

**DEPARTMENT OF JUSTICE****Re-Publication of Notice of Lodging of Proposed Third Amendment to Consent Decree Under the Clean Air Act**

On July 23, 2013, the Department of Justice lodged a proposed Third Amendment to the Consent Decree with the United States District Court for the Southern District of Illinois in the lawsuit entitled *United States et al v. Lafarge North America et al*, Civil Action No. 3:10-cv-44. Notice of lodging of the Proposed Third Amendment to the Consent Decree was first published in the **Federal Register** on July 26, 2013 (78 FR 45,272). We are re-publishing this notice to correct a typographical error in the Internet Web site address where the proposed Third Amendment can be accessed electronically.

Following public notice and opportunity for public comment, on March 18, 2010 the Court entered a Consent Decree resolving certain violations of the federal Clean Air Act, 42 U.S.C. 7401 *et seq.* by Lafarge North America, Lafarge Building Materials, and Lafarge Midwest (collectively, the "Lafarge Companies") alleged by Plaintiff United States and Plaintiff-Intervenors the State of Alabama, the State of Illinois, the State of Iowa, the State of Kansas, the State of Michigan, the State of Missouri, the State of New York, the State of Ohio, the Commonwealth of Pennsylvania Department of Environmental Protection, the South Carolina Department of Health and Environmental Control, the Washington State Department of Ecology, the Oklahoma Department of Environmental Quality, and the Puget Sound Clean Air Agency (collectively, "State Plaintiffs"). The Court amended the Consent Decree on April 28, 2011 and again on October 4, 2012.

The United States, the State of New York, and the Lafarge Companies have agreed to further amend the Consent Decree to provide the Lafarge Companies with an extension of time of until July 1, 2016 to complete construction of a replacement kiln at the Ravena, New York cement plant in return for commitments by the Lafarge Companies set forth in the proposed Third Amendment to the Consent Decree. In general, those commitments by the Lafarge Companies are that beginning on January 1, 2013, the Lafarge Companies shall comply with stringent emission caps, specified herein, for sulfur dioxide and nitrogen oxides from the Ravena cement plant,

and further that the Lafarge Companies shall fund emission reduction projects in the community surrounding the plant.

The publication of this notice continues a period for public comment on the proposed Third Amendment to the Consent Decree that began on July 26, 2013. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al v. Lafarge North America et al*, D.J. Ref. No. 90-5-2-1-08221. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044-7611.

During the public comment period, the proposed Third Amendment to the Consent Decree may be examined and downloaded at this Justice Department Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$5.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is \$4.25.

**Maureen Katz,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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**BILLING CODE 4410-15-P**

**DEPARTMENT OF LABOR****Office of the Secretary****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Report on Occupational Employment and Wages**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Bureau of Labor

Statistics (BLS) sponsored information collection request (ICR) revision titled, "Report on Occupational Employment and Wages," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995.

**DATES:** Submit comments on or before September 26, 2013.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201303-1220-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201303-1220-001) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-BLS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202-395-6881 (this is not a toll-free number), email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Information Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210, email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Occupational Employment Statistics (OES) survey is a Federal/State establishment survey of wage and salary workers designed to produce data on current detailed occupational employment and wages for each Metropolitan Statistical Area and Metropolitan Division as well as by detailed industry classification. OES survey data assist in the development of employment and training programs established by the Perkins Vocational Education Act of 1998 and the Workforce Investment Act of 1998. This ICR has been classified as a revision, because the OES Response Analysis Survey has been completed, allowing for its removal from the ICR, and a reduction in the OES sample as a result of the elimination of the Green Goods and Services survey.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1220-0042. The current approval is scheduled to expire on October 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 20, 2013 (78 FR 29382).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220-0042. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
  - Enhance the quality, utility, and clarity of the information to be collected; and
  - Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-BLS.

*Title of Collection:* Report on Occupational Employment and Wages.  
*OMB Control Number:* 1220-0042.

*Affected Public:* State, Local, and Tribal Governments and Private Sector—businesses or other for-profits and not-for-profit institutions.

*Total Estimated Number of Respondents:* 310,068.

*Total Estimated Number of Responses:* 310,068.

*Total Estimated Annual Burden*

*Hours:* 232,550.

*Total Estimated Annual Other Costs Burden:* \$0.

**Authority:** 44 U.S.C. 3507(a)(1)(D).

Dated: August 21, 2013.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2013-20804 Filed 8-26-13; 8:45 am]

**BILLING CODE 4510-24-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-82,313]

#### **ICG Knott County, LLC, a Subsidiary of ICG, Inc., a Subsidiary of Arch Coal, Inc.; Including On-Site Leased Workers From P&P Construction; Kite, Kentucky; Notice of Negative Determination on Reconsideration**

On May 16, 2013, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of ICG Knott County, LLC, a subsidiary of ICG, Inc., a subsidiary of Arch Coal, Inc., Kite, Kentucky (subject firm). The Department's Notice was published in the **Federal Register** on May 30, 2013 (78 FR 32463). The workers are engaged in employment related to the production of bituminous coal. The subject firm includes on-site leased workers of P&P Construction.

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The initial investigation resulted in a negative determination based on the findings that worker separations were not attributable to increased imports of bituminous coal (or articles like or

directly competitive), by the subject firm or its declining customers, or a shift/acquisition of the production of bituminous coal (or articles like or directly competitive) to/from a foreign country by the workers' firm during the time period under investigation (2011 and 2012).

In the request for reconsideration, a former worker alleged that workers at the subject firm were impacted by the operations of the parent company, Arch Coal, Inc., and the purchasing patterns of its customers. The former worker also alleged that the increased use of natural gas instead of bituminous coal by customers of the subject firm and customers of the parent company led to production declines and worker separations at the subject firm.

Further, according to the allegation, the customers that the subject firm previously supplied with bituminous coal switched to gas for their energy use because the two products are directly competitive. Therefore, the former worker requested that the Department expand the reconsideration investigation to examine the operations of the parent company and to evaluate imports of natural gas.

During the reconsideration investigation, the Department reviewed and confirmed information collected during the initial investigation, collected additional information from the subject firm and its major customers, and collected and analyzed natural gas data from the U.S. Energy Information Administration and the U.S. Department of Energy.

The reconsideration investigation findings confirmed that neither the subject firm nor its major customers imported articles like or directly competitive with bituminous coal during the relevant period. Additionally, the findings confirmed that the subject firm did not shift the production of bituminous coal to a foreign country or acquire this article, or any articles like or directly competitive, from a foreign country during the period under investigation. The findings of the reconsideration investigation also confirmed that Arch Coal, Inc. acquired the subject firm during the period under investigation but clarified that the subject firm continued to operate independently and retained its own customer base following the acquisition.

During the initial investigation, the Department conducted a customer survey on the major customers of the subject firm. The surveyed customers reported no imports of bituminous coal or articles like or directly competitive. During the reconsideration investigation, the Department contacted