

**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Part 216**

RIN 0750-AH67

**Defense Federal Acquisition Regulation Supplement: Repeal of Case-by-Case Reporting (DFARS Case 2012-D020)**

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

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012, to remove a congressional notification requirement for single source task- or delivery-order contract awards over \$103 million.

**DATES:** *Effective Date:* March 30, 2012.

**FOR FURTHER INFORMATION CONTACT:** Dustin Pitsch, telephone 571-372-6094.

**SUPPLEMENTARY INFORMATION:****I. Background**

This rule implements section 809(b) of the NDAA for FY 2012 (Pub. L. 112-81), which removes the requirement that the head of the agency must notify the congressional defense committees within 30 days for each single source task- or delivery-order contract award over \$103 million.

**II. Publication of This Final Rule for Public Comment Is Not Required by Statute**

“Publication of proposed regulations”, 41 U.S.C. 1707, is the statute that applies to the publication of the Federal Acquisition Regulation. Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the rule merely removes the requirement for the head of the agency to notify congressional defense committees for each single source task-

or delivery-order contract award over \$103 million. These requirements affect only the internal operating procedures of the Government.

**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**

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant DFARS revision as defined at FAR 1.501-1, and 41 U.S.C. 1707 does not require publication for public comment.

**V. 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 Part 216**

Government procurement.

**Mary Overstreet,**

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR Part 216 is amended as follows:

**PART 216—TYPES OF CONTRACTS**

■ 1. The authority citation for 48 CFR part 216 is revised to read as follows:

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

■ 2. Section 216.504 is revised to read as follows:

**216.504 Indefinite-quantity contracts.**

(c)(1)(ii)(D) *Limitation on single-award contracts.* The authority to make the determination authorized in FAR 16.504(c)(1)(ii)(D)(1) shall not be

delegated below the level of the senior procurement executive.

[FR Doc. 2012-7555 Filed 3-29-12; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. NHTSA-2012-0037]

RIN 2127-AK20

**Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** In this final rule, which was preceded by a notice of proposed rulemaking, NHTSA is making several housekeeping amendments to the Federal motor vehicle safety standard for bus emergency exits. First, based on a proposal made in response to a petition for rulemaking from the School Bus Manufacturers Technical Council (SBMTC), NHTSA amends the standard to specify that the exterior release (the exterior handle) for school bus rear emergency exit doors may be located opposite the door hinges, rather than located in the middle of the door. Second, this final rule also clarifies the standard as to the number of force applications that are required to open a window or roof emergency exit. Third, in response to a comment on the proposed rule, this document makes a technical correction by removing a reference to a no-longer existent figure. These amendments correct or clarify the requirements of the standard. We believe most, if not all, school buses are currently designed to meet the corrected or clarified requirements.

**DATES:** The effective date is April 1, 2013. Manufacturers are provided optional early compliance with this final rule beginning March 30, 2012.

**Petitions for reconsideration:** Petitions for reconsideration of this final rule must be received no later than May 14, 2012.

**ADDRESSES:** Petitions for reconsideration of this final rule must refer to the docket number set forth above and be submitted to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.