

environmental review procedures for implementing NEPA. The agencies have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 6(b) of the "Appendix to National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions, Notice of Final Agency Policy" (67 FR 48244, July 23, 2002) and NOAA NAO 216-6 sections 5.05 and 6.03(c)(3)(i). This rule involves congressionally mandated regulations designed to improve or protect the environment. An environmental analysis checklist and the relevant categorical exclusion determinations are available in the docket where indicated under **ADDRESSES**.

#### List of Subjects

##### 15 CFR Part 909

Marine resources, Marine debris, Marine pollution, and Ocean dumping.

##### 33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, and Water pollution control.

NOAA signature.

Dated: August 19, 2009.

#### John H. Dunnigan,

*Assistant Administrator for Ocean Services and Coastal Zone Management.*

Coast Guard signature.

Dated: August 20, 2009.

#### B.M. Salerno,

*RADM, Coast Guard, Assistant Commandant for Marine Safety, Security and Stewardship.*

■ For the reasons discussed in the preamble, NOAA adds 15 CFR part 909 and the Coast Guard amends 33 CFR part 151 as follows:

■ 1. 15 CFR Part 909 is added to read as follows:

### PART 909—MARINE DEBRIS

#### § 909.1 Definition of marine debris for the purposes of the Marine Debris Research, Prevention, and Reduction Act.

**Authority:** 33 U.S.C. 1951–1958 (2006).

#### § 909.1 Definition of marine debris for the purposes of the Marine Debris Research, Prevention, and Reduction Act.

(a) *Marine debris.* For the purposes of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951–1958 (2006)) only, marine debris is defined as any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or

abandoned into the marine environment or the Great Lakes.

(b) NOAA and the Coast Guard have jointly promulgated the definition of marine debris in this part. Coast Guard's regulation may be found in 33 CFR 151.3000.

### PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

■ 2. Add Subpart E to Part 151, to read as follows:

#### Subpart E—Definition of Marine Debris for the purposes of the Marine Debris Research, Prevention, and Reduction Act

**Authority:** 33 U.S.C. 1951–1958 (2006); 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

#### § 151.3000 Definition of Marine Debris for the purposes of the Marine Debris Research, Prevention, and Reduction Act.

(a) *Marine debris.* For the purposes of the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951–1958 (2006)) only, marine debris is defined as any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes.

(b) NOAA and the Coast Guard have jointly promulgated the definition of marine debris in this part. NOAA's regulation may be found in 15 CFR part 909.

[FR Doc. E9–21261 Filed 9–2–09; 8:45 am]

**BILLING CODE 3510–JE–P; 4910–15–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### 20 CFR Part 655

#### RIN 1205–AB54

### Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H–2B Workers), and Other Technical Changes; Correction

**AGENCY:** Employment and Training Administration, Department of Labor.

**ACTION:** Technical correction.

**SUMMARY:** This document contains a correction to the Final Rule of the H–2B

program that was published on December 19, 2008. The Final Rule re-engineers the application filing and review process by centralizing processing and by enabling employers to conduct pre-filing recruitment of United States (U.S.) workers. In addition, the rule enhances the integrity of the H–2B program through the introduction of post-adjudication audits and procedures for penalizing employers who fail to meet program requirements. This rule also makes technical changes to both the H–1B and the permanent labor certification program regulations to reflect operational changes stemming from this regulation.

**DATES:** This technical correction is effective September 3, 2009. The technical correction is applicable beginning January 18, 2009.

**FOR FURTHER INFORMATION CONTACT:** For information on the labor certification process governed by this correction, contact William L. Carlson, 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 via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 19, 2008 the Department of Labor's (Department) Employment and Training Administration (ETA) published a Final Rule titled "Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H–2B Workers), and Other Technical Changes." It has come to ETA's attention that due to a technical oversight a certain part of the final regulations was deleted from the Final Rule publication. The Department did not intend to remove this language from the regulations and through this correction notice the Department seeks to reinsert the inadvertently deleted language.

##### Need for Correction

As published, the final regulation erroneously removed a paragraph of § 655.731 that the Department had intended to remain. The intention of this Notice is to reestablish that paragraph.

**List of Subjects in 20 CFR Part 655**

Administrative practice and procedure, Foreign workers, Employment, Employment and training, Enforcement, Forest and forest products, Fraud, Health professions, Immigration, Labor, Longshore and harbor work, Migrant labor, Passports and visas, Penalties, Reporting and recordkeeping requirements, Unemployment, Wages, Working conditions.

■ Accordingly, 20 CFR Part 655 is amended by making the following technical correction:

**PART 655—TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES****Subpart H—Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models, and Labor Attestation Requirements for Employers Using Nonimmigrants on H-1B1 Visas in Specialty Occupations**

■ 1. The authority citation for part 655, Subpart H continues to read as follows:

8 U.S.C. 1101(a)(15)(H)(i)(b) and (b)(1), 1182(n) and (t), and 1184(g) and (j); sec. 303(a)(8), Public Law 102-232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 412(e), Public Law 105-277, 112 Stat. 2681; and 8 CFR 214.2(h).

■ 2. Amend § 655.731 by adding paragraph (a)(2)(ii)(C) to read as follows:

**§ 655.731 What is the first LCA requirement, regarding wages?**

- (a) \* \* \*  
(2) \* \* \*  
(ii) \* \* \*

(C) Another legitimate source of wage information. The employer may rely on other legitimate sources of wage data to obtain the prevailing wage. The other legitimate source survey must meet all the criteria set forth in paragraph (b)(3)(iii)(C) of this section. The employer will be required to demonstrate the legitimacy of the wage in the event of an investigation.

\* \* \* \* \*

Signed in Washington, DC, this 28th day of August 2009.

**Jane Oates,**

*Assistant Secretary, Employment and Training Administration.*

[FR Doc. E9-21274 Filed 9-2-09; 8:45 am]

**BILLING CODE 4510-FP-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R06-OAR-2007-1064; FRL-8952-5]

**Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Emissions Inventory; Baton Rouge Ozone Nonattainment Area**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the Louisiana State Implementation Plan (SIP) to meet the Emissions Inventory (EI) requirements of the Clean Air Act (CAA) for the Baton Rouge ozone nonattainment area. EPA is approving the SIP revision because it satisfies the EI requirements for areas classified as nonattainment for the 1997 8-hour ozone national ambient air quality standard. EPA is approving the revisions pursuant to section 110 of the CAA.

**DATES:** This direct final rule will be effective November 2, 2009 without further notice unless EPA receives adverse comments by October 5, 2009. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA-R06-OAR-2007-1064, by one of the following methods:

• *Federal e-Rulemaking Portal:* <http://www.regulations.gov>.

• Follow the online instructions for submitting comments.

• *EPA Region 6 "Contact Us" Web site:* <http://epa.gov/region6/r6coment.htm>. Please click on "6PD (Multimedia)" and select "Air" before submitting comments.

• *E-mail:* Mr. Guy Donaldson at [donaldson.guy@epa.gov](mailto:donaldson.guy@epa.gov). Please also send a copy by e-mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

• *Fax:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), at fax number 214-665-7263.

• *Mail:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.

• *Hand or Courier Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200,

Dallas, Texas 75202-2733. Such deliveries are accepted only between the hours of 8 a.m. and 4 p.m. weekdays, and not on legal holidays. Special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket No. EPA-R06-OAR-2007-1064. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at