

MSHA has received a subsequent request to further extend the comment period to allow time for NIOSH to finalize the studies and to provide a period for review. In response to this request, MSHA is extending the comment period to June 2, 2014.

Dated: December 4, 2013.

**Joseph A. Main,**

*Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 2013-29306 Filed 12-4-13; 4:15 pm]

BILLING CODE 4510-43-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2013-0650; FRL-9903-77-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; State Boards Requirements

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Maryland for the purpose of addressing the State Boards' requirements for all criteria pollutants of the National Ambient Air Quality Standards (NAAQS). In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by January 6, 2014.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2013-0650 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. *Email:* fernandez.cristina@epa.gov.

C. *Mail:* EPA-R03-OAR-2013-0650, Cristina Fernandez, Associate Director,

Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-R03-OAR-2013-0650. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *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 email comment directly to EPA without going through *www.regulations.gov*, your email 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 electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

**FOR FURTHER INFORMATION CONTACT:** Ruth Knapp, (215) 814-2191, or by email at *knapp.ruth@epa.gov*.

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: November 14, 2013.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2013-28955 Filed 12-5-13; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 211, 212, and 232

RIN 0750-A113

#### Defense Federal Acquisition Regulation Supplement: Application of Certain Clauses to Acquisitions of Commercial Items (DFARS Case 2013-D035)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Proposed rule.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the applicability of two clauses to acquisitions of commercial items.

**DATES:** *Comment Date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before February 4, 2014, to be considered in the formation of a final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2013-D035, using any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by entering "DFARS Case 2013-D035" under the heading "Enter keyword or

ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "DFARS Case 2013–D035." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "DFARS Case 2013–D035" on your attached document.

• *Email:* [dfars@mail.mil](mailto:dfars@mail.mil). Include DFARS Case 2013–D035 in the subject line of the message.

• *Fax:* 571–372–6094.

• *Mail:* Defense Acquisition Regulations System, Attn: Ms. Susan C. Williams, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Susan C. Williams, Defense Acquisition Regulations System, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6092; facsimile 571–372–6101.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DoD is proposing to revise DFARS part 212, Acquisition of Commercial Items, to clarify the applicability of DFARS 252.211–7008, Use of Government-Assigned Serial Numbers, and DFARS 252.232–7006, Wide Area WorkFlow Payment Instructions, to acquisitions of commercial items by adding them to the list at 212.301(f) and revising the clause prescriptions to require their inclusion in solicitations and contracts for acquisitions of commercial items using FAR part 12 procedures.

DFARS 252.211–7008 is not listed for use in commercial acquisitions at 212.301(f); nor does the clause prescription at 211.274–6(c) address applicability to commercial item acquisitions. DFARS 252.211–7008 is prescribed for use in solicitations and contracts that include the clause at DFARS 252.211–7003, Item Identification and Valuation, and that also require the contractor to mark major end items (211.274–6(c)). DFARS 252.211–7003 is required to be included in solicitations and contracts for commercial items (see DFARS 212.301(f) and 211.274–6(a)(1)).

DFARS 252.232–7006 is prescribed for use when DFARS 252.232–7003 is used, unless the circumstances of 232.7003(b) or (c) apply (232.7004(b)). DFARS 252.232–7003 is required to be included in solicitations and contracts for commercial items except under limited circumstances provided in 232.7002(a) (see DFARS 212.301(f) and 232.7004(a)).

##### II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

##### III. Regulatory Flexibility Act

DoD does 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 rule merely provides explicit clarification of the applicability of DFARS 252.211–7008, Use of Government-Assigned Serial Numbers, and DFARS 252.232–7006, Wide Area WorkFlow Payment Instructions, to acquisitions of commercial items. Nevertheless, an initial regulatory flexibility analysis has been performed and is summarized as follows:

DFARS part 212, Acquisition of Commercial Items, is being revised to clarify the applicability of DFARS 252.211–7008, Use of Government-Assigned Serial Numbers, and DFARS 252.232–7006, Wide Area WorkFlow Payment Instructions, to acquisitions of commercial items by adding them to the list at 212.301(f) and revising the clause prescriptions to specifically include them in solicitations and contracts for acquisitions using FAR part 12 procedures.

According to the Federal Procurement Data System, in Fiscal Year 2012, DoD made approximately 95,000 contract awards (not including modifications and orders) that exceeded the micro-purchase threshold, using FAR part 12

procedures, of which approximately 60,000 (63%) were awarded to about 35,000 unique small business entities. This rule is likely to have a slightly positive impact because the additional clarity will help contracting officers and small businesses to better understand DoD's requirements. This rule does not add any information collection requirements. The rule does not duplicate, overlap, or conflict with any other Federal rules. Also, no alternatives were identified that will accomplish the objectives of the rule.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2013–D35), in correspondence.

##### IV. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

##### List of Subjects in 48 CFR Parts 211, 212, and 232

Government procurement.

##### Manuel Quinones,

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 211, 212, and 232 are proposed to be amended as follows:

- 1. The authority citation for parts 211, 212, and 232 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

##### PART 211—DESCRIBING AGENCY NEEDS

- 2. In section 211.274–6, paragraph (c) introductory text is revised to read as follows:

##### 211.274–6 Contract clauses.

\* \* \* \* \*

(c) Use the clause at 252.211–7008, Use of Government-Assigned Serial Numbers, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that—

\* \* \* \* \*

## PART 212—ACQUISITION OF COMMERCIAL ITEMS

- 3. Amend section 212.301 by—
- a. Redesignating—
- i. Paragraphs (f)(l) through (lxviii) as (f)(lii) through (lxx);
- ii. Paragraphs (f)(xii) through (xlix) as (f)(xiii) through (l).
- b. Adding new paragraphs (f)(xii) and (li).

The additions read as follows:

### 212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) \* \* \*

(xii) Use the clause at 252.211–7008, Use of Government-Assigned Serial Numbers, as prescribed in 211.274–6(c).

(li) Use the clause at 252.232–7006, Wide Area WorkFlow Payment Instructions, as prescribed in 232.7004(b).

\* \* \* \* \*

## PART 232—CONTRACT FINANCING

- 4. In section 232.7004, revise the section heading and paragraph (b) to read as follows:

### 232.7004 Contract clauses.

\* \* \* \* \*

(b) Use the clause at 252.232–7006, Wide Area WorkFlow Payment Instructions, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, when 252.232–7003 is used and neither 232.7003(b) nor (c) apply. See PGI 232.7004 for instructions on completing the clause.

[FR Doc. 2013–29156 Filed 12–5–13; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Part 225

RIN 0750–A111

### Defense Federal Acquisition Regulation Supplement: Domestically Nonavailable Articles—Elimination of DoD-Unique List (DFARS Case 2013–D020)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Proposed rule.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition

Regulation Supplement (DFARS) to remove the DoD-unique list of nonavailable articles because these items have been found to be either available domestically or are not used by DoD.

**DATES:** *Comment date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before February 4, 2014, to be considered in the formation of a final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2013–D020, using any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by entering “DFARS Case 2013–D020” under the heading “Enter keyword or ID” and selecting “Search.” Select the link “Submit a Comment” that corresponds with “DFARS Case 2013–D020.” Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “DFARS Case 2013–D020” on your attached document.
- *Email:* [dfars@mail.mil](mailto:dfars@mail.mil). Include DFARS Case 2013–D020 in the subject line of the message.
- *Fax:* 571–372–6094.
- *Mail:* Defense Acquisition Regulations System, Attn: Lee Renna, OUSD (AT&L) DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Lee Renna, Defense Acquisition Regulations System, OUSD (AT&L) DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6095; facsimile 571–372–6101.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DoD is proposing to revise the DFARS to remove section 225.104 in its entirety, because the articles currently listed no longer qualify as an exception to the Buy American statute (41 U.S.C. section 8302(a)), on the basis of their nonavailability.

##### II. Discussion and Analysis

DoD has determined that domestic aluminum-clad steel wire available in

the United States meets the two-part test used at FAR 25.101(a) to define a domestic end product, i.e., this item is known to be manufactured in the United States and the cost of the domestic components in this item exceed 50 percent of the sum total cost of the components of the product. In addition, the domestic sources that supply this item are capable of meeting 50 percent or more of the total U.S. Government and nongovernment demand, as required by FAR 25.103(1).

Sperm oil is not used by DoD. Sperm oil is obtained from sperm whales, which are listed in 50 CFR section 17.11 as an endangered species; therefore, in accordance with the Endangered Species Act of 1973 (16 U.S.C. sections 1531–1544), it is unlawful to engage in any activity that could bring harm to these animals. It is possible to obtain “pre-Act” sperm oil, i.e., sperm oil, including derivatives thereof, which was lawfully held within the United States on or before December 28, 1973; however, as previously stated, DoD does not use this product in any application.

#### III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

#### IV. Regulatory Flexibility Act

DoD does 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 the rule is removing the DoD-unique list of nonavailable articles that have been found to be either available domestically or are not used by DoD. Of the two items on the list, aluminum-clad steel is produced and available in the United States, and DoD does not use sperm oil. However, an initial regulatory flexibility analysis has been performed and is summarized as follows: