

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add a temporary § 165.T07–0001 to read as follows:

**§ 165.T07–0001 Safety Zone; Myrtle Beach Triathlon, Atlantic Intracoastal Waterway, Myrtle Beach, SC.**

(a) *Regulated Area.* The following regulated area is a safety zone. All waters of the Atlantic Intracoastal Waterway encompassed within an imaginary line connecting the following points: starting at Point 1 in position 33°45'35" N, 78°49'42" W; thence southeast to Point 2 in position 33°45'31" N, 78°49'39" W; thence northeast to Point 3 in position 33°45'57" N, 78°48'57" W; thence northeast to Point 4 in position 33°46'00" N, 78°48'57" W; thence southwest back to origin. All coordinates are North American Datum 1983.

(b) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels

receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date and Enforcement Periods.* This rule is effective from 6 a.m. on October 8 through 11:59 a.m. on October 9, 2011. This rule will be enforced daily from 6 a.m. until 11:59 a.m. on October 8, 2011 through October 9, 2011.

Dated: June 16, 2011.

**M. F. White,**

*Captain, U.S. Coast Guard, Captain of the Port Charleston.*

[FR Doc. 2011–16098 Filed 6–27–11; 8:45 am]

**BILLING CODE 9110–04–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 80**

**[EPA–HQ–OAR–2010–0133; FRL–9425–6]**

**RIN 2060–AQ76**

**Regulation of Fuels and Fuel Additives: 2012 Renewable Fuel Standards; Public Hearing**

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

**ACTION:** Announcement of public hearing.

**SUMMARY:** The EPA is announcing a public hearing to be held for the proposed rule “Regulation of Fuels and Fuel Additives: 2012 Renewable Fuel Standards,” which EPA intends to publish separately in the **Federal Register** at a future date. The hearing will be held in Washington, DC on July 12, 2011.

In a separate notice of proposed rulemaking EPA will be proposing amendments to the renewable fuel standard program regulations to establish annual standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and renewable fuels that would apply to all gasoline and diesel produced in the U.S. or imported in the year 2012. In addition, the separate proposal includes a proposed cellulosic biofuel applicable volume for 2012 and an applicable volume of biomass-based diesel that would apply in 2013.

**DATES:** The public hearing will be held on July 12, 2011 at the location noted below under **ADDRESSES**. The hearing will begin at 9 a.m. and end when all

parties present who wish to speak have had an opportunity to do so. Parties wishing to testify at the hearing should notify the contact person listed under **FOR FURTHER INFORMATION CONTACT** by July 1, 2011. Additional information regarding the hearing appears below under **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The hearing will be held at the following location: Washington Marriott at Metro Center, 775 12th Street NW., Washington, DC 20005–3901.

When the proposed rule is published in the **Federal Register**, a complete set of documents related to the proposal will be available for public inspection at the EPA Docket Center, located at 1301 Constitution Avenue, NW., Room 3334, Washington, DC between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Documents will also be available through the electronic docket system at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4131; Fax number: (734) 214–4816; E-mail address: [macallister.julia@epa.gov](mailto:macallister.julia@epa.gov).

**SUPPLEMENTARY INFORMATION:** The proposal for which EPA is holding the public hearing will be published separately in the **Federal Register**.

*Public Hearing:* The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposal (which can be found at <http://www.epa.gov/otaq/fuels/renewablefuels/index.htm>). The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments must be received by the last day of the comment period, as specified in the proposal.

The public hearing will be held on July 12, 2011 at the location noted under **ADDRESSES**, and will begin at 9 a.m. and end when all parties present who wish to speak have had an opportunity to do so. Those wishing to testify at the public hearing should register in advance by notifying the contact person listed under **FOR FURTHER INFORMATION CONTACT** by July 1, 2011.

A verbatim transcript of the hearing and copies of written statements will be included in the rulemaking docket.

**How can I get copies of this document, the proposed rule, and other related information?**

The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2010-0133. The EPA has also developed a Web site for the RFS program, including the notice of proposed rulemaking, at the address given above. Please refer to the notice of proposed rulemaking for detailed information on accessing information related to the proposal.

Dated: June 16, 2011.

**Margo Tsirigotis Oge,**

*Director, Office of Transportation and Air Quality, Office of Air and Radiation.*

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**BILLING CODE 6560-50-P**

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 8, 12, 15, 42, and 49**

[**FAR Case 2009-042; Docket 2011-0087; Sequence 1**]

**RIN 9000-AM09**

**Federal Acquisition Regulation; Documenting Contractor Performance**

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to provide Governmentwide standardized past performance evaluation factors and performance ratings, and to require all past performance information be entered into the Contractor Performance Assessment Reporting System (CPARS), the Governmentwide past performance feeder system.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat at one of the addressees shown below on or before August 29, 2011 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to FAR Case 2009-042 by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "FAR Case 2009-042" under the heading "Enter Keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "FAR Case 2009-042." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "FAR Case 2009-042" on your attached document.

- *Fax:* (202) 501-4067.

- *Mail:* General Services

Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1275 First Street, NE., 7th Floor, Washington, DC 20417.

*Instructions:* Please submit comments only and cite FAR Case 2009-042, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Curtis E. Glover, Sr., Procurement Analyst, at (202) 501-1448 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite FAR Case 2009-042.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

DoD, GSA, and NASA are proposing to amend the FAR because the Office of Federal Procurement Policy (OFPP) requested that FAR parts 8, 12, 15, 42, and 49 be revised to include recommendations from the Government Accountability Office Report GAO-09-374, *Better Performance Information Needed to Support Agency Contract Award Decisions* and OFPP's memorandum dated July 29, 2009, *Improving the Use of Contractor Performance Information*. These changes provide Governmentwide standardized evaluation factors and rating scales for the evaluation of contractor performance in the FAR. The FAR change also incorporates policy guidance outlined in OFPP's memorandum dated January 21, 2011, *Improving Contractor Past Performance Assessment: Summary of the Office Of Federal Procurement Policy Review, and Strategies for Improvement*. Up until September 30, 2010, agencies had the option of using various past performance reporting feeder systems such as the Department of Health and Human Services (DHHS), National Institutes of Health's (NIH) Contractor

Performance System (CPS), the Department of Defense's Contractor Performance Assessment Reporting System (CPARS), and other agency systems to report their evaluations into the Governmentwide Past Performance Information Retrieval System (PPIRS), each of which included different evaluation factors and rating scales. With the need to standardize past performance reporting practices and to enhance reporting metrics, the Government transitioned to one past performance feeder system, CPARS. DHHS/NIH, OFPP, and the DoD CPARS program office reached a decision not to revamp the CPS and to officially end service to all customers on September 30, 2010. See NIH's complete message on their Web site at <https://cps.nih.gov>. Agencies using CPS transitioned to CPARS. Agencies currently using other systems must prepare to transition to CPARS in the near future. Agencies' migration to CPARS, one feeder system into PPIRS, presented an opportune time to standardize the evaluation factors and rating scales for the evaluation of contractor performance.

The proposed FAR revisions include the following:

(1) Addition of language in FAR 42.1501 to provide for the use of CPARS as the Governmentwide past performance information feeder system into PPIRS.

(2) Revision of FAR 42.1502 to move the language in paragraph (a) "The content of the evaluations should be tailored to the size, content, and complexity of the contractual requirements", to FAR 42.1503(b).

(3) Addition of language in FAR 42.1503 to provide for Governmentwide standard evaluation factors and a five scale rating system, which reflects the rating definitions contained in the CPARS Policy Guide. Also, incentive-fee and award-fee contract performance ratings will be entered into CPARS.

(4) References to FAR part 42 changes in FAR part 8, 12, and 15.

This proposed rule is a follow on to two previous FAR rules FAR Case 2006-022, *Contractor Performance Information* (74 FR 31557) published July 1, 2009, and FAR Case 2008-016, *Termination for Default Reporting* (75 FR 60258) published September 29, 2010. FAR Case 2006-022 established thresholds for contractor performance assessments. FAR Case 2008-016 required the submission of contractor performance assessments for defective cost or pricing data and terminations for default or cause.