

a pay period. Further, when the AEWR is updated during a work contract, the employer must pay at least that updated AEWR upon the effective date of the new rate, if the updated AEWR is higher than the highest of the previous AEWR, a prevailing rate for the crop activity or agricultural activity and, if applicable, a distinct work task or tasks performed in that activity and geographic area, the agreed-upon collective bargaining wage, the Federal minimum wage rate, or the State minimum wage rate. See 20 CFR 655.120(b)(3). Similarly, when the AEWR is updated during a work contract and is lower than the wage rate that is guaranteed on the job order, the employer must continue to pay at least the wage rate guaranteed on the job order. See 20 CFR 655.120(b)(4).

On February 28, 2023, DOL published a final rule, *Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States*, 88 FR 12760 (Feb. 28, 2023), to establish a new methodology for setting hourly AEWRs, effective March 30, 2023. Pursuant to this new rule, while most AEWRs will continue to be based, as they have been since 1987, on the United States Department of Agriculture's (USDA) Farm Labor Survey (FLS), these new OEWS-based AEWRs will apply to H-2A job opportunities classified: (1) in SOC codes other than the six SOC codes comprising the field and livestock workers (combined) group, and (2) in the field and livestock workers (combined) occupational group that are located in States or regions, or equivalent districts or territories, for which the United States Department of Agriculture's Farm Labor Report (better known as the FLS) does not report a wage.

The new final rule requires the OFLC Administrator to publish a **Federal Register** notice at least once in each calendar year to establish each AEWR. See 20 CFR 655.120(b)(2). The OFLC Administrator provides this notice by publishing two separate announcements in the **Federal Register**, one to update the AEWRs based on the wage data reported by the USDA's FLS, effective on or about January 1, and a second to update the AEWRs based on data reported by the BLS OEWS survey, effective on or about July 1. See 88 FR at 12775.

#### OEWS-Based AEWR Updates

In accordance with 20 CFR 655.120(b)(1)(ii), AEWRs for agricultural employment not represented by the six SOC codes comprising the field and

livestock worker (combined) group<sup>2</sup> for which temporary H-2A certification is being sought is determined using the statewide annual average hourly gross wage for the SOC code for the State, or equivalent district or territory, as reported by the OEWS survey. In the event the OEWS survey does not report an average hourly gross wage for the SOC code for the State, or equivalent district or territory, the AEWR is determined using the national average hourly gross wage for the SOC as reported by the OEWS survey.

Using the most recently published OEWS survey,<sup>3</sup> the OFLC Administrator is publishing the statewide hourly AEWRs applicable to H-2A job opportunities classified using an SOC code not included in the field and livestock workers (combined) group.<sup>4</sup> The hourly AEWRs determined under 20 CFR 655.120(b)(1)(ii) are available for each SOC code and geographic area at the following URL: <https://flag.dol.gov/>. At the URL, DOL provides a searchable spreadsheet and other resources that enable interested parties to search by State and SOC code for the OEWS-based AEWR applicable to an H-2A job opportunity.

In addition, where the FLS survey does not report an annual average gross wage for the field and livestock workers (combined) group in a State or region, or equivalent district or territory, the AEWRs applicable to the field and livestock workers (combined) group is established using the statewide annual average hourly gross wage for the field and livestock workers (combined) group in the State, or equivalent district or territory, as reported by the OEWS survey. See 20 CFR 655.120(b)(1)(i)(B). In the event the OEWS survey does not report a statewide average hourly gross wage for the field and livestock workers (combined) group for the State, or equivalent district or territory, the AEWR is determined using the national average hourly gross wage for field and

<sup>2</sup> The FLS survey's field and livestock workers (combined) category reports aggregate wage data for the following six SOC titles and codes:

Farmworkers and Laborers, Crop, Nursery and Greenhouse Workers (45-2092); Farmworkers, Farm, Ranch, and Aquacultural Animals (45-2093); Agricultural Equipment Operators (45-2091); Packers and Packers, Hand (53-7064); Graders and Sorters, Agricultural Products (45-2041); and All Other Agricultural Workers (45-2099).

<sup>3</sup> See Bureau of Labor Statistics, Occupational Employment and Employment and Wage Statistics (OEWS) Report, OEWS Databases (Apr. 25, 2023), available at <https://www.bls.gov/oes/data.htm>. Note that the 2023 OEWS report is based on data from May 2022 OEWS estimates.

<sup>4</sup> See 20 CFR 655.120(b)(1)(iii) ("For purposes of paragraphs (b)(1)(i) and (ii) of this section, the term State and statewide include the 50 States, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.")

livestock workers (combined) group as reported by the OEWS survey. See 20 CFR 655.120(b)(1)(i)(C).

Using the most recently published OEWS survey, the OFLC Administrator is publishing the hourly AEWRs applicable to H-2A job opportunities classified in the field and livestock workers (combined) group, in States or regions, or equivalent districts or territories, where an annual average hourly gross wage is not reported by the FLS. These hourly AEWRs are available at <https://flag.dol.gov/> and in the table below:

TABLE—ADVERSE EFFECT WAGE RATES FOR FIELD AND LIVESTOCK WORKERS (COMBINED)

State/District/Territory	AEWRs
Alaska .....	\$18.02
District of Columbia .....	20.72
Guam .....	10.12
Puerto Rico .....	9.70
U.S. Virgin Islands .....	13.95

Authority: 20 CFR 655.120(b)(2); 20 CFR 655.103(b).

**Brent Parton,**

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

[FR Doc. 2023-12896 Filed 6-15-23; 8:45 am]

**BILLING CODE 4510-FF-P**

#### OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

#### Notice of Meeting: National Intelligence University Board of Visitors; Correction

**AGENCY:** National Intelligence University (NIU), Office of the Director of National Intelligence (ODNI).

**ACTION:** Notice of Federal Advisory Committee meeting; correction.

**SUMMARY:** This document corrects the **DATES** and **SUPPLEMENTARY INFORMATION** sections for the meeting notice published in the **Federal Register** of May 30, 2023, regarding notice of Federal Advisory Committee meeting on June 8, 2023.

**DATES:** The meeting was held Thursday June 8, 2023, 9 a.m. to 4 p.m., Bethesda, MD.

**FOR FURTHER INFORMATION CONTACT:** Ms. Patricia "Patty" Larsen, Designated Federal Officer, (301) 243-2118 (Voice), [excom@odni.gov](mailto:excom@odni.gov) (email). Mailing address is National Intelligence University, Roberdeau Hall, Washington, DC 20511. Website: <https://ni-u.edu/wp/about-niu/leadership-2/board-of-visitors/>.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2023–11367, beginning on page 34548 in the **Federal Register** of May 30, 2023, make the following corrections:

1. On page 34548, in the second column, the **DATES** section is corrected to read as follows:

**DATES:** Thursday June 8, 2023, 9 a.m. to 4 p.m., Bethesda, MD.

2. On page 34548, in the second column, in the **SUPPLEMENTARY INFORMATION** section, correct the second sentence in the first paragraph to read as follows:

The meeting includes the discussion of personnel regarding presidential candidates and the Director of National Intelligence, or her designee, in consultation with the ODNI Office of General Counsel, has determined the meeting will be closed to the public under the exemptions set forth in 5 U.S.C. 552b(c)(6) and 552b(c)(9)(B).

3. On page 34548, in the third column, in the **SUPPLEMENTARY INFORMATION** section, correct the “Purpose of the Meeting” paragraph to read as follows:

*I. Purpose of the Meeting:* The Board will discuss critical issues and advise the Director of National Intelligence on the selection of the next President of the National Intelligence University.

4. On page 34548, in the third column, in the **SUPPLEMENTARY INFORMATION** section, correct the “Agenda” paragraph to read as follows:

*II. Agenda:* Call to Order and Presidential Candidates (Personnel).

**Robert A. Newton,**

*Committee Management Officer and Deputy Chief Operating Officer.*

[FR Doc. 2023–12984 Filed 6–15–23; 8:45 am]

**BILLING CODE P**

## NUCLEAR REGULATORY COMMISSION

[EA–20–123; NRC–2023–0103]

### In the Matter of APINDE Inc.

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Order; modification.

**SUMMARY:** On May 11, 2023, the NRC staff issued an Order revoking APINDE Inc.’s NRC license, effective 30 days from the date of the Order, due to a determination that the license was issued based on inaccurate information and in consideration that APINDE Inc. does not have a qualified Radiation Safety Officer (RSO). The license has been suspended since August 22, 2019, when the NRC staff, through an investigation by the NRC’s Office of

Investigations, first identified sufficient cause that the license had been issued based on inaccurate information and that APINDE Inc.’s RSO was not qualified. In a September 10, 2019, letter, the APINDE Inc. President/CEO acknowledged errors in the license application and stated that corrective actions would be taken. Beyond this written response, APINDE Inc. did not take any steps to restore the requisite reasonable assurance that operations could be conducted in compliance with the Commission’s requirements and that the health and safety of the public would be protected.

**DATES:** The Order was issued on May 11, 2023.

**ADDRESSES:** Please refer to Docket ID NRC–2023–0103 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0103. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC’s PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC’s PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Marjorie McLaughlin, Region I, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone:

610–337–5240; email: [Marjorie.McLaughlin@nrc.gov](mailto:Marjorie.McLaughlin@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The text of the Order is attached.

Dated: June 8, 2023.

For the Nuclear Regulatory Commission.

**Raymond K. Lorson,**

*Regional Administrator, NRC Region I.*

### Nuclear Regulatory Commission

*In the Matter of:* APINDE Inc.,  
Huntington, West Virginia, Docket  
No. 03039133, License No. 47–35507–  
01, EA–20–123

### Order Revoking License

#### I

APINDE Inc. (APINDE or Licensee) is the holder of Materials License No. 47–35507–01, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to Part 30 of *Title 10 of the Code of Federal Regulations* (10 CFR). The license authorizes possession and use of iridium-192 in sealed sources for use in industrial radiography operations and depleted uranium for use as shielding. The Licensee is located in Huntington, West Virginia, but the license also authorizes the company to perform work at temporary jobsites in all areas within NRC jurisdiction. The license, originally issued on January 9, 2019, has an expiration date of January 31, 2034.

#### II

In early 2019, the NRC Office of Investigations (OI) initiated an investigation, in part, to evaluate whether APINDE representatives had forged various documents in the license application related to the training and qualifications of the individual designated as the Radiation Safety Officer (RSO). Upon partial completion of the investigation, it was determined that the NRC had issued a license to APINDE based on inaccurate information from the applicant regarding the qualifications of the RSO, and that APINDE lacked a qualified RSO. Namely, in the initial license application dated October 10, 2018 (ML18297A261; nonpublic because it contains security-related information),<sup>1</sup> and in a related correspondence dated November 26, 2018 (ML18347A473; nonpublic because it contains security-related information), APINDE submitted an inaccurate training certificate and inaccurate information regarding the

<sup>1</sup> Designation in parentheses refers to an Agencywide Documents Access and Management System (ADAMS) accession number. Unless otherwise noted, documents referenced in this letter are publicly-available using the accession number in ADAMS.