

a. The job opportunity is vacant because the former occupant is on strike or locked out in the course of a labor dispute involving a work stoppage or the job is at issue in a labor dispute involving a work stoppage;

b. The job opportunity's terms, conditions, and/or occupational environment are contrary to Federal, state, or local law;

c. The employer has no location within the U.S. to which domestic workers can be referred and hired for employment;

d. The employer will not pay a wage or salary for the job to be performed;

e. The job's requirements are unduly restrictive or represent a combination of duties not normal to the occupation; or

f. The employer has not recruited U.S. workers according to DOL policies and procedures.

B. In situations where the application appears to be ineligible for temporary labor certification because the employer has not met its burden of providing adequate documentation/evidence or where a specific DOL policy was not complied with by the employer, the NPC Certifying Officer has the authority to issue one Request for Information (RFI), in writing, to the employer or the employer's authorized representative. When issued by the NPC Certifying Officer, the RFI shall:

1. Specify the reason(s) why the documentation/evidence submitted is not sufficient to grant temporary labor certification;

2. Indicate the specific DOL policy(ies) with which the employer does not appear to have complied; and

3. Advise the employer that a written response must be sent within no later than seven (7) calendar days of receiving the RFI and must be transmitted by a method that ensures receipt by the Certifying Officer the next business day, which may include fax, electronic mail, or overnight delivery.

Upon receipt of a response to the RFI or expiration of the stated deadline for receipt of the response, the NPC Certifying Officer will review the existing application as well as any supplemental materials submitted by the employer or the employer's representative and issue a final determination.

C. If the NPC Certifying Officer issues a notice that a certification is denied or cannot be made, the Final Determination letter shall:

1. Detail the reasons why certification cannot be made. The Certifying Officer is not required to accept determination by the SWA concerning the acceptability of the application;

2. If applicable, address the availability of U.S. workers in the occupation as well as the prevailing wages and working conditions of similarly employed U.S. workers in the occupation;

3. Indicate the specific DOL policy(ies) with which the employer should have, but does not appear to have, complied; and

4. Advise the employer of the right to submit countervailing evidence directly to USCIS or to file a new application in accordance with specific instructions provided by the NPC Certifying Officer.

D. If the NPC Certifying Officer issues a temporary labor certification, it shall be for the entire duration of the temporary employment opportunity identified on the ETA Form 750, Part A, beginning no earlier than the date certification was granted. If extraordinary circumstances establish a need that requires the non-agricultural services or labor for more than one year, a new application must be filed for the period past one year;

E. If one or more U.S. workers were hired or unlawfully rejected by the employer or the employer's application and supporting documentation and/or evidence does not substantiate a temporary need for workers for the entire period of need identified on the original ETA Form 750, Part A, the NPC Certifying Officer has the authority to issue a partial certification for only those job opportunities that remain unfilled by qualified U.S. workers, and/or for only the period of need that is supported by the available documentation or evidence; and

F. The date on the temporary labor certification shall be the beginning and ending dates of certified employment with the beginning date of certified employment not earlier than the date certification was granted.

#### VI. Document Transmittal

A. After making a temporary labor certification determination, the NPC Certifying Officer shall notify the employer, in writing, of the final determination;

B. If certification is granted, the NPC Certifying Officer shall send the certified application containing the official temporary labor certification stamp and a Final Determination letter to the employer or, if appropriate, the employer's agent or attorney. The Final Determination letter shall direct the employer to submit all documents together with the employer's petition to the appropriate USCIS Office;

C. If a notice is issued that certification has been denied or cannot be made, the NPC Certifying Officer

shall return one copy of the Application for Alien Employment Certification, ETA Form 750, supporting documents, and the Final Determination letter to the employer, or, if appropriate, to the employer's agent or attorney.

#### VII. Appeal of Notice that a Certification Cannot be Made

A. The finding by the NPC Certifying Officer, that a certification cannot be made, is the final decision of the Secretary of Labor and is advisory to the USCIS. There is no provision for reconsideration or appeal of the decision within DOL;

B. In accordance with the USCIS regulations at 8 CFR 214.2(h)(6)(iv)(E), the employer may submit countervailing evidence directly to the USCIS that qualified persons in the U.S. are not available, that the employer's need for the duties to be performed is represented as temporary, that wages and working conditions of U.S. workers will not be adversely affected, and that the DOL's employment policies were observed.

#### VIII. Validity of Temporary Labor Certifications

A temporary labor certification is valid only for the number of aliens, the area of intended employment, the specific occupation and duties, the period of time, and the employer specified on the Application for Alien Employment Certification, ETA Form 750.

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### Maritime Advisory Committee for Occupational Safety and Health; Notice of Meeting

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Maritime Advisory Committee for Occupational Safety and Health; notice of meeting.

**SUMMARY:** The Maritime Advisory Committee for Occupational Safety and Health ("MACOSH" or "Committee") was established to advise the Assistant Secretary of Labor for OSHA on issues relating to occupational safety and health in the maritime industries. The purpose of this **Federal Register** notice is to announce the MACOSH and workgroup meetings scheduled for July 31 through August 1, 2007.

**DATES:** The workgroups will meet on July 31, 2007, from 8 a.m. to 4 p.m. MACOSH will meet on August 1, 2007, from 8:30 a.m. until approximately 5 p.m.

**ADDRESSES:** The Committee and workgroups will meet at the Elihu Harris State Office Building, 1515 Clay Street, Oakland, CA 94612. Building security requires that attendees have photographic identification (e.g., a valid driver's license) and pass through a screening device. Mail comments, views, or statements in response to this notice to David Wallis, Acting Director, Office of Maritime, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; phone (202) 693-2086; FAX: (202) 693-1663.

**FOR FURTHER INFORMATION CONTACT:** For general information about MACOSH and this meeting contact: David Wallis, Acting Director, Office of Maritime, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; phone: (202) 693-2086. Individuals with disabilities wishing to attend the meeting should contact Vanessa L. Welch at (202) 693-2086 no later than July 20, 2007, to obtain appropriate accommodations.

**SUPPLEMENTARY INFORMATION:** All MACOSH meetings, including workgroup meetings, are open to the public. All interested persons are invited to attend the MACOSH meetings at the times and place listed above. The Committee has five workgroups that have identified various topics for discussion. Each workgroup may discuss one or more of the topics listed for that workgroup as time permits.

The Health workgroup discussions will include: Radiation exposure at maritime terminals from cargo screening devices, an update of the NIOSH maritime hearing-protection study, and a briefing on the NIOSH National Occupational Research Agenda ("NORA") process.

The Longshoring workgroup discussions will include: Crane-operator radio communications, traffic safety, roll-on roll-off cargo guidance, and the International Maritime Organization's (IMO) initiative on cargo-lashing safety.

The Cranes and Falls workgroup discussions will include working on or under suspended loads.

The Shipyards workgroup discussions may include: Spray paint standards, hot work on coatings, aerial work platforms, ship module placement, review of shipbreaking guidance product, and review of Safety and Health Injury Prevention Sheets.

The Outreach and Safety Culture workgroup discussions may include: Leading indicators, root cause analysis (SCA data effort), substance abuse, OSHA/Coast Guard coordination, e-tools, Hispanic worker issues, new technology and safety, updating the OSHA Training Institute shipyard and longshoring courses, training requirements guidance products, and industry pocket guides.

**MACOSH agenda:** The agenda will include: an OSHA update, reports from each workgroup, a discussion of working on or under suspended loads, pandemic planning in the maritime industry, crane-operator radio communications, traffic safety, roll-on roll-off container safety, IMO initiative on cargo-lashing safety, an update on the nine recommendations from the previous committee meeting, and presentation on the Athena 106 accident.

**Public Participation:** Written data, views, or comments for consideration by MACOSH on the various agenda items listed above should be submitted to Vanessa L. Welch at the address listed above. Submissions received by July 20, 2007 will be provided to Committee members and will be included in the record of the meeting. Requests to make oral presentations to the Committee may be granted as time permits. Anyone wishing to make an oral presentation to the Committee on any of the agenda items listed above should notify Vanessa L. Welch by July 20, 2007. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

**Authority:** Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by Sections 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656), the Federal Advisory Committee Act (5 U.S.C. App. 2), Secretary of Labor's Order 5-2007 (72 FR 31159), and 29 CFR part 1912.

Signed at Washington, DC, on July 10, 2007.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

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**BILLING CODE 4510-26-P**

## LEGAL SERVICES CORPORATION

### Sunshine Act Notice; Meeting of the Performance Reviews Committee of the Legal Services Corporation's Board of Directors

**TIME AND DATE:** The Performance Reviews Committee of the Legal Services Corporation's Board of Directors will meet at 10 a.m. Central Daylight Time on July 19, 2007.

**LOCATION:** The American Bar Association, 321 North Clark Street, 15th Floor, in the Journal Conference Room, Chicago, Illinois.

**STATUS OF MEETING:** Open, except as noted below. A verbatim written transcript of the session will be made. The transcript of any portions of the closed session falling within the relevant provision of the Government in Sunshine Act, 5 U.S.C. 552b(c)(6), and LSC's implementing regulation, 45 CFR 1622.5(e), will not be available for public inspection. The transcript of any portions not falling within either of these provisions will be available for public inspection.

#### MATTERS TO BE CONSIDERED:

##### Open Session

1. Approval of Agenda.
2. Consider and act on whether to go into closed session for agenda item number 3.

##### Closed Session

3. Consider and act on the recommendation to make to the full Board on the annual performance review of the LSC Inspector General.

##### Open Session

4. Consider and act on other business.
5. Consider and act on adjournment of meeting.

#### CONTACT PERSON FOR INFORMATION:

Patricia D. Batie, Manager of Board Operations, at (202) 295-1500.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia D. Batie, at (202) 295-1500.

Dated: July 11, 2007.

**Victor M. Fortunato,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

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