

However, given the relatively small amount of spearfishing that seems to occur in GRNMS, and the indication from surveys that most spearfishing activity already occurs outside of the sanctuary, a prohibition on spearfishing is not likely to result in significant changes in fishing activities in or outside of the sanctuary.

32. *Comment:* Size limits could address the problem of spearfishing selectively targeting larger fish.

*Response:* NOAA interprets the comment to mean that rather than banning spearfishing altogether, NOAA should consider banning the take of large fish by spearfishing (*i.e.*, maximum size limit). The suggestion provided by the commenter would not address the powerhead ban enforcement issue, which is one of the purposes of this action.

33. *Comment:* NOAA should limit fishing to only those fish species that are not at risk (*e.g.*, king mackerel) to address the mandate to protect resources while allowing compatible uses.

*Response:* This comment is suggesting that NOAA should restrict all kinds of fishing activities and gear, limiting them only to fish species that are not at risk. This is beyond the scope of this action (*see response to comments #20, 21, 22*).

34. *Comment:* NOAA should postpone a decision on the proposed rule and work with spearfishermen to thoroughly research the issue.

*Response:* NOAA postponed its previous decision to ban spearfishing in 2006, for the purpose of gathering further socioeconomic information on the impact of a possible ban on all spearfishing in GRNMS. In addition, NOAA has thoroughly researched the possible detrimental effects to the natural marine resources of GRNMS that NOAA is mandated to protect. Therefore, NOAA is satisfied with the level of information on natural marine resources as well as socioeconomic impact used as a basis for this action.

## V. References for Citations

All references that NOAA used as a basis for this rule may be found in the environmental assessment (EA), which is available as specified in the ADDRESSES section.

## List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Coastal zone, Fishing gear, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Wildlife.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: February 2, 2010.

**Holly Bamford,**

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

■ Accordingly, for the reasons set forth above, NOAA is amending part 922, title 15 of the Code of Federal Regulations, as follows:

### PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

■ 1. The authority citation for part 922 continues to read as follows:

**Authority:** 16 U.S.C. 1431 et seq.

■ 2. Amend § 922.92:

■ a. By revising paragraph (a)(5)(i);

■ b. By revising paragraph (a)(6);

■ c. And by adding a new paragraph (a)(11).

The revisions and addition read as follows:

#### § 922.92 Prohibited or otherwise regulated activities.

(a) \* \* \*

(5) \* \* \*

(i) Injuring, catching, harvesting, or collecting, or attempting to injure, catch, harvest, or collect, any marine organism, or any part thereof, living or dead, within the Sanctuary by any means except by use of rod and reel, and handline gear;

\* \* \* \* \*

(6) Using any fishing gear within the Sanctuary except rod and reel, and handline gear, or for law enforcement purposes.

\* \* \* \* \*

(11) Possessing or carrying any fishing gear within the Sanctuary except:

(i) Rod and reel, and handline gear;

(ii) Fishing gear other than rod and reel, handline gear, and spearfishing gear, provided that it is stowed on a vessel and not available for immediate use;

(iii) Spearfishing gear provided that it is stowed on a vessel, not available for immediate use, and the vessel is passing through the Sanctuary without interruption; and

(iv) For law enforcement purposes.

\* \* \* \* \*

[FR Doc. 2010-2808 Filed 2-18-10; 8:45 am]

**BILLING CODE 3510-NK-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### 20 CFR Part 655

#### Wage and Hour Division

#### 29 CFR Part 501

### Announcement of Public Briefings on the Changes to the Labor Certification Process for the Temporary Agricultural Employment of H-2A Aliens in the United States

**AGENCIES:** Employment and Training Administration and Wage and Hour Division; Department of Labor.

**ACTION:** Notice of meeting.

**SUMMARY:** On February 12, 2010, the Department of Labor (the Department or DOL) amended the H-2A regulations at 20 CFR part 655 governing the certification of temporary employment of nonimmigrant workers in temporary or seasonal agricultural employment. *See*, Temporary Agricultural Employment of H-2A Aliens in the United States, Final Rule, 75 FR 6884, Feb. 12, 2010 (the Final Rule). The Department's Final Rule also amended the regulations at 29 CFR part 501 to provide for enhanced enforcement when employers fail to meet their obligations under the H-2A program. The Department has also made changes to the *Application for Temporary Employment Certification*, ETA Form 9142.

The Final Rule will become effective on March 15, 2010. All H-2A program users will be required to file their applications under the new regulations, and to comply with all applicable program requirements.

The Department is issuing this notice to announce that it has scheduled three public briefings to educate stakeholders, program users, and other interested members of the public on changes to the H-2A program made by the Final Rule and on applying for H-2A temporary labor certifications under the new regulations using the ETA Form 9142.

As currently planned, the three briefings will take place in late February and early March of 2010 in San Diego, California; Dallas, Texas; and Raleigh, North Carolina. This notice provides the public with locations, dates, and registration information regarding the briefings. These briefings are subject to change and/or cancellation without further notice in the **Federal Register**. However, the Department will notify

registered participants of any changes to the briefings.

**DATES:**

1. Tuesday, February 23, 2010, San Diego, California.  
Time: 8:30 a.m.–3 p.m.
2. Thursday, February 25, 2010, Dallas, Texas.  
Time: 8:30 a.m.–3 p.m.
3. Tuesday, March 2, 2010, Raleigh, North Carolina.  
Time: 8:30 a.m.–3 p.m.

**ADDRESSES:** The meeting locations are:

1. San Diego—San Diego Marriott Hotel and Marina, 333 West Harbor Drive, San Diego CA 92101, *Tel:* 1-619-234-1500, *fax:* 1-619-234-8678.
2. Dallas—Anatole Hilton, 2201 Stemmons Freeway, Dallas, TX 75207, *Tel:* 1-214-748-1200, *fax:* 1-214-761-7520.
3. Raleigh—Hilton North Raleigh, 3415 Wake Forest Road, Raleigh, NC 27609, *Tel:* 1-919-872-2323, *fax:* 1-919-876-0890.

*To Register:* To register for a briefing session please complete the registration process on-line, by visiting [www.acclaroresearch.com/oflcbriefings](http://www.acclaroresearch.com/oflcbriefings). Due to space considerations, attendance will be limited to those who register online. In the event of cancellation or change, participants will be notified.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the Employment and Training Administration's portion of the briefings, contact William L. Carlson, PhD, Administrator, Office of Foreign Labor Certification, Employment and Training Administration, 200 Constitution Avenue, NW., Room C-4312, Washington, DC 20210; *Telephone:* (202) 693-3010 (this is not a toll-free number).

For further information regarding the Wage and Hour Division's portion of the briefings, contact James Kessler, Farm Labor Branch Chief, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-3510, Washington, DC 20210; *Telephone:* (202) 693-0070 (this is not a toll-free number). Please do not call these offices to register as they cannot accept registrations.

**SUPPLEMENTARY INFORMATION:** The registration information should be used by any member of the public planning to attend a briefing session.

Signed in Washington, DC, this 16th day of February 2010.

**Jane Oates,**

*Assistant Secretary, Employment and Training Administration.*

**Nancy Leppink,**

*Deputy Administrator, Wage and Hour Division.*

[FR Doc. 2010-3282 Filed 2-16-10; 4:15 pm]

**BILLING CODE 4510-FP-P**

---



---

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 79

[CG Docket No. 05-231; FCC 09-109]

### Closed Captioning of Video Programming

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission amends the closed captioning rules to add another method by which video programming distributors may provide contact information to the Commission for the handling of immediate closed captioning concerns and written closed captioning complaints.

**DATES:** 47 CFR 79.1(i)(3), published at 74 FR 1594, January 13, 2009, and the revisions in this document are effective February 19, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Amelia Brown, Consumer and Governmental Affairs Bureau, Disability Rights Office at (202) 418-2799 (voice), (202) 418-7804 (TTY), or e-mail at [Amelia.Brown@fcc.gov](mailto:Amelia.Brown@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document FCC 09-109, *Closed Captioning of Video Programming*, CG Docket No. 05-231, Order, adopted December 4, 2009, and released December 11, 2009. The full text of document FCC 09-109 and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. Document FCC 09-109 and copies of subsequently filed documents in this matter also may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at its Web site <http://>

[www.bcpiweb.com](http://www.bcpiweb.com) or by calling 1-800-378-3160.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Document FCC 09-109 also can be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/caption.html>.

### Synopsis

1. On November 7, 2008, the Commission released *Closed Captioning of Video Programming, Closed Captioning Requirements for Digital Television Receivers*, CG Docket No. 05-231, ET Docket No. 99-254, Declaratory Ruling, Order, and Notice of Proposed Rulemaking, FCC 08-255 (*2008 Closed Captioning Order*), published at 74 FR 1594, January 13, 2009, which, among other things, requires video programming distributors to provide the Commission with contact information for the handling of immediate closed captioning concerns and written closed captioning complaints. Specifically, in a new § 79.1(i)(3) of its rules, the Commission required video programming distributors to file the required contact information with the Chief of the Disability Rights Office, Consumer and Governmental Affairs Bureau, or by sending the information to [CLOSEDCAPTIONING\\_POC@fcc.gov](mailto:CLOSEDCAPTIONING_POC@fcc.gov).

2. In anticipation of a large number of submissions and volume of information the Commission expects to receive, it has established an electronic webform as an additional method by which video programming distributors may submit their contact information to the Commission. To submit their contact information in this manner, video programming distributors will enter contact information in specific fields and, once submitted, this information will be available almost immediately for online searching by the public. This approach will promote compliance with the rule by facilitating the submission and availability of complete and accurate contact information. While video programming distributors may use any of the three methods described in § 79.1(i)(3), the Commission encourages video programming distributors to submit their contact information through this online, self-service webform. Because this additional method of providing contact information was not provided for in the *2008 Closed Captioning Order* or in § 79.1(i)(3) of the Commission's rules, the Commission is amending § 79.1(i)(3)