



Federal Register

**Monday,
April 30, 2007**

Part V

**Department of
Defense**

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. 2

**Improving Government Regulations;
Unified Agenda of Federal Regulatory
and Deregulatory Actions****AGENCY:** Department of Defense (DoD).**ACTION:** Semiannual regulatory agenda.

SUMMARY: The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 "Regulatory Planning and Review." This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive order and other regulatory guidance. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on December 11, 2006, and includes regulations expected to be issued and under review over the next 12 months. The next agenda and regulatory plan are scheduled to be published in the fall of 2007. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Mr. Robert Cushing, telephone 703-696-5282, or write to Information Management Division, Executive Services Directorate, Washington Headquarters Services, 1777 North Kent Street, RPN, Suite

11000, Arlington, VA 22209-2133, or e-mail: robert.cushing@whs.mil.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301-1600, or call 703-697-2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Mr. Edward Burbol, telephone 703-696-2503, or write to Directives Division, Executive Services Directorate, Washington Headquarters Services, 1777 North Kent Street, RPN, Suite 11100, Arlington, VA 22209-2133, or e-mail: edward.burbol@whs.mil.

For general information on Office of the Secretary agenda items, which are procurement-related, contact Ms. Michele Peterson, telephone 703-602-0311, or write to Defense Acquisition Regulations Directorate, 3062 Defense Pentagon, Washington, DC 20301-3062, or e-mail: michele.peterson@osd.mil.

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703-428-6422, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AHRC-PDD-RP, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, VA 22315-3860, or e-mail: brenda.bowen@rmda.belvoir.army.mil.

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Chip Smith, telephone 703-693-3644, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310-0108, or e-mail: chip.smith@hqda.army.mil.

For general information on Department of the Navy regulations, contact LCDR Melissa A. Harvison, telephone 703-604-8227, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374-5066, or e-mail: melissa.harvison@navy.mil.

For general information on Department of the Air Force regulations, contact Mr. Lawrence Shade, telephone 703-588-6115, or write to Department of the Air Force, SAF/XCISI, 1500 Wilson

Boulevard, Suite 220, Arlington, VA 22209-2133, or e-mail: lawrence.shade@pentagon.af.mil.

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Departments of the Army, Navy, and Air Force. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

DoD issuances range from DoD directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement directives). The OSD agenda section contains the primary directives under which DoD components promulgate their implementing regulations.

To ease identification and to differentiate among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes component level of authority and type of issuance, in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD components will identify those rules which come under the criteria of the:

- a. Regulatory Flexibility Act;
- b. Paperwork Reduction Act of 1995;
- c. Unfunded Mandates Reform Act of 1995.

Those DoD issuances, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions;

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and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce

economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking

process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

Dated: February 27, 2007.

Michael L. Rhodes,
Deputy Director, Administration and Management.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
589	Armed Services Exchange Regulations (ASER) (DoD Instruction 1330.21)	0790-AH77
590	Voluntary State Tax Withholding From Retired Pay	0790-AH78
591	Civilian Employee Training	0790-AH81
592	Transition Assistance for Military Personnel (DoD Directive 1332.35)	0790-AH89
593	Nonprocurement Debarment and Suspension	0790-AH97
594	DLA Procedures for Eligible Purchasers of Munitions List/Commerce Control List Items	0790-AI02
595	Transporter Proof of Delivery	0790-AI05
596	Indebtedness of Military Personnel	0790-AI08
597	Management of Individual Mobilization Augmentees (IMAs)	0790-AI11
598	Historical Research in the Files of the Office of the Secretary of Defense (OSD)	0790-AI12
599	Domestic Abuse Involving DoD Personnel	0790-AI14
600	Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education	0790-AI15
601	Screening the Ready Reserve	0790-AI17
602	Support for Non-Federal Entities Authorized To Operate on DoD Installations (DoD Directive 1000.26E)	0790-AI18
603	Service Academies (DoD Instruction 1322.22)	0790-AI19

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
604	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	0790-AG76
605	Provision of Early Intervention and Special Education Services to Eligible DoD Dependents	0790-AH70
606	DoD Contractors' Safety Manual (DoD 4145.26-M)	0790-AH76
607	Guidance on Obtaining Information From Financial Institutions (DoD Instruction 5400.15)	0790-AH85
608	Naturalization of Aliens Serving in the Armed Forces of the United States and of Alien Spouses and/or Alien Adopted Children of Military and Civilian Personnel Ordered Overseas	0790-AH88
609	Management and Mobilization of Regular and Reserve Retired Military Members (DoD Instruction 1352.1)	0790-AH92
610	User Charges	0790-AH93
611	Financial Assistance to Local Educational Agencies (LEAs)(DoD Instruction 1342.18)	0790-AH95
612	Department of Defense Privacy Program	0790-AH98
613	Privacy Act; Inspector General Implementation	0790-AI01
614	DLA Procedures for Eligible Purchasers of Munitions List/Commerce Control List Items	0790-AI04
615	Conduct on the Pentagon Reservation	0790-AI09
616	Office of the Secretary Privacy Program	0790-AI10

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
617	Department of Defense National Security Personnel System (NSPS)	0790-AH82
618	Sale or Rental of Sexually Explicit Material on DoD Property (DoD Instruction 4105.70)	0790-AH86

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Office of the Secretary—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
619	DoD Policy on Organizations That Seek To Represent or Organize Members of the Armed Forces in Negotiation or Collective Bargaining	0790-AH99
620	Privacy Act; Defense Logistics Agency Implementation	0790-AI00
621	DTRA Privacy Act; Implementation	0790-AI03
622	Plan for the Emergency Security Control of Air Traffic (ESCAT)	0790-AI06
623	Service by Members of the Armed Forces on State and Local Juries	0790-AI07

Defense Acquisition Regulations Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
624	Patents, Data, and Copyrights (DFARS Case 2003-D049)	0750-AF26
625	Lease of Vessels, Aircraft, and Combat Vehicles (DFARS Case 2006-D013)	0750-AF39
626	Multiyear Contracting (DFARS Case 2006-D016)	0750-AF50
627	DoD Representations and Certifications in ORCA (DFARS Case 2006-D032)	0750-AF55
628	Closeout of Contract Files (DFARS Case 2006-D045)	0750-AF61
629	Mandatory Use of Wide Area WorkFlow (DFARS Case 2006-D049)	0750-AF63
630	Restriction on Acquisition of Specialty Metals (DFARS Case 2006-D059)	0750-AF66
631	Traffic and Transportation Management (DFARS Case 2006-D025)	0750-AF68

Defense Acquisition Regulations Council—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
632	Patent Rights—Ownership by the Contractor (Large Business) (DFARS Case 2001-D015)	0750-AD72
633	Transportation (DFARS Case 2003-D028)	0750-AE89
634	Small Business Programs (DFARS Case 2003-D047)	0750-AE93
635	Combating Trafficking in Persons (DFARS Case 2004-D017)	0750-AF11
636	Export-Controlled Information and Technology (DFARS Case 2004-D010)	0750-AF13
637	Earned Value Management Systems (DFARS Case 2005-D006)	0750-AF19
638	Reports of Government Property (DFARS Case 2005-D015)	0750-AF24
639	Contractor Personnel Authorized To Accompany U.S. Armed Forces (DFARS Case 2005-D013)	0750-AF25
640	Berry Amendment Notification Requirement (DFARS Case 2006-D006)	0750-AF33
641	Limitation on Tiered Evaluation of Offers (DFARS Case 2006-D009)	0750-AF36
642	Acquisition of Major Weapon Systems as Commercial Items (DFARS Case 2006-D012)	0750-AF38
643	Evaluation Factor for Employing or Subcontracting With Members of the Armed Forces Reserve (DFARS Case 2006-D014)	0750-AF40
644	Congressional Notification of Award of Architect-Engineer Services/Military Family Housing Contracts (DFARS Case 2006-D015)	0750-AF41
645	Labor Reimbursement on DoD Non-Commercial Time-and-Materials and Labor-Hour Contracts (DFARS Case 2006-D030)	0750-AF44
646	Contracting Methods and Contract Type (DFARS Case 2006-D018)	0750-AF45
647	Award Fee Contracts (DFARS Case 2006-D021)	0750-AF51
648	Information Assurance Contractor Training and Certification (DFARS Case 2006-D023)	0750-AF52
649	Receiving Reports for Shipments (DFARS Case 2006-D024)	0750-AF53
650	Berry Amendment Restrictions—Clothing Materials and Components (DFARS Case 2006-D031)	0750-AF54
651	Emergency Acquisitions (DFARS Case 2006-D036)	0750-AF56
652	New Designated Countries (DFARS Case 2006-D062)	0750-AF57
653	Taxpayer Identification Numbers (DFARS Case 2006-D037)	0750-AF58
654	Wage Determinations (DFARS Case 2006-D043)	0750-AF59
655	Acquisition Integrity (DFARS Case 2006-D044)	0750-AF60
656	Deletion of Obsolete Acquisition Procedures (DFARS Case 2006-D046)	0750-AF62
657	Contractor Performance of Security-Guard Functions (DFARS Case 2006-D050)	0750-AF64
658	Military Construction on Guam (DFARS Case 2006-D065)	0750-AF65

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Defense Acquisition Regulations Council—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
659	Excessive Pass-Through Charges (DFARS Case 2006-D057)	0750-AF67

Defense Acquisition Regulations Council—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
660	Codification and Modification of Berry Amendment (DFARS Case 2002-D002)	0750-AD76
661	Definitions of Component and Domestic Manufacture (DFARS Case 2005-D010)	0750-AF22

Defense Acquisition Regulations Council—Completed Actions

Sequence Number	Title	Regulation Identifier Number
662	Protests, Disputes, and Appeals (DFARS Case 2003-D010)	0750-AE01
663	Contract Pricing and Cost Accounting Standards (DFARS Case 2003-D014)	0750-AE71
664	Material Inspection and Receiving Report (DFARS Case 2003-D085)	0750-AE73
665	Notification Requirements for Critical Safety Items (DFARS Case 2004-D008)	0750-AF12
666	Levy on Payments to Contractors (DFARS Case 2004-D033)	0750-AF14
667	Inflation Adjustment of Acquisition-Related Thresholds (DFARS Case 2004-D022)	0750-AF16
668	Restriction on Carbon, Alloy, and Armor Steel Plate (DFARS Case 2005-D002)	0750-AF17
669	Electronic Submission and Processing of Payment Requests (DFARS Case 2005-D009)	0750-AF28
670	Contracting Officers' Representatives (DFARS Case 2005-D022)	0750-AF30
671	Radio Frequency Identification (DFARS Case 2006-D002)	0750-AF31
672	Berry Amendment Exceptions—Acquisition of Perishable Food and Fish, Shellfish, or Seafood (DFARS Case 2006-D005)	0750-AF32
673	Prohibition on Acquisition From Communist Chinese Military Companies (DFARS Case 2006-D007)	0750-AF34
674	Security-Guard Services Contracts (DFARS Case 2006-D011)	0750-AF37
675	Aviation Into-Plane Reimbursement (AIR) Card (DFARS Case 2006-D017)	0750-AF42
676	Free Trade Agreement—El Salvador, Honduras, and Nicaragua (DFARS Case 2006-D019)	0750-AF43
677	Free Trade Agreements—Guatemala and Bahrain (DFARS Case 2006-D028)	0750-AF49

Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identifier Number
678	Claims Against the United States	0702-AA54
679	Claims on Behalf of the United States	0702-AA55

U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
680	Regulatory Program of the Army Corps of Engineers and Historic Properties	0710-AA51
681	Further Revisions to the Clean Water Act Regulatory Definition of Discharge of Dredged Material	0710-AA64

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U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
682	Compensatory Mitigation for Losses of Aquatic Resources	0710-AA55
683	Nationwide Permit Program Regulations	0710-AA60

Department of the Navy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
684	Department of the Navy Acquisition Regulations: Continuous Process Improvements (CIP)	0703-AA82

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
685	General Claims Regulations—Administrative Processing and Consideration of Claims on Behalf Of and Against the U.S.	0703-AA78
686	Personnel Claims Regulations	0703-AA79
687	Procedures for Processing Claims Involving Non-Appropriated Fund Activities and Their Employees	0703-AA80
688	Affirmative Claims Regulations	0703-AA81
689	Admiralty Claims	0703-AA83

Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
690	Implementation of AMC International Air Tender Rules Publication No. 1	0701-AA71
691	Air Force Academy Preparatory School	0701-AA72

Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
692	TRICARE; Changes to DRG and Inpatient Mental Health Payment Systems	0720-AA91
693	TRICARE—Implementation of Changes to the Pharmacy Benefits Program; Double Coverage With Medicare Part D	0720-AB01
694	TRICARE; Certain Survivors of Deceased Active Duty Members and Adoption Intermediaries	0720-AB04
695	TRICARE Program; Overpayments Recovery	0720-AB09
696	TRICARE; Expansion of Geographic Scope of the TRICARE Retiree Dental Program (TRDP)	0720-AB13

Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
697	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care	0720-AA20
698	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions	0720-AA41
699	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage	0720-AA50
700	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Establishment of an Appeals Process for TRICARE Claimcheck Denials	0720-AA56

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Office of Assistant Secretary for Health Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
701	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Individual Case Management Program for Persons With Extraordinary Conditions (ICMP-PEC)	0720-AA65
702	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Voluntary Disenrollment From the TRICARE Retiree Dental Program (TRDP)	0720-AA69
703	TRICARE; Coordination of Benefits Between TRICARE and the Department of Veterans Affairs	0720-AA87
704	TRICARE Program; Rare Diseases Definition and Partial List of Examples of Unproven Drugs, Devices, Medical Treatments, or Procedures	0720-AA88
705	TRICARE Program; Routine Care Not Directly Related to Study, Grant, or Research Program	0720-AA98
706	TRICARE; Reserve and Guard Family Member Benefits	0720-AB00
707	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2006; TRICARE Dental Program	0720-AB02
708	TRICARE Outpatient Prospective Payment System (OPPS)	0720-AB03
709	Expand Eligibility of Selected Reserve Members Under the TRICARE Program	0720-AB05
710	TRICARE; Certain Survivors of Deceased Active Duty Members and Adoption Intermediaries	0720-AB07
711	TRICARE Program; Unlabeled or Off-Label Uses of Medical Devices	0720-AB11
712	TRICARE; TRICARE Retiree Dental Program (TRDP) Basic Benefit Descriptions and Administrative Corrections ..	0720-AB12

Office of Assistant Secretary for Health Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
713	TRICARE Implementation of Changes to the Pharmacy Benefits Program; Double Coverage With Medicare Part D	0720-AA94

Department of Defense (DOD)
Office of the Secretary (OS)

Proposed Rule Stage

589. ARMED SERVICES EXCHANGE REGULATIONS (ASER) (DOD INSTRUCTION 1330.21)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 50

Legal Deadline: None

Abstract: This rule prescribes procedures and assigns responsibilities for operating the Armed Services exchanges.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George McNamara, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301

Phone: 703 602-4601

RIN: 0790-AH77

590. VOLUNTARY STATE TAX WITHHOLDING FROM RETIRED PAY

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1045

CFR Citation: 32 CFR 78

Legal Deadline: None

Abstract: This rule provides implementing guidance for voluntary State tax withholding from the retired pay of uniformed Service members.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jacqueline Jenkins, Department of Defense, Office of the

Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 697-8282

RIN: 0790-AH78

591. CIVILIAN EMPLOYEE TRAINING

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 5 USC ch 41

CFR Citation: 32 CFR 102

Legal Deadline: None

Abstract: This part implements policy in chapter 41 of title 5, United States Code; Executive Order 11348; and title 5, Code of Federal Regulations (CFR), part 410, and assigns responsibilities for DoD civilian employee training in compliance with aforementioned documents.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

DOD—OS

Proposed Rule Stage

Action	Date	FR Cite
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NPRM Comment Period End	07/00/07	
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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gwendolyn Hopson, Department of Defense, Office of the Secretary, 1155 Defense Pentagon, Washington, DC 20301
Phone: 703 696-2502

RIN: 0790-AH81

592. TRANSITION ASSISTANCE FOR MILITARY PERSONNEL (DOD DIRECTIVE 1332.35)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined**CFR Citation:** 32 CFR 88**Legal Deadline:** None

Abstract: This rule updates policy and responsibilities for the Transition Assistance Program for active duty military personnel and their families, members of the Reserve Components serving on active duty for a period of 180 days or more, members of the National Guard on full time National Guard Duty, and their eligible family members. The Transition Assistance Program prepares separating Service members and their families with the skills, tools, and self-confidence necessary to ensure successful re-entry into the Nation's civilian work force.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ronald L. Horne, Department of Defense, Office of the Secretary, Crystal Square 4, Room 321a, Arlington, VA 22202
Phone: 703 602-4949

RIN: 0790-AH89

593. NONPROCUREMENT DEBARMENT AND SUSPENSION

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 10 USC 113; 5 USC 301; PL 103-355; 108 Stat 3327; EO 12549; EO 12689

CFR Citation: 2 CFR 1125; 32 CFR 21; 32 CFR 22; 32 CFR 25; 32 CFR 32; 32 CFR 33; 32 CFR 34; 32 CFR 37

Legal Deadline: None

Abstract: The Department of Defense (DoD) is revising the DoD Grant and Agreement Regulations (DoDGARs) to implement Office of Management and Budget (OMB) guidance on nonprocurement suspension and debarment and to make needed technical corrections. To implement the OMB guidance, DoD is adopting a new part in title 2 of the CFR, the Governmentwide title recently established for OMB guidance and agencies' implementing regulations on grants and agreements. The Department also is removing the common rule on nonprocurement suspension and debarment that is in the DoDGARs in 32 CFR, chapter I, subchapter C, since the common rule is superseded by the new DoD part implementing the OMB guidance. This regulatory action is the first step toward relocating all of the DoDGARs to 2 CFR.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Mark Herbst, Department of Defense, 1155 Defense Pentagon, Washington, DC 20301
Phone: 703 588-1377

RIN: 0790-AH97

594. DLA PROCEDURES FOR ELIGIBLE PURCHASERS OF MUNITIONS LIST/COMMERCE CONTROL LIST ITEMS**Priority:** Other Significant**Legal Authority:** 40 USC 101(3)**CFR Citation:** 32 CFR 161**Legal Deadline:** None

Abstract: The Defense Logistics Agency (DLA) is proposing new procedures for

determining the eligibility of applicants seeking to obtain excess and surplus United States Munitions List (USML) and Commerce Control List (CCL) items from DLA. The purpose of these new procedures is to provide greater safeguards to protect national security interests before releasing such property into commerce. Applicants who do not meet the standards established herein will not be eligible to receive USML or CCL property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Vincent, Department of Defense, Office of the Secretary, 1155 Defense Pentagon, Washington, DC 20301
Phone: 703 767-2507
Email: mark.d.vincent@dla.mil.

RIN: 0790-AI02

595. • TRANSPORTER PROOF OF DELIVERY**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 32 CFR 1287**Legal Deadline:** None

Abstract: This rule is proposed to augment the receipt and acceptance process and facilitate Defense Logistics Agency (DLA) maintaining accountability of all DLA order fulfillments. Transporter Proof of Delivery Documents are delivery tickets or receipts provided by the deliverer of DLA provided supplies. These commercial tickets, e.g. FEDEX or UPS delivery receipts, are presented to the customer for receipt signature upon receipt of the delivered goods. These delivery tickets are then forwarded to the vendor of the delivered goods. The vendor then forwards these signed delivery tickets via the wide-area-workflow (WAWF) system, to DLA Financial Liaison Officers (FLO), where the material acceptance is made.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis

Required: No

DOD—OS

Proposed Rule Stage

Small Entities Affected: No**Government Levels Affected:** None**Agency Contact:** L. Williams,
Department of Defense, Office of the
Secretary, 1155 Defense Pentagon,
Washington, DC 20301
Phone: 703 767-3154**RIN:** 0790-AI05**596. • INDEBTEDNESS OF MILITARY PERSONNEL****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5520a(k); 10 USC 113(d)**CFR Citation:** 32 CFR 112**Legal Deadline:** None**Abstract:** Provides DoD policies and assigns responsibilities governing delinquent indebtedness of members of the Military Services and prescribes policy for processing involuntary allotments from the pay of military members to satisfy judgment indebtedness.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Mark Gingras,
Department of Defense, Office of the
Secretary, 1155 Defense Pentagon,
Washington, DC 20301
Phone: 703 693-6708**RIN:** 0790-AI08**597. • MANAGEMENT OF INDIVIDUAL MOBILIZATION AUGMENTEES (IMAS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 301**CFR Citation:** 32 CFR 65**Legal Deadline:** None**Abstract:** This rule implements policy, assigns responsibilities, and prescribes procedures pertaining to the management of the IMA program, and provides flexibility in authorizing IMA positions.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Gail Emow,
Department of Defense, Office of the
Secretary, 1155 Defense Pentagon,
Washington, DC 20301
Phone: 703 696-3659**RIN:** 0790-AI11**598. • HISTORICAL RESEARCH IN THE FILES OF THE OFFICE OF THE SECRETARY OF DEFENSE (OSD)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 301**CFR Citation:** 32 CFR 197**Legal Deadline:** None**Abstract:** This rule identifies and updates the policies and procedures for the programs that permit U.S. citizens to perform historical research in records created by or in the custody of the Office of the Secretary of Defense.**Timetable:**

Action	Date	FR Cite
NPRM	02/28/07	72 FR 8952
NPRM Comment Period End	04/30/07	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Juanita Irvin,
Department of Defense, Office of the
Secretary, 1155 Defense Pentagon,
Washington, DC 20301
Phone: 703 696-4940**RIN:** 0790-AI12**599. • DOMESTIC ABUSE INVOLVING DOD PERSONNEL****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** 32 CFR 49**Legal Deadline:** None**Abstract:** Implements and updates domestic abuse policies and identifies and assigns responsibilities for preventing and responding to domestic abuse. Provides guidance for implementing policies in 10 U.S.C. 1562 and section 534 of Public Law 103-337.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Michael Hoskins,
Department of Defense, Office of the
Secretary, 1155 Defense Pentagon,
Washington, DC 20301
Phone: 703 588-0871**RIN:** 0790-AI14**600. • MILITARY RECRUITING AND RESERVE OFFICER TRAINING CORPS PROGRAM ACCESS TO INSTITUTIONS OF HIGHER EDUCATION****Priority:** Other Significant**Legal Authority:** 10 USC 983**CFR Citation:** 32 CFR 217**Legal Deadline:** None**Abstract:** The Department of Defense amends the current rule addressing military recruiting and Reserve Officer Training Corps program access at institutions of higher education. This final rule implements 10 U.S.C. 983, as amended by the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375; October 28, 2004).**Timetable:**

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Brenda Leong,
Department of Defense, Office of the
Secretary, 1155 Defense Pentagon,
Washington, DC 20301
Phone: 703 695-5529**RIN:** 0790-AI15**601. • SCREENING THE READY RESERVE****Priority:** Other Significant**Legal Authority:** 10 USC 10145**CFR Citation:** 32 CFR 44**Legal Deadline:** None

DOD—OS

Proposed Rule Stage

Abstract: This rule implements 10 U.S.C. 10145 to 10147 and Executive Order 11190 to update DoD policy and responsibilities for the screening of Ready Reservists.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gregory Bennett, Department of Defense, Office of the Secretary, 1155 Defense Pentagon, Washington, DC 20301
Phone: 703 695-3659

RIN: 0790-AI17

602. • SUPPORT FOR NON-FEDERAL ENTITIES AUTHORIZED TO OPERATE ON DOD INSTALLATIONS (DOD DIRECTIVE 1000.26E)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 301

CFR Citation: 32 CFR 213

Legal Deadline: None

Abstract: This rule proposes to establish policy and assign responsibilities for standardizing support to Non-Federal entities authorized to operate on DoD installations. Designates the Secretary of Army as the DoD executive agent for support to Boy Scout and Girl Scout local councils and organizations in areas outside of the United States; support for the national Boy Scout jamboree; the annual DoD audit of the American Red Cross (ARC) accounts and the subsequent report to Congress; and necessary ARC deployment support. It also designates the Secretary of the Air Force as the DoD Executive Agent for conducting the Armed Forces Entertainment program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Pam Crespi, Department of Defense, 1155 Defense Pentagon, Washington, DC 20301

Phone: 703 602-5004

RIN: 0790-AI18

603. • SERVICE ACADEMIES (DOD INSTRUCTION 1322.22)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 301

CFR Citation: 32 CFR 217

Legal Deadline: None

Abstract: This rule establishes policy, assigns responsibilities, and prescribes procedures for DoD oversight of the Service academies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda Leong, Department of Defense, Office of the Secretary, 1155 Defense Pentagon, Washington, DC 20301
Phone: 703 695-5529

RIN: 0790-AI19

**Department of Defense (DOD)
Office of the Secretary (OS)**

Final Rule Stage

604. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 10 USC 113

CFR Citation: 32 CFR 22; 32 CFR 32

Legal Deadline: None

Abstract: This rulemaking is the Department of Defense portion of a multiple-agency action. The agencies are amending their rules implementing Office of Management and Budget (OMB) Circular A-110 "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." The amendments to the rules incorporate updated language in Circular A-110 requiring Federal awarding agencies to

ensure that all data produced under awards subject to the Circular are made available to the public through the procedures established under the Freedom of Information Act (FOIA). OMB updated the Circular language in this way in October 1999, in response to a provision in Public Law 105-277. With this rule amendment to 32 CFR parts 22 and 32, the Department of Defense therefore will maintain policies on access to data produced under awards subject to Circular A-110 that are consistent with the policies of other executive departments and agencies.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14405
Interim Final Rule Effective	04/17/00	
Interim Final Rule Comment Period End	05/15/00	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Herbst, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 588-1377
Email: mark.herbst@osd.mil

RIN: 0790-AG76

605. PROVISION OF EARLY INTERVENTION AND SPECIAL EDUCATION SERVICES TO ELIGIBLE DOD DEPENDENTS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 301

CFR Citation: 32 CFR 57

Legal Deadline: None

Abstract: This rule implements the Individuals With Disabilities Education

DOD—OS

Final Rule Stage

Act, as amended in 1997. The rule integrates into one policy both 32 CFR part 57 (which concerned provision of early intervention and special education to eligible DoD dependents in overseas areas) and 32 CFR part 80 (which concerned provision of early intervention and special education services in domestic Department of Defense schools).

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/10/04	69 FR 32662
Interim Final Rule Effective	06/10/04	
Interim Final Rule Comment Period End	08/09/04	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: R. Posante, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 696-4493

RIN: 0790-AH70

606. DOD CONTRACTORS' SAFETY MANUAL (DOD 4145.26-M)

Priority: Other Significant

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 184

Legal Deadline: None

Abstract: This rule provides guidelines to contractors that are engaged in ammunition and explosives operations. This rule is necessary to minimize the potential for mishaps that should interrupt DoD operations, delay project completion dates, adversely impact DoD production base or capability, damage or destroy DoD-owned material/equipment, cause injury to DoD personnel, or endanger the general public.

Timetable:

Action	Date	FR Cite
NPRM	03/29/05	70 FR 16038
NPRM Comment Period End	05/31/05	70 FR 16038
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Josephine Covino, Department of Defense, Office of the Secretary, 2461 Eisenhower Avenue, Alexandria, VA 22331
Phone: 703 325-8625
Fax: 703 325-6227
Email: josephine.covino@ddesb.osd.mil

RIN: 0790-AH76

607. GUIDANCE ON OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS (DOD INSTRUCTION 5400.15)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 276

Legal Deadline: None

Abstract: This rule provides guidance on obtaining access to financial records maintained by financial institutions.

Timetable:

Action	Date	FR Cite
NPRM	02/02/06	71 FR 5631
NPRM Comment Period End	04/03/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Vahan Moushegian, Department of Defense, Office of the Secretary, Washington Headquarters Services, Defense Pentagon, Washington, DC 20301
Phone: 703 607-2944

RIN: 0790-AH85

608. NATURALIZATION OF ALIENS SERVING IN THE ARMED FORCES OF THE UNITED STATES AND OF ALIEN SPOUSES AND/OR ALIEN ADOPTED CHILDREN OF MILITARY AND CIVILIAN PERSONNEL ORDERED OVERSEAS

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 94

Legal Deadline: None

Abstract: Militarily certifies alien dependents seeking naturalization under the provisions of sections

1430(b) and 1430(c) of title 8, United States Code, and furnishes policy guidance to the Secretaries of the Military Departments governing discharge of release from active duty in the Armed Forces of the United States of permanent residence aliens who desire to be naturalized as United States citizens.

Timetable:

Action	Date	FR Cite
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: William Gleason, Department of Defense, Office of the Secretary, Crystal Square 4, Room 302, Arlington, VA 22202
Phone: 703 602-5012

RIN: 0790-AH88

609. MANAGEMENT AND MOBILIZATION OF REGULAR AND RESERVE RETIRED MILITARY MEMBERS (DOD INSTRUCTION 1352.1)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 688; 10 USC 973; 10 USC 12301(a)

CFR Citation: 32 CFR 64

Legal Deadline: None

Abstract: This rule prescribes uniform policy and guidance governing the peacetime management of retired Regular and Reserve military personnel preparing for their use during a mobilization. It implements sections 688, 973, 12301(a), and 12307 of chapters 61, 63, 65, 367, 571, 573, and 1223 of title 10, United States Code.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/18/06	71 FR 19827
Interim Final Rule Effective	04/18/06	
Interim Final Rule Comment Period End	06/19/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

DOD—OS

Final Rule Stage

Agency Contact: Daniel Kohner,
Department of Defense, Office of the
Secretary, 4000 Defense Pentagon,
Washington, DC 20301
Phone: 703 693-7479
Email: dkohner@osd.pentagon.mil
RIN: 0790-AH92

610. USER CHARGES**Priority:** Other Significant**Legal Authority:** 31 USC 9701**CFR Citation:** 32 CFR 204**Legal Deadline:** None

Abstract: The Department of Defense is revising 32 CFR part 204 to better align it with OMB Circular A-25 "User Charges." This part provides guidelines to establish appropriate charges for authorized services supplied by Department of Defense organizations when such services provide special benefits to an identifiable recipient beyond those that accrue to the general public.

Timetable:

Action	Date	FR Cite
NPRM	01/26/06	71 FR 4332
NPRM Comment Period End	03/27/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Tom Summers,
Department of Defense, Office of the
Secretary, 1160 Defense Pentagon,
Washington, DC 20301
Phone: 703 602-0299

RIN: 0790-AH93**611. FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES (LEAS)(DOD INSTRUCTION 1342.18)****Priority:** Substantive, Nonsignificant**Legal Authority:** 20 USC 7703**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: This rule updates responsibilities and procedures to provide financial assistance to eligible local educational agencies (LEAs) to benefit dependent students of members of the Armed Forces and DoD civilian employees. It also assigns responsibilities and prescribes

procedures for providing payments to eligible LEAs that provide services to military dependent children with severe disabilities.

Timetable:

Action	Date	FR Cite
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Gary Woods,
Department of Defense, Office of the
Secretary, Defense Pentagon,
Washington, DC 20301
Phone: 703 602-4949
Email: gary.woods@osd.mil

RIN: 0790-AH95**612. DEPARTMENT OF DEFENSE PRIVACY PROGRAM****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 552a; PL 93-579**CFR Citation:** 32 CFR 310**Legal Deadline:** None

Abstract: The Department of Defense is updating policies and responsibilities for the Defense Privacy Program which implements the Privacy Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	07/14/06	71 FR 40282
NPRM Comment Period End	09/12/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Vahan Moushegian,
Department of Defense, Office of the
Secretary, Washington Headquarters
Services, Defense Pentagon,
Washington, DC 20301
Phone: 703 607-2944

RIN: 0790-AH98**613. PRIVACY ACT; INSPECTOR GENERAL IMPLEMENTATION****Priority:** Other Significant**Legal Authority:** 5 USC 552a**CFR Citation:** 32 CFR 312**Legal Deadline:** None

Abstract: The Office of the Inspector General (OIG) is proposing to exempt a new system of records in its inventory of systems of records pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, to protect records that are presently exempt from certain requirements of the Act.

Timetable:

Action	Date	FR Cite
NPRM	08/07/06	71 FR 44602
NPRM Comment Period End	10/06/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Darryl Aaron,
Department of Defense, Office of the
Secretary, 1155 Defense Pentagon,
Washington, DC 20301
Phone: 703 604-9785

RIN: 0790-AI01**614. DLA PROCEDURES FOR ELIGIBLE PURCHASERS OF MUNITIONS LIST/COMMERCE CONTROL LIST ITEMS****Priority:** Other Significant**Legal Authority:** 40 USC 101(3)**CFR Citation:** 32 CFR 161**Legal Deadline:** None

Abstract: This rule proposes to set forth policies and procedures to ensure disposal of excess and surplus personal property is administered in a manner consistent with U.S. laws, regulations, and policies governing exports and related transfers of technology, goods, services, and munitions, as well as with other laws, regulations, and policies relating to the disposal of such property.

Timetable:

Action	Date	FR Cite
NPRM	10/25/06	71 FR 62407
NPRM Comment Period End	12/26/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Mark Vincent,
Department of Defense, Office of the

DOD—OS

Final Rule Stage

Secretary, 1155 Defense Pentagon,
Washington, DC 20301
Phone: 703 767-2507
Email: mark.d.vincent@dla.mil.

RIN: 0790-AI04

615. • CONDUCT ON THE PENTAGON RESERVATION

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 131; 10 USC 2674(c)

CFR Citation: 32 CFR 234

Legal Deadline: None

Abstract: This rule amends DoD policy concerning conduct on the Pentagon Reservation and Raven Rock Mountain Complex. In 2003, Congress amended 10 U.S.C. 2674(g) so that the "Pentagon Reservation" also included the land and physical facilities at the Raven Rock Mountain Complex. Given this amendment, the Department has recognized the need to amend rules and regulations under 32 CFR part 234 so that they are applicable to Raven Rock Mountain Complex. Therefore, minor

and administrative changes to the rules and regulations were necessary.

Timetable:

Action	Date	FR Cite
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ms. Linda Bynum, Department of Defense, Office of the Secretary, Washington Headquarters Services, Suite 11000, 1777 N. Kent Street, Rosslyn, VA 22209
Phone: 703 696-4970
Fax: 703 604-1111
Email: lbynum@whs.mil

RIN: 0790-AI09

616. • OFFICE OF THE SECRETARY PRIVACY PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 5 USC 552a

CFR Citation: 32 CFR 311

Legal Deadline: None

Abstract: This rule updates and implements policies and procedures for the Privacy Act Program in the Office of the Secretary of Defense and organizations provided administrative support by the Washington Headquarters Services.

Timetable:

Action	Date	FR Cite
NPRM	01/23/07	72 FR 2819
NPRM Comment Period End	03/26/07	
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Juanita Irvin, Department of Defense, Office of the Secretary, 1155 Defense Pentagon, Washington, DC 20301
Phone: 703 696-4940

RIN: 0790-AI10

Department of Defense (DOD) Office of the Secretary (OS)

Completed Actions

617. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM (NSPS)

Priority: Other Significant

Legal Authority: 5 USC 9902

CFR Citation: 5 CFR 9901

Legal Deadline: None

Abstract: The Department of Defense (DoD) and the Office of Personnel Management (OPM) are issuing proposed regulations to establish the National Security Personnel System (NSPS), a human resources management system for the Department of Defense, as authorized by the National Defense Authorization Act (Pub. L. 108-136, November 24, 2003). NSPS governs basic pay, staffing, classification, performance management, labor relations, adverse actions, and employee appeals. NSPS aligns DoD's human resources management system with the Department's critical mission requirements and protects the civil service rights of its employees.

Timetable:

Action	Date	FR Cite
NPRM	02/14/05	70 FR 7552
NPRM Comment Period End	03/16/05	
Final Action	11/01/05	70 FR 66116
Final Action Effective	11/28/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Brad Bunn, Department of Defense, Office of the Secretary, Pentagon, Washington, DC 20301
Phone: 703 696-7770
Email: brad.bunn@cpms.osd.mil

RIN: 0790-AH82

618. SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL ON DOD PROPERTY (DOD INSTRUCTION 4105.70)

Priority: Other Significant

Legal Authority: 10 USC 2489a

CFR Citation: 32 CFR 235

Legal Deadline: None

Abstract: This rule implements 10 U.S.C. 2489a, which prohibits the sale or rental of sexually explicit material on property under DoD jurisdiction. The part establishes responsibilities for monitoring compliance, establishes a review board to determine whether a material offered for sale or rental is sexually explicit as consistent with the definition in 10 U.S.C. 2489a, and delineates review board procedures and required reports.

Timetable:

Action	Date	FR Cite
NPRM	12/19/05	70 FR 75091
NPRM Comment Period End	02/17/06	
Final Action	11/15/06	71 FR 66457
Final Action Effective	12/15/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Frank A Stich, Department of Defense, Office of the Secretary, 1160 Defense Pentagon, Washington, DC 20301

DOD—OS

Completed Actions

Phone: 703 602-4590

RIN: 0790-AH86

619. DOD POLICY ON ORGANIZATIONS THAT SEEK TO REPRESENT OR ORGANIZE MEMBERS OF THE ARMED FORCES IN NEGOTIATION OR COLLECTIVE BARGAINING

Priority: Other Significant

Legal Authority: 10 USC 301

CFR Citation: 32 CFR 143

Legal Deadline: None

Abstract: This rule reflects policies and procedures for organizations whose objective is to organize or represent members of the Armed Forces of the United States for purposes of negotiating or bargaining about terms or conditions of military service. The policies and procedures set forth herein are designed to promote the readiness of the armed forces to defend the United States. The part does not modify or diminish the existing authority of commanders to control access to, or maintain good order and discipline on, military installations; nor does it modify or diminish the obligations of commanders and supervisors under 5 U.S.C. 7101 to 7135 with respect to organizations representing DoD civilian employees.

Timetable:

Action	Date	FR Cite
NPRM	10/12/06	71 FR 60092
NPRM Comment Period End	12/11/06	
Final Action	12/22/06	71 FR 76914
Final Action Effective	01/22/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Gingras, Department of Defense, Office of the Secretary, 1155 Defense Pentagon, Washington, DC 20301
Phone: 703 693-6708

RIN: 0790-AH99

620. PRIVACY ACT; DEFENSE LOGISTICS AGENCY IMPLEMENTATION

Priority: Other Significant

Legal Authority: PL 93-579

CFR Citation: 32 CFR 323

Legal Deadline: None

Abstract: The Defense Logistics Agency (DLA) is proposing to update the DLA Privacy Act Program Rules, 32 CFR part 323, by replacing a(K)(2) exemption with a (k)(5) exemption.

Timetable:

Action	Date	FR Cite
NPRM	08/11/06	71 FR 46180
NPRM Comment Period End	10/10/06	
Final Action	11/03/06	71 FR 64633
Final Action Effective	12/04/06	
Final Action Amendment	03/26/07	72 FR 14041

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jody Sinkler, Department of Defense, Office of the Secretary, 1155 Defense Pentagon, Washington, DC 20301
Phone: 703 767-5045

RIN: 0790-AI00

621. DTRA PRIVACY ACT; IMPLEMENTATION

Priority: Other Significant

Legal Authority: 5 USC 552a

CFR Citation: 32 CFR 318

Legal Deadline: None

Abstract: The Defense Threat Reduction Agency is proposing to exempt those records contained in HDTRA 021 entitled "Freedom of Information Act and Privacy Act Case Files" when an exemption has been previously claimed for the records in another Privacy Act system of records. The exemption is intended to preserve the exempt status of the record when the purposes underlying the exemption for the original records are still valid and necessary to protect the contents of the records.

Timetable:

Action	Date	FR Cite
NPRM	08/07/06	71 FR 44603
NPRM Comment Period End	10/06/06	
Final Action	11/03/06	71 FR 64632
Final Action Effective	12/04/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda M Carter, Department of Defense, Office of the Secretary, 1155 Defense Pentagon, Washington, DC 20301
Phone: 703 767-1771

RIN: 0790-AI03

622. • PLAN FOR THE EMERGENCY SECURITY CONTROL OF AIR TRAFFIC (ESCAT)

Priority: Info./Admin./Other

Legal Authority: 10 USC 301; 10 USC 552

CFR Citation: 32 CFR 245

Legal Deadline: None

Abstract: This rule updates the national plan for security control of air traffic during air defense emergencies and has direct relationship with the 22 June 2006, National Security Presidential Directive/NSPD-47 and Homeland Security Presidential Directive/HSPD-16, and is authorized by the Communications Act of 1934, as amended, 5 U.S.C. 301, 552, Executive Order 12656 ("Assignment of Emergency Preparedness Responsibilities," November 18, 1988), as amended. Good cause exists for exemption from public comment as the published change to 32 CFR is in direct compliance with current Presidential Directives, does not set a precedent in updating the National Plan, and any delay in acting on this request would be detrimental to U.S. aviation security and national commerce. It defines the responsibilities and actions of agencies and personnel within DoD.

Timetable:

Action	Date	FR Cite
Final Action	10/20/06	71 FR 61889
Correction	11/13/06	71 FR 66110
Final Action Effective	01/18/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gerald Pease, Department of Defense, Office of the Secretary, 1155 Defense Pentagon, Washington, DC 20330
Phone: 703 697-6937

RIN: 0790-AI06

DOD—OS

Completed Actions

623. • SERVICE BY MEMBERS OF THE ARMED FORCES ON STATE AND LOCAL JURIES**Priority:** Other Significant**Legal Authority:** 10 USC 982**CFR Citation:** 32 CFR 144**Legal Deadline:** None**Abstract:** This rule implements 10 U.S.C. 982 to establish uniform DoD policies for jury service by members of

the Armed Forces on active duty. The provisions of this rule impact active-duty members of the Armed Forces.

Timetable:

Action	Date	FR Cite
NPRM	10/10/06	71 FR 59411
NPRM Comment Period End	12/11/06	
Final Action	12/22/06	71 FR 76916
Final Action Effective	01/22/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** C. Garcia, Department of Defense, Office of the Secretary, 1155 Defense Pentagon, Washington, DC 20301
Phone: 703 697-3387**RIN:** 0790-AI07

Department of Defense (DOD)

Proposed Rule Stage

Defense Acquisition Regulations Council (DARC)

624. PATENTS, DATA, AND COPYRIGHTS (DFARS CASE 2003-D049)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 212; 48 CFR 227; 48 CFR 252**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to update and clarify requirements relating to the acquisition of technical data, computer software, and rights in works.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil
RIN: 0750-AF26

provisions relating to leasing. The rule permits the lease of a vessel, aircraft, or combat vehicle only if the contract will be long-term or will provide for a substantial termination liability.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil**RIN:** 0750-AF39**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil**RIN:** 0750-AF50**627. DOD REPRESENTATIONS AND CERTIFICATIONS IN ORCA (DFARS CASE 2006-D032)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.1202; 48 CFR 212.301; 48 CFR 252**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to address completion of DoD representations and certifications by offerors using the Online Representations and Certifications Application (ORCA). ORCA presently includes only representations and certifications required by the FAR, but is being revised to also include those required by the DFARS. This rule addresses the DFARS representations and certifications that will be included in ORCA.**Timetable:**

Action	Date	FR Cite
NPRM	02/12/07	72 FR 6515
NPRM Comment Period End	04/13/07	
Final Action	10/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**625. LEASE OF VESSELS, AIRCRAFT, AND COMBAT VEHICLES (DFARS CASE 2006-D013)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2401; PL 109-163, sec 815**CFR Citation:** 48 CFR 207.470**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to address statutory**626. MULTIYEAR CONTRACTING (DFARS CASE 2006-D016)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 217.1**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to update and clarify requirements relating to the use of multiyear contracts.**Timetable:**

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

DOD—DARC

Proposed Rule Stage

Agency Contact: Michele Peterson,
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628. • CLOSEOUT OF CONTRACT FILES (DFARS CASE 2006-D045)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204.804; 48 CFR 244.304

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to remove internal DoD procedures relating to closeout of contract files. The procedures will be relocated to the DFARS companion resource, Procedures, Guidance, and Information.

Timetable:

Action	Date	FR Cite
NPRM	03/27/07	72 FR 14256
NPRM Comment Period End	05/29/07	
Final Action	04/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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629. • MANDATORY USE OF WIDE AREA WORKFLOW (DFARS CASE 2006-D049)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 232.7002; 48 CFR 232.7003; 48 CFR 252.232-7003

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to require the processing of all invoices, acceptance reports, and other supporting payment documentation electronically through the Wide Area WorkFlow-Receipt and Acceptance system.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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630. • RESTRICTION ON ACQUISITION OF SPECIALTY METALS (DFARS CASE 2006-D059)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-364, sec 842

CFR Citation: 48 CFR 225.70; 48 CFR 252.225-7014

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 842 of the National Defense Authorization Act for fiscal year 2007. Section 842 addresses restrictions on the acquisition of specialty metals from foreign sources.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AF66

631. • TRAFFIC AND TRANSPORTATION MANAGEMENT (DFARS CASE 2006-D025)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 242.14; 48 CFR 247; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to update policy relating to transportation and traffic management considerations in the acquisition of supplies under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF68

Department of Defense (DOD)

Final Rule Stage

Defense Acquisition Regulations Council (DARC)

632. PATENT RIGHTS—OWNERSHIP BY THE CONTRACTOR (LARGE BUSINESS) (DFARS CASE 2001-D015)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 227.3; 48 CFR 252.227

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to add a contract clause on

patent rights to replace a FAR clause that has been proposed for deletion.

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Timetable:

Action	Date	FR Cite
NPRM	09/30/04	69 FR 58377
NPRM Comment Period End	11/01/04	
Final Action	08/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 0750-AD72**633. TRANSPORTATION (DFARS CASE 2003-D028)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 247; 48 CFR 252.247**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to update and clarify text addressing transportation requirements for DoD contracts. Relocates text to the DFARS companion resource, Procedures, Guidance, and Information.

Timetable:

Action	Date	FR Cite
NPRM	07/26/05	70 FR 43109
NPRM Comment Period End	09/26/05	
Final Action	07/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 0750-AE89**634. SMALL BUSINESS PROGRAMS (DFARS CASE 2003-D047)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 219; 48 CFR 252.219-7003; 48 CFR 252.219-7004**Legal Deadline:** None

Abstract: Amends Defense FAR Supplement (DFARS) text pertaining to small business programs. Updates and clarifies policy for contracting with small business and small disadvantaged business concerns and relocates text to the DFARS companion resource, Procedures, Guidance, and Information.

Timetable:

Action	Date	FR Cite
NPRM	02/23/06	71 FR 9303
NPRM Comment Period End	04/24/06	
Final Action	05/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 0750-AE93**635. COMBATING TRAFFICKING IN PERSONS (DFARS CASE 2004-D017)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 212.301; 48 CFR 222.17; 48 CFR 252.222-7006**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement DoD policy prohibiting contractor employees from supporting or promoting trafficking in persons.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35603
NPRM Comment Period End	08/22/05	
Interim Final Rule	10/26/06	71 FR 62560
Interim Final Rule Effective	10/26/06	
Interim Final Rule Comment Period End	01/25/07	
Final Action	07/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 0750-AF11

636. EXPORT-CONTROLLED INFORMATION AND TECHNOLOGY (DFARS CASE 2004-D010)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204; 48 CFR 235; 48 CFR 252**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to address requirements for preventing unauthorized disclosure of export-controlled information and technology under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/12/05	70 FR 39976
NPRM Comment Period End	10/12/05	70 FR 46807
NPRM	08/14/06	71 FR 46434
NPRM Comment Period End	10/13/06	
NPRM Comment Period Reopened	10/17/06	71 FR 61012
NPRM Comment Period End	11/02/06	
Final Action	07/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 0750-AF13

637. EARNED VALUE MANAGEMENT SYSTEMS (DFARS CASE 2005-D006)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 242; 48 CFR 252**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to update requirements for

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contractor compliance with earned value management system criteria.

Timetable:

Action	Date	FR Cite
NPRM	01/23/06	71 FR 3449
NPRM Comment Period End	03/24/06	
Final Action	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AF19

638. REPORTS OF GOVERNMENT PROPERTY (DFARS CASE 2005-D015)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 252.245-7001

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to update requirements for contractor reporting of Government property in the contractor's possession. Specifies requirements for DoD contractors to provide item unique identification (IUID) information electronically into the IUID Registry.

Timetable:

Action	Date	FR Cite
NPRM	03/21/06	71 FR 14151
NPRM Comment Period End	05/22/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AF24

639. CONTRACTOR PERSONNEL AUTHORIZED TO ACCOMPANY U.S. ARMED FORCES (DFARS CASE 2005-D013)

Priority: Other Significant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 212.301; 48 CFR 225.7402; 48 CFR 252.225-7040

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement DoD policy regarding contractor personnel authorized to accompany U.S. Armed Forces deployed outside the United States. Addresses the status of contractor personnel as civilians accompanying the U.S. Armed Forces and the responsibilities of the combatant commander regarding the protection of contractor personnel.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/16/06	71 FR 34826
Interim Final Rule Comment Period End	09/18/06	71 FR 46409
Final Action	07/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF25

640. BERRY AMENDMENT NOTIFICATION REQUIREMENT (DFARS CASE 2006-D006)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-163, sec 833(a); 10 USC 2533a

CFR Citation: 48 CFR 205.301; 48 CFR 225.7002

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 833(a) of the National Defense Authorization Act for Fiscal Year 2006. Section 833(a) amends 10 U.S.C. 2533a to add a requirement for DoD to provide notice on the FedBizOps Internet site when certain exceptions to

domestic source requirements apply to an acquisition.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/04/06	71 FR 58536
Interim Final Rule Effective	10/04/06	
Interim Final Rule Comment Period End	12/04/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF33

641. LIMITATION ON TIERED EVALUATION OF OFFERS (DFARS CASE 2006-D009)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-163, sec 816

CFR Citation: 48 CFR 202.101; 48 CFR 210.001; 48 CFR 213.106-1-70; 48 CFR 215.203-70; 48 CFR 219.1102; 48 CFR 219.1307

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 816 of the National Defense Authorization Act for Fiscal Year 2006. Section 816 requires DoD to prescribe guidance on the use of tiered evaluation of offers for contracts and for task or delivery orders under contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/08/06	71 FR 53042
Interim Final Rule Effective	09/08/06	
Interim Final Rule Comment Period End	11/07/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense

DOD—DARC

Final Rule Stage

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RIN: 0750-AF36

642. ACQUISITION OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS (DFARS CASE 2006-D012)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-163, sec 803

CFR Citation: 48 CFR 212.270; 48 CFR 234.70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 803 of the National Defense Authorization Act for Fiscal Year 2006. Section 803 limits the use of commercial item procedures for the acquisition of major weapon systems.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/04/06	71 FR 58537
Interim Final Rule Effective	10/04/06	
Interim Final Rule Comment Period End	12/04/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF38

643. EVALUATION FACTOR FOR EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE ARMED FORCES RESERVE (DFARS CASE 2006-D014)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-163, sec 819

CFR Citation: 48 CFR 215; 48 CFR 252.215

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 819

of the National Defense Authorization Act for Fiscal Year 2006. Section 819 authorizes DoD to use an evaluation factor relating to whether a prospective contractor intends to carry out the contract using individuals or subcontractors who are members of the Selected Reserve of the reserve components of the Armed Forces.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AF40

644. CONGRESSIONAL NOTIFICATION OF AWARD OF ARCHITECT-ENGINEER SERVICES/MILITARY FAMILY HOUSING CONTRACTS (DFARS CASE 2006-D015)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-136, sec 1031(a)(37)

CFR Citation: 48 CFR 236.601

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 1031(a)(37) of the National Defense Authorization Act for Fiscal Year 2004. Section 1031(a)(37) amended the requirements for submission of a notification to Congress before the award of a contract for architectural and engineering services or construction design in connection with military construction, military family housing, or restoration or replacement of damaged or destroyed facilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/04/06	71 FR 58540
Interim Final Rule Effective	10/04/06	
Interim Final Rule Comment Period End	12/04/06	
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF41

645. LABOR REIMBURSEMENT ON DOD NON-COMMERCIAL TIME-AND-MATERIALS AND LABOR-HOUR CONTRACTS (DFARS CASE 2006-D030)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 216.601; 48 CFR 252.216-7002

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to provide policy for reimbursing labor costs on competitively awarded DoD non-commercial time-and-materials and labor-hour contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/12/06	71 FR 74469
Interim Final Rule Comment Period End	02/12/07	
Interim Final Rule Effective	02/12/07	
Final Action	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AF44

646. CONTRACTING METHODS AND CONTRACT TYPE (DFARS CASE 2006-D018)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

DOD—DARC

Final Rule Stage

CFR Citation: 48 CFR 235.006

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to add an exception to the requirement for a written determination before using a fixed-price type contract for a development program effort. The exception would apply to contracts for systems integration of commercial off-the-shelf information technology products under the DoD Enterprise Software Initiative.

Timetable:

Action	Date	FR Cite
NPRM	11/09/06	71 FR 65768
NPRM Comment Period End	01/08/07	
Final Action	07/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF45

647. AWARD FEE CONTRACTS (DFARS CASE 2006-D021)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-364, sec 814

CFR Citation: 48 CFR 207.1; 48 CFR 216.4

Legal Deadline: Final, Statutory, April 15, 2007.

Abstract: Amends the Defense FAR Supplement to implement section 814 of the National Defense Authorization Act for Fiscal Year 2007. Section 814 requires DoD to issue guidance on the appropriate use of award and incentive fees in DoD acquisition programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF51

648. INFORMATION ASSURANCE CONTRACTOR TRAINING AND CERTIFICATION (DFARS CASE 2006-D023)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239.71; 48 CFR 252.239

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to address requirements for contractor personnel accessing information systems to have the proper information assurance certifications, in accordance with DoD Manual 8570.01-M, Information Assurance Workforce Improvement Program.

Timetable:

Action	Date	FR Cite
NPRM	01/22/07	72 FR 2644
NPRM Comment Period End	03/23/07	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AF52

649. RECEIVING REPORTS FOR SHIPMENTS (DFARS CASE 2006-D024)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 252.246-7000

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to clarify that copies of material inspection and receiving reports must be distributed with contract shipments, including those reports produced using the Wide Area

WorkFlow-Receipt and Acceptance electronic system.

Timetable:

Action	Date	FR Cite
NPRM	11/09/06	71 FR 65769
NPRM Comment Period End	01/08/07	
Final Action	07/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF53

650. BERRY AMENDMENT RESTRICTIONS—CLOTHING MATERIALS AND COMPONENTS (DFARS CASE 2006-D031)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-163, sec 833(b)

CFR Citation: 48 CFR 225.7002-1; 48 CFR 252.225-7012

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 833(b) of the National Defense Authorization Act for Fiscal Year 2006. Section 833(b) expands the foreign source restrictions applicable to the acquisition of clothing to also include clothing materials and components, other than sensors, electronics, or other items added to, and not normally associated with, clothing and the materials and components thereof.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/22/07	72 FR 2637
Interim Final Rule Effective	01/22/07	
Interim Final Rule Comment Period End	03/23/07	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

DOD—DARC

Final Rule Stage

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RIN: 0750-AF54

651. EMERGENCY ACQUISITIONS (DFARS CASE 2006-D036)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 218

Legal Deadline: None

Abstract: Adds a new part to the Defense FAR Supplement to address the acquisition flexibilities that may be used to facilitate and expedite acquisitions of supplies and services during emergency situations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/22/07	72 FR 2631
Interim Final Rule Effective	01/22/07	
Interim Final Rule Comment Period End	03/23/07	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF56

652. • NEW DESIGNATED COUNTRIES (DFARS CASE 2006-D062)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-53

CFR Citation: 48 CFR 252.225-7021; 48 CFR 252.225-7036; 48 CFR 252.225-7045

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement the Dominican Republic-Central America-United States Free Trade Agreement with respect to the Dominican

Republic. Also adds Bulgaria and Romania to the list of countries covered by the World Trade Organization Government Procurement Agreement, in accordance with direction from the United States Trade Representative.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/27/07	72 FR 14242
Interim Final Rule Comment Period End	05/29/07	
Final Action	04/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF57

653. • TAXPAYER IDENTIFICATION NUMBERS (DFARS CASE 2006-D037)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 252.204-7004

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to address requirements for validation of Taxpayer Identification Numbers as part of the Central Contractor Registration process. The DFARS changes are consistent with changes made to the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/22/07	72 FR 2645
NPRM Comment Period End	03/23/07	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF58

654. • WAGE DETERMINATIONS (DFARS CASE 2006-D043)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 222.404; 48 CFR 222.1008; 48 CFR 222.1014

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to update procedures for obtaining Department of Labor wage determinations for construction and service contracts.

Timetable:

Action	Date	FR Cite
Final Action	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF59

655. • ACQUISITION INTEGRITY (DFARS CASE 2006-D044)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 203.1

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to address requirements for the separation of Agency functions for oversight, source selection, contract negotiation, and contract award.

Timetable:

Action	Date	FR Cite
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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DOD—DARC

Final Rule Stage

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656. • DELETION OF OBSOLETE ACQUISITION PROCEDURES (DFARS CASE 2006-D046)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 206.303-1; 48 CFR 225.870-2; 48 CFR 225.872-3

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to remove text relating to obsolete requirements for submission of certain documents to the United States Trade Representative and requirements for use of paper-based solicitation mailing lists, which have been replaced by electronic tools such as the Central Contractor Registration database and the Federal Business Opportunities website.

Timetable:

Action	Date	FR Cite
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AF62

657. • CONTRACTOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS (DFARS CASE 2006-D050)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-364, sec 333

CFR Citation: 48 CFR 237.102-70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 333

of the National Defense Authorization Act for Fiscal Year 2007. Section 333 extends, through September 30, 2009, the period during which contractor performance of security-guard functions at military installations or facilities is authorized for the additional requirements resulting from the terrorist attacks on the United States on September 11, 2001. Section 333 also places limitations on the total number of personnel that may be employed under contracts entered into pursuant to this authority.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AF64

658. • MILITARY CONSTRUCTION ON GUAM (DFARS CASE 2006-D065)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-364, sec 2810

CFR Citation: 48 CFR 222.73

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to remove obsolete text addressing a prohibition on the use of nonimmigrant aliens to perform work under contracts for military construction on Guam. The statute containing the prohibition was repealed by section 2810 of the National Defense Authorization Act for Fiscal Year 2007.

Timetable:

Action	Date	FR Cite
Final Action	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF65

659. • EXCESSIVE PASS-THROUGH CHARGES (DFARS CASE 2006-D057)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-364, sec 852

CFR Citation: 48 CFR 215; 48 CFR 231; 48 CFR 252

Legal Deadline: Final, Statutory, May 1, 2007.

Abstract: Amends the Defense FAR Supplement to implement section 852 of the National Defense Authorization Act for fiscal year 2007. Section 852 requires DoD to prescribe regulations to ensure that pass-through charges on contracts or subcontracts that are entered into for or on behalf of DoD are not excessive.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF67

Department of Defense (DOD)
Defense Acquisition Regulations Council (DARC)
Long-Term Actions
660. CODIFICATION AND MODIFICATION OF BERRY AMENDMENT (DFARS CASE 2002-D002)

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 225.7002; 48 CFR 252.212-7001; 48 CFR 252.225-7012

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/26/02	67 FR 20697
Interim Final Rule Comment Period End	06/25/02	
Interim Final Rule Effective	04/26/02	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson

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RIN: 0750-AD76

661. DEFINITIONS OF COMPONENT AND DOMESTIC MANUFACTURE (DFARS CASE 2005-D010)

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 225; 48 CFR 252.225

Timetable:

Action	Date	FR Cite
NPRM	04/12/06	71 FR 18695
NPRM Comment Period End	06/12/06	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson

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RIN: 0750-AF22

Department of Defense (DOD)
Defense Acquisition Regulations Council (DARC)
Completed Actions
662. PROTESTS, DISPUTES, AND APPEALS (DFARS CASE 2003-D010)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 233.204; 48 CFR 233.210

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to update text addressing procedures for processing of contractor claims submitted under DoD contracts. Removes obsolete text and relocates text to the DFARS companion resource, Procedures, Guidance, and Information.

Timetable:

Action	Date	FR Cite
NPRM	06/16/06	71 FR 34867
NPRM Comment Period End	08/15/06	
Final Action	02/12/07	72 FR 6485
Final Action Effective	02/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AE01

663. CONTRACT PRICING AND COST ACCOUNTING STANDARDS (DFARS CASE 2003-D014)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 215.4; 48 CFR 230; 48 CFR 252.215-7002; 48 CFR 253.215-70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to update text addressing contract pricing matters and cost accounting standards administration. Implements statutory provisions regarding exceptions to cost or pricing data requirements and waiver of cost accounting standards, and relocates internal DoD procedures relating to pricing considerations and cost accounting standards to the DFARS companion resource, Procedures, Guidance, and Information.

Timetable:

Action	Date	FR Cite
NPRM	12/20/05	70 FR 75440
NPRM Comment Period End	02/21/06	
Final Action	12/01/06	71 FR 69492
Final Action Effective	12/01/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062

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Related RIN: Merged with 0750-AE10

RIN: 0750-AE71

664. MATERIAL INSPECTION AND RECEIVING REPORT (DFARS CASE 2003-D085)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR ch 2, app F

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to clarify requirements for preparation of material inspection and receiving reports under DoD contracts. Relocates text to the DFARS companion resource, Procedures, Guidance, and Information.

Timetable:

Action	Date	FR Cite
NPRM	07/12/05	70 FR 39975
NPRM Comment Period End	09/12/05	
Final Action	12/19/06	71 FR 75890
Final Action Effective	12/19/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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DOD—DARC

Completed Actions

Defense Pentagon, Washington, DC
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RIN: 0750-AE73

665. NOTIFICATION REQUIREMENTS FOR CRITICAL SAFETY ITEMS (DFARS CASE 2004-D008)

Priority: Substantive, Nonsignificant
Legal Authority: PL 108-87, sec 8143
CFR Citation: 48 CFR 212.301; 48 CFR 244.403; 48 CFR 246.371; 48 CFR 252.244-7000; 48 CFR 252.246-7003
Legal Deadline: None
Abstract: Amends the Defense FAR Supplement to add a contract clause requiring contractors to promptly notify the Government of any nonconformance or deficiency that could impact item safety.

Timetable:

Action	Date	FR Cite
NPRM	08/01/05	70 FR 44077
NPRM Comment Period End	09/30/05	
Final Action	01/22/07	72 FR 2633
Final Action Effective	01/22/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF12

666. LEVY ON PAYMENTS TO CONTRACTORS (DFARS CASE 2004-D033)

Priority: Substantive, Nonsignificant
Legal Authority: 41 USC 421
CFR Citation: 48 CFR 212.301; 48 CFR 232.71; 48 CFR 252.232-7010
Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to address the effect of Internal Revenue Service levies on contract payments. The rule requires a DoD contractor to promptly notify the contracting officer if a levy may result in an inability to perform the contract.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/05	70 FR 52031
Interim Final Rule Comment Period End	10/31/05	
Final Action	12/01/06	71 FR 69489
Final Action Effective	12/01/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF14

667. INFLATION ADJUSTMENT OF ACQUISITION-RELATED THRESHOLDS (DFARS CASE 2004-D022)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-375, sec 807

CFR Citation: 48 CFR 205; 48 CFR 207; 48 CFR 211; 48 CFR 217; 48 CFR 219; 48 CFR 223; 48 CFR 225; 48 CFR 228; 48 CFR 232; 48 CFR 237; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 807 of the National Defense Authorization Act for Fiscal Year 2005. Section 807 provides for an adjustment of acquisition-related dollar thresholds every 5 years.

Timetable:

Action	Date	FR Cite
NPRM	01/23/06	71 FR 3446
NPRM Comment Period End	03/24/06	
Final Action	12/19/06	71 FR 75891
Final Action Effective	12/19/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF16

668. RESTRICTION ON CARBON, ALLOY, AND ARMOR STEEL PLATE (DFARS CASE 2005-D002)

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-289, sec 8024

CFR Citation: 48 CFR 225.7011-1; 48 CFR 225.7011-3; 48 CFR 252.225-7030

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to clarify restrictions on the acquisition of foreign carbon, alloy, and armor steel plate. The restrictions implement provisions of annual DoD appropriations acts.

Timetable:

Action	Date	FR Cite
NPRM	12/09/05	70 FR 73189
NPRM Comment Period End	02/07/06	
Final Action	12/19/06	71 FR 75893
Final Action Effective	12/19/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF17

669. ELECTRONIC SUBMISSION AND PROCESSING OF PAYMENT REQUESTS (DFARS CASE 2005-D009)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 232.7002; 48 CFR 232.7003; 48 CFR 252.232-7003

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to update policy addressing requirements for DoD contractors to submit payment requests in electronic form. Clarifies the situations under which DoD will grant exceptions to requirements for electronic submission of payment requests.

DOD—DARC

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	03/21/06	71 FR 14149
NPRM Comment Period End	05/22/06	
Final Action	03/27/07	72 FR 14240
Final Action Effective	03/27/07	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson,
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RIN: 0750-AF28**670. CONTRACTING OFFICERS'
REPRESENTATIVES (DFARS CASE
2005-D022)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 201.602-2**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to clarify the authority of personnel designated as contracting officers' representatives. Also relocates procedures regarding designation of a contracting officer's representative, to the DFARS companion resource, Procedures, Guidance, and Information.**Timetable:**

Action	Date	FR Cite
NPRM	05/12/06	71 FR 27659
NPRM Comment Period End	07/11/06	
Final Action	12/01/06	71 FR 69488
Final Action Effective	12/01/06	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson,
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RIN: 0750-AF30**671. RADIO FREQUENCY
IDENTIFICATION (DFARS CASE
2006-D002)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 211.275; 48 CFR
252.211-7006**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to include additional commodities and ship-to locations that are subject to requirements for package marking with passive radio frequency identification tags.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/19/06	71 FR 29084
Interim Final Rule Comment Period End	07/18/06	
Final Action	02/12/07	72 FR 6480
Final Action Effective	02/12/07	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson,
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RIN: 0750-AF31**672. BERRY AMENDMENT
EXCEPTIONS—ACQUISITION OF
PERISHABLE FOOD AND FISH,
SHELLFISH, OR SEAFOOD (DFARS
CASE 2006-D005)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-163, sec 831;
PL 108-287, sec 8118; 10 USC 2533a**CFR Citation:** 48 CFR 225.7002-2**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement section 831 of the National Defense Authorization Act for Fiscal Year 2006 and section 8118 of the DoD Appropriations Act for Fiscal Year 2005. Section 831 amended 10 U.S.C. 2533a(d)(3) to expand the exception that permits the acquisition of non-domestic perishable foods by activities located outside the United States, to also permit the acquisition of such foods by activities that are making

purchases on behalf of activities located outside the United States. Section 8118 established a permanent requirement for the acquisition of domestic fish, shellfish, and seafood, including fish, shellfish, and seafood contained in foods manufactured or processed in the United States. This requirement previously had been included in Defense Appropriations Acts on an annual basis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/16/06	71 FR 34832
Interim Final Rule Comment Period End	08/15/06	
Final Action	02/12/07	72 FR 6484
Final Action Effective	02/12/07	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson,
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RIN: 0750-AF32**673. PROHIBITION ON ACQUISITION
FROM COMMUNIST CHINESE
MILITARY COMPANIES (DFARS CASE
2006-D007)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-163, sec 1211**CFR Citation:** 48 CFR 225.770; 48 CFR
225.1103; 48 CFR 252.225-7007**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement section 1211 of the National Defense Authorization Act for Fiscal Year 2006. Section 1211 prohibits DoD from acquiring United States Munitions List items from Communist Chinese military companies.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/08/06	71 FR 53045
Interim Final Rule Effective	09/08/06	
Interim Final Rule Comment Period End	11/07/06	
Final Action	03/27/07	72 FR 14239
Final Action Effective	03/27/07	

DOD—DARC

Completed Actions

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson,
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RIN: 0750-AF34

**674. SECURITY-GUARD SERVICES
CONTRACTS (DFARS CASE
2006-D011)**

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-163, sec 344

CFR Citation: 48 CFR 237.102-70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 344 of the National Defense Authorization Act for Fiscal Year 2006. Section 344 extends, through September 30, 2007, the period during which contractor performance of security-guard functions at military installations or facilities is authorized to fulfill additional requirements resulting from the terrorist attacks on the United States on September 11, 2001.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/16/06	71 FR 34833
Interim Final Rule Comment Period End	08/15/06	
Final Action	02/12/07	72 FR 6485
Final Action Effective	02/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF37

**675. AVIATION INTO-PLANE
REIMBURSEMENT (AIR) CARD
(DFARS CASE 2006-D017)**

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 213.301; 48 CFR 213.306

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to authorize use of the AIR card instead of a Standard Form 44 for purchases of aviation fuel and oil.

Timetable:

Action	Date	FR Cite
NPRM	06/16/06	71 FR 34867
NPRM Comment Period End	08/15/06	
Final Action	02/12/07	72 FR 6484
Final Action Effective	02/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF42

**676. FREE TRADE AGREEMENT—EL
SALVADOR, HONDURAS, AND
NICARAGUA (DFARS CASE
2006-D019)**

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-53

CFR Citation: 48 CFR 252.212-7001; 48 CFR 252.225-7013; 48 CFR 252.225-7021; 48 CFR 252.225-7035; 48 CFR 252.225-7036; 48 CFR 252.225-7045

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement the Dominican Republic-Central America-United States Free Trade Agreement with respect to El Salvador, Honduras, and Nicaragua. The Free Trade Agreement waives the applicability of the Buy American Act for some foreign supplies and construction materials and specifies procurement procedures designed to ensure fairness.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/16/06	71 FR 34834
Interim Final Rule Comment Period End	08/15/06	
Final Action	02/12/07	72 FR 6486
Final Action Effective	02/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF43

**677. FREE TRADE AGREEMENTS—
GUATEMALA AND BAHRAIN (DFARS
CASE 2006-D028)**

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-53; PL 109-169

CFR Citation: 48 CFR 252.212-7001; 48 CFR 252.225-7013; 48 CFR 252.225-7021; 48 CFR 252.225-7035; 48 CFR 252.225-7036; 48 CFR 252.225-7045

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement the Dominican Republic-Central America-United States Free Trade Agreement, with respect to Guatemala, and the United States-Bahrain Free Trade Agreement. The Free Trade Agreements waive the applicability of the Buy American Act for some foreign supplies and construction materials and specify procurement procedures designed to ensure fairness.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/04/06	71 FR 58541
Interim Final Rule Effective	10/04/06	
Interim Final Rule Comment Period End	12/04/06	
Final Action	03/27/07	72 FR 14241
Final Action Effective	03/27/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

DOD—DARC

Completed Actions

Government Levels Affected: Federal
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RIN: 0750-AF49

Department of Defense (DOD)
Department of the Army (DOA)

Completed Actions

678. CLAIMS AGAINST THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2733; 10 USC 1089; 10 USC 1054; 28 USC 1291, 2401 to 2402, 2411 to 2412, 2671 to 2680; 10 USC 2737; 32 USC 715; 10 USC 2734a, 2734b; 10 USC 2734; 10 USC 4801, 4802, 4806; 46 USC app 740; 39 USC 411; 10 USC 939; 10 USC 2736; 10 USC 2735; 10 USC 2731;

CFR Citation: 32 CFR 536

Legal Deadline: None

Abstract: The Department of the Army is amending its regulations to reflect a substantial revision of AR 27-20, an Army publication which governs the processing of claims worldwide. This rewrite ensures that AR 27-20 is keeping with current statutes, legal opinions, and Department of Justice guidance pertaining to claims processing. This updated rule will expedite payment of meritorious claims throughout the world.

Timetable:

Action	Date	FR Cite
NPRM	08/11/06	71 FR 46260
NPRM Comment Period End	10/10/06	
Final Action	11/30/06	71 FR 69360

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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 the Army, U.S. Army Records
 Management and Declassification
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RIN: 0702-AA54

679. CLAIMS ON BEHALF OF THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3711 to 3720E; 42 USC 2651 to 2653; 10 USC 1095; 10 USC 4803 to 4804; 33 USC 408;

CFR Citation: 32 CFR 537

Legal Deadline: None

Abstract: The Department of the Army is amending its regulations to reflect a substantial revision of AR 27-20, an Army publication which governs the processing of claims worldwide. This

rewrite ensures that AR 27-20 is keeping with current statutes, legal opinions, and Department of Justice guidance pertaining to claims processing. This expedited rule will expedite payment of meritorious claims throughout the world. AR 27-20 includes rules for processing affirmative claims; i.e., recovery actions on behalf of the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/09/06	71 FR 45475
NPRM Comment Period End	10/10/06	
Final Action	11/30/06	71 FR 69403

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Department of Defense (DOD)
U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

680. REGULATORY PROGRAM OF THE ARMY CORPS OF ENGINEERS AND HISTORIC PROPERTIES

Priority: Other Significant

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325

Legal Deadline: None

Abstract: In 1990, the Corps published its final regulations regarding the protection of historic properties and compliance with the National Historic

Preservation Act (NHPA) and other historic preservation laws. Since those final regulations were published, the NHPA was amended in 1992, and the Advisory Council on Historic Preservation's implementing regulations at 36 CFR part 800 have been substantially revised. The Corps will revise its regulations to conform to the NHPA's revised implementing regulations.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/04	69 FR 57662
ANPRM Comment Period End	11/26/04	
NPRM	03/00/08	
NPRM Comment Period End	05/00/08	
Final Action	07/00/08	
Final Action Effective	08/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

DOD—COE

Proposed Rule Stage

Government Levels Affected: None
Agency Contact: Jennifer McCarthy, Department of Defense, U.S. Army Corps of Engineers, Directorate of Civil Works (CECW—OR), 441 G Street NW, Washington, DC 20314–1000
 Phone: 202 761–4614
RIN: 0710–AA51

CFR Citation: 33 CFR 323
Legal Deadline: None
Abstract: The Corps is considering amending its regulatory definition of “discharge of dredged material.” This rulemaking would be done in response to the January 30, 2007, decision by the United States District Court for the District of Columbia in the National Association of Home Builders et al., v. U.S. Army Corps of Engineers, et al. (No. 01-0274).

Action	Date	FR Cite
Final Action	09/00/08	
Final Action Effective	10/00/08	

Regulatory Flexibility Analysis Required: Undetermined
Small Entities Affected: Businesses, Organizations
Government Levels Affected: Undetermined
Federalism: Undetermined
Agency Contact: Jennifer McCarthy, Department of Defense, U.S. Army Corps of Engineers, Directorate of Civil Works (CECW—OR), 441 G Street NW, Washington, DC 20314–1000
 Phone: 202 761–4614
RIN: 0710–AA64

681. • FURTHER REVISIONS TO THE CLEAN WATER ACT REGULATORY DEFINITION OF DISCHARGE OF DREDGED MATERIAL

Priority: Other Significant. Major status under 5 USC 801 is undetermined.
Unfunded Mandates: Undetermined
Legal Authority: 33 USC 1344

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Department of Defense (DOD)
 U.S. Army Corps of Engineers (COE)

Final Rule Stage

682. COMPENSATORY MITIGATION FOR LOSSES OF AQUATIC RESOURCES

Priority: Other Significant
Legal Authority: 33 USC 1344; PL 108–136; 33 USC 401; 33 USC 403
CFR Citation: Not Yet Determined
Legal Deadline: Final, Statutory, November 24, 2005.
 Public Law 108-136 requires that the final regulations be issued no later than two years after the enactment of the Act.

Abstract: Section 314(b) of the National Defense Authorization Act of 2004 (Pub. L. 108-136) requires the Secretary of the Army, acting through the Chief of Engineers, to issue regulations establishing performance standards and criteria for on-site, off-site, and in lieu fee mitigation and mitigation banking consistent with section 404 of the Clean Water Act. The requirements and standards in the regulations will improve the quality and performance of compensatory mitigation in replacing aquatic resource functions lost as a result of activities authorized by Department of the Army permits.

Timetable:

Action	Date	FR Cite
NPRM	03/28/06	71 FR 15520
NPRM Comment Period End	06/30/06	71 FR 29604
Final Action	12/00/07	
Final Action Effective	02/00/08	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: Undetermined
Federalism: Undetermined
Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.
Agency Contact: David B. Olson, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, Attn: CECW—OR, 441 G Street NW, Washington, DC 20314–1000
 Phone: 202 761–4922
 Email: david.b.olson@hq02.usace.army.mil
RIN: 0710–AA55

occurred since those regulations were last revised in 1991. The Corps proposed to revise the regulation to increase the pre-construction notification review period to 45 days, to be consistent with the current nationwide permits. The Corps also proposed to amend the regulation to allow district engineers to issue verification letters that can have the same expiration date as the nationwide permit.

Timetable:

Action	Date	FR Cite
NPRM	11/30/04	69 FR 69563
NPRM Comment Period End	01/31/05	
Final Action	06/00/07	
Final Action Effective	07/00/07	

683. NATIONWIDE PERMIT PROGRAM REGULATIONS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.
Legal Authority: 33 USC 1344; 33 USC 401 et seq; 33 USC 1413
CFR Citation: 33 CFR 330
Legal Deadline: None

Abstract: The Corps proposed to revise its Nationwide Permit Program regulations at 33 CFR part 330 to address changes in regulatory procedures and policy that have

Regulatory Flexibility Analysis Required: No
Government Levels Affected: Undetermined
Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.
Agency Contact: David B. Olson, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, CECW—CO/MVD, 441 G Street NW, Washington, DC 20314–1000
 Phone: 202 761–4922
 Email: david.b.olson@hq02.usace.army.mil
RIN: 0710–AA60

Department of Defense (DOD)
Department of the Navy (NAVY)

Proposed Rule Stage

684. • DEPARTMENT OF THE NAVY ACQUISITION REGULATIONS: CONTINUOUS PROCESS IMPROVEMENTS (CIP)

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 48 CFR 5234

Legal Deadline: None

Abstract: The Deputy for Acquisition Management, Office of the Assistant Secretary of the Navy (Research, Development, and Acquisition) is issuing this advance notice of proposed rulemaking (ANPRM) to solicit comments that can be used to assist the Department of the Navy (DoN) in drafting a proposed Navy Marine Corps Acquisition Regulation Supplement

(NMCARS) contract clause or statement of work requirements that will incentivize contractors to pursue and implement Continuous Process Improvement (CPI) on DoN major defense contracts. In particular, the primary focus will be to incentivize proactive business process improvement activities that identify increased efficiencies, cost avoidance, and cost savings and provide the greatest motivation for contractors to share related savings with the DoN to the maximum extent practicable.

Timetable:

Action	Date	FR Cite
ANPRM	01/18/07	72 FR 2250

Action	Date	FR Cite
ANPRM Comment Period End	03/19/07	
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Clarence Belton, Office of the Assistant Secretary of the Navy, Acquisition and Business Management, Department of Defense, Department of the Navy, 2211 South Clark Place, Arlington, VA 22244
Phone: 703 693-4006
Email: belton.clarence@hq.navy.mil

RIN: 0703-AA82

Department of Defense (DOD)
Department of the Navy (NAVY)

Final Rule Stage

685. GENERAL CLAIMS REGULATIONS—ADMINISTRATIVE PROCESSING AND CONSIDERATION OF CLAIMS ON BEHALF OF AND AGAINST THE U.S.

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 552; 10 USC 5013; 10 USC 5148

CFR Citation: 32 CFR 750

Legal Deadline: None

Abstract: Administrative processing and consideration of claims on behalf of and against the Navy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dan Fields, Department of Defense, Department of the Navy, 1322 Patterson Avenue SE, Washington Navy Yard, Washington, DC 20374

Phone: 202 685-5921

Fax: 202 685-5484

Email: danny.fields@navy.mil

RIN: 0703-AA78

686. PERSONNEL CLAIMS REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552(a)(1)

CFR Citation: 32 CFR 751

Legal Deadline: None

Abstract: Personnel claims regulations that prescribe procedures and substantive basis for administrative settlement of claims against the United States submitted by Department of the Navy (DON) personnel and civilian employees of the naval establishment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Enrique Mendez, Department of Defense, Department of the Navy, 1322 Patterson Avenue SE, Washington Navy Yard, Washington, DC 20374

Phone: 202 685-4600

RIN: 0703-AA79

687. PROCEDURES FOR PROCESSING CLAIMS INVOLVING NON-APPROPRIATED FUND ACTIVITIES AND THEIR EMPLOYEES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 10 USC 5013; 10 USC 5148

CFR Citation: 32 CFR 756

Legal Deadline: None

Abstract: Non-appropriated fund claims regulations that explain the settlement for and against the United States for property damage, personal injury, or death arising out of the operation of non-appropriated fund instrumentalities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dan Fields, Department of Defense, Department of the Navy, 1322 Patterson Avenue SE, Washington Navy Yard, Washington, DC 20374

Phone: 202 685-5921

Fax: 202 685-5484

Email: danny.fields@navy.mil

RIN: 0703-AA80

DOD—NAVY

Final Rule Stage

688. AFFIRMATIVE CLAIMS REGULATIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552 (a)(1)**CFR Citation:** 32 CFR 757**Legal Deadline:** None

Abstract: Affirmative claims regulations that describe how to assert, administer, and collect claims for damage to or loss or destruction of Government property through negligent wrongful acts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Enrique Mendez, Department of Defense, Department of the Navy, 1322 Patterson Avenue SE, Washington Navy Yard, Washington, DC 20374

Phone: 202 685-4600

RIN: 0703-AA81**689. • ADMIRALTY CLAIMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC 5013; 10 USC 5148; 10 USC 7621; 10 USC 7622; 10 USC 7623**CFR Citation:** 32 CFR 752**Legal Deadline:** None

Abstract: The Department of the Navy is amending its Admiralty Claims regulations concerning the scope of admiralty claims and the limit on the Secretary of the Navy's settlement authority on admiralty claims reflected

in chapter XII of the Manual of the Judge Advocate General (JAGMAN). The Department of Navy is updating this rule to reflect the United States Code provisions.

Timetable:

Action	Date	FR Cite
Final Action	05/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Gregg A Cervi, CDR, Department of Defense, Department of the Navy, 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, Washington, DC 20374

Phone: 202 685-5040

RIN: 0703-AA83

Department of Defense (DOD)

Department of the Air Force (AF)

Proposed Rule Stage

690. IMPLEMENTATION OF AMC INTERNATIONAL AIR TENDER RULES PUBLICATION NO. 1**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 32 CFR 856**Legal Deadline:** None

Abstract: Air Mobility Command is proposing to implement AMC International Air Tender Rules Publication No. 1, Rules and Accessorial Services Governing the Air Movement of Department of Defense International Freight Traffic, to articulate the air transportation service needs of the Department of Defense (DoD) for the movement of its international air freight traffic. This rule will ensure that air freight carriers providing freight transportation have both the willingness and the capability to meet the DoD's needs and provide the standardization necessary for accomplishing a fair and equitable best value analysis of each tender submitted.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Greg Hunt, Department of Defense, Department of the Air Force, 1800 Defense Pentagon, Washington, DC 20330-1800

Phone: 618 229-4454

RIN: 0701-AA71**691. • AIR FORCE ACADEMY PREPARATORY SCHOOL****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 8012**CFR Citation:** 32 CFR 903**Legal Deadline:** None

Abstract: This rule tells how to apply for the Air Force Academy Preparatory School. It also explains the procedures

for selection, disenrollment, and assignment. This rule has been updated to identify USAFA's revised mission statement, new selection criteria, and updates of associated Air Force Instructions.

Timetable:

Action	Date	FR Cite
NPRM	03/08/07	72 FR 10436
NPRM Comment Period End	05/07/07	
Final Action	04/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Scotty Ashley, Department of Defense, Department of the Air Force, 1800 Air Force Pentagon, Washington, DC 20330

Phone: 703 695-3594

RIN: 0701-AA72

Department of Defense (DOD)
Office of Assistant Secretary for Health Affairs (DODOASHA)

Proposed Rule Stage

692. TRICARE; CHANGES TO DRG AND INPATIENT MENTAL HEALTH PAYMENT SYSTEMS

Priority: Other Significant

Legal Authority: 10 USC ch 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed rule amends the exclusion of services and supplies provided as part of or under a research study, grant, or research program to add coverage for routine patient care that would have been necessary in the absence of the study as well as care of complications that result from participation in the trial.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marty Maxey, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676-3627

RIN: 0720-AA91

693. TRICARE—IMPLEMENTATION OF CHANGES TO THE PHARMACY BENEFITS PROGRAM; DOUBLE COVERAGE WITH MEDICARE PART D

Priority: Other Significant

Legal Authority: 5 USC 301; 10 USC ch 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: TRICARE eligible beneficiaries, who are entitled to Medicare Part A on the basis of age, disability, or end-stage renal disease, maintain their TRICARE eligibility when they are enrolled in the supplementary medical insurance program under Part B of Medicare. In general, in the case of medical or dental care provided to these individuals for which payment may be made under both Medicare and TRICARE, Medicare is the primary payer and TRICARE will normally pay the actual out-of-pocket costs incurred by the person. This proposed rule prescribes double

coverage payment procedures and makes revisions to TRICARE rules to accommodate beneficiaries who are eligible under both Medicare and TRICARE and who participate in Medicare's outpatient prescription drug program under Medicare Part D.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: MAJ Travis Watson, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 703 681-0064
Email: pharmacyrulecomments@tms.osd.mil

Related RIN: Previously reported as 0720-AA94

RIN: 0720-AB01

694. TRICARE; CERTAIN SURVIVORS OF DECEASED ACTIVE DUTY MEMBERS AND ADOPTION INTERMEDIARIES

Priority: Other Significant

Legal Authority: 10 USC ch 55; 5 USC 301; PL 109-163

CFR Citation: 32 CFR 199

Legal Deadline: Final, Statutory, October 7, 2001, PL 109-163.

Abstract: The rule addresses two provisions of the NDAA-FY06, Public Law 109-163. Section 715 of the NDAA-FY06 extends the time frame that certain dependents of Active Duty Service Members (ADSM) who die while on active duty for more than 30 days shall receive TRICARE medical benefits at active duty dependent payment rates. Second, section 592 modifies the requirement for intermediaries who provide adoption placements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Ann N. Fazzini, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 303 676-3803

RIN: 0720-AB04

695. ● TRICARE PROGRAM; OVERPAYMENTS RECOVERY

Priority: Other Significant

Legal Authority: 5 USC 301; 10 USC ch 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule proposes amendments to the CHAMPUS and TRICARE program regulation that governs the recoupment of erroneous payments. The rule implements changes required by the Debt Collection Improvement Act of 1996 and the revised Federal Claims Collection Standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gail Jones, Department of Defense, Office of Assistant Secretary for Health Affairs, 1155 Defense Pentagon, Washington, DC 20301

Phone: 303 676-3401

RIN: 0720-AB09

696. ● TRICARE; EXPANSION OF GEOGRAPHIC SCOPE OF THE TRICARE RETIREE DENTAL PROGRAM (TRDP)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 10 USC ch 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule expands the geographic scope of the TRICARE Retiree Dental Program (TRDP) to overseas locations not currently covered by the program. At this time, TRDP is only applicable in the 50 United States and the District of Columbia, Canada, Puerto Rico, Guam,

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American Samoa, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands. Expanding the geographic scope of the program will ensure that all TRICARE-eligible retirees are eligible for the same dental benefits, regardless of their location. There are no additional Government costs associated with this proposed

expansion of TRDP overseas as TRDP costs are borne entirely by enrollees through premium payments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Debra Hatzel, Department of Defense, Defense Pentagon, Washington, DC 20301
Phone: 303 676-3572

RIN: 0720-AB13

Department of Defense (DOD)

Final Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

697. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); HOSPITAL PAYMENT FOR AMBULATORY CARE

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule establishes a new payment method for ambulatory care (other than ambulatory surgery) provided by hospitals to CHAMPUS beneficiaries under which payment amounts would be based on the cost of the service rather than on the billed charge as at present.

Timetable:

Action	Date	FR Cite
NPRM	01/20/94	59 FR 3046
NPRM Comment Period End	03/21/94	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 703 681-3628

Email: steve.lillie@tma.osd.mil

RIN: 0720-AA20

698. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); EXCEPTION TO THE CHAMPUS DUAL COMPENSATION/CONFLICT OF INTEREST PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC ch 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: Currently, any individual who is a civilian employee of the United States Government cannot be authorized by CHAMPUS as a provider of medical services. We propose to provide an exception to this prohibition to permit these individuals to be authorized CHAMPUS providers if they meet three conditions. First, they must be employed by the Government agency on a part-time basis; that is, less than 20 hours per week. Second, the agency must certify that unique or special circumstances detrimental to the delivery of quality health care exist that can be overcome only by employing part-time, non-Government physicians. Third, the agency and the physician must certify that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's private practice.

Timetable:

Action	Date	FR Cite
NPRM	08/26/97	62 FR 45196
NPRM Comment Period End	10/27/97	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Stephen Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 303 676-3572

Email: stephen.isaacson@tma.osd.mil

RIN: 0720-AA41

699. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); DOUBLE COVERAGE

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC ch 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule clarifies our double coverage policy for non-institutional claims for beneficiaries with primary health insurance. TRICARE network, non-network but participating, and non-participating providers are all reimbursed differently under current procedures. This has had the unintended effect of discouraging TRICARE network participation since non-network but participating providers receive the most favorable treatment with respect to double coverage calculations. The Department proposes to revise double coverage reimbursement calculations by reimbursing all providers up to 100 percent of the CHAMPUS Maximum Allowable Charge after the primary health insurance has paid or 115 percent for nonparticipating providers.

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32451

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Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	08/16/99	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

Agency Contact: Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 703 681-3628

Email: steve.lillie@tma.osd.mil

RIN: 0720-AA50

700. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ESTABLISHMENT OF AN APPEALS PROCESS FOR TRICARE CLAIMCHECK DENIALS

Priority: Substantive, Nonsignificant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule implements section 714 of the National Defense Authorization Act for FY 1999, which requires the establishment of an appeals process for denials by TRICARE Claimcheck (TCC) or any similar software system. This rule enhances the current appeals process by adding an additional level of appeal conducted at the TRICARE Management Activity (TMA) and by codifying the entire process in this part.

Timetable:

Action	Date	FR Cite
NPRM	01/13/00	65 FR 2085
NPRM Comment Period End	03/13/00	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

Agency Contact: Donald Wagner, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 303 676-3411

RIN: 0720-AA56

701. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); INDIVIDUAL CASE MANAGEMENT PROGRAM FOR PERSONS WITH EXTRAORDINARY CONDITIONS (ICMP-PEC)

Priority: Substantive, Nonsignificant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: The Department of Defense proposes to amend its regulations of the Individual Case Management Program (ICMP) to implement requirements stipulated by section 703 of the Fiscal Year 2000 National Defense Authorization Act, section 8118 of the Fiscal Year 2000 Defense Appropriations Act, section 701 of the Fiscal Year 2001 National Defense Authorization Act, and section 8100 of the Fiscal Year 2001 Defense Appropriations Act. Other administrative amendments are also proposed to clarify specific policies that relate to the program.

Timetable:

Action	Date	FR Cite
NPRM	08/01/01	66 FR 39699
NPRM Comment Period End	10/01/01	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Mary Stockdale, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 703 681-0039

RIN: 0720-AA65

702. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); VOLUNTARY DISENROLLMENT FROM THE TRICARE RETIREE DENTAL PROGRAM (TRDP)

Priority: Substantive, Nonsignificant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule implements section 726 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, which amended 10 U.S.C. 1076c to allow for voluntary disenrollment from the TRICARE Retiree Dental Program in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	01/30/02	67 FR 4375
NPRM Comment Period End	04/01/02	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Linda Winter, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 303 676-3682

RIN: 0720-AA69

703. TRICARE; COORDINATION OF BENEFITS BETWEEN TRICARE AND THE DEPARTMENT OF VETERANS AFFAIRS

Priority: Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC ch 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: Under current rules, beneficiaries who are eligible for both TRICARE and the Veterans Administration benefits may use only one program for care but cannot use both at the same time. This rule changes that policy to establish Veterans Administration benefits as double coverage under TRICARE, so that beneficiaries may use TRICARE benefits to augment or replace services being provided through the Veterans Administration.

Timetable:

Action	Date	FR Cite
NPRM	08/19/03	68 FR 49732
NPRM; Correction	09/05/03	68 FR 52722
NPRM; Correction Effective	09/05/03	68 FR 52722

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Action	Date	FR Cite
NPRM Comment Period End	10/20/03	68 FR 49732
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Stephen Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 303 676-3572

Email: stephen.isaacson@tma.osd.mil

Related RIN: Previously reported as 0720-AA86**RIN:** 0720-AA87**704. TRICARE PROGRAM; RARE DISEASES DEFINITION AND PARTIAL LIST OF EXAMPLES OF UNPROVEN DRUGS, DEVICES, MEDICAL TREATMENTS, OR PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC ch 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None**Abstract:** This rule revises the definition of rare diseases to be more in compliance with the definition of other Federal agencies and national organizations. This rule also clarifies the provision for case-by-case review of benefits for rare diseases. In addition, this rule removes the partial list of examples of unproven drugs, devices, medical treatments, or procedures.**Timetable:**

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48433
NPRM Comment Period End	10/12/04	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Rene Morrell, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 303 676-3618

RIN: 0720-AA88**705. TRICARE PROGRAM; ROUTINE CARE NOT DIRECTLY RELATED TO STUDY, GRANT, OR RESEARCH PROGRAM****Priority:** Other Significant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None**Abstract:** This rule amends the exclusion of services and supplies provided as part of or under a research study, grant, or research program to add coverage for routine patient care that would have been necessary in the absence of the study, as well as care of complications that result from participation in the trial.**Timetable:**

Action	Date	FR Cite
NPRM	06/20/06	71 FR 35402
NPRM Comment Period End	08/21/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Rene Morrell, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 303 676-3618

RIN: 0720-AA98**706. TRICARE; RESERVE AND GUARD FAMILY MEMBER BENEFITS****Priority:** Other Significant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None**Abstract:** This rule would implement the authority granted the Secretary of Defense under sections 704 and 705 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. These provisions would apply to eligible family members who become eligible for TRICARE as a result of their Reserve Component (RC) sponsor (including those with delayed effective date orders up to 90 days) being called or ordered to active duty for more than 30 days in support of a Federal/contingency operation and

choose to participate in TRICARE Standard or Extra, rather than enroll in TRICARE Prime. The first provision would waive the annual TRICARE Standard (or Extra) deductible, which is set by law (10 U.S.C. 1079(b)) at \$150 per individual and \$300 per family (\$50/\$150 for families of members in pay grades E-4 and below). The second provision would increase TRICARE payments up to 115 percent of the TRICARE maximum allowable charge, less the applicable patient cost share if not previously waived under the first provision, for covered outpatient health services received from a provider that does not participate (accept assignment) with TRICARE. These provisions would help ensure timely access to health care and maintain clinically appropriate continuity of health care to family members of Reservists and Guardsmen activated in support of a Federal/contingency operation; limit the out-of-pocket health care expenses for those family members; and remove potential barriers to health care access by Guard and Reserve families.

Timetable:

Action	Date	FR Cite
NPRM	08/22/06	71 FR 48864
NPRM Comment Period End	10/23/06	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lt Col James Whitton, Department of Defense, Office of Assistant Secretary for Health Affairs, 1155 Defense Pentagon, Washington, DC 20301

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RIN: 0720-AB00**707. TRICARE; CHANGES INCLUDED IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006; TRICARE DENTAL PROGRAM****Priority:** Other Significant**Legal Authority:** 5 USC 301; 10 USC ch 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None**Abstract:** The Department is publishing this interim final rule to implement section 713 of the National Defense

DOD—DODOASHA

Final Rule Stage

Authorization Act for Fiscal Year 2006 (NDAA for FY06), Public Law 109-163. Specifically, that legislation expands the eligibility for survivor benefits under the TRICARE Dental Program (TDP) to include the active duty spouse of a member who dies while on active duty for a period of more than 30 days. The rule is being published as an interim final rule with comment period in order to comply with statutory effective dates. Public comments are invited and will be considered for possible revisions to the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/06	71 FR 66871
Interim Final Rule Effective	11/17/06	
Interim Final Rule Comment Period End	01/16/07	
Final Action	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0720-AB02

708. TRICARE OUTPATIENT PROSPECTIVE PAYMENT SYSTEM (OPPS)

Priority: Other Significant

Legal Authority: 10 USC ch 55; 5 USC 301; 10 USC 1079(j)(2)

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: The rule implements a prospective payment system for hospital outpatient services similar to that furnished to Medicare beneficiaries, as set forth in section 1833(t) of the Social Security Act. The rule also recognizes applicable statutory requirements and changes arising from Medicare's continuing experience with its system, including certain related provisions of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. While TRICARE intends to remain as true as possible to Medicare's basic OPPS methodology (i.e., adoption and updating of the

Medicare data elements used in calculating the prospective payment amounts), there will be some significant deviations required to accommodate the uniqueness of the TRICARE program. These deviations have been designed to accommodate existing TRICARE benefit structure and claims processing procedures implemented under the TRICARE Next Generation Contracts (T-NEX) while at the same time eliminating any undue financial burden to TRICARE Prime, Extra and Standard beneficiary populations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/07	
Final Action Effective	06/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0720-AB03

709. EXPAND ELIGIBILITY OF SELECTED RESERVE MEMBERS UNDER THE TRICARE PROGRAM

Priority: Other Significant

Legal Authority: 10 USC ch 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: Final, Statutory, October 1, 2007, NDAA for FY07.

Abstract: The proposal would expand the recently enacted Reserve health care benefit for Reservists (called TRICARE Reserve Select) to allow all members of the Selected Reserve to purchase their health care through the Military Health System at the same low cost, regardless of the member's duty status. Only members who are eligible for the Federal Health Benefits program would be excluded from this benefit. Participating Reserve Component members would be required to pay a monthly premium of 28 percent of the cost of care for the TRICARE Reserve Select plan and would be subject to the same deductibles, copayments, and other non-premium payments applicable to dependents of active duty

members who selected the same TRICARE option.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/07	
Interim Final Rule Comment Period End	08/00/07	
Final Action	09/00/07	
Final Action Effective	10/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0720-AB05

710. TRICARE; CERTAIN SURVIVORS OF DECEASED ACTIVE DUTY MEMBERS AND ADOPTION INTERMEDIARIES

Priority: Other Significant

Legal Authority: 5 USC 301; 10 USC ch 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This interim final rule implements two provisions of the National Defense Authorization Act for Fiscal Year 2006 (NDAA FY06), Public Law 109-163. First, section 715 of the NDAA FY06 extends the time frame that certain dependents of Active Duty Service Members (ADSM) who die while on active duty for more than 30 days shall receive TRICARE medical benefits at active duty dependent payment rates. Second, section 592 of the NDAA FY06 modifies the requirement for those intermediaries who provide adoption placements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/19/07	72 FR 2444
Interim Final Rule Comment Period End	03/20/07	
Final Action	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

DOD—DODOASHA

Final Rule Stage

Agency Contact: Ann Fazzini,
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RIN: 0720-AB07

**711. • TRICARE PROGRAM;
UNLABELED OR OFF-LABEL USES
OF MEDICAL DEVICES**

Priority: Other Significant

Legal Authority: 5 USC 301 ; 10 USC
ch 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This interim final rule is being established to correct an omission from the final rule that was published and adopted in January 1997. This interim final rule will allow coverage for unlabeled or off-label uses of medical devices when reliable evidence establishes that such use is safe, effective, and in accordance with nationally accepted standards in the medical community. The rule is being published as an interim final rule with comment period in order to comply with statutory effective dates. Public comments are invited and will be

considered for possible revisions to the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0720-AB11

**712. • TRICARE; TRICARE RETIREE
DENTAL PROGRAM (TRDP) BASIC
BENEFIT DESCRIPTIONS AND
ADMINISTRATIVE CORRECTIONS**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 10 USC
ch 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule amends TRICARE
Retiree Dental Program (TRDP) Basic

Benefit Descriptions by replacing specific American Dental Association (ADA) dental procedure codes and nomenclature with general benefit categories and descriptions. This amendment is necessary to keep the regulation current, since dental procedure codes are added, revised, and deleted on a regular basis. This rule does not change or eliminate any benefits that are currently available under the TRDP program. This rule also amends several incorrect, obsolete, or historical terms pertaining to the TRICARE program.

Timetable:

Action	Date	FR Cite
NPRM	11/23/06	71 FR 68496
NPRM Comment Period End	01/26/07	
Interim Final Rule	12/00/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0720-AB12

Department of Defense (DOD)

Completed Actions

Office of Assistant Secretary for Health Affairs (DODOASHA)

**713. TRICARE IMPLEMENTATION OF
CHANGES TO THE PHARMACY
BENEFITS PROGRAM; DOUBLE
COVERAGE WITH MEDICARE PART D**

Priority: Other Significant

Legal Authority: 5 USC 301; 10 USC
ch 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule prescribes double coverage payment procedures and makes revisions to TRICARE rules to accommodate beneficiaries who are eligible under both Medicare and TRICARE, and who participate in

Medicare's outpatient prescription drug program under Medicare Part D. It also establishes requirements and procedures for implementation of the improvements to the TRICARE Pharmacy Benefits Program directed by section 714 of the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA FY 05) (Pub. L. 108-365).

Timetable:

Action	Date	FR Cite
Withdrawn	02/28/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0720-AA94

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