUSABLE	*BIPIN, FL FIX .....	**15000
BIPIN, FL FIX ..... *GNSS MEA	DROWN, FL FIX .....	*3000

**§ 95.6005 VOR Federal Airway V5 Is Amended to Read in Part**

*AWSON, GA FIX ..... *5000—MRA **5500—MOCA	NELLO, GA FIX .....	**7000
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**§ 95.6006 VOR Federal Airway V6 Is Amended to Read in Part**

PITTS, CA FIX ..... *2400—MOCA	REJOY, CA FIX .....	*4000
GIPPER, MI VORTAC ..... *2400—MOCA	BRYTO, IN FIX .....	*3500
BRYTO, IN FIX ..... *4000—MRA **2500—MOCA	*PIONS, OH FIX .....	**4000
*PIONS, OH FIX ..... *4000—MRA **2300—MOCA	WATERVILLE, OH VOR/DME .....	**3300

**§ 95.6016 VOR Federal Airway V16 Is Amended to Read in Part**

KENNEDY, NY VOR/DME .....	CALVERTON, NY VOR/DME .....	2000
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**§ 95.6020 VOR Federal Airway V20 Is Amended to Read in Part**

RESERVE, LA VOR/DME .....	GULFPORT, MS VORTAC .....	2000
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**§ 95.6047 VOR Federal Airway V47 Is Amended to Read in Part**

POCKET CITY, IN VORTAC ..... HOLAN, IN FIX ..... *2100—MOCA *3000—GNSS MEA	HOLAN, IN FIX ..... SACKO, IN FIX .....	2600 *3500
SACKO, IN FIX ..... *2300—MOCA *3000—GNSS MEA	MAIZE, IN FIX .....	*6000
MAIZE, IN FIX ..... *2400—MOCA *3000—GNSS MEA	NABB, IN VORTAC .....	*3500

**§ 95.6063 VOR Federal Airway V63 Is Amended to Read in Part**

DAVENPORT, IA VORTAC ..... *4000—MRA	*MIHAL, IL FIX .....	2700
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From	To	MEA
*MIHAL, IL FIX ..... *4000—MRA	ROCKFORD, IL VOR/DME .....	2700
<b>§ 95.6097 VOR Federal Airway V97 Is Amended to Read in Part</b>		
PECAN, GA VORTAC ..... AMAPO, GA FIX ..... *3000—MRA *4000—MCA PRATZ, GA FIX, N BND **2300—MOCA *PRATZ, GA FIX ..... *3000—MRA **2700—MOCA **3000—GNSS MEA OLISY, GA FIX ..... *2400—MOCA	AMAPO, GA FIX ..... *PRATZ, GA FIX .....  OLISY, GA FIX .....  ATLANTA, GA VORTAC .....	2300 **3000   **4000  *3000
<b>§ 95.6114 VOR Federal Airway V114 Is Amended to Read in Part</b>		
RESERVE, LA VOR/DME .....	GULFPORT, MS VORTAC .....	2000
<b>§ 95.6155 VOR Federal Airway V155 Is Amended to Read in Part</b>		
FLAT ROCK, VA VORTAC ..... *2000—GNSS MEA #BROOKE R-214 UNUSABLE	#BROOKE, VA VORTAC .....	*2000
<b>§ 95.6157 VOR FEDERAL AIRWAY V157 Is Amended to Read in Part</b>		
#KEY WEST, FL VORTAC ..... *1400—MOCA *GNSS MEA #KEY WEST R-037 UNUSABLE DVALL, FL FIX ..... *5700—MRA **1300—MOCA **3000—GNSS MEA *FAMIN, FL FIX ..... *5700—MRA **1600—MOCA **3000—GNSS MEA	DVALL, FL FIX .....  *FAMIN, FL FIX .....  DOLPHIN, FL VORTAC .....	*3000   **5000  **5000
<b>§ 95.6163 VOR Federal Airway V163 Is Amended to Read in Part</b>		
BROWNSVILLE, TX VORTAC ..... *5000—MRA	*MANNY, TX FIX .....	1700
<b>§ 95.6172 VOR Federal Airway V172 Is Amended to Read in Part</b>		
LOTTE, IA FIX ..... *4000—MRA *MIHAL, IL FIX ..... *4000—MRA	*MIHAL, IL FIX .....  POLO, IL VOR/DME .....	2700  2700
<b>§ 95.6229 VOR Federal Airway V229 Is Amended to Read in Part</b>		
KENNEDY, NY VOR/DME ..... KEEPM, NY FIX ..... TRANZ, NY FIX ..... *2000—GNSS MEA PUGGS, NY FIX ..... *2000—GNSS MEA	KEEPM, NY FIX ..... TRANZ, NY FIX ..... PUGGS, NY FIX .....  BRIDGEPORT, CT VOR/DME .....	2000 2000 *2500  *2500
<b>§ 95.6269 VOR Federal Airway V269 Is Amended to Read in Part</b>		
POCATELLO, ID VOR/DME ..... *9700—MCA JATTS, ID FIX, NW BND JATTS, ID FIX ..... *13300—MOCA *13300—GNSS MEA YOYYU, ID FIX ..... *13500—MOCA *13500—GNSS MEA	*JATTS, ID FIX .....  YOYYU, ID FIX .....  SALMON, ID VOR/DME .....	8000  *16000  *14000

From	To	MEA	
<b>§ 95.6311 VOR Federal Airway V311 Is Amended to Read in Part</b>			
NELLO, GA FIX ..... *5000—MRA **5500—MOCA	*AWSON, GA FIX .....	**7000	
<b>§ 95.6417 VOR Federal Airway V417 Is Amended to Read in Part</b>			
NELLO, GA FIX ..... *5000—MRA **5500—MOCA	*AWSON, GA FIX .....	**7000	
<b>§ 95.6449 VOR Federal Airway V449 Is Amended to Read in Part</b>			
MILTON, PA VORTAC ..... *GNSS MEA	MEGSS, PA FIX .....	*3500	
MEGSS, PA FIX ..... *GNSS MEA	LAKE HENRY, PA VORTAC .....	*4000	
<b>§ 95.6472 VOR Federal Airway V472 Is Amended to Read in Part</b>			
ELIZABETH CITY, NC VOR/DME ..... *1600—MOCA	BERTI, NC FIX .....	*4000	
BERTI, NC FIX ..... *7000—MRA **2100—MOCA **2100—GNSS MEA	*ZAGGY, NC FIX .....	**7000	
*ZAGGY, NC FIX ..... *7000—MRA **1600—MOCA	KINSTON, NC VORTAC .....	**2000	
<b>§ 95.6500 VOR Federal Airway V500 Is Amended to Read in Part</b>			
DERSO, ID FIX ..... *16600—MCA SOLDE, ID FIX, W BND **9200—MOCA	*SOLDE, ID FIX .....	**17000	
SOLDE, ID FIX ..... *12900—MCA **8000—MOCA	*REAPS, ID FIX ..... REAPS, ID FIX, W BND .....	**14000 **14000	
<b>§ 95.6512 VOR Federal Airway V512 Is Amended to Read in Part</b>			
POCKET CITY, IN VORTAC ..... HOLAN, IN FIX ..... *2100—MOCA *3000—GNSS MEA	HOLAN, IN FIX ..... SACKO, IN FIX .....	2600 *3500	
<b>§ 95.6521 VOR Federal Airway V521 Is Amended to Read in Part</b>			
HEVVN, FL FIX ..... *7000—MRA **1300—MOCA **GNSS MEA **GNSS REQUIRED	*TERES, FL FIX .....	**2000	
<b>§ 95.6526 VOR Federal Airway V526 Is Amended to Read in Part</b>			
MUSKY, MI FIX ..... *1700—MOCA *2600—GNSS MEA	MAPER, MI FIX .....	*3500	
MAPER, MI FIX .....	GIPPER, MI VORTAC .....	2600	
From	To	MEA	MAA
<b>§ 95.7001 Jet Routes</b>			
<b>§ 95.7060 Jet Route J60 Is Amended to Read in Part</b>			
PHILIPSBURG, PA VORTAC .....	DANNR, PA FIX .....	18000	38000
DANNR, PA FIX .....	SPARTA, NJ VORTAC .....	18000	45000

Airway segment		Changeover points	
From	To	Distance	From
<b>§ 95.8003 VOR Federal Airway Changeover Points V47 Is Amended to Add Changeover Point</b>			
POCKET CITY, IN VORTAC .....	NABB, IN VORTAC .....	53	POCKET CITY
<b>V163 Is Amended to Delete Changeover Point</b>			
BROWNSVILLE, TX VORTAC .....	CORPUS CHRISTI, TX VORTAC .....	71	BROWNSVILLE
<b>V203 Is Amended to Delete Changeover Point</b>			
SARANAC LAKE, NY VOR/DME .....	MASSENA, NY VORTAC .....	11	SARANAC LAKE

[FR Doc. 2011-24718 Filed 9-27-11; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**20 CFR Part 655**

RIN 1205-AB61

**Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Postponement of Effective Date**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** The Department of Labor (Department) is postponing the effective date of the Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Final Rule, 76 FR 3452, Jan. 19, 2011, (the Wage Rule). The Wage Rule revised the methodology by which we calculate the prevailing wages to be paid to H-2B workers and United States (U.S.) workers recruited in connection with a temporary labor certification for use in petitioning the Department of Homeland Security to employ a nonimmigrant worker in H-2B status. The effective date of the Wage Rule was set at January 1, 2012. However, the Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Amendment of Effective Date; Final Rule, 76 FR 45667, August 1, 2011 revised the effective date to September 30, 2011. Due to pending legal challenges, we are postponing the effective date of the Wage Rule to November 30, 2011, pursuant to the Administrative Procedure Act, 5 U.S.C. 705.

**DATES:** The effective date of the rule amending 20 CFR part 655 published at 76 FR 45667, August 1, 2011 is delayed until November 30, 2011.

**FOR FURTHER INFORMATION CONTACT:** William L. Carlson, PhD, Administrator, Office of Foreign Labor Certification, ETA, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C-4312, Washington, DC 20210; Telephone (202) 693-3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1-877-889-5627 (TTY/TDD).

**SUPPLEMENTARY INFORMATION:** The Department published the Wage Rule on January 19, 2011, 76 FR 3452. The Wage Rule revised the methodology by which we calculate the prevailing wages to be paid to H-2B workers and United States (U.S.) workers recruited in connection with a temporary labor certification for use in petitioning the Department of Homeland Security to employ a nonimmigrant worker in the H-2B status.

The Department originally set the effective date of the Wage Rule for January 1, 2012. On January 24, 2011, the plaintiffs in *CATA v. Solis*, Civil No. 2:09-cv-240-LP (E.D. Pa.) filed a motion in which they argued that the January 1, 2012 effective date did not comply with the court's August 30, 2010 order to promulgate new rules concerning the calculation of the prevailing wage rate in the H-2B program. *CATA v. Solis*, Dkt. No. 103-1, Plaintiff's Motion for an Order Enforcing the Judgment at 2 (Jan. 24, 2011). On June 16, 2011, the court issued a ruling that invalidated the January 1, 2012 effective date of the Wage Rule and ordered us to announce a new effective date for the rule within

45 days from June 16. *CATA*, 2011 WL 2414555 at \*4.

In response to the court's order, we issued a Notice of Proposed Rulemaking (NPRM) on June 28, 2011, which proposed that the Wage Rule take effect 60 days from the date of publication of a final rule resulting from the NPRM. 76 FR 37686, June 28, 2011. After a period of public comment, we published the Final Rule on August 1, 2011, which set the new effective date for the Wage Rule at September 30, 2011, without altering the substance of the Wage Rule. 76 FR 45667.

On September 7, 2011, the Louisiana Forestry Association, Inc., and others filed suit against the Department in the United States District Court for the Western District of Louisiana, Alexandria Division. *Louisiana Forestry Association, Inc., et al (LFA) v. Solis, et al*, Civil Docket No. 11-1623. LFA claims that the Wage Rule, and the subsequent rule amending the Wage Rule's original effective date, violate the Takings Clause of the Fifth Amendment to the United States Constitution, the Administrative Procedure Act, the Regulatory Flexibility Act, and the Immigration and Nationality Act of 1952, as amended. Accordingly, LFA seeks temporary injunctive relief before September 30, 2011, and permanent injunctive relief, barring the Department from implementing the Wage Rule.

On September 19, 2011, the plaintiffs in the *CATA* litigation moved to intervene in the *LFA* litigation, and also moved to transfer venue over the litigation to the Eastern District of Pennsylvania, the court in which the *CATA* case remains pending. Both motions in the *LFA* litigation are currently pending.

On September 21, 2011, another group of employers filed a legal challenge to the Wage Rule in the United States District Court for the