

consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

#### Docket

All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at: U.S. EPA Region III, Library, 2nd Floor, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, Phone: (215) 814-5254, Business Hours: Mon. thru Fri.—8 am to 5 pm  
Letterkenny Army Depot, Building 14, Chambersburg, PA 17201-4150, POC Bryan Hoke, 717-267-9836.

#### FOR FURTHER INFORMATION CONTACT:

Gerald Hoover, Remedial Project Manager, U.S. Environmental Protection Agency, Region III, (3HS11) 1650 Arch St., Philadelphia, PA 19103-2029, (215) 814-2077

**SUPPLEMENTARY INFORMATION:** In the "Rules and Regulations" Section of today's **Federal Register**, we are publishing a direct final Notice of Partial Deletion for portions of the Letterkenny Army Depot SE and PDO Areas without prior Notice of Intent for Partial Deletion because EPA views this as a noncontroversial revision and anticipates no adverse comment. We have explained our reasons for this partial deletion in the preamble to the

direct final Notice of Partial Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this partial deletion action, we will not take further action on this Notice of Intent for Partial Deletion. If we receive adverse comment(s), we will withdraw the direct final Notice of Partial Deletion and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Partial Deletion based on this Notice of Intent for Partial Deletion. We will not institute a second comment period on this Notice of Intent for Partial Deletion. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Partial Deletion which is located in the Rules section of this **Federal Register**.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: July 12, 2010.

**William C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2010-17779 Filed 7-22-10; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF LABOR

### Office of Federal Contract Compliance Programs

#### 41 CFR Part 60-741

**RIN 1250-AA02**

#### Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Evaluation of Affirmative Action Provisions Under Section 503 of the Rehabilitation Act, as Amended

**AGENCY:** Office of Federal Contract Compliance Programs, Labor.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Office of Federal Contract Compliance Programs (OFCCP) is issuing this Advance Notice of Proposed Rulemaking (ANPRM) in order to invite the public to provide input on how OFCCP can strengthen the affirmative

action requirements of the regulations implementing section 503 of the Rehabilitation Act of 1973, as amended (Section 503). Strengthening affirmative action requirements will help increase the employment opportunities of people with disabilities in the Federal contractor sector.

**DATES:** All comments must be received on or before September 21, 2010.

**ADDRESSES:** You may submit comments, identified by RIN number 1250-AA02, by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Mail and Hand Delivery/Courier:** Barbara J. Bingham, Acting Director, Division of Policy, Planning, and Program Development, Office of Federal Contract Compliance Programs, Room N3422, 200 Constitution Avenue, NW., Washington, DC 20210.

Receipt of submissions will not be acknowledged; however, the sender may request confirmation that a submission has been received by telephoning OFCCP at (202) 693-0102 (voice) or (202) 693-1337 (TTY) (these are not toll-free numbers).

All comments received, including any personal information provided, will be available Online at <http://www.regulations.gov> and for public inspection during normal business hours at Room C-3325, 200 Constitution Avenue, NW., Washington, DC 20210. People needing assistance to review comments will be provided with appropriate aids such as readers or print magnifiers. Copies of this Advance Notice of Proposed Rulemaking will be made available in the following formats: Large print, Braille, electronic file on computer disk, and audiotape. To schedule an appointment to review the comments and/or to obtain this Advance Notice of Proposed Rulemaking in an alternate format, contact OFCCP at the telephone numbers or address listed above.

#### FOR FURTHER INFORMATION CONTACT:

Barbara J. Bingham, Acting Director, Division of Policy, Planning and Program Development, Office of Federal Contract Compliance Programs, 200 Constitution Avenue, NW., Room N3422, Washington, DC 20210. Telephone: (202) 693-0102 (voice) or (202) 693-1337 (TTY).

**SUPPLEMENTARY INFORMATION:** Federal contractors covered by section 503 of the Rehabilitation Act of 1973, as amended (Section 503)<sup>1</sup> are obligated to

<sup>1</sup> Covered contracts or subcontracts include those that exceed \$10,000, and contracts or subcontracts for indefinite quantities, unless the purchaser has

ensure equal employment opportunity for people with disabilities. In addition, Section 503 requires Federal contractors to take affirmative action to employ and advance in employment individuals with disabilities. The existing Section 503 regulations require that covered contractors:

(1) Employ nondiscriminatory employment practices;

(2) Provide reasonable accommodations to qualified job applicants and employees with disabilities;

(3) After a job offer is extended but before employment begins, invite job applicants to voluntarily and confidentially self-identify as to whether or not they have a disability in order to benefit from any affirmative action programs covered contractors may have;

(4) Maintain personnel and employment records; and

(5) For those contractors and subcontractors with 50 or more employees and a contract of \$50,000 or more, develop and maintain a written affirmative action program (AAP). Further information about the current Section 503 regulatory requirements may be found at [http://www.dol.gov/ofccp/regs/compliance/ca\\_503.htm](http://www.dol.gov/ofccp/regs/compliance/ca_503.htm).

Section 503 regulations promote equal employment opportunity for applicants and employees with disabilities, yet the percentage of people with disabilities *not* in the labor force as well as the unemployment rate of people with disabilities are high. According to recent data from the U.S. Department of Labor's Bureau of Labor Statistics, the percentage of people with disabilities in the labor force in March 2010 was 22.5 compared with 70.2 for persons with no disability. The unemployment rate for those with disabilities was 13.9 percent, compared with 10.1 percent for persons with no disability, not seasonally adjusted. Regulations implementing Section 503 have not undergone a comprehensive review and revision since May 1, 1996. It is time for OFCCP to reexamine its affirmative action provisions under Section 503 to make them more effective and to help ensure that more people with disabilities are employed and are given the opportunity to advance in employment in the Federal contracting labor force.

Determining how covered contractors can effectively increase employment opportunities for people with disabilities requires an understanding of the range of successful evidence-based practices employers use to recruit, hire,

retain, and advance people with disabilities in employment. Among the key factors in measuring progress in this area is the existence of current and discrete statistical information that is valid and reliable. In an effort to enhance the affirmative action provisions under Section 503, OFCCP is considering adopting measures similar to those required under the Executive Order 11246 program for supply and service contractors. Under that program, covered contractors are required, among other things, to compare the percentage of women and minorities in each job group at an establishment with the availability of women and minorities to work in the job group. Availability is a percentage estimate of those women and minorities who are qualified for employment in the job group within the relevant recruitment area. Contractors typically rely on Census Bureau data, state employment service data, and college graduation data in developing their availability factors.

Before publishing a proposed regulation, OFCCP seeks comments from members of the public on the issues under consideration to assist with making informed decisions regarding proposed regulatory changes. As a first step towards this goal, OFCCP conducted a Web based listening session and three Town Hall listening sessions in Chicago, San Francisco and New Orleans offering information on how interested stakeholders could participate in the official rulemaking process, and providing an opportunity for stakeholders to offer suggestions and recommendations for strengthening the equal employment opportunity and affirmative action requirements of Section 503. In developing a notice of proposed rulemaking to amend the Section 503 regulations, OFCCP will consider comments elicited in those listening sessions and information provided in response to this ANPRM.

The second step towards publishing a notice of proposed rulemaking is to request comments and data from the public on the following issues.

#### Request for Comments

OFCCP is seeking public comment on the following inquiries:

1. How can the affirmative action requirements of Section 503 be strengthened to measurably increase employment opportunities of covered contractors for individuals with disabilities? If available, include examples or information illustrating the effectiveness of the suggested new requirements.

2. What measures have contractors and subcontractors taken to fulfill the

current affirmative action requirements of Section 503? How much did these measures cost?

3. What barriers currently impede Federal contractors from hiring people with disabilities?

4. Are there changes that could be made to the existing language on permissible qualifications standards<sup>2</sup> that would better ensure equal employment opportunities for individuals with disabilities?

5. If OFCCP were to require Federal contractors to conduct utilization analyses and to establish hiring goals for individuals with disabilities, comparable to the analyses and establishment of goals required under the regulations implementing Executive Order 11246, what data should be examined in order to identify the appropriate availability pool of such individuals for employment?

6. Would the establishment of placement goals for individuals with disabilities measurably increase their employment opportunities in the Federal contractor sector? Explain why or why not.

7. What experience have Federal contractors had with respect to disability employment goals programs voluntarily undertaken or required by state, local or foreign governments?

8. What specific employment practices have been verifiably effective in recruiting, hiring, advancing, and retaining individuals with disabilities?

9. To what extent does workplace flexibility, including flexibility in work schedules, as well as job-protected leave, impact recruitment and retention of individuals with disabilities?

10. Has training of employees and/or managers been effective in increasing advancement and/or retention of individuals with disabilities? If so, how?

11. Federal contractors are required to invite all job applicants to voluntarily and confidentially identify their race and gender pre-offer. The collection of this information allows contractors to monitor the impact of their employment practices by race and gender and to assess progress in meeting their affirmative action goals. Existing Section 503 regulations require contractors to invite applicants to voluntarily and confidentially self-identify as a person with a disability after making an offer of employment but before the applicant begins employment. (*See* 41 CFR 60-741.42(a).) Would amending the Section 503

<sup>2</sup> 41 CFR 60-741.44b & c—Required contents of affirmative action programs. To view, go to [http://www.dol.gov/dol/allcfr/Title\\_41/Part\\_60-741/41CFR60-741.44.htm](http://www.dol.gov/dol/allcfr/Title_41/Part_60-741/41CFR60-741.44.htm).

reason to believe that the cost in any one year will not exceed \$10,000.

regulations to require contractors to invite all applicants to voluntarily and confidentially self-identify if they have a disability prior to an offer of employment enhance a federal contractor's ability to more effectively monitor their hiring practices with respect to applicants with disabilities? Note that a Section 503 regulation requiring contractors to invite voluntary and confidential self-identification as an applicant with a disability pre-offer for affirmative action purposes would not violate the Americans with Disabilities Act. 29 CFR 1630.15(e); Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations (EEOC Notice Number 915.002, October 10, 1995).

12. How can linkage agreements between Federal contractors and organizations that focus on the employment of individuals with disabilities be strengthened to increase effectiveness? Do linkage agreements have better outcomes when higher level company officials are responsible for their implementation/execution? Include examples of cooperative agreements between employers and disability or community recruitment organizations that have been helpful in hiring persons with disabilities.

13. What impact would result from requiring that Federal contractors and subcontractors make information and communication technology used by job applicants in the job application process, and by employees in connection with their employment fully accessible and usable by individuals with disabilities?<sup>3</sup> What are the specific costs and/or benefits that might result from this requirement?

14. What other specific changes to the Section 503 regulations might improve the recruitment, hiring, retention, and advancement of individuals with disabilities by Federal contractors?

15. *Regulatory Flexibility Act*—Consistent with the Regulatory Flexibility Act, the Department must consider the impacts of any proposed rule on small entities, including small businesses, small nonprofit organizations and small governmental jurisdictions with populations under 50,000. In response to this ANPRM, the Department encourages small entities to provide data on how additional

requirements under Section 503 may impact them.

16. OFCCP seeks public comment on the types of small entities and any estimates of the numbers of small entities that may be impacted by this rule.

17. OFCCP seeks public comment on the potential costs of additional 503 requirements on small entities.

18. OFCCP seeks public comment on any possible alternatives to the proposed measures that would allow the agency to achieve their regulatory objectives while minimizing any adverse impact to small businesses.

OFCCP encourages any interested party to comment on these questions.

**Patricia A. Shiu,**

*Director, Office of Federal Contract Compliance Programs.*

[FR Doc. 2010-18104 Filed 7-22-10; 8:45 am]

**BILLING CODE 4510-CM-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 0912021424-0287-02]

**RIN 0648-AY42**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska License Limitation Program

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

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

**SUMMARY:** NMFS proposes regulations to implement Amendment 86 to the Fishery Management Plan for Groundfish of the Gulf of Alaska. This proposed action would add a Pacific cod endorsement on licenses issued under the License Limitation Program (LLP) in specific management areas if those licenses have been used on vessels that met minimum recent landing requirements using non-trawl gear, commonly known as fixed gear. This proposed action would exempt vessels that use jig gear from the requirement to hold an LLP license, modify the maximum length designation on a specific set of fixed gear licenses, and allow entities representing specific communities to receive a limited number of fixed-gear licenses with Pacific cod endorsements. This proposed action is intended to promote

the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Fishery Management Plan, and other applicable law.

**DATES:** Comments must be received no later than September 7, 2010.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by "0648-AY42", by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal Web site at <http://www.regulations.gov>.

- *Mail:* P.O. Box 21668, Juneau, AK 99802.

- *Fax:* 907-586-7557.

- *Hand delivery to the Federal Building:* 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule may be submitted to NMFS at the above address, e-mailed to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or faxed to 202-395-7285.

Copies of Amendment 86, the Environmental Assessment (EA), Regulatory Impact Review (RIR), and the Initial Regulatory Flexibility Analysis (IRFA) for this action are available from the Alaska Region Web site at <http://www.alaskafisheries.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Glenn Merrill, 907-586-7228.

**SUPPLEMENTARY INFORMATION:**

#### Background on the License Limitation Program

National Marine Fisheries Service (NMFS) manages the groundfish fisheries in the exclusive economic zone (EEZ) of the Bering Sea and Aleutian Islands Management Area (BSAI) and the Gulf of Alaska (GOA) under the

<sup>3</sup> For example, requiring that contractors ensure that application and testing kiosks are fully accessible and usable by individuals with disabilities, and that contractors strive to ensure that their Internet and Intranet Web sites satisfy the United States Access Board's accessibility standards for technology used by the Federal Government and subject to section 508 of the Rehabilitation Act.