

[www.regulations.gov](http://www.regulations.gov) or in hard copy at the RCRA Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the RCRA Docket is (202) 566-0270.

**FOR FURTHER INFORMATION CONTACT:** Lyn Luben, Office of Resource Conservation and Recovery (5305P), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: 703-308-0508; fax number: 703-308-7903; e-mail address: [luben.lyn@epa.gov](mailto:luben.lyn@epa.gov).

**SUPPLEMENTARY INFORMATION:**

On August 8, 2011, the U.S. Environmental Protection Agency (EPA or the Agency) published a proposed rule to revise the regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to conditionally exclude carbon dioxide (CO<sub>2</sub>) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO<sub>2</sub> streams meet certain conditions. 76 FR 48073. Today's correction notice is necessary because EPA published incorrect burden estimates in the preamble to the proposed rule. See Section VII.B. of the preamble (Paperwork Reduction Act). 76 FR at 48090-91. EPA notes, however, that the correct burden estimates were in the Information Collection Request (ICR) document prepared by EPA, submitted for approval to the Office of Management and Budget under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.*, and placed into the docket for the August 8, 2011 proposed rule (EPA-HQ-RCRA-2010-0695). The ICR was assigned EPA ICR number 2421.01. The statement in the preamble referenced above, which begins with "EPA estimates \* \* \*" in the first full paragraph of the first column on page 48091, should read as follows:

"EPA estimates the total annual burden to respondents under the new paperwork requirements to be 27 hours and \$2,287. However, EPA also estimates an annual burden savings under the existing RCRA subtitle C paperwork requirements of 103 hours and \$8,497. Thus, this would result in a net annual savings of 76 hours and \$6,210. The bottom-line burden savings over three years is estimated to be 228 hours and \$18,630." The remainder of this paragraph is unchanged.

The public is invited to comment on this technical correction notice and/or

the supporting ICR document (EPA ICR number 2421.01). The public docket for this rule (EPA-HQ-RCRA-2010-0695) includes the full ICR document. Please submit any comments related to this technical correction notice and/or the full ICR document to both EPA and OMB. EPA is allowing for comments on this technical correction notice and/or the supporting ICR document to be submitted up to 30 days after the publication of this technical correction notice in the **Federal Register** (see **DATES** section above), but is not changing the October 7, 2011 deadline for any non-ICR related comments on the August 8, 2011 proposed rule. The final rule will respond to any comments on the information collection requirements contained in this technical correction notice.

**List of Subjects**

*40 CFR Part 260*

Environmental protection, Administrative practice and procedure, Hazardous waste, Reporting and recordkeeping requirements.

*40 CFR Part 261*

Environmental protection, Hazardous waste, Solid waste, Recycling.

Dated: September 2, 2011.

**Mathy Stanislaus,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. 2011-23156 Filed 9-8-11; 8:45 am]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**46 CFR Parts 2, 15, 136, 137, 138, 139, 140, 141, 142, 143, and 144**

**[Docket No. USCG-2006-24412]**

**RIN 1625-AB06**

**Inspection of Towing Vessels**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of public meetings; request for comments.

**SUMMARY:** The Coast Guard announces a series of public meetings to receive comments on a notice of proposed rulemaking (NPRM) entitled "Inspection of Towing Vessels" that was published in the **Federal Register** on August 11, 2011. As stated in that document, the regulations proposed in the NPRM would establish safety regulations governing the inspection, standards, and safety management systems of towing

vessels. The proposal includes provisions covering: Specific electrical and machinery requirements for new and existing towing vessels, the use and approval of third-party auditors and surveyors, and procedures for obtaining Certificates of Inspection. Without making a specific proposal in the NPRM regarding potential requirements for hours of service or crew endurance management for mariners aboard towing vessels, the Coast Guard also welcomes comments on these two important issues, which are discussed in the NPRM.

**DATES:** Public meetings will be held on the following dates to provide an opportunity for oral comments:

- Tuesday, October 18, 2011, in Newport News, VA, from 9 a.m. until 5 p.m.;
- Monday, October 24, 2011, in St. Louis, MO, from 9 a.m. until 5 p.m.;
- Wednesday, October 26, 2011, in New Orleans, LA, from 9 a.m. until 5 p.m.;
- Wednesday, November 16, 2011, in Seattle, WA, from 9 a.m. until 5 p.m.

Written comments and related material may also be submitted to Coast Guard personnel specified at those meetings for inclusion in the official docket for this rulemaking. The comment period for the NPRM closes on December 9, 2011. All comments and related material submitted after the meeting must either be submitted to our online docket via <http://www.regulations.gov> on or before December 9, 2011, or reach the Docket Management Facility by that date.

**ADDRESSES:** The public meetings will be held at the following locations:

- Tuesday, October 18, 2011—Point Plaza Suites at City Center, 950 J. Clyde Morris Blvd., Newport News, VA 23601.
- Monday, October 24, 2011—Crowne Plaza (Downtown), 200 N. Fourth Street, St. Louis, MO 63102.
- Wednesday, October 26, 2011—Crowne Plaza (New Orleans-Airport), 2829 Williams Blvd., Kenner, LA 70062.
- Wednesday, November 16, 2011—Hotel 1000, 1000 First Avenue, Seattle, WA 98104.

Live Webcasts (audio and video) of the four public meetings will also be broadcast online. The Web site for viewing those Webcasts can be found at <http://www.Towingvesselregs.us>. The Webcasts will only enable those using this feature to view the proceedings—it will not allow them to make remarks to those participating in the meetings in person.

As long as they are received by December 9, 2011, you may submit written comments identified by docket

number USCG–2006–24412 before or after the meetings using any one of the following methods:

- *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the instructions for submitting comments (this is the preferred method to avoid delays in processing).

- *Fax*: 202–493–2251.

- *Mail*: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

- *Hand delivery*: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The telephone number is 202–366–9329. To avoid duplication, please use only one of these four methods. Our online docket for this rulemaking is available on the Internet at <http://www.regulations.gov> under docket number USCG–2006–2441.

**FOR FURTHER INFORMATION CONTACT:** If you have questions concerning the meeting or the proposed rule, please call or e-mail Michael Harmon, Project Manager, CGHQ–1210, Coast Guard, telephone 202–372–1427, e-mail: [Michael.J.Harmon@uscg.mil](mailto:Michael.J.Harmon@uscg.mil). If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

The Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** on August 11, 2011 (69 FR 49976; <http://www.gpo.gov/fdsys/pkg/FR-2011-08-11/pdf/2011-18989.pdf>), entitled “Inspection of Towing Vessels.” In it we stated our intention to hold public meetings, and to publish a notice announcing the locations and dates. This document is the notice of those meetings.

The Coast Guard and Maritime Transportation Act of 2004 (CGMTA 2004), Public Law 108–293, 118 Stat. 1028, (Aug. 9, 2004), established new authorities for towing vessels, including Section 415, which added towing vessels, as defined in section 2101 of title 46, United States Code (U.S.C.), as a class of vessels that are subject to safety inspections under chapter 33 of that title (*Id.* at 1047).

In the NPRM published on August 11, 2011, the Coast Guard proposes to establish safety regulations governing the inspection of, and standards and safety management systems for, towing vessels. The proposal includes

provisions covering: Specific electrical and machinery requirements for new and existing towing vessels, the use and approval of third-party auditors and surveyors, and procedures for obtaining Certificates of Inspection. The intent of the proposed rulemaking is to promote safer work practices and reduce casualties on towing vessels by requiring that towing vessels adhere to prescribed safety standards and safety management systems or to an alternative, annual Coast Guard inspection regime.

Without making a specific proposal in the NPRM, the Coast Guard also seeks additional data, information and public comment on potential requirements for hours of service or crew endurance management for mariners aboard towing vessels. The Coast Guard would later request public comment on specific hours of service or crew endurance management regulatory text if it seeks to implement such requirements.

You may view the NPRM in our online docket (document number USCG–2006–24412–0001), in addition to supporting documents prepared by the Coast Guard (including the Preliminary Regulatory Analysis and Initial Regulatory Flexibility Analysis, document number USCG–2006–24412–0002), other supplemental material, and comments submitted thus far by going to <http://www.regulations.gov>. Once there, insert USCG–2006–24412 or the document number in the Keyword ID box, press Enter, and then click on the item you are interested in viewing. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

We encourage you to participate in this rulemaking by submitting comments either orally at the meeting or in writing. If you bring written comments to the meeting, you may submit them to Coast Guard personnel specified at the meeting to receive written comments. These comments will be submitted to our online public docket. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

Anyone can search the electronic form of comments received into any of our dockets by the name of the

individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the public meetings, contact Michael Harmon at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

#### Public Meetings

As stated in the **ADDRESSES** section, the Coast Guard will hold public meetings regarding its Inspection of Towing Vessels proposed rule on the following dates at the stated locations:

- Tuesday, October 18, 2011—Point Plaza Suites at City Center, 950 J. Clyde Morris Blvd., Newport News, VA 23601.
- Monday, October 24, 2011—Crowne Plaza (Downtown), 200 N. Fourth Street, St. Louis, MO 63102.
- Wednesday, October 26, 2011—Crowne Plaza (New Orleans-Airport), 2829 Williams Blvd., Kenner, LA 70062.
- Wednesday, November 16, 2011—Hotel 1000, 1000 First Avenue, Seattle, WA 98104.

Each meeting will be conducted from 9 a.m. until 5 p.m., with a planned lunch break for approximately 60 to 90 minutes at a convenient point during the commenting period. The Coast Guard may conclude a meeting early if at any time after 1 p.m. all persons present at a meeting who wish to submit oral comments have done so.

Live Webcasts (audio and video) of the four public meetings will also be broadcast online. The Web site for viewing those Webcasts can be found at <http://www.Towingvesselregs.us>. The Webcasts will only enable those using this feature to view the proceedings—it will not allow Webcast viewers to make remarks to those participating in the meetings in person.

We plan to make an audio recording of the meetings available through a link in our online docket. We also plan to provide a written summary of oral comments presented at the meetings and will place those summaries in the docket.

Dated: September 2, 2011.

**R.C. Proctor,**

*Acting Director of Commercial Regulations and Standards.*

[FR Doc. 2011-23053 Filed 9-8-11; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**48 CFR Parts 1, 2, 4, 12, 14, 15, 19, 22, 26, 52, and 53**

[FAR Case 2009-016; Docket 2011-0090; Sequence 1]

RIN 9000-AM05

#### **Federal Acquisition Regulation; Constitutionality of Federal Contracting Programs for Minority-Owned and Other Small Businesses**

**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 address the impact of the decision in *Rothe Development Corporation vs. the DoD and the U.S. Department of the Air Force (USAF)* on small disadvantaged business concerns and certain institutions of higher education.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat at one of the addresses shown below on or before November 8, 2011 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to FAR Case 2009-016 by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "FAR Case 2009-016" under the heading "Enter Keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "FAR Case 2009-016." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "FAR Case 2009-016" 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 2009-016, 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. Karlos Morgan, Procurement Analyst, at (202) 501-2364, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite FAR Case 2009-016.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

In November 1998, Rothe Development Corporation (RDC) filed suit against DoD and the USAF (Rothe), in the U.S. District Court for the Western District of Texas. In its complaint, RDC challenged the constitutionality of section 1207 of the National Defense Authorization Act of 1987, Public Law 99-661 (10 U.S.C. 2323), alleging that it violated the right to equal protection under the Due Process Clause of the Fifth Amendment to the United States Constitution. RDC's initial complaint against the DoD/USAF focused on the reauthorization of section 1207 in 1992. On September 25, 2007, the U.S. District Court for the Western District of Texas entered a judgment in favor of DoD. However, RDC appealed the court's ruling and on November 4, 2008, the U.S. Court of Appeals for the Federal Circuit decided in its favor (*Rothe Dev. Corp. v. DoD*, 545 F.3d 1023 (Fed. Cir. November 4, 2008)). The U.S. Court of Appeals for the Federal Circuit found 10 U.S.C. 2323 unconstitutional. A District court decision mandated by the U.S. Court of Appeals was issued on February 27, 2009, enjoining all application of 10 U.S.C. 2323 (*Rothe Dev. Corp. v. DoD*, 606 F. Supp. 2d 648 (W.D. Tex. 2009)).

Section 1207 of the National Defense Authorization Act of 1987, Public Law 99-661, codified at 10 U.S.C. 2323, established the DoD, NASA, and the U.S. Coast Guard (USCG), Small Disadvantaged Business (SDB) Participation Program. The purpose of the program was to ensure that SDBs could fully participate in the Federal contracting process. Section 1207 provided the authority for DoD, NASA, and USCG contracting officers to apply a price adjustment of up to 10 percent to afford SDBs a competitive price advantage when competing in a full and open competition and assist in

achieving a 5 percent SDB goal. Section 1207 serves as the statutory underpinning for FAR subpart 19.11, Price Evaluation Adjustment for Small Disadvantaged Business Concerns, as well as some of FAR subpart 19.12, Small Disadvantaged Business Participation Program, and certain associated FAR clauses.

##### *A. FAR Revisions*

DoD, GSA, and NASA are proposing to amend the FAR to remove coverage at FAR subpart 19.11, FAR subpart 19.12, corresponding clauses at FAR 52.219-22, Small Disadvantaged Business Status, FAR 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns, FAR 52.219-24, Small Disadvantaged Business Participation Program—Targets, FAR 52.219-25, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting, and FAR 52.219-26, Small Disadvantaged Business Participation Program—Incentive Subcontracting, and to remove references to FAR subpart 19.11, 19.12, and corresponding clauses in FAR parts 1, 2, 4, 12, 14, 15, 19, 22, 26, 52, and 53.

Certain authorities in FAR subpart 19.12 and supporting clauses addressing the award of subcontracts to SDBs that are rooted in the Small Business Act, rather than in section 1207, were not at issue in the Rothe decision, and therefore retain their legal status. These include the authority to (1) provide monetary incentives to prime contractors to encourage subcontracting opportunities to SDBs and (2) use an evaluation factor or subfactor to evaluate the participation of small businesses as subcontractors. Because these authorities are not affected by the Rothe decision, the coverage in FAR subpart 19.12 addressing subcontracting (with the exception of the coverage at FAR 19.1202 on the use of factors or subfactors to evaluate SDB subcontract participation) has been retained but moved to FAR subpart 19.7, which already addresses subcontracting issues generally, including the use of monetary incentives to encourage subcontracting opportunities. As a result, this realignment consolidates coverage on subcontracting with small business programs in one place.

With respect to FAR 19.1202, Evaluation factor or subfactor, FAR subpart 19.7 is currently silent on its use. Nothing in this rulemaking precludes an agency from using evaluation factors and subfactors for subcontracting during source selections. The Small Business Administration's