

addresses section below on or before July 29, 2013.

**ADDRESSES:** Submit written comments to William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, Room C-4312, Employment & Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 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). Fax: 202-693-2768. Email: [ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov) subject line: ETA-232/232-A. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The information collection is required by the Wagner-Peyser Act, codified at 20 CFR part 653, which covers the requirements for the acceptance and handling of intrastate and interstate job clearance orders seeking workers to perform agricultural or food processing work on a less than year-round basis. Section 653.501 states, in pertinent part, that employers must assure that the "wages and working conditions are not less than the prevailing wages and working conditions among similarly employed agricultural workers in the area of intended employment or the applicable Federal or State minimum wage, whichever is higher."

The collection is also required by regulations for the temporary employment of alien agricultural workers in the United States (20 CFR, part 655, subpart B) promulgated under section 218 of the Immigration and Nationality Act (INA) as amended, which require employers to pay the workers at least the adverse effect wage rate in effect at the time the work is performed, the prevailing hourly wage rate, the agreed upon collective bargaining wage or the legal federal or State minimum wage rate, whichever is highest unless special procedures apply to the occupation. See 20 CFR 655.120(a).

The vehicle for establishing the prevailing wage rate is ETA Form 232, *The Domestic Agricultural In-Season Wage Report*. This Report contains the prevailing wage finding based on data collected by the States from employers in a specific crop area using the ETA Form 232-A, *Wage Survey Interview Record*.

In addition, the State Workforce Agencies (SWAs) collect information from agricultural employers to determine prevailing, normal, accepted or common employment practices for a specific occupational classification. The burden information for these prevailing practice determinations is currently accounted for in OMB Control Number 1205-0457, in which the SWAs report their overall activities to ETA for grant making purposes. However, ETA believes that the work required to determine the prevailing practice in an area of employment most logically correlates to the process used to determine the prevailing wages in an area of employment. Therefore, the Department is proposing to move that burden from OMB Control Number 1205-0457 to OMB Control Number 1205-0017 and has accounted for the burden in this collection.

##### **II. Review Focus**

The Department 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**

In order to meet its statutory responsibilities under the INA, the Department needs to extend an existing collection of information pertaining to wage rates for various crop activities.

*Type of Review:* Revision

*Title:* Domestic Agricultural In-Season Wage Report and Wage Survey Interview Record

*OMB Number:* 1205-0017 and 1205-0457.

*Affected Public:* Private sector business or other for-profits and farms; and State, local, or tribal Governments.  
*Form(s):* ETA-232 and ETA-232-A  
*Total Annual Respondents:* 24,662  
*Annual Frequency:* 129

*Total Annual Responses:* 27,658  
*Average Time per Response:* 35 minutes

*Estimated Total Annual Burden Hours:* 16,227

*Total Annual Burden Cost for Respondents:* 0

Comments submitted in response to this comment request will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record.

Dated: Signed in Washington, DC, on this 23rd day of May, 2013.

**Jane Oates,**

*Assistant Secretary for Employment and Training, Labor.*

[FR Doc. 2013-12851 Filed 5-29-13; 8:45 am]

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#### **DEPARTMENT OF LABOR**

##### **Employment and Training Administration**

[TA-W-82,095]

##### **Verizon Services Corporation, Customer Service Clerk, General Clerk, Clarksburg, West Virginia; Notice of Negative Determination on Reconsideration**

On January 15, 2013, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Verizon Services Corporation, Customer Service Clerk, General Clerk, Clarksburg, West Virginia (subject firm). The Department's Notice was published in the **Federal Register** on February 6, 2013 (78 FR 8589).

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.

Verizon Services Corporation is engaged in the supply of telecommunication and wireless support services.

Workers of Verizon Services Corporation's Customer Service Clerk, General Clerk business unit at Clarksburg, West Virginia (subject worker group) are engaged in employment related to the supply of

customer service and support services for Verizon Services Corporation customers/clients.

The initial investigation resulted in a negative determination based on the Departments' findings of no shift in the supply of customer service and support services, or like or directly competitive services, to a foreign country; no increased imports of customer service and support services (or like or directly competitive services) during the relevant period; that the subject firm is neither a Supplier or a Downstream Producer; and that the subject firm was not named by the International Trade Commission as required by Section 222(e) of the Trade Act, as amended.

In the request for reconsideration, the petitioning worker alleged that work performed by the subject worker group was outsourced to not only Mexico but also the Philippines and India; that the worker group at Clarksburg, West Virginia are similarly situated as workers who are eligible to apply for Trade Adjustment Assistance (TAA) under TA-W-81,968; that the workers "performed all aspects of customer service in telecommunications" such as order management; that "inter-company numbers were changed to Spanish"; and that "When calling within the company for internet issues, we spoke with Verizon workers in India."

During the reconsideration investigation, the Department carefully reviewed the petition and its attachments, previously-submitted information from the subject firm, the certification of TA-W-81,968 and new information obtained from the subject firm regarding the allegations set forth in the request for reconsideration.

During the reconsideration investigation, the Department confirmed that the subject firm did not shift to a foreign country the supply of services like or directly competitive with the customer service or support services supplied by the subject workers and that, during the relevant period, the subject firm did not import services like or directly competitive with the customer service or support services supplied by the subject workers. The subject firm also affirmed that the petitioning workers voluntarily left employment from the subject firm, as permitted by the collective bargaining agreement applicable to the worker group at the Clarksburg, West Virginia facility.

Further, the workers and former workers eligible to apply for TAA under TA-W-81,968 (Verizon Business Networks Services, Inc., Senior Analysts-Sales Implementation, Birmingham, Alabama) are not

similarly-situated as workers covered by TA-W-82,095 because the services supplied by the two worker groups differ and the petitioning workers belong to a different business unit. Further, Verizon Business Networks Services, Inc. is not the same company as Verizon Services Corporation.

Therefore, after careful review of the petition and its attachments, previously-submitted information, the request for reconsideration, the certification of TA-W-81,968 and information obtained during the reconsideration investigation, the Department determines that 29 CFR 90.18(c) has not been met.

### Conclusion

After careful review, I determine that the requirements of Section 222 of the Act, 19 U.S.C. 2272, have not been met and, therefore, deny the petition for group eligibility of Verizon Services Corporation, Customer Service Clerk, General Clerk, Clarksburg, West Virginia, to apply for adjustment assistance, in accordance with Section 223 of the Act, 19 U.S.C. 2273.

Signed in Washington, DC on this 16th day of May, 2013.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2013-12739 Filed 5-29-13; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-81,313]

#### **Wyatt Virgin Islands (V.I.), Inc., a Division of Wyatt Field Service Company, Working On-Site at Hovensa, LLC Oil Refinery, Christiansted, St. Croix, U.S. Virgin Islands; Notice of Negative Determination on Reconsideration**

The initial investigation, instituted on February 8, 2012, on behalf of workers and former workers of Wyatt Virgin Islands (V.I.), Inc., a division of Wyatt Field Service Company, working on-site at HOVENSA, LLC Oil Refinery, Christiansted, St. Croix, U.S. Virgin Islands (subject facility) resulted in a negative determination, issued on April 6, 2012. The Department's Notice of negative determination was published in the **Federal Register** on April 19, 2012 (77 FR 23511).

Workers of Wyatt V.I., Inc. (subject firm) provided turnaround (intermittent and "as needed") maintenance services on-site at the subject facility. The

workers of the subject firm working on-site at HOVENSA, LLC Oil Refinery, Christiansted, St. Croix, U.S. Virgin Islands (subject worker group) worked only at the subject facility.

The petition states, "HOVENSA = Hess Oil is a joint venture with Venezuela. Impact of the closure of this plant & refinery will affect thousands of people displacing workers workforce. Losses at the HOVENSA refinery have totaled \$1.3 billion in the past three years, and are projected to continue."

The petitioning worker group eligibility requirements for workers (and former workers) of a Firm under Section 222(a) of the Act, 19 U.S.C. 2272(a), can be satisfied if the following criteria are met:

- (1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated; and
- (2)(A)(i) the sales or production, or both, of such firm have decreased absolutely;
- (ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;
- (II) imports of articles like or directly competitive with articles—
- (aa) into which one or more component parts produced by such firm are directly incorporated, or
- (bb) which are produced directly using services supplied by such firm, have increased; or
- (III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and
- (iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

- (B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or
- (II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and
- (ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

### Initial Investigation

The initial investigation began when three workers filed a petition for Trade Adjustment Assistance (TAA), dated February 6, 2012, on behalf of workers and former workers of Wyatt V.I., Inc. (subject firm). Although workers of the