

disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:  
 Issued: August 28, 2018.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2018-18987 Filed 8-28-18; 4:15 pm]

**BILLING CODE 7020-02-P**

**JUDICIAL CONFERENCE OF THE UNITED STATES**

**Hearings on Proposed Amendments to the Appellate, Bankruptcy, Civil, and Evidence Rules; Correction**

**AGENCY:** Advisory Committees on the Federal Rules of Appellate, Bankruptcy, and Civil Procedure, and the Federal Rules of Evidence, Judicial Conference of the United States.

**ACTION:** Notice of proposed amendments and open hearings; correction.

**SUMMARY:** The Advisory Committees on Appellate, Bankruptcy, Civil, and Evidence Rules published a document in the **Federal Register** on August 9, 2018, concerning the proposed amendments to the Federal Rules of Appellate, Bankruptcy, and Civil Procedure, and the Federal Rules of Evidence. The document contained an incorrect date for the Bankruptcy Rules public hearings scheduled on the proposed amendments.

**FOR FURTHER INFORMATION CONTACT:** Rebecca A. Womeldorf, Secretary, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7-240, Washington, DC 20544, Telephone (202) 502-1820.

*Correction:* In the **Federal Register** of August 9, 2018, in FR Doc. 2018-17092, on page 39463, in the second column, correct the public hearings scheduled on the proposed amendments to the Bankruptcy Rules to read:

- Bankruptcy Rules in Washington, DC on January 10, 2019, and in Kansas City, Missouri, on January 24, 2019;

Dated: August 24, 2018.

**Rebecca A. Womeldorf,**

*Secretary, Committee on Rules of Practice and Procedure, Judicial Conference of the United States.*

[FR Doc. 2018-18851 Filed 8-29-18; 8:45 am]

**BILLING CODE 2210-55-P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")**

On August 17, 2018, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Maryland in the lawsuit entitled *United States of America v. Honeywell International, Inc., and Mack Trucks, Inc.*, Civil Action No. 1:18-cv-02528.

The United States seeks reimbursement of response costs incurred under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") for response actions at or in connection with the release or threatened release of hazardous substances at the Elkton Farm Firehole Site in Elkton, Maryland (the "Site"). The United States also seeks a declaration of Settling Defendants' Honeywell International, Inc., and Mack Trucks, Inc. liability, pursuant to Section 113(g) of CERCLA for all future response costs to be incurred by the United States in connection with the Site.

The proposed consent decree requires Settling Defendants to pay \$5,500,000 and Settling Federal Agencies, the United States, on behalf of the Army, Navy and Department of Defense, to pay \$6,250,000 for past response costs, respectively. The proposed consent decree will resolve all CERCLA claims alleged in this action by the United States against Settling Defendants and any potential liability within the meaning of Section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2), for Settling Federal Agencies.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Environmental Enforcement Section, and should refer to *United States v. Honeywell International, Inc., and Mack Trucks, Inc.*, D.J. Ref. No. 90-11-3-08918/1. 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:

To submit comments:	Send them to:
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>

To submit comments:	Send them to:
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the 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 \$6.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Robert Brook,**

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

[FR Doc. 2018-18818 Filed 8-29-18; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Comment Request for Information Collection for Form ETA-9142-B-CAA-2**

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** 60-Day Notice. Comment Request for Information Collection for Form ETA-9142-B-CAA-2, *Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers Under Section 205 of Division M of the Consolidated Appropriations Act, 2018 Public Law 115-141* (March 23, 2018) (OMB Control Number 1205-0531), Revision of Currently Approved Collection.

**SUMMARY:** The Department of Labor (DOL or Department), as part of its effort to streamline information collection, clarify statutory and regulatory requirements, and provide greater transparency and oversight in the H-2B nonimmigrant visa application processes, conducts a preclearance consultation program to provide the 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 (PRA). This program helps 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, ETA is soliciting comments concerning the revision of the Office of Management and Budget (OMB) Control Number 1205-0531, containing Form ETA-9142-B-CAA-2, *Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers Under Section 205 of Division M of the Consolidated Appropriations Act, 2018 Public Law 115-141 (March 23, 2018)*, which expires November 30, 2018. 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 October 29, 2018.

**ADDRESSES:** Written comments may be submitted by the following methods:

- *Email (encouraged):*  
ETA.OFLC.Forms@dol.gov.

- *Mail:* William W. Thompson II, Administrator, Office of Foreign Labor Certification, Box PPII 12-200, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

- *Fax:* 202-513-7395.

**Instructions:** Comments which are related to specific forms should identify that form or form instruction using the form number, e.g., Form 9142-B-CAA-2, and should identify the particular requirement to which the comment relates. A copy of the proposed information collection request (ICR) can be obtained by contacting the Office of Foreign Labor Certification as listed above. For this information collection, the Department is solely seeking comments in connection with the record keeping requirement and the associated burden. The Department does not seek comment on the Form 9142-B-CAA-2 itself because the form is no longer in use.

**FOR FURTHER INFORMATION CONTACT:**

William W. Thompson II, Administrator, Office of Foreign Labor Certification, 202-513-7350 (this is not a toll-free number), or for individuals with hearing or speech impairments, 1-877-889-5627 (this is the TTY toll-free Federal Information Relay Service number), Box PPII 12-200, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The H-2B visa program enables employers to bring nonimmigrant foreign workers to the U.S. to perform nonagricultural work of a temporary or seasonal nature as defined in 8 U.S.C. 1101(a)(15)(H)(ii)(b). For purposes of the H-2B program, the Immigration and Nationality Act and governing federal regulations require the Secretary of Labor to certify, among other things, that any foreign worker seeking to enter the United States on a temporary basis for the purpose of performing non-agricultural services or labor will not, by doing so, adversely affect wages and working conditions of U.S. workers who are similarly employed. In addition, the Secretary of Labor must certify that qualified U.S. workers are not available to perform such temporary labor or services.

Section 205 of Division M of the Consolidated Appropriations Act, 2018 (2018 Act), authorized the Secretary of the Department Homeland Security (DHS), in consultation with the Secretary of Labor, to increase the number of H-2B visas available to U.S. employers in Fiscal Year (FY) 2018, notwithstanding the otherwise established statutory numerical limitation. In consultation with the Secretary of Labor, the Secretary of Homeland Security increased the H-2B cap for FY 2018 by up to 15,000 additional visas for American businesses that were likely to suffer irreparable harm (that is, permanent and severe financial loss) without the ability to employ all of the H-2B workers requested on their petition before the end of FY 2018. As set forth in the Temporary Rule: *Exercise of Time-Limited Authority to Increase the Fiscal Year 2018 Numerical Limitation for the H-2B Temporary Nonagricultural Worker Program*, 83 FR 24905 (May 31, 2018), which implemented the 2018 Act, employers seeking authorization to employ workers under this time-limited authority were required to complete and submit Form ETA-9142-B-CAA-2, *Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers Under Section 205 of Division M of the Consolidated Appropriations Act, 2018*, Public Law 115-141 (March 23, 2018).

This collection of information is required by the regulations that went into effect on May 31, 2018. Initial clearance for this information collection was sought using PRA emergency procedures outlined in regulations at 5 CFR 1320.13. The exigency created by the 2018 Act and the short period of time remaining in the fiscal year for U.S.

employers to receive additional visas as authorized under the 2018 Act required initial clearance using expedited processes. As a result, the Department now seeks public comment to revise this information collection, through the notice and comment process, in compliance with PRA laws and regulations.

Because the expanded visa cap under the 2018 Act has been met, employers are no longer permitted to submit Form ETA-9142-B-CAA-2. However, employers must continue to retain the form and required supporting documentation for three (3) years from the date of certification for each H-2B application for which an employer submitted Form ETA-9142-B-CAA-2 to DHS. As a result, the Department seeks public comment to revise the information collection as a result of continued record retention requirements now that Form ETA-9142-B-CAA-2 is no longer in use. The Department proposes to eliminate the burden associated with the preparation and submission of the form, including the requirements of assessing irreparable harm and conducting additional requirement, because the form is no longer required or accepted in connection with petitions for H-2B workers.

**II. Review Focus**

DOL 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; and also the agency's estimates associated with the annual burden cost incurred by respondents and the government cost associated with this collection of information;
- 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.

For complete details regarding the proposed revisions to this ICR, contact

the office listed in the **FOR FURTHER INFORMATION CONTACT** section above.

### III. Current Actions

This revision request will allow ETA to meet its statutory responsibilities under the 2018 Act related to the H-2B nonimmigrant temporary non-agricultural employment-based visa program.

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 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 Department obtains OMB approval for this information collection under control number 1205-0531.

*Title of the Collection:* Attestation for Employers Seeking to Employ H-2B Nonimmigrant Workers Under Section 205 of Division M of the Consolidated Appropriations Act, 2018 Public Law 115-141 (March 23, 2018).

*Type of Review:* Revision of a Currently Approved Information Collection.

*Form:* Form ETA-9142-B-CAA-2.

*OMB Number:* 1205-0531.

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

*Total Estimated Annual Respondents:* 5,177.

*Annual Frequency:* On occasion.

*Total Estimated Annual Responses:* 5,177.

*Total Estimated Average Time per Response:* 1 hours.

*Total Estimated Annual Burden Hours:* 5,177 hours.

*Total Estimated Annual 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. Commenters are encouraged not to submit sensitive information (e.g., confidential business information or personally identifiable information such as a social security number).

#### Rosemary Lahasky,

*Deputy Assistant Secretary for Employment and Training, Labor.*

[FR Doc. 2018-18817 Filed 8-29-18; 8:45 am]

BILLING CODE 4510-FF-P

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Procedures for Appointment of Administrative Law Judges for the Department of Labor

*Subject:* Secretary's Order 07-2018.

1. *Purpose.* To provide for transparent and consistent processes by which the Secretary of Labor shall select and appoint individuals to be Administrative Law Judges (ALJs) within the Department of Labor (DOL or Department).

2. *Authorities and Directives Affected.*

A. *Authorities.* This Order is issued pursuant to the following authorities:

i. U.S.C. art. II, § 2, cl. 2;

ii. 5 U.S.C. 3105;

iii. 5 CFR 6.2-6.4, 6.8;

iv. Executive Order Excepting Administrative Law Judges from the Competitive Service (July 10, 2018).

B. *Directives Affected.* This Order does not affect the authorities and responsibilities assigned by any other Secretary's Order or DLMS 10-100-205.

3. *Background.* The Secretary has the authority and responsibility to appoint the Department's ALJs. These appointments should be made through a transparent and consistent process. Accordingly, this Order establishes procedures by which these appointments shall be made.

4. *Responsibilities.*

A. The Assistant Secretary for Administration and Management, in consultation with the Deputy Secretary, is assigned responsibility for issuing written guidance, as necessary, to implement this Order.

B. The Solicitor of Labor is responsible for providing legal advice to DOL on all matters arising in the implementation and administration of this Order.

5. *Procedure.* The following procedures shall apply to the selection and appointment of ALJs after the date of this Order:

A. A notice of vacancy and solicitation of applications shall be posted in the **Federal Register** and/or on the ALJ website or other appropriate location for public notice. The vacancy shall be held open for a minimum of thirty days, during which applications shall be accepted, and can be continuous, if desired. The notice shall specify: The minimum criteria for appointment; the documentation an applicant must submit for consideration; the deadline, if any, by which such documentation must be submitted; and the email address and/or physical address where documentation may be submitted.

B. Applications will be directed to the Office of Executive Resources (OER) within the Office of the Assistant Secretary for Administration and Management (OASAM) to be screened for whether an applicant has submitted all required documentation and meets the minimal qualifications for the position.

C. OER will deliver qualified applications to an interview panel consisting of the Department's Chief Administrative Law Judge, Chief Human Capital Officer, the Assistant Secretary for Policy, and a Member of the Employees' Compensation Appeals Board (ECAB). If any of the positions required for the review panel are vacant, the Secretary will select an alternative from the members of the Department's Senior Executive Service (SES). The Department's Director for the Office of Executive Resources, or designee, shall be present for each meeting of the panel.

D. The interview panel or their designees will review and rank the qualified applications taking into account needs of the agency. The panel will then interview the top-ranked candidates for the open position(s) and forward their recommended candidates to the Deputy Secretary.

E. The Deputy Secretary in consultation with a career ethics attorney from the Office of the Solicitor will provide the Secretary with the recommended candidate(s) for appointment as well as resumes of the other top-ranked candidates interviewed but not recommended.

F. The Secretary shall make the final decision and appointment, or may instead order another candidate search be completed.

6. *Qualifications.* The notice of vacancy and solicitation for application shall require the following minimum qualifications but may also contain others: A J.D. from an accredited law school; licensure and authorization to practice law under the laws of a state, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the U.S. Constitution; an "active"<sup>1</sup> bar status and/or membership in "good standing" for at least ten years total in at least one jurisdiction in which the applicant is admitted; seven years of relevant litigation or administrative law experience; and knowledge of statutes enforced by the Department of Labor,

<sup>1</sup> Judicial status is acceptable in lieu of "active" status in States that prohibit sitting judges from maintaining "active" status to practice law. Being in "good standing" is acceptable in lieu of "active" status in jurisdictions where the licensing authority considers "good standing" as having a current license to practice law.