

Dated: October 14, 2014.

**Daniel J. Rosenblatt,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

## PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, alphabetically add the following polymers to the table to read as follows:

**§ 180.960 Polymers; exemptions from the requirement of a tolerance.**

\* \* \* \* \*

Polymer	CAS No.
* * *	* * *
Polyoxyalkylated sorbitan fatty acid esters with C6 through C22 aliphatic alkanolic and/or alkenolic fatty acids, branched or linear, the resulting polyoxyalkylene sorbitan esters minimum number average molecular weight (in amu), 1,300.	81776–11–6, 87090–31–1, 88895–72–1, 103171–31–9, 161026–53–5, 1472644–80–6, 1472644–81–7, 1472644–84–0, 1472644–85–1, 1472644–87–3, 1472644–88–4, 1472654–83–3, 1472655–32–5, 1472661–05–4, 1472661–17–8, 1472663–59–4, 1472663–64–1, 1472663–66–3, 1472663–92–5, 1472668–03–3
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## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 501, 514, and 552

[GSAR Change 59; GSAR Case 2014–G501; Docket No. 2014–0007; Sequence No. 1]

RIN 3090–AJ47

### General Services Administration Acquisition Regulation (GSAR); Progressive Awards and Monthly Quantity Allocations

**AGENCY:** Office of Acquisition Policy, General Services Administration.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is converting the proposed rule as a final rule amending the General Services Administration Acquisition Regulation (GSAR) to remove GSAR clause Progressive Awards and Monthly Quantity Allocations.

**DATES:** *Effective Date:* October 22, 2014.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah Eble, Procurement Analyst, at 215–446–5823, or email at [deborah.eble@gsa.gov](mailto:deborah.eble@gsa.gov), for clarification of content. For information pertaining to the status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite GSAR Case 2014–G501.

### SUPPLEMENTARY INFORMATION:

#### I. Background

GSA published a proposed rule in the *Federal Register* at 79 FR 24359, on April 30, 2014, amending the General Services Administration Acquisition Regulation (GSAR), to remove GSAR provision 552.214–71, Progressive

Awards and Monthly Quantity Allocations, and provide other conforming changes. This rule is a result of the retrospective analysis conducted under Executive Order 13563, Improving Regulation and Regulatory Review, requiring agencies to review existing regulations and identify rules that are obsolete, unnecessary, unjustified, excessively burdensome or counterproductive and identify those rules that warrant repeal, amendment, or revision. GSA identified GSAR provision 552.214–71, Progressive Awards and Monthly Quantity Allocations as one of four information collections in GSA's Final Plan for Retrospective Analysis approved by the Office of Management and Budget on August 18, 2011. No comments were received on the proposed rule by the June 30, 2014 closing date. Therefore, the proposed rule is being converted to a final rule without change:

- Information Collection 3090–0200, Sealed Bidding, which references GSAR 552.214–71, Progressive Awards and Monthly Quantity Allocations, is deleted in its entirety.
- Under Subpart 501.106—GSAR references 514.201–7(a) and 552.214–71 and corresponding OMB Control Number 3090–0200, Sealed Bidding, are deleted.
- GSAR 514.201–7—Deleted in its entirety.
- GSAR 552.214–71—Deleted in its entirety.

#### 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

GSA has prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

This final rule reduces the burden on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, as the Information Collection 3090–0200, Sealed Bidding, citing provision 552.214–71, Progressive Awards and Monthly Quantity Allocations, is no longer used and is removed from the GSAR. Both large and small business entities will no longer be bound to submit data that the Government can freely obtain from variety of other sources.

No comments were filed by the Chief Counsel for Advocacy of the Small Business Administration.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

#### IV. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35) does not apply. OMB approved the withdrawal and discontinuation of the Information Collection 3090–0200, Sealed Bidding, identifying GSAR Provision 552.214–71, Progressive Awards and Monthly Quantity Allocations, on August 14, 2014.

**List of Subjects in 48 CFR Parts 501, 514, and 552**

Government procurement.

Dated: October 16, 2014.

**Jeffrey A. Koses,**

*Senior Procurement Executive, Director,  
Office of Acquisition Policy, Office of  
Governmentwide Policy.*

Therefore, GSA amends 48 CFR parts 501, 514, and 552 as set forth below:

**PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM**

- 1. The authority citation for 48 CFR part 501 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

**501.106 [Amended]**

- 2. Amend section 501.106 in the table, by removing, GSAR references “514.201–7(a)” and “552.214–71” and their corresponding OMB Control Number “3090–0200”.

**PART 514—SEALED BIDDING**

- 3. Revise the authority citation for 48 CFR part 514 to read as follows:

**Authority:** 40 U.S.C. 121(c).

**514.201–7 [Removed and Reserved]**

- 4. Remove and reserve section 514.201–7.

**PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

- 5. The authority citation for 48 CFR part 552 continues to read as follows:

**Authority:** 40 U.S.C. 121(c).

**552.214–71 [Removed and Reserved]**

- 6. Remove and reserve section 552.214–71.

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**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration****49 CFR Part 390**

[Docket No. FMCSA–2014–0355]

RIN 2126–AB77

**Amendment to Emergency Relief Exemptions Pursuant to the Reliable Home Heating (RHH) Act**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** FMCSA adopts, as final, certain amendments to the Federal Motor Carrier Safety Regulations (FMCSRs) required by the Reliable Home Heating (RHH) Act. Currently, the FMCSRs include a provision which enables motor carriers providing direct assistance in responding to an emergency declared by a governor to do so without having to comply with certain Federal safety regulations. However, the duration of the relief is limited to 30 days unless FMCSA extends the exemption. This final rule amends the emergency relief provision in the FMCSRs so that the safety requirements in 49 CFR parts 390–399 will not apply if a Governor: Declares a state of emergency caused by a shortage of residential heating fuel; determines at the end of the 30-day exemption period currently authorized by the regulations that the emergency shortage has not ended; and extends the declaration of emergency for up to 2 additional 30-day periods. Because the rule is a non-discretionary, ministerial action as required by the RHH Act, it is issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA).

**DATES:** Effective October 22, 2014.

**ADDRESSES:** You may view material bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2014–0355 using any of the following methods:

- *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions for viewing material.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief of Driver and Carrier Operations, by telephone (202) 366–4325 or by electronic mail at [tom.yager@dot.gov](mailto:tom.yager@dot.gov); FMCSA, Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:****Executive Summary***Purpose and Summary of the Major Provisions*

This rule makes nondiscretionary ministerial changes to FMCSA’s emergency relief regulations in 49 Code of Federal Regulations (CFR) 390.23. The changes are required by Section 2(c) of the RHH Act, Public Law 113–125, 128 Stat. 1388, June 30, 2014. When shortages of residential heating fuel occur, the RHH amendments extend the normal 30-day exemption period for up to 90 days, provided that the Governor of the affected State determines that a second or third 30-day period must be allowed to enable motor carriers to provide residential heating fuel expeditiously.

*Benefits and Costs*

The rule provisions considered both individually and in the aggregate do not rise to the level of economic significance.

**Legal Basis for the Rulemaking**

This rule is required by Section 2(c) of the Reliable Home Heating (RHH) Act, Public Law 113–125, 128 Stat. 1388, June 30, 2014.

Section 390.23(a) of title 49, CFR, provides that 49 CFR parts 390–399 of the FMCSRs shall not apply to any motor carrier or driver operating a commercial motor vehicle (CMV) to provide emergency relief during an emergency declared by certain Federal or State officials, including a Governor, subject to certain time limits. Section 390.23(a)(1)(ii) limits a regional emergency (which would include a State-wide emergency) to a maximum of 30 days from the date of the initial declaration of the emergency.

Section 2(b) of the RHH Act provides that, if a Governor (1) declares a state of emergency caused by a shortage of residential heating fuel,<sup>1</sup> (2) determines

<sup>1</sup> Although the Act states that residential heating fuel “includes” heating oil, natural gas, and propane, FMCSA believes that list was intended to be exclusive, despite the use of the vague term “includes.” The rules of statutory interpretation

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