

and caused extraordinary harm to public health and safety.<sup>33</sup>

I thus conclude that the revocation of Respondent's registration is necessary to protect the public interest. For the same reasons that led me to order the immediate suspension of his registration, I conclude that public interest requires that this Order be effective immediately.

#### Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) & 824(a), as well as 28 CFR 0.100(b) & 0.104, I hereby order that DEA Certificate of Registration, AA1071947, issued to George C. Aycocock, M.D., be, and it hereby is, revoked. I further order that any pending application to renew or modify the registration be, and it hereby is, denied. This Order is effective immediately.

Dated: April 3, 2009.

**Michele M. Leonhart,**

*Deputy Administrator.*

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**BILLING CODE 4410-09-P**

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Proposed Extension of the Approval of Information Collection Requirements

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and

financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning its proposal to extend the Office of Management and Budget (OMB) approval of the Information Collection: Application for Certificate to Employ Homeworkers (WH-46); Piece Rate Measurements; and Homeworker Handbook (WH-75). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before June 15, 2009.

**ADDRESSES:** Mr. Steven D. Lawrence, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0292, fax (202) 693-1451, E-mail *Lawrence.Steven@dol.gov*. Please use only one method of transmission for comments (mail, fax, or E-mail).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Fair Labor Standards Act (FLSA) section 11(d), 29 U.S.C 211(d), authorizes the Secretary of Labor to regulate, restrict, or prohibit industrial homework as necessary or appropriate to prevent the circumvention or evasion of the minimum wage requirements of the Act. The Department of Labor (DOL) restricts homework in seven industries (*i.e.*, knitted outerwear, women's apparel, jewelry manufacturing, gloves and mittens, button and buckle manufacturing, handkerchief manufacturing, and embroideries) to those employers who obtain certificates. See 29 CFR 530.1-2. The DOL now allows employers to obtain general (employer) certificates to employ homeworkers in all restricted industries except women's apparel and hazardous jewelry manufacturing operations. See 29 CFR 530.101. In order to obtain general certificates to employ workers in the restricted industries under the certification program, an employer must apply to the Wage and Hour Division (WHD) of the DOL. See *Id.* Form WH-46 is the application form used to obtain a certificate to employ homeworkers in restricted industries, and it must contain information required by Regulations 29 CFR 530.102—including names, addresses, and languages (other than English) spoken by the homeworker—and the written

assurances set forth in Regulations 29 CFR 530.103. If approved, the WHD issues a certificate that is valid for two-year periods unless suspended or revoked. 29 CFR 530.101(b). Employers in the restricted industries under the certification program who pay workers based on piece-rates must record and retain documentation of the method used to establish piece-rates in order to verify that rates were properly determined and resulted in wage payments to homeworkers at a rate at least equal to the FLSA minimum wage for all hours worked in the workweek. 29 CFR 530.202. To ensure employers fulfill their obligation to obtain and record accurate hours worked information whenever they distribute homework to employees and collect it from them, homeworkers record the information in Homeworker Handbooks (WH-75) as they perform the work and provide the Handbooks to their employer for transcription at the end of each pay period. See 29 CFR 516.31(c), 530.103(d)-(e). This information collection is currently approved for use through October 31, 2009.

##### II. Review Focus

The DOL is particularly interested in comments which:

- 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 submissions of responses.

##### III. Current Actions

The DOL seeks the approval of the extension of this information collection in order to ensure employees working as homeworkers are paid in compliance with the FLSA and to allow the agency to carry out its responsibilities under the Act.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

<sup>33</sup> According to the National Center on Addiction and Drug Abuse, "[t]he number of people who admit abusing controlled prescription drugs increased from 7.8 million in 1992 to 15.1 million in 2003." National Center on Addiction and Substance Abuse, *Under the Counter: The Diversion and Abuse of Controlled Prescription Drugs in the U.S.* 3 (2005). The above figure is "23 percent more than the combined number abusing cocaine (5.9 million), hallucinogens (4.0 million), inhalants (2.1 million) and heroin (328,000)." *Id.* Moreover, "between 1992 and 2003, there has been a \* \* \* 140.5 percent increase in the self-reported abuse of prescription opioids," and during this period, the "abuse of controlled prescription drugs has been growing at a rate twice that of marijuana abuse, five times greater than cocaine abuse and 60 times greater than heroin abuse." *Id.* at 4.

*Titles:* Application for Certificate to Employ Homeworkers; Piece-Rate Measurements; and Homeworker Handbook.

*OMB Number:* 1215-0013.

*Agency Numbers:* Forms WH-46 and WH-75.

*Affected Public:* Business or other for-profit.

*Respondents:* 302,080.

*Total Annual Responses:* 1,208,195.

*Estimated Total Burden Hours:*

614,241.

*Estimated Time per Response:* Varies; from 30 seconds to 30 minutes.

*Frequency:* On occasion.

*Total Burden Cost (Capital/Startup):* \$0.

*Total Burden Cost (Operating/Maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 9, 2009.

**Hazel Bell,**

*Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Announcing the New iCERT Portal System for Temporary and Permanent Labor Certifications

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

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration (ETA) is announcing a new electronic system for submitting the Labor Condition Application (LCA) and the Application for Permanent Employment Certification.

**DATES:** This Notice is effective April 15, 2009.

**FOR FURTHER INFORMATION CONTACT:** For technical issues stemming from the iCERT portal, please contact David Wilson, Chief, Division of Technology Applications, Office of Performance and Technology, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-3493 (this is not a toll-free number), e-mail [Wilson.david@dol.gov](mailto:Wilson.david@dol.gov). For technical assistance with the iCERT

Portal System you may also write to [OFLC.Portal@dol.gov](mailto:OFLC.Portal@dol.gov) or see the iCERT Factsheet on the ETA Web site. For program-related issues, please contact the appropriate National Processing Center's help desk. For LCA questions write to [lca.chicago@dol.gov](mailto:lca.chicago@dol.gov). For PERM questions write to [plc.atlanta@dol.gov](mailto:plc.atlanta@dol.gov) or call: (312) 886-8000 (this is not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor's Employment and Training Administration (ETA), Office of Foreign Labor Certification (OFLC) provides national leadership and policy guidance and develops regulations and administrative procedures to carry out the responsibilities of the Secretary of Labor under the Immigration and Nationality Act (INA) concerning foreign workers seeking admission to the United States in order to work under the labor certification programs authorized by the INA. In the H-1B (including H-1B1 and E-3) program, the Secretary of Labor must receive an attestation from the employer about wages, working conditions, strikes, lockouts, notice, recruitment and other issues related to the possible displacement of U.S. workers as specified by Congress in 8 U.S.C. 1182(n) and (t). See also 20 CFR part 653 and 20 CFR part 655, subparts H and I.

In the permanent labor certification program (PERM), the Secretary of Labor must certify that: (1) There are not sufficient workers who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled or unskilled labor; and (2) employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers. See 8 U.S.C. 1182(a)(5)(A)(i); 20 CFR part 656.

The H-1B nonimmigrant program provides a means for U.S. employers to employ foreign workers on a temporary basis in specialty occupations while the PERM program allows employers to employ foreign workers on a permanent basis. Currently, both programs have electronic applications that can be filled out and submitted on-line. The H-1B nonimmigrant program requires electronic submission. However, the two electronic systems are not linked and an employer desiring to file applications in both systems must set up separate accounts. In addition, the PERM system does not allow attorneys or agents to have their own accounts.

The new iCERT system will allow program users to set up one account and multiple subaccounts and utilize the account to file in both programs. There are enhanced security measures that allow employers, attorneys, and agents to control who is authorized to input data and who is authorized to submit applications.

##### II. Information on iCERT System Activation Dates

The Department plans to initially activate the iCERT system for purposes of establishing user accounts and filing the new LCA form (9035E). The system will be located at <http://icert.doleta.gov>. On and after April 15, 2009, the iCERT portal will be available for the submission of ETA 9035E (electronic LCA H-1B application). The current electronic LCA system will continue to be available through May 14, 2009. However, effective May 15, 2009, the LCA for the H-1B program will be available for submission only through the iCERT portal system.

The PERM application, Form ETA 9089, will become available for application submission on September 1, 2009. To allow for an appropriate transition, both systems will be active during the month of September. However, beginning October 1, 2009, PERM applications will be submitted electronically only through iCERT system accounts.

##### III. Information on Deactivation of Old Electronic Forms

The Department will deactivate the current electronic version of the Form ETA 9035E on May 15, 2009. The Department will deactivate the current electronic version of the Form ETA 9089 on October 1, 2009. Employers are encouraged to copy all necessary application information into the new iCERT system prior to these deactivation dates. The status of applications submitted prior to deactivation will continue to be available through current system accounts.

##### IV. Help Desk

The Office of Foreign Labor Certification has implemented a dedicated Help Desk Unit for program assistance at the Chicago National Processing Center (CNPC) to serve as a resource to those employers and/or their representatives in filing LCAs with the Department of Labor. Please submit program-related questions by e-mail to [LCA.Chicago@dol.gov](mailto:LCA.Chicago@dol.gov). The LCA Help Desk e-mail box will be monitored by the CNPC during the business hours of 8:30 a.m. to 5 p.m. Central Time