Anchorage 147º and Johnstone Point, AK, 271º radii; to Johnstone Point.

**V–440 [Amended]**

From Nome, AK; Unalakleet, AK; McGrath, AK; Anchorage, AK; INT Anchorage 147º and Middleton Island, AK 309º radii; Middleton Island; Yakutat, AK; Bierka Island, AK; to Sandspit, BC. The airspace within Canada is excluded.

Issued in Washington, DC, on December 23, 2011.

Gary A. Norek,

Acting Manager, Airspace, Regulation and ATC Procedure Group.

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**14 CFR Part 399**


**RIN 2105–AD92**

Enhancing Airline Passenger Protections: Full Fare Price Advertising Requirements

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This document confirms the effective date of the direct final rule amending the time period for compliance with the full fare and other advertising requirements in 14 CFR 399.84 from January 24, 2012, to January 26, 2012.

**DATES:** The effective date for the amendment to 14 CFR 399.84, published April 5, 2011, at 76 FR 23110, and delayed July 28, 2011, at 76 FR 45181, was further delayed until January 26, 2012, to 76 FR 78145. The effective date of January 26, 2012 is confirmed.

**FOR FURTHER INFORMATION CONTACT:**


**SUPPLEMENTARY INFORMATION:** The Department of Transportation’s Office of the Secretary (OST) published a direct final rule with a request for comments in the Federal Register on December 16, 2011 (76 FR 78145). The direct final rule delayed the effective date of the full fare and other advertising requirements from January 24, 2012, to January 26, 2012, to provide regulatory relief to petitioner American Airlines by allowing the carrier and any other similarly situated carrier or ticket agent to avoid having to update full fare information in on-line reservations systems on a day of the week that is the petitioner’s, and may be other carriers’ and ticket agents’, heaviest on-line traffic and revenue day. OST uses the direct final rulemaking procedure for non-controversial rules where OST believes that there will be no adverse public comment. The direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment was received by December 23, 2011, the full fare and other advertising requirements in 14 CFR 399.84 would become effective on January 26, 2011. No adverse comments were received, and thus this notice confirms that the direct final rule will become effective on that date.

Issued this 27th day of December 2011, in Washington, DC.

Susan Kurland,

Assistant Secretary for Aviation and International Affairs.

**BILLING CODE 4910–13–P**
of the two pending challenges to the Wage Rule and its new effective date, and the possibility that the litigation would be transferred to another court, the Department issued a final rule, 76 FR 59896, September 28, 2011, postponing the effective date of the Wage Rule from September 30, 2011, until November 30, 2011, in accordance with the Administrative Procedure Act, 5 U.S.C. 705.

On November 18, 2011, President Obama signed into law the Consolidated and Further Continuing Appropriations Act, 2012, which provides that “[n]one of the funds made available by this or any other Act for fiscal year 2012 may be used to implement, administer, or enforce, prior to January 1, 2012 the [Wage Rule].” Public Law 112–55, Div. B, Title V, § 546 (Nov. 18, 2011) (the November Appropriations Act). While the November Appropriations Act prevents the expenditure of funds to implement, administer, or enforce the Wage Rule before January 1, 2012, it did not prohibit the Wage Rule from going into effect, which was scheduled to occur on November 30, 2011. When the Wage Rule goes into effect, it will supersede and make null the prevailing wage provisions at 20 CFR 655.10(b) of the Department’s existing H–2B regulations, which were promulgated under Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H–2B Workers), and Other Technical Changes; Final Rule, 73 FR 78020, Dec. 19, 2008 (the H–2B 2008 Rule). The Department determined that allowing the Wage Rule to go into effect as planned on November 30, 2011, would therefore render the Department unable to issue prevailing wage determinations under the 2008 H–2B Rule, because it would no longer exist. Accordingly, the Department issued a final rule, 76 FR 73508, on November 29, 2011 which delayed the effective date of the Wage Rule until January 1, 2012.

On December 23, 2011, President Obama signed into law the Consolidated Appropriations Act, 2012, which provides that “[n]one of the amounts made available under this Act may be used to implement the [Wage Rule].” Similar to the November Appropriations Act, the December Appropriations Act prevents the expenditure of funds to implement the Wage Rule for the remainder of FY 2012, but it does not prohibit the Wage Rule from going into effect. If the Wage Rule were to go into effect on January 1, 2012, we would be unable to issue prevailing wage determinations under the 2008 H–2B rule and the H–2B program would have to be held in abeyance for the remainder of FY 2012, as we would be legally precluded from issuing prevailing wage determinations for the remainder of FY 2012. Because of the imminent threat that we will be unable to operate the H–2B program for the remainder of FY 2012, the Department considers this situation an emergency warranting the publication of a final rule under the good cause exception of the Administrative Procedure Act. See 5 U.S.C. 553(b)(B) and 553(d)(3). In order to avoid an operational hiatus during the remainder of FY 2012, the Department finds good cause to adopt this rule, effective immediately, and without prior notice and comment. See 5 U.S.C. 553(b)(B) and 553(d)(3). As such, a delay in promulgating this rule past the date of publication would be impracticable and unnecessary and disrupt the program to the detriment of the public interest.

Signed at Washington, DC, this 23rd day of December 2011.

Jane Oates,
Assistant Secretary for Employment and Training.

BILLING CODE 4510–FP–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; Delay of Effective Date; Impact on Prevailing Wage Determinations

AGENCY: Employment and Training Administration, Wage and Hour Division, Labor.

ACTION: Guidance.

SUMMARY: The Department of Labor (we or the Department), as a result of Congressional appropriations language, recently delayed the effective date of the Wage Methodology for Temporary Non-Agricultural Employment H–2B Program Final Rule (the Wage Rule) to January 1, 2012. This Notice provides additional guidance to those employers who have received from the Department either a supplemental or dual prevailing wage determinations based on a previous effective date of the new prevailing wage methodology. This guidance provides additional clarification regarding the wage payment requirements for employers participating in the H–2B Temporary Non-agricultural program.

DATES: This guidance is effective December 30, 2011.

FOR FURTHER INFORMATION CONTACT: William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, Employment and Training Administration, 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). For further information concerning the Wage and Hour Division, contact Mary Ziegler, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–3510, Washington, DC 20210; Telephone (202) 693–0071 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY 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 wage to be paid to H–2B workers and United States (U.S.) workers recruited in connection with a temporary labor certification used in petitioning the Department of Homeland Security to employ a nonimmigrant worker in H–2B status. We originally set the effective date of the Wage Rule for January 1, 2012. However, as a result of a court ruling that invalidated the January 1, 2012 effective date of the Wage Rule, we issued a Notice of Proposed Rulemaking (NPRM) on June 28, 2011, proposing 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. We published a Final Rule on August 1, 2011, which set the new effective date of September 30,