3501 Paperwork Reduction Act, 44 U.S.C.
Management and Budget under the (ICR) document prepared by EPA, in the Information Collection Request estimates in the preamble to the EPA published incorrect burden correction notice is necessary because conditions. 76 FR 48073. Today's hazardous CO from the definition of carbon dioxide (CO) hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to conditionally exclude hazardous waste, Solid waste, Recycling.
Dated: September 2, 2011.
Mathy Stanislaus,
Assistant Administrator, Office of Solid Waste and Emergency Response.

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 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
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. on any day of the week, except Federal Holidays.

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.Towingvesselsregs.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.
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—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 or subfactors for subcontracting during source selections. The Small Business Administration’s