

Information Record (SPIR), and a Supplemental Youth Services (SYS) Program Report (ETA 9085). The ETA 9085 will collect information on the number of youth served between the ages of 14–21 rather than between the ages of 14–24. Also, the ETA 9084 and 9085 will now reflect the number of eligible veterans and spouses served. The current expiration date for this data collection is May 31, 2013.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before May 28, 2013.

ADDRESSES: Submit written comments to Evangeline M. Campbell, Division of Indian and Native American Programs, Room S4209, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3737 (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: 202–693–3817. Email:

Campbell.evangeline@dol.gov. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above.

SUPPLEMENTARY INFORMATION:

I. Background

Each Indian and Native American (INA) grantee receiving WIA, Section 166 funds (excluding Pub. L. 102–477 grantees) to administer the Comprehensive Services Program (CSP) is required to submit a CSP Report (ETA Form 9084) on a quarterly basis. Grantees receiving WIA Section 166 Supplemental Youth Services Program (SYSP) funds (excluding Pub. L. 102–477 grantees) currently submit a SYSP Report (ETA Form 9085) quarterly. This request to modify and extend the existing ETA Form 9084 and 9085 reports submitted each quarter by INA grantees is based on the following:

1. The Employment and Training Administration (ETA) requires the collection and reporting of data on eligible persons served under the WIA, Section 166 CSP and SYSP to assess the performance and delivery of services.

2. In addition, ETA requests a reporting enhancement for both the ETA 9084 and 9085 program reporting forms to comply with 2002 Jobs For Veterans Act (JVA) (Pub. L. 107–288), and its regulations, Priority of Service for Covered Persons (20 CFR 1010), and ETA policy (TEGL No. 10–09). The inclusion of reporting on JVA and

veterans and eligible spouses to the reporting system allows the WIA, Section 166 grantee community, and ETA, an improved mechanism to track the provision of services provided by the WIA CSP and SYSP to the Native American veteran and eligible spouse population. This additional change is an enhancement to the reporting system on demographics and is not a performance-related element.

3. Finally, the American Recovery and Reinvestment Act of 2009 (ARRA) expanded the youth eligibility age to 14–24. ETA 9085 will now collect the number of youth served between the ages of 14–21, per WIA section 101(13).

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

Type of Review: Extension with revisions.

Title: Program Reporting and Performance Standards System for Indian and Native American Programs.

OMB Number: 1205–0422.

Affected Public: Tribal Governments and Non-Profits.

Form(s): ETA 9084, ETA 9085.

Total Annual Responses: 19,908.

Annual Frequency: Quarterly.

Total Annual Respondents: 122 and 81.

Average Time per Response: 24 hours for ETA 9084; 24 hours for ETA 9085; 2.5 hours for the SPIR.

Estimated Total Annual Burden Hours: 20,908.

Total Annual Burden Cost for Respondents: \$1,465,725.

Comments submitted in response to this comment request will be summarized and/or included in the

request for OMB approval of the ICR and will also become a matter of public record.

Dated: Signed in Washington, DC, on this 22nd day of March, 2013.

Jane Oates,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2013–07200 Filed 3–27–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: Prevailing Wage Rates for Certain Occupations Processed Under H–2A Special Procedures; Correction and Rescission

AGENCY: Employment and Training Administration, Labor.

ACTION: Correction to Notice; Rescission of Certain Wages for Specified States in Notice.

SUMMARY: The Department of Labor (we or the Department) is issuing this notice to correct a previous announcement of prevailing wage rates covering the employment of certain temporary or seasonal nonimmigrant foreign workers (H–2A workers) and certain domestic workers engaged in open range production of livestock in Texas, Wyoming, Idaho, Montana, North Dakota, South Dakota, and Oklahoma. In addition, the Department is rescinding the wage determinations listed in the January 8, 2013, **Federal Register** notice covering the employment of H–2A workers and certain domestic workers engaged in sheepherding and goatherding occupations in Arizona, Nevada, Oregon and Washington.

DATE: This notice is effective March 28, 2013.

FOR FURTHER INFORMATION CONTACT: 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). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The H–2A nonimmigrant worker visa program

enables United States (U.S.) agricultural employers to employ foreign workers on a temporary basis to perform agricultural labor or services. Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (INA or the Act), 8 U.S.C. 1101(a)(15)(H)(ii)(a); see also 8 U.S.C. 1184(c)(1) and 1188. The Department's H-2A regulations at 20 CFR 655.120(a) provide that employers must pay their H-2A workers and domestic workers in corresponding employment at least the highest of: (i) The Adverse Effect Wage Rate for the position; (ii) the prevailing hourly wage or piece rate; (iii) the agreed-upon collective bargaining wage, if applicable; or (iv) the Federal or State minimum wage, in effect at the time the work is performed, except where a special procedure has been approved for use in an occupation or specific class of agricultural employment.

On June 14, 2011, the Department issued a Training and Employment Guidance Letter (TEGL) revising special procedures for, among others, occupations involved in the open range production of livestock, which clarified the process for establishing the annual prevailing wage rates for those occupations. TEGL No. 15-06, Change 1, *Special Procedures: Labor Certification Process for Occupations Involved in the Open Range Production of Livestock under the H-2A Program* (the "Open Range TEGL").¹ On the same date, the Department also issued a TEGL revising special procedures for occupations involved in sheepherding and goatherding occupations, which clarified the process for establishing the annual prevailing wages for those occupations. TEGL No. 32-10, *Special Procedures: Labor Certification Process for Employers Engaged in Sheepherding and Goatherding Occupations under the H-2A Program* (the "Sheepherding/Goatherding TEGL").² Both documents were subsequently published in the **Federal Register**. 76 FR 47243 and 76 FR 47256 (Aug. 4, 2011).

For occupations involving the open range production of livestock and sheepherding and goatherding, where the SWA survey results were insufficient to establish a prevailing wage rate for an occupation due to inadequate sample size or another valid reason, both TEGLs' wage setting procedures allow the Department to issue a prevailing wage or piece rate for that State based on the wage rate findings submitted by an adjoining or

proximate SWA for the same or similar agricultural activity. 76 FR at 47245 (open range livestock); 76 FR at 47258 (sheepherding and goatherding). In the event that the Department cannot establish a prevailing wage rate by using comparable survey data from an adjoining or proximate SWA, the Department will consider aggregating survey data across regions used by the U.S. Department of Agriculture. *Id.*

Correction of Certain Wages for Open Range Production of Livestock

On January 8, 2013, the Department published the special procedures wages in the **Federal Register**, which included wages for open range production of livestock, itinerant animal shearing, sheepherding, goatherding, and custom combine operations. 78 FR 1260 (Jan. 8, 2013) ("January 8 Notice"). These wages were issued with an immediate effective date. *Id.* The wage findings for open range production of livestock in Texas and Wyoming in the January 8 Notice were reported in error. Because the SWA surveys for Texas and Wyoming resulted in a "no finding" for open range production of livestock, the prevailing wage for those States should have been based on the wage rate findings submitted by an adjoining or proximate SWA for the same or similar agricultural activity, in accordance with the TEGL's wage setting guidance. Therefore, in the case of Texas and Wyoming, the prevailing wage for open range production of livestock will be based on the wage finding from Colorado, which adjoins Wyoming and is proximate to Texas, within the meaning of the TEGL.

In addition, the January 8 notice based the wage for open range production of livestock in Idaho, Montana, North Dakota, and South Dakota on Wyoming, the proximate State with a wage finding, and based the wage for the same occupation in Oklahoma on Texas, the adjoining State with a wage finding. Because we are correcting Texas and Wyoming wages in this notice, we therefore must also correct the wages for Idaho, Montana, North Dakota, South Dakota, and Oklahoma. The wage for Idaho, Montana, North Dakota, and South Dakota will be based on Colorado, a State proximate to those States, and the wage for Oklahoma will be based on Colorado, which directly borders Oklahoma. The wage table below, which we have reproduced in its entirety for ease of reference, reflects the corrected wages for Texas, Wyoming, Idaho, Montana, North Dakota, South Dakota and Oklahoma.

TABLE 1—PREVAILING WAGE RATES FOR THE OPEN RANGE PRODUCTION OF LIVESTOCK OCCUPATIONS

State	Prevailing wage rates for open range cattlehand/calver
Colorado	\$875.00 Per Month Plus Room and Board.
Idaho	\$875.00 Per Month Plus Room and Board.
Montana	\$875.00 Per Month Plus Room and Board.
North Dakota ..	\$875.00 Per Month Plus Room and Board.
Oklahoma	\$875.00 Per Month Plus Room and Board.
South Dakota	\$875.00 Per Month Plus Room and Board.
Texas:	
Region 1	\$875.00 Per Month Plus Room and Board.
Region 2	\$875.00 Per Month Plus Room and Board.
Region 3	\$875.00 Per Month Plus Room and Board.
Region 4	\$875.00 Per Month Plus Room and Board.
Utah	\$875.00 Per Month Plus Room and Board.
Wyoming	\$875.00 Per Month Plus Room and Board.

Rescission of Certain Wages for Sheepherding and Goatherding

In addition to the corrections above, the Department is rescinding the January 8 Notice for sheepherding and goatherding occupations in Arizona, Nevada, Oregon and Washington. The Department is taking this action because of issues regarding the wage finding process in these states. New data for these occupations will be collected by the SWAs in the near future, and the Department will review the data to ensure compliance with applicable law.

This rescission is effective as of January 8, 2013. The wages in these States for these occupations to be paid as of January 8, 2013 are based upon the previous prevailing wage findings issued by the Department for Arizona, Nevada, Oregon and Washington. The prevailing wage rates for sheepherding and goatherding in these states that are effective as of January 8, 2013 are listed below. The wage rate in California remains unchanged. Although the wage rates in the other jurisdictions have not changed, for ease of reference we reproduce the entire wage table as amended below.

¹ http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3044.

² http://wdr.doleta.gov/directives/corr_doc.cfm?docn=3042.

TABLE 2—PREVAILING WAGE RATES FOR SHEEPHERDING AND GOATHERDING OCCUPATIONS

State	Prevailing wage rates for sheep/goat herder
Arizona	\$750 Per Month Plus Room and Board.
California	\$1,422.52 Per Month Plus Room and Board.
Colorado	\$750.00 Per Month Plus Room and Board.
Idaho	\$750.00 Per Month Plus Room and Board.
Montana	\$750.00 Per Month Plus Room and Board.
Nevada	\$800.00 Per Month Plus Room and Board.
New Mexico ...	\$750.00 Per Month Plus Room and Board.
North Dakota ..	\$750.00 Per Month Plus Room and Board.
Oklahoma	\$750.00 Per Month Plus Room and Board.
Oregon	\$1,227.67 Per Month Plus Room and Board.
Texas	\$750.00 Per Month Plus Room and Board.
Utah	\$750.00 Per Month Plus Room and Board.
Washington	\$750.00 Per Month Plus Room and Board.
Wyoming	\$750.00 Per Month Plus Room and Board.

Authority: 8 U.S.C. 1101(a)(15)(H)(ii)(a); 8 U.S.C. 1184(c)(1) and 1188.

Signed in Washington this 14th day of March 2013.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2013-07201 Filed 3-27-13; 8:45 am]

BILLING CODE 4510-FP-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before April 29, 2013.

ADDRESSES: You may submit your comments, identified by “docket number” on the subject line, by any of the following methods:

1. *Electronic Mail:* zzMSHA-comments@dol.gov. Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202-693-9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939, Attention: George F. Triebisch, Director, Office of Standards, Regulations and Variances. Persons delivering documents are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations and Variances at 202-693-9447 (Voice), barron.barbara@dol.gov (Email), or 202-693-9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M-2013-014-C.
Petitioner: Gibson County Coal, LLC, 3455 S 700 W, Owensville, Indiana 47665.

Mine: South Mine, MSHA I.D. No. 12-02388, located in Gibson County, Indiana.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard to permit oil and gas wells to be plugged using proven techniques described in this petition and then to mine in close proximity or through such plugged wells. The petitioner states that:

The following techniques and procedures will be used to plug the wellbore:

(1) A diligent effort will be made to clean the borehole to a depth which would permit the placement of at least 200 feet of expanding cement below the base of the Indiana #5 coal seam.

(2) When cleaning the borehole, a diligent effort will be made to remove all the casing in the borehole. If it is not possible to remove all casing, the casing which remains will be perforated, or ripped, at intervals spaced close enough to permit expanding cement slurry to infiltrate the annulus between the casing and the borehole wall for a distance of at least 200 feet below the base of the Indiana #5 coal seam.

(3) If the cleaned out borehole produces gas, a mechanical bridge plug will be placed in the borehole in a competent stratum at least 200 feet below the base of the Indiana #5 coal seam, but above the top of the uppermost hydrocarbon producing stratum. If it is not possible to set a mechanical bridge plug, a substantial brush plug may be used.

(4) Unless indicated by the individual well log for that particular hole or by borehole logs taken nearby, a log(s) will be made to determine the top and bottom of the Indiana #5 coal seam and potential hydrocarbon producing strata and the location of the bridge plug.

(5) If the uppermost hydrocarbon producing stratum is within 200 feet of the base of the Indiana #5 coal seam, properly placed mechanical bridge plugs or a suitable brush plug will be used to isolate the hydrocarbon producing stratum from the expanding cement plug. Nevertheless, a minimum of 200 feet of expanding cement will be placed below the Indiana #5 coal seam.

(6) The wellbore will be completely filled and circulated with a gel that inhibits any flow of gas, supports the walls of the borehole, and densifies the expanding cement. This gel will be pumped through open-end tubing run to a point approximately 20 feet above the bottom of the cleaned out area of the borehole or bridge plug.