

proposal is a competitive proposal that is intended to add additional liquidity to the Exchange, which will, in turn, benefit the Exchange and all Exchange participants. In addition, the Exchange believes that the proposed non-substantive changes to the footnotes on the fee schedule would not affect intermarket nor intramarket competition because the change does not alter any fees or rebates on the Exchange or the criteria associated therewith.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>15</sup> and paragraph (f) of Rule 19b-4 thereunder.<sup>16</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-BATS-2014-019 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-BATS-2014-019. This file number should be included on the subject line if email is used. To help the

Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BATS-2014-019, and should be submitted on or before July 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Kevin M. O'Neill,**  
*Deputy Secretary.*

[FR Doc. 2014-13563 Filed 6-10-14; 8:45 am]

**BILLING CODE 8011-01-P**

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**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Buy America Waiver Notification**

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic motor and machinery brakes for the Sarah Mildred Long Bridge Replacement project in the State of Maine.

**DATES:** The effective date of the waiver is June 12, 2014.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA

Office of Program Administration, 202-366-1562, or via email at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, 202-366-1373, or via email at [jomar.maldonado@dot.gov](mailto:jomar.maldonado@dot.gov). Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

**Background**

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use non-domestic motor and machinery brakes for the Sarah Mildred Long Bridge Replacement project in the State of Maine.

In accordance with Title I, Division A, section 122 of the "Consolidated and Further Continuing Appropriations Act, 2012" (Pub. L. 112-55), the FHWA published on March 5, a notice of intent to issue a waiver for the following non-domestic bridge items for use in the Sarah Mildred Long Bridge Replacement project in Maine: (1) Motor brakes; (2) machinery brakes; (3) counterweight sheave bearings; (4) deflector sheave bearings; (5) operating drum bearings; and (6) span lock bearings. The notice was published on FHWA's Web site at <http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=96>. The FHWA received 27 comments in response to the publication. Eight commenters expressed support for the waiver of the items. Three support the waiver with conditions. One of those supporting commenters suggested that the waiver may be granted for a period of time if the components are not locally readily available. Two of those supporting commenters stated that a waiver should be granted only when all efforts are made to ensure that domestic

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>16</sup> 17 CFR 240.19b-4(f).

<sup>17</sup> 17 CFR 200.30-3(a)(12).

products are not available. Fourteen commenters opposed the waiver and some provided names of potential domestic manufacturers of the components. Potential domestic manufacturers suggested were Oregon Works, Steward Machine, Hardie-Tynes, Timken Steel Corporation, Philadelphia Gear, and JC Machine.

The Maine DOT made contact with the companies to verify domestic availability and possible supply of the items. Based on information received from those companies, Jeff Folsom of Maine DOT provided comments on April 2 stating that Maine DOT was withdrawing the waiver request for the counterweight sheave bearings, deflector sheave bearings, operating drum bearings, and span lock bearings. There were no domestic manufacturers of motor and machinery brakes identified. During the 15-day comment period, the FHWA conducted an additional nationwide review to locate potential domestic manufacturers of the motor and machinery brakes. Maine DOT also made additional contact with Philadelphia Gear, Hardie-Tynes, New Jersey DOT, and JC Machine. On April 4 Hardie-Tynes responded to Maine DOT that it cannot furnish machinery brakes. On April 17 Philadelphia Gear responded that it only manufactures gear boxes and large gears for moveable structures. The New Jersey DOT could not provide specific information on domestic manufacturers of moveable bridge components that it used in the past. Based on all the information available to the Agency, the FHWA concludes that there are no domestic manufacturers of the motor and machinery brakes.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), the FHWA is providing this notice of its finding that a waiver of Buy America requirements is appropriate because the products are not produced in the United States in sufficient and reasonably available quantities which are of a satisfactory quality (23 U.S.C. 313(b)(2); 23 CFR 635.410(c)(1)(ii)). The FHWA invites public comment for an additional 15 days following the effective date of the finding. Comments may be submitted via the above link to the FHWA Web site.

(Authority: 23 U.S.C. 313; Pub. L. 110-161; 23 CFR 635.410).

Dated: June 2, 2014.

**Gregory G. Nadeau,**

*Deputy Administrator, Federal Highway Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Buy America Waiver Notification

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the obligation of Federal-aid funds for 73 State projects involving the purchase or retrofit of vehicles or vehicle components on the condition that they be assembled in the U.S.

**DATES:** The effective date of the waiver is June 12, 2014.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, 202-366-1562, or via email at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, 202-366-1373, or via email at [jomar.maldonado@dot.gov](mailto:jomar.maldonado@dot.gov). Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

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##### Background

This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the obligation of Federal-aid funds for 73 State projects involving the purchase or retrofit of vehicles (including sedans, vans, pickups, SUVs, trucks, buses, street sweepers) or vehicle components (such as exhaust controls and auxiliary power units) on the condition that they be assembled in the U.S. The waiver would apply to approximately 810 vehicles. The requests, available at <http://www.fhwa.dot.gov/construction/contracts/cmaq140211.cfm>, are

incorporated by reference into this notice. The purposes of these projects include the improvement of air quality (Congestion Mitigation and Air Quality Improvement Program projects), implementation of the National Bridge and Tunnel Inventory and Inspection Program, and the implementation of the FHWA's Recreational Trails Program.

Title 23, Code of Federal Regulations, section 635.410 requires that any steel or iron materials (including protective coatings) that will be permanently incorporated in a Federal-aid project must be manufactured in the U.S. For FHWA, this means that all the processes that modified the chemical content, physical shape or size, or final finish of the material (from initial melting and mixing, continuing through the bending and coating) occurred in the U.S. The statute and regulations create a process for granting waivers from the Buy America requirements when its application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. In 1983, the FHWA determined that it was both in the public interest and consistent with the legislative intent to waive Buy America for manufactured products other than steel manufactured products. However, FHWA's national waiver for manufactured products does not apply to the requests in this notice because they involve predominately steel and iron manufactured products. The FHWA's Buy America requirements do not have special provisions for applying Buy America to "rolling stock" such as vehicles or vehicle components (see title 49, United States Code, section 5323(j)(2)(C) (49 U.S.C. 5323(j)(2)(C)), 49 CFR 661.11, and 49 U.S.C.

24405(a)(2)(C) for examples of Buy America rolling stock provisions for other DOT agencies).

Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers that produce the vehicles and vehicle components identified in this notice in such a way that all their steel and iron elements are manufactured domestically. The FHWA's Buy America requirements were tailored to the types of products that are typically used in highway construction, which generally meet the requirement that all the steel and iron be manufactured domestically. Vehicles were not the types of products that were initially envisioned to meet FHWA Buy America requirements. In today's global industry, vehicles are assembled with iron and steel components that are manufactured all over the world. The FHWA is not aware of any domestically produced vehicle