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Dated: June 1, 2016.

Scott B. Lemasters,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 207, 209, 211, 215, 237, 242, 245, and 252

Defense Federal Acquisition Regulation Supplement; Technical Amendments

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

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

DATES: Effective June 7, 2016.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer L. Hawes, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060. Telephone 571-372-6115; facsimile 571-372-6094.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS as follows—

1. Directs contracting officers to DFARS Procedures, Guidance, and Information (PGI) for information on the Governmentwide moratorium on public-private competitions by adding a cross reference at DFARS 207.302 and 237.102(b);

2. Corrects a typographical error at DFARS 209.505-4(b)(ii);

3. Updates hyperlinks to information on passive radio frequency identification at DFARS 211.275-2(a)(2)

and paragraphs (b)(1)(ii) and (d)(2) of DFARS clause 252.211-7006;

4. Corrects a threshold at DFARS 215.408(3)(ii)(A)(1)(i) to reflect \$700,000 in lieu of \$750,000 because that threshold was not subject to the inflation adjustment at DFARS Case 2014-D025 published in the **Federal Register** at 80 FR 36903;

5. Updates DFARS 237.102-75 to reference the “Defense Acquisition Guidebook, Chapter 14, Acquisition of Services” instead of the “Guidebook for the Acquisition of Services;”

6. Updates DFARS 237.102-77 to reference the “Acquisition Requirements Roadmap Tool” instead of the “Automated Requirements Roadmap Tool;”

7. Corrects a cross reference at DFARS 242.7202(a) by changing paragraph (e) to paragraph (d) of the clause at 252.242.7004; and

8. Corrects a cross reference at DFARS 245.102(4)(i) by changing PGI 245.201-71 to PGI 245.103-72.

List of Subjects in 48 CFR 207, 209, 211, 215, 237, 242, 245, and 252

Government procurement.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 207, 209, 211, 215, 237, 242, 245, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 207, 209, 211, 215, 237, 242, 245, and 252 continues to read as follows:

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

PART 207—ACQUISITION PLANNING

■ 2. Add subpart 207.3 to read as follows:

Subpart 207.3—Contractor Versus Government Performance

Sec.

207.302 Policy.

Subpart 207.3—Contractor Versus Government Performance

207.302 Policy.

See PGI 207.302 for information on the Governmentwide moratorium and restrictions on public-private competitions conducted pursuant to Office of Management and Budget (OMB) Circular A-76.

PART 209—CONTRACTOR QUALIFICATIONS

209.505-4 [Amended]

■ 3. In section 209.505-4, amend paragraph (b)(ii) by removing “nondisclosure” and adding “non-

disclosure” in its place everywhere it appears.

PART 211—DESCRIBING AGENCY NEEDS

211.275-2 [Amended]

■ 4. In section 211.275-2, amend paragraph (a)(2) introductory text by removing “<http://www.acq.osd.mil/log/rfid/>” and adding “http://www.acq.osd.mil/log/sci/RFID_ship-to-locations.html” in its place.

PART 215—CONTRACTING BY NEGOTIATION

215.408 [Amended]

■ 5. Amend section 215.408, in paragraph (3)(ii)(A)(1)(i), by removing “\$750,000” and adding “\$700,000” in its place.

PART 237—SERVICE CONTRACTING

■ 6. Amend section 237.102 by adding paragraph (b) to read as follows:

237.102 Policy.

(b) See PGI 207.302 for information on the Governmentwide moratorium and restrictions on public-private competitions conducted pursuant to Office of Management and Budget (OMB) Circular A-76.

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■ 7. Revise section 237.102-75 to read as follows:

237.102-75 Defense Acquisition Guidebook.

See PGI 237.102-75 for information on the Defense Acquisition Guidebook, Chapter 14, Acquisition of Services.

237.102-77 [Amended]

■ 8. In section 237.102-77, amend the heading and the introductory text by removing “Automated” and adding “Acquisition” in both places.

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

242.7202 [Amended]

■ 9. In section 242.7202, amend paragraph (a) introductory text by removing “paragraph (e)” and adding “paragraph (d)” in its place.

PART 245—GOVERNMENT PROPERTY

245.102 [Amended]

■ 10. In section 245.102, amend paragraph (4)(i) by removing “PGI 245.201-71” and adding “PGI 245.103-72” in its place.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.211–7006 [Amended]

- 11. Amend section 252.211–7006 by—
- a. Removing the clause date “(SEP 2011)” and adding “(JUN 2016)” in its place;
- b. In paragraph (b)(1)(ii) introductory text, removing “<http://www.acq.osd.mil/log/rfid/>” and adding “http://www.acq.osd.mil/log/sci/RFID_ship-to-locations.html” in its place;
- c. In paragraph (d)(2), removing “located at http://www.acq.osd.mil/log/rfid/tag_data.htm” and adding “located in the DoD Suppliers’ Passive RFID Information Guide at <http://www.acq.osd.mil/log/sci/ait.html>” in its place.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 392

[Docket No. FMCSA–2015–0396]

RIN 2126–AB87

Driving of Commercial Motor Vehicles: Use of Seat Belts

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

ACTION: Final rule.

SUMMARY: FMCSA revises the Federal Motor Carrier Safety Regulations (FMCSRs) by requiring passengers in property-carrying commercial motor vehicles (CMVs) to use the seat belt assembly whenever the vehicles are operated on public roads in interstate commerce. This rule holds motor carriers and drivers responsible for ensuring that passengers riding in the property-carrying CMV are using the seat belts required by the Federal Motor Vehicle Safety Standards (FMVSSs).

DATES: This rule is effective August 8, 2016.

Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than July 7, 2016.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, Director; Carrier, Driver, and Vehicle Safety Standards, Office of Policy, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001 or by telephone at (202) 366–5370.

If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9896.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Purpose and Summary of the Major Provisions

Section 393.93(b)(2)–(3) of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR 393.93) requires every truck and truck tractor manufactured on or after July 1, 1971, to comply with the National Highway Traffic Safety Administration’s (NHTSA) Federal Motor Vehicle Safety Standard (FMVSS) No. 208 (49 CFR 571.208), relating to the installation of seat belt assemblies. They must also comply with FMVSS No. 210 (49 CFR 571.210), dealing with the installation of seat belt assembly anchorages, and FMVSS No. 207 (49 CFR 571.207), addressing seating systems more generally. Under FMVSS No. 208, trucks and multipurpose passenger vehicles with a Gross Vehicle Weight Rating (GVWR) of more than 10,000 pounds manufactured on or after September 1, 1990, are allowed by S4.3.2.1 an option to comply by providing a “complete passenger protection system,” but nearly all CMV manufacturers choose the second compliance option (S4.3.2.2) and install a “belt system.” This second option requires a seat belt assembly “at each designated seating position.” In short, the FMVSS and FMCSRs require seat belts at every seating position in a property-carrying CMV.

In addition, 49 CFR 392.16 requires that a CMV that has a seat belt assembly installed at the driver’s seat shall not be driven unless the driver has properly restrained himself or herself with the seat belt assembly. In this final rule, FMCSA requires that motor carriers and drivers ensure that passengers riding in property-carrying CMVs use their seat belts when the vehicles are operated on public roads.

B. Benefits and Costs

As indicated above, NHTSA requires vehicle manufacturers to install driver and passenger seat belts in large trucks. FMCSA already requires drivers to use their seat belts. However, the FMCSRs were previously silent on the use of seat belts by passengers in trucks. This final rule requires that every passenger in a property-carrying CMV use a seat belt, if one is installed. The only quantifiable cost of the final rule is the value of the person’s time necessary to buckle the seat belt, which is negligible. The benefits of this rule are any fatalities or

injuries avoided or reduced in severity as a result of seat belt use; these benefits are discussed later.

II. Rulemaking Documents

A. Availability of Rulemaking Documents

For access to docket FMCSA–2015–0396 to read background documents and comments received, go to <http://www.regulations.gov> at any time, or to Docket Services at U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

B. 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, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.dot.gov/privacy.

III. Legal Basis for the Rulemaking

This final rule is based on the Motor Carrier Act of 1935 (1935 Act) and the Motor Carrier Safety Act of 1984 (1984 Act). The 1935 Act (49 U.S.C. 31502) authorizes FMCSA to prescribe requirements for the safety of operation and equipment standards of for-hire and private motor carriers. This final rule is directly related to safe motor carrier operations. The 1984 Act (49 U.S.C. 31136) requires FMCSA to adopt regulations to ensure, among other things, that “commercial motor vehicles are maintained, equipped, loaded, and operated safely” (sec. 31136(a)(1)). This rule will increase the safety, not only of passengers, but also of CMV drivers whose control of the vehicle could otherwise be affected by unsecured passengers potentially thrown about the cab as a result of emergency steering or braking maneuvers.

A 2012 amendment to the 1984 Act requires FMCSA to ensure that CMV drivers are not coerced to violate certain provisions of the FMCSRs (sec. 31136(a)(5)). Coercion is now prohibited by 49 CFR 390.6. Given the obvious value of this final rule and the ease of compliance, the Agency believes that no one will be coerced *not* to wear a seat belt. It should be noted that the 1984 Act also authorizes FMCSA to “perform other acts [the Agency] considers appropriate” (49 U.S.C. 31133(a)(10)).