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**Docket:** The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Allen, EPA Region IX, (415) 947-4120, [allen.cynthia@epa.gov](mailto:allen.cynthia@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal updates the delegation tables in 40 CFR parts 60 and 61, to allow easier access by the public to the status of local jurisdictions. In the Rules and Regulations section of this **Federal Register**, we are updating these delegation tables in a direct final action without prior proposal because we believe these delegations are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: April 17, 2009.

**Allyn Stern,**

*Acting Director, Air Division, Region IX.*

[FR Doc. E9-11523 Filed 5-18-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA-R03-RCRA-2009-0196; FRL-8906-7]

### Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revisions

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

**ACTION:** Proposed rule: Correction.

**SUMMARY:** The Environmental Protection Agency published in the **Federal Register** of April 29, 2009 (74 FR 19480), a document concerning Pennsylvania's Final Authorization of State Hazardous Waste Management Program Revisions. This document corrects the Docket Number.

#### FOR FURTHER INFORMATION CONTACT:

Charles Bentley, Mailcode 3LC50, Office of State Programs, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, *Phone number:* (215) 814-3379.

#### SUPPLEMENTARY INFORMATION:

##### Correction

In the **Federal Register** of April 29, 2009 in FR Doc. E9-9790, on page 19480, the following corrections are made:

1. In the Heading of the document, the Docket Number is corrected to read "EPA-R03-RCRA-2009-0196".

2. In the sentence following "ADDRESSES:" in the second column, the docket number is corrected to read "EPA-R03-RCRA-2009-0196".

3. In the sentence following "Instructions:" in the third column, the docket number is corrected to read "EPA-R03-RCRA-2009-0196".

Dated: May 7, 2009.

**William C. Early,**

*Acting Regional Administrator, EPA Region III.*

[FR Doc. E9-11655 Filed 5-18-09; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Part 19

[FAR Case 2008-023; Docket 2009-0017; Sequence 1]

RIN 9000-AL29

### Federal Acquisition Regulation; FAR Case 2008-023, Clarification of Criteria for Sole Source Awards to Service-disabled Veteran-owned Small Business Concerns

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

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to clarify the criteria that need to be met in order to conduct a sole source Service-disabled Veteran-owned Small Business (SDVOSB) concern acquisition.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat on or before July 20, 2009 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FAR case 2008-023 by any of the following methods:

• *Regulations.gov:* <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting "FAR Case 2008-023" under the heading "Comment or Submission". Select the link "Send a Comment or Submission" that corresponds with FAR Case 2008-023. Follow the instructions provided to complete the "Public Comment and Submission Form". Please include your name, company name (if any), and "FAR Case 2008-023" on your attached document.

• *Fax:* 202-501-4067.

• *Mail:* General Services Administration, Regulatory Secretariat (VPR), 1800 F Street NW, Room 4041, ATTN: Hada Flowers, Washington, DC 20405.

**Instructions:** Please submit comments only and cite FAR case 2008-23 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:** Ms. Rhonda Cundiff, Procurement Analyst, at (202) 501-0044 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite FAR case 2008-023 in all correspondence.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The United States Government Accountability Office's (GAO) decision in the matter of MCS Portable Restroom Service, B-299291, March 28, 2007, deals in part with the issue of when a sole source SDVOSB acquisition may be conducted. In this decision, GAO notes that the plain wording of FAR 19.1406 may be unintentionally inconsistent with the Veterans Benefit Act of 2003 and the Small Business Administration regulations that implement that Act. GAO concludes the intent of the FAR language is that one criterion for a sole source award is that the contracting officer does not have a reasonable expectation that two or more SDVOSBs will submit offers. The intent of the FAR language is not that a sole source acquisition is prohibited if more than one SDVOSB that could conceivably perform the work exists.

The Councils have reviewed the language in question, FAR 19.1406(a)(1). The Councils have determined that in order to lessen the possibility of misinterpretation, the language should be revised to more closely mirror the Veterans Benefit Act of 2003 (15 U.S.C. 657f). The proposed rule contains language that was revised accordingly.

The language in FAR 19.1306(a)(1), which deals with sole source awards to HUBZone small business concerns based on 15 U.S.C. 657a(b), is currently the same as the language in FAR 19.1406(a)(1). The Councils have determined that the language in 19.1306(a)(1) should be revised in the same manner as the language in 19.1406(a)(1). The intent in both cases is that one of the criterion for making a sole source award is that the contracting officer does not reasonably expect to receive offers from two or more concerns. Not revising the language in FAR 19.1306(a)(1) to match FAR 19.1406(a)(1) will lead to confusion. There could be a presumption that the intent is to convey different meanings, when that is not the intent. Therefore, the proposed rule contains language that has been revised accordingly.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

##### B. Regulatory Flexibility Act

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this revision is being done to clarify the intent of the existing language and is not a change in policy. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR Part 19 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2008-023), in correspondence.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. Chapter 35, *et seq.*

##### List of Subjects in 48 CFR Part 19.

Government procurement.

Dated: May 12, 2009.

Al Matera,

Director, Office of Acquisition Policy.

Therefore, DoD, GSA, and NASA propose amending 48 CFR part 19 as set forth below:

#### PART 19—SMALL BUSINESS PROGRAMS

1. The authority citation for 48 CFR part 19 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Amend section 19.1306 by revising paragraphs (a) and (a)(1) to read as follows:

##### 19.1306 HUBZone sole source awards.

(a) A contracting officer may award contracts to HUBZone small business concerns on a sole source basis (see 19.501(c) and 6.302-5) without considering small business set-asides (see Subpart 19.5), provided—

(1) The contracting officer does not have a reasonable expectation that offers

would be received from two or more HUBZone small business concerns;

\* \* \* \* \*

3. Amend section 19.1406 by revising paragraphs (a)(1) and (a)(2) to read as follows:

##### 19.1406 Sole source awards to service-disabled veteran owned small business concerns.

(a) \* \* \*

(1) The contracting officer does not have a reasonable expectation that offers would be received from two or more service-disabled veteran-owned small business concerns;

(2) The anticipated award price of the contract, including options, will not exceed—

\* \* \* \* \*

[FR Doc. E9-11648 Filed 5-18-09; 8:45 am]

BILLING CODE 6820-EP-S

#### GENERAL SERVICES ADMINISTRATION

##### 48 CFR Parts 541 and 552

[GSAR Case 2008-G511; Docket 2009-0008; Sequence 1]

RIN 3090-A185

##### General Services Administration Acquisition Regulation; GSAR Case 2008-G511; Rewrite of Part 541, Acquisition of Utility Services

**AGENCY:** Office of the Chief Acquisition Officer, General Services Administration (GSA).

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to revise the section of GSAR Part 541 that provides requirements for the acquisition of utility services.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat on or before July 20, 2009 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by GSAR Case 2008-G511 by any of the following methods:

• *Regulations.gov*: <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting "GSAR Case 2008-G511" under the heading "Comment or Submission". Select the link "Send a Comment or Submission" that corresponds with GSAR Case 2008-G511. Follow the instructions provided to complete the "Public Comment and Submission Form". Please include your