



Federal Register

**Monday,
December 11, 2006**

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.

For this edition of the Department of Defense's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The regulatory plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

This agenda updates the report published on April 24, 2006, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the spring of 2007, with the next regulatory plan 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 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 and Records 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 LT Melissa 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:

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

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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; 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: September 5, 2006.

Ralph E. Newton,

Acting Deputy Director, Administration and Management.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
763	Armed Services Exchange Regulations (ASER) (DoD Instruction 1330.21)	0790-AH77
764	Voluntary State Tax Withholding From Retired Pay	0790-AH78
765	Emergency Security Control of Air Traffic (ESCAT) Plan	0790-AH81
766	Guidance on Obtaining Information From Financial Institutions (DoD Instruction 5400.15)	0790-AH85
767	Transition Assistance for Military Personnel (DoD Directive 1332.35)	0790-AH89
768	Nonprocurement Debarment and Suspension	0790-AH97
769	DoD Policy on Organizations That Seek To Represent or Organize Members of the Armed Forces in Negotiation or Collective Bargaining	0790-AH99
770	DLA Procedures for Eligible Purchasers of Munitions List/Commerce Control List Items	0790-AI02
771	DLA Procedures for Eligible Purchasers of Munitions List/Commerce Control List Items	0790-AI04

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
772	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	0790-AG76
773	Provision of Early Intervention and Special Education Services to Eligible DoD Dependents	0790-AH70
774	DoD Contractors' Safety Manual (DoD 4145.26-M)	0790-AH76
775	Department of Defense National Security Personnel System (NSPS)	0790-AH82
776	Sale or Rental of Sexually Explicit Material on DoD Property (DoD Instruction 4105.70)	0790-AH86
777	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
778	Management and Mobilization of Regular and Reserve Retired Military Members (DoDI 1352.1)	0790-AH92
779	User Charges	0790-AH93
780	Financial Assistance to Local Educational Agencies (LEAs)(DoD Instruction 1342.18)	0790-AH95
781	Department of Defense Privacy Program	0790-AH98
782	Privacy Act; Defense Logistics Agency Implementation	0790-AI00
783	Privacy Act; Inspector General Implementation	0790-AI01
784	DTRA Privacy Act; Implementation	0790-AI03

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
785	Restoration Advisory Boards (RABs)	0790-AG31
786	Settling Personnel and General Claims and Processing Advance Decision Requests	0790-AG47
787	Waiver of Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Directive 1340.21)	0790-AG90
788	Waiver Procedures for Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Instruction 1340.23)	0790-AG91

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Office of the Secretary—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
789	DoD Privacy Program (DoD Directive 5400.11)	0790-AH83
790	Obtaining Information From Financial Institutions	0790-AH84
791	Personal Commercial Solicitation on DoD Installations (DoD Directive 1344.7) and Personal Commercial Solicitation on DoD Installations Implementing Procedures (DoD Instruction 1344.aa)	0790-AH87

Defense Acquisition Regulations Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
792	Patents, Data, and Copyrights (DFARS Case 2003-D049)	0750-AF26
793	Contracting Methods and Contract Type (DFARS Case 2006-D018)	0750-AF45
794	Multiyear Contracting (DFARS Case 2006-D016)	0750-AF50
795	Award Fee Contracts (DFARS Case 2006-D021)	0750-AF51
796	Information Assurance Contractor Training and Certification (DFARS Case 2006-D023)	0750-AF52
797	Receiving Reports for Shipments (DFARS Case 2006-D024)	0750-AF53
798	DoD Representations and Certifications in ORCA (DFARS Case 2006-D032)	0750-AF55

Defense Acquisition Regulations Council—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
799	Patent Rights—Ownership by the Contractor (Large Business) (DFARS Case 2001-D015)	0750-AD72
800	Protests, Disputes, and Appeals (DFARS Case 2003-D010)	0750-AE01
801	Contract Pricing and Cost Accounting Standards (DFARS Case 2003-D014)	0750-AE71
802	Material Inspection and Receiving Report (DFARS Case 2003-D085)	0750-AE73
803	Transportation (DFARS Case 2003-D028)	0750-AE89
804	Small Business Programs (DFARS Case 2003-D047)	0750-AE93
805	Combating Trafficking in Persons (DFARS Case 2004-D017)	0750-AF11
806	Notification Requirements for Critical Safety Items (DFARS Case 2004-D008)	0750-AF12
807	Export-Controlled Information and Technology (DFARS Case 2004-D010)	0750-AF13
808	Levy on Payments to Contractors (DFARS Case 2004-D033)	0750-AF14
809	Inflation Adjustment of Acquisition-Related Thresholds (DFARS Case 2004-D022)	0750-AF16
810	Restriction on Carbon, Alloy, and Armor Steel Plate (DFARS Case 2005-D002)	0750-AF17
811	Earned Value Management Systems (DFARS Case 2005-D006)	0750-AF19
812	Definitions of Component and Domestic Manufacture (DFARS Case 2005-D010)	0750-AF22
813	Reports of Government Property (DFARS Case 2005-D015)	0750-AF24
814	Contractor Personnel Authorized To Accompany U.S. Armed Forces (DFARS Case 2005-D013)	0750-AF25
815	Electronic Submission and Processing of Payment Requests (DFARS Case 2005-D009)	0750-AF28
816	Contracting Officers' Representatives (DFARS Case 2005-D022)	0750-AF30
817	Radio Frequency Identification (DFARS Case 2006-D002)	0750-AF31
818	Berry Amendment Exceptions—Acquisition of Perishable Food and Fish, Shellfish, or Seafood (DFARS Case 2006-D005)	0750-AF32
819	Berry Amendment Notification Requirement (DFARS Case 2006-D006)	0750-AF33
820	Prohibition on Acquisition From Communist Chinese Military Companies (DFARS Case 2006-D007)	0750-AF34
821	Limitation on Tiered Evaluation of Offers (DFARS Case 2006-D009)	0750-AF36
822	Security-Guard Services Contracts (DFARS Case 2006-D011)	0750-AF37
823	Acquisition of Major Weapon Systems as Commercial Items (DFARS Case 2006-D012)	0750-AF38
824	Lease of Vessels, Aircraft, and Combat Vehicles (DFARS Case 2006-D013)	0750-AF39
825	Congressional Notification of Award of Architect-Engineer Services / Military Family Housing Contracts (DFARS Case 2006-D015)	0750-AF41
826	Aviation Into-Plane Reimbursement (AIR) Card (DFARS Case 2006-D017)	0750-AF42
827	Free Trade Agreement—El Salvador, Honduras, and Nicaragua (DFARS Case 2006-D019)	0750-AF43
828	Labor Reimbursement on DoD Non-Commercial Time-and-Materials and Labor-Hour Contracts (DFARS Case 2006-D030)	0750-AF44
829	Free Trade Agreements—Guatemala and Bahrain (DFARS Case 2006-D028)	0750-AF49

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Defense Acquisition Regulations Council—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
830	Berry Amendment—Clothing Materials and Components (DFARS Case 2006-D031)	0750-AF54
831	Emergency Procurement Authority (DFARS Case 2006-D036)	0750-AF56

Defense Acquisition Regulations Council—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
832	Codification and Modification of Berry Amendment (DFARS Case 2002-D002)	0750-AD76
833	Evaluation Factor for Employing or Subcontracting With Members of the Armed Forces Reserve (DFARS Case 2006-D014)	0750-AF40

Defense Acquisition Regulations Council—Completed Actions

Sequence Number	Title	Regulation Identifier Number
834	Incremental Funding, Fixed-Price Contracts (DFARS Case 1990-037)	0750-AA07
835	Threshold for Small Business Specialist Review (DFARS Case 2003-D060)	0750-AE30
836	Transition of Weapons-Related Prototype Projects to Follow-On Contracts (DFARS Case 2003-D106)	0750-AE49
837	Basic Agreements for Telecommunications Services (DFARS Case 2003-D056)	0750-AE69
838	Exchange or Sale of Government-Owned Information Technology (DFARS Case 2003-D094)	0750-AE72
839	Uniform Contract Line Item Numbering (DFARS Case 2003-D082)	0750-AE76
840	Administrative Matters (DFARS Case 2003-D084)	0750-AE77
841	Business Restructuring Costs (DFARS Case 2004-D026)	0750-AE79
842	Sole Source Award of 8(a) Contracts to Native Hawaiian-Owned Small Business Concerns (DFARS Case 2004-D031)	0750-AE81
843	Quality Assurance (DFARS Case 2003-D027)	0750-AE85
844	Construction Contracting (DFARS Case 2003-D034)	0750-AE91
845	Acquisition Planning (DFARS Case 2003-D044)	0750-AE92
846	Contract Termination (DFARS Case 2003-D046)	0750-AE94
847	Authorization for Continued Contracts (DFARS Case 2003-D052)	0750-AE95
848	Contract Administration Functions (DFARS Case 2003-D051)	0750-AE96
849	Contractor Insurance/Pension Reviews (DFARS Case 2003-D050)	0750-AE97
850	Acquisition of Information Technology (DFARS Case 2003-D068)	0750-AE98
851	Describing Agency Needs (DFARS Case 2003-D073)	0750-AE99
852	Required Sources of Supplies and Services (DFARS Case 2003-D072)	0750-AF00
853	Special Contracting Methods (DFARS Case 2003-D079)	0750-AF02
854	Types of Contracts (DFARS Case 2003-D078)	0750-AF03
855	Labor Laws (DFARS Case 2003-D019)	0750-AF06
856	Prohibition of Foreign Taxation on U.S. Assistance Programs (DFARS Case 2004-D012)	0750-AF15
857	Contract Reporting (DFARS Case 2005-D004)	0750-AF18
858	Training for Contractor Personnel Interacting With Detainees (DFARS Case 2005-D007)	0750-AF20
859	Foreign Acquisition Procedures (DFARS Case 2005-D012)	0750-AF21
860	Buy American Act Exemption for Commercial Information Technology (DFARS Case 2005-D011)	0750-AF23
861	Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Learning (DFARS Case 2006-D010)	0750-AF27
862	Trade Agreements Thresholds and Morocco Free Trade Agreement (DFARS Case 2005-D017)	0750-AF29
863	Purchase of Weapons Overseas for Force Protection Purposes (DFARS Case 2006-D008)	0750-AF35
864	Relocation of Subpart 225.6 to 225.76 (DFARS Case 2006-D003)	0750-AF46
865	Definition of Terrorist Country (DFARS Case 2006-D034)	0750-AF47
866	PAN Carbon Fiber—Deletion of Obsolete Restriction (DFARS Case 2006-D033)	0750-AF48

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Department of the Army—Final Rule Stage

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

Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identifier Number
869	Law Enforcement Reporting	0702-AA52
870	The Army Privacy Program	0702-AA53

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

Sequence Number	Title	Regulation Identifier Number
871	Regulatory Program of the Army Corps of Engineers and Historic Properties	0710-AA51

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

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

U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identifier Number
874	Environmental Quality; Procedures for Implementing the National Environmental Policy Act (NEPA)	0710-AA42
875	Cost-Sharing Requirements Under the Ability To Pay Provisions	0710-AA44
876	Navigation Regulations—Bonneville Lock and Dam	0710-AA63

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
877	General Claims Regulations—Administrative Processing and Consideration of Claims on Behalf Of and Against the U.S.	0703-AA78
878	Personnel Claims Regulations	0703-AA79
879	Procedures for Processing Claims Involving Non-Appropriated Fund Activities and Their Employees	0703-AA80
880	Affirmative Claims Regulations	0703-AA81

Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
881	Availability of DON Records and Publications of DON Documents Affecting the Public	0703-AA77

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Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
882	Implementation of AMC International Air Tender Rules Publication No. 1	0701-AA71

Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
883	TRICARE; Changes to DRG and Inpatient Mental Health Payment Systems	0720-AA91
884	TRICARE Implementation of Changes to the Pharmacy Benefits Program; Double Coverage With Medicare Part D	0720-AA94
885	TRICARE—Implementation of Changes to the Pharmacy Benefits Program; Double Coverage With Medicare Part D	0720-AB01

Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
886	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care	0720-AA20
887	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions	0720-AA41
888	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage	0720-AA50
889	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Establishment of an Appeals Process for TRICARE Claimcheck Denials	0720-AA56
890	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Individual Case Management Program for Persons With Extraordinary Conditions (ICMP-PEC)	0720-AA65
891	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Voluntary Disenrollment From the TRICARE Retiree Dental Program (TRDP)	0720-AA69
892	TRICARE; Coordination of Benefits Between TRICARE and the Department of Veterans Affairs	0720-AA87
893	TRICARE Program; Rare Diseases Definition and Partial List of Examples of Unproven Drugs, Devices, Medical Treatments, or Procedures	0720-AA88
894	TRICARE Program; Routine Care Not Directly Related to Study, Grant, or Research Program	0720-AA98
895	TRICARE; Reserve and Guard Family Member Benefits	0720-AB00
896	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2006; TRICARE Dental Program	0720-AB02
897	TRICARE Outpatient Prospective Payment System (OPPS) (Reg Plan Seq No. 25)	0720-AB03
898	TRICARE; Certain Survivors of Deceased Active Duty Members; and Adoption Intermediaries (Reg Plan Seq No. 26)	0720-AB04
899	Expand Eligibility of Selected Reserve Members Under the TRICARE Program (Reg Plan Seq No. 27)	0720-AB05
900	TRICARE; Certain Survivors of Deceased Active Duty Members; and Adoption Intermediaries	0720-AB07

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Office of Assistant Secretary for Health Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
901	TRICARE Reserve Select for Certain Members of the Selected Reserve, Transitional Assistance Management Program, Early Eligibility for TRICARE for Certain Reserve Component Members	0720-AA90
902	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2005; TRICARE Dental Program	0720-AA93
903	CHAMPUS/TRICARE; Coverage of Phase II and Phase III Clinical Trials Sponsored by the National Institutes of Health National Cancer Institute	0720-AA96
904	TRICARE Prime Remote for Active Duty Family Members and TRICARE Prime Enrollment Period	0720-AA97

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Office of Assistant Secretary for Health Affairs—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
905	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Reserve Select for Members of the Selected Reserve	0720-AA99

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

Proposed Rule Stage

763. 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	12/00/06	
NPRM Comment Period End	02/00/07	

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

764. 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	12/00/06	
NPRM Comment Period End	02/00/07	

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

765. EMERGENCY SECURITY CONTROL OF AIR TRAFFIC (ESCAT) PLAN

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 245

Legal Deadline: None

Abstract: This rule incorporates provisions and actions for the newly formed Department of Homeland Security and the Transportation Security Administration in addition to the Department of Transportation and the Federal Aviation Administration.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: William Whalen, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 416-3016

William Mahony, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 697-6554
RIN: 0790-AH81

766. 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	12/00/06	

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

767. 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

DOD—OS

Proposed Rule Stage

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	12/00/06	

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**768. • 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	12/00/06	

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**769. • 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	02/00/07	

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**770. • 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	12/00/06	

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**771. • 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 part proposes to set forth policies and procedures to ensure disposal of excess and surplus personal property is administered in a manner

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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	02/00/07	

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-AI04

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

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772. 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	

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/15/00	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

773. 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 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	

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

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

774. 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	12/00/06	
Final Action Effective	12/00/06	

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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@dodesb.osd.mil

RIN: 0790-AH76**775. 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	12/00/06	
Final Action Effective	02/00/07	

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**776. 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	12/00/06	
Final Action Effective	12/00/06	

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
Phone: 703 602-4590**RIN:** 0790-AH86**777. 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. Major status under 5 USC 801 is undetermined.**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	12/00/06	

Regulatory Flexibility Analysis**Required:** Undetermined**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**778. MANAGEMENT AND MOBILIZATION OF REGULAR AND RESERVE RETIRED MILITARY MEMBERS (DODI 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	12/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Daniel Kohner, Department of Defense, Office of the Secretary, 4000 Defense Pentagon, Washington, DC 20301

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Phone: 703 693-7479
 Email: dkohner@osd.pentagon.mil
 RIN: 0790-AH92

779. 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	12/00/06	
Final Action Effective	12/00/06	

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**780. 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	12/00/06	
Final Action Effective	02/00/07	

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**781. • 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	12/00/06	

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**782. • PRIVACY ACT; DEFENSE LOGISTICS AGENCY IMPLEMENTATION****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Not Yet Determined**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	12/00/06	

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**783. • 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	12/00/06	

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

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784. • 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	12/00/06	

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**Department of Defense (DOD)
Office of the Secretary (OS)****Completed Actions****785. RESTORATION ADVISORY BOARDS (RABS)****Priority:** Other Significant**Legal Authority:** 5 USC 551 et seq; 10 USC 2705**CFR Citation:** 32 CFR 202**Legal Deadline:** NPRM, Statutory, September 15, 1996.

Abstract: In accordance with the National Defense Authorization Acts for 1995 and 1996, the Department has prepared this rule for Restoration Advisory Boards (RABs). DoD has established RABs at over 200 installations and formerly used Defense sites that have environmental restoration programs for cleanup of contaminated sites. The purpose of the RAB is to facilitate public participation in restoration activities at operating and closing installations. The proposed rule is based on DoD's current policies for RABs, as well as DoD's experience in establishing and operating RABs over the past 2 years.

Timetable:

Action	Date	FR Cite
NPRM	08/06/96	61 FR 40764
NPRM Comment Period End	11/04/96	61 FR 40765
NPRM Extension of Comment Period	11/19/96	61 FR 58803
NPRM Comment Period End	01/20/97	
Second NPRM	01/28/05	70 FR 4061
Second NPRM Comment Period End	03/29/05	
Final Action	05/12/06	71 FR 27610
Final Action Effective	05/12/06	
Correction	05/30/06	71 FR 30719
Correction	07/28/06	71 FR 42756

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

Agency Contact: Patricia Ferrebee, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 571-9060

RIN: 0790-AG31**786. SETTLING PERSONNEL AND GENERAL CLAIMS AND PROCESSING ADVANCE DECISION REQUESTS****Priority:** Other Significant**Legal Authority:** 10 USC 2575; 10 USC 2771; 10 USC 4712; 10 USC 9712; 24 USC 420; 31 USC 3529; 31 USC 3702; 32 USC 714; 37 USC 554; ...**CFR Citation:** 32 CFR 281**Legal Deadline:** None

Abstract: This rule proposes policy and assigns responsibilities for settling personnel and general claims and for processing requests for an advance decision. The Legislative Branch Appropriations Act of 1996 transferred to the Director of the Office of Management and Budget (OMB) the Comptroller General's authority to settle claims. The OMB Director subsequently delegated some of these authorities to the Department of Defense (DoD). Later, the General Accounting Office Act of 1996 codified many of these delegations to the Secretary of Defense and others and transferred to the OMB Director the authority of the Comptroller General to waive uniformed service member and

employee debts arising out of the erroneous payment of pay or allowances exceeding \$1,500. The OMB Director subsequently delegated the authority to waive such debts of uniformed service members and DoD employees to the Secretary of Defense. The Secretary of Defense further delegated his claims settlement and waiver authorities to the General Counsel. This rule implements the reassignment of the Comptroller General's former duties within the Department of Defense with little impact on the public.

Timetable:

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68956
NPRM Comment Period End	01/13/03	
Final Action	09/29/06	71 FR 57425
Final Action Effective	09/29/06	

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

Additional Information: Pending analysis of public comments and issuance of final regulations, DOHA intends to use the procedures and practices applicable to claims and waiver applications before the effective dates of the transfers of authority, June 30, 1996, and December 18, 1996, respectively, which are published in title 4, Code of Federal Regulations, chapter 1, subchapters C and G. See also 61 FR 50285, September 25, 1996; and 62 FR 5387, February 5, 1997.

Agency Contact: Christine Kopocis, Department of Defense, Office of the

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Completed Actions

Secretary, 1160 Defense Pentagon,
Washington, DC 20301
Phone: 703 696-1809

Related RIN: Related to 0790-AG89,
Related to 0790-AG90, Related to
0790-AG91

RIN: 0790-AG47

787. WAIVER OF DEBTS RESULTING FROM ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES (DOD DIRECTIVE 1340.21)

Priority: Other Significant

Legal Authority: 5 USC 5584; 10 USC 2774; 32 USC 716

CFR Citation: 32 CFR 283

Legal Deadline: None

Abstract: This rule proposes policy and assigns responsibilities for considering applications for the waiver of debts resulting from erroneous payments of pay and allowances (including travel and transportation allowances) to or on behalf of members of the Uniformed Services and civilian DoD employees. The Legislative Branch Appropriations Act of 1996 transferred to the Director of the Office of Management and Budget (OMB) the Comptroller General's authority to settle claims. The OMB Director subsequently delegated some of these authorities to the Department of Defense (DoD). Later, the General Accounting Office Act of 1996 codified many of these delegations to the Secretary of Defense and others and transferred to the OMB Director the authority of the Comptroller General to waive uniformed service member and employee debts arising out of the erroneous payment of pay or allowances exceeding \$1,500. The OMB Director subsequently delegated the authority to waive such debts of uniformed service members and DoD employees to the Secretary of Defense. The Secretary of Defense further delegated his claims settlement and waiver authorities to the General Counsel. This rule implements the reassignment of the Comptroller General's former duties within the Department of Defense with little impact on the public.

Timetable:

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68963
NPRM Comment Period End	01/13/03	
Final Action	09/29/06	71 FR 57427

Action	Date	FR Cite
Final Action Effective	09/29/06	
Final Action; Correction	10/06/06	71 FR 59009

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Hipple,
Department of Defense, Office of the
Secretary, Defense Pentagon,
Washington, DC 20301
Phone: 703 696-8510

Related RIN: Related to 0790-AG47,
Related to 0790-AG89, Related to
0790-AG91

RIN: 0790-AG90

788. WAIVER PROCEDURES FOR DEBTS RESULTING FROM ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES (DOD INSTRUCTION 1340.23)

Priority: Other Significant

Legal Authority: 5 USC 552a; 5 USC 2104; 5 USC 2105; 5 USC 5584; 10 USC 2774; 32 USC 716; ...

CFR Citation: 32 CFR 284

Legal Deadline: None

Abstract: This rule proposes policy and prescribes procedures for considering waiver applications. The Legislative Branch Appropriations Act of 1996 transferred to the Director of the Office of Management and Budget (OMB) the Comptroller General's authority to settle claims. The OMB Director subsequently delegated some of these authorities to the Department of Defense (DoD). Later, the General Accounting Office Act of 1996 codified many of these delegations to the Secretary of Defense and others and transferred to the OMB Director the authority of the Comptroller General to waive uniformed service member and employee debts arising out of the erroneous payment of pay or allowances exceeding \$1,500. The OMB Director subsequently delegated the authority to waive such debts of uniformed service members and DoD employees to the Secretary of Defense. The Secretary of Defense further delegated his claims settlement and waiver authorities to the General Counsel. This rule implements the reassignment of the Comptroller General's former duties within the

Department of Defense with little impact on the public.

Timetable:

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68965
NPRM Comment Period End	01/13/03	
Final Action	10/10/06	71 FR 59374
Final Action Effective	10/10/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Hipple,
Department of Defense, Office of the
Secretary, Defense Pentagon,
Washington, DC 20301
Phone: 703 696-8510

Related RIN: Related to 0790-AG47,
Related to 0790-AG89, Related to
0790-AG90

RIN: 0790-AG91

789. DOD PRIVACY PROGRAM (DOD DIRECTIVE 5400.11)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552a

CFR Citation: 32 CFR 310

Legal Deadline: None

Abstract: This proposed rule amends 32 CFR part 310 to show organizational changes and realignments, to reflect assigned responsibilities, to affirm program coverage, and to delete and add, as appropriate, statutory and regulatory authorities.

Timetable:

Action	Date	FR Cite
NPRM	09/07/05	70 FR 53135
NPRM Comment Period End	11/07/05	
Final Action	11/22/05	70 FR 70489

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-AH83

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Completed Actions

790. OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 12 USC 3401**CFR Citation:** 32 CFR 275**Legal Deadline:** None

Abstract: The Department of Defense is proposing to revise its current policies concerning obtaining information from financial institutions under the Right to Financial Privacy Act of 1978, as amended (12 United States Code chapter 35). This part prescribes practices and procedures for the Department of Defense to obtain from a financial institution the financial records of its customers.

Timetable:

Action	Date	FR Cite
NPRM	02/02/06	71 FR 5631
NPRM Comment Period End	04/03/06	
Final Action	05/04/06	71 FR 26220

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-AH84

791. PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS (DOD DIRECTIVE 1344.7) AND PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS IMPLEMENTING PROCEDURES (DOD INSTRUCTION 1344.AA)**Priority:** Other Significant**Legal Authority:** 5 USC 301**CFR Citation:** 32 CFR 50**Legal Deadline:** None

Abstract: This rule continues the established annual DoD registration requirements for life insurance companies operating on all DoD installations. It continues the established requirement for the sale of insurance and securities on DoD installations overseas. This rule identifies prohibited practices that may

cause withdrawal of commercial solicitation privileges on DoD installations and establishes notification requirements when privileges are withdrawn. This rule establishes procedures for persons solicited on DoD installations to evaluate solicitors, and it identifies procedures for providing financial education programs to military personnel.

Timetable:

Action	Date	FR Cite
NPRM	04/19/05	70 FR 20316
NPRM Comment Period End	06/20/05	70 FR 20316
Final Action	07/10/06	71 FR 38760
Final Action Effective	07/10/06	

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

Agency Contact: James Ellis, Department of Defense, Office of the Secretary, 241 South 18th Street, Crystal Square 4, Suite 302, Arlington, VA 22202
Phone: 703 602-5009

RIN: 0790-AH87

Department of Defense (DOD)

Proposed Rule Stage

Defense Acquisition Regulations Council (DARC)

792. PATENTS, DATA, AND COPYRIGHTS (DFARS CASE 2003-D049)**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2320; 10 USC 2321**CFR Citation:** 48 CFR 227; 48 CFR 252.227**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative pertaining to the acquisition of technical data, computer software, and computer software documentation.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	

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**793. • CONTRACTING METHODS AND CONTRACT TYPE (DFARS CASE 2006-D018)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**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	03/00/07	

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-AF45

DOD—DARC

Proposed Rule Stage

794. • 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 simplify and clarify existing text relating to the use of multiyear contracting.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

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 Defense Pentagon, Washington, DC 20301–3062

Phone: 703 602–0311

Email: michele.peterson@osd.mil

RIN: 0750–AF50**795. • AWARD FEE CONTRACTS (DFARS CASE 2006–D021)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 207.1; 48 CFR 216.4**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to add policy on the proper use of award fee contracts. The policy will address requirements for tying award fees to desired outcomes and for documenting award fee decisions.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

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

Defense Pentagon, Washington, DC 20301–3062

Phone: 703 602–0311

Email: michele.peterson@osd.mil

RIN: 0750–AF51**796. • 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	12/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**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–AF52**797. • 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	03/00/07	

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–AF53**798. • DOD REPRESENTATIONS AND CERTIFICATIONS IN ORCA (DFARS CASE 2006–D032)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204; 48 CFR 212; 48 CFR 252**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to address completion of DoD representations and certifications by offerors using the Online Representations and Certifications Application (ORCA).**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**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–AF55

DOD—DARC

Final Rule Stage

809. 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	12/00/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AF16**810. RESTRICTION ON CARBON, ALLOY, AND ARMOR STEEL PLATE (DFARS CASE 2005-D002)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-148, sec 8027**CFR Citation:** 48 CFR 225.7011; 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	12/00/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AF17**811. 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 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	01/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**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-AF19**812. DEFINITIONS OF COMPONENT AND DOMESTIC MANUFACTURE (DFARS CASE 2005-D010)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225; 48 CFR 252.225**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to clarify use of the terms "component" and "domestic manufacture" as they relate to restrictions on the acquisition of items from foreign sources.**Timetable:**

Action	Date	FR Cite
NPRM	04/12/06	71 FR 18695
NPRM Comment Period End	06/12/06	
Final Action	12/00/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AF22**813. 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. DoD contractors will be required to provide item unique identification (IUID) information electronically in the IUID Registry.**Timetable:**

Action	Date	FR Cite
NPRM	03/21/06	71 FR 14151
NPRM Comment Period End	05/22/06	
Final Action	12/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**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-AF24

DOD—DARC

Final Rule Stage

814. 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	02/00/07	

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–AF25**815. ELECTRONIC SUBMISSION AND PROCESSING OF PAYMENT REQUESTS (DFARS CASE 2005–D009)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 232.70; 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.

Timetable:

Action	Date	FR Cite
NPRM	03/21/06	71 FR 14149
NPRM Comment Period End	05/22/06	
Final Action	12/00/06	

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 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF28**816. 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	12/00/06	

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 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF30**817. RADIO FREQUENCY IDENTIFICATION (DFARS CASE 2006–D002)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 211.275; 48 CFR 212.301; 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	12/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**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–AF31**818. 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; 10 USC 2533a; 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 amends 10 U.S.C. 2533a(d)(3) to expand the exception from domestic source requirements, that is applicable to purchase of perishable foods by activities located outside the United States, to include acquisitions by other

Department of Defense (DOD)
Defense Acquisition Regulations Council (DARC)
Long-Term Actions
832. 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	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Michele Peterson
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AD76

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

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 215; 48 CFR 252.215

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Michele Peterson
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AF40

Department of Defense (DOD)
Defense Acquisition Regulations Council (DARC)
Completed Actions
834. INCREMENTAL FUNDING, FIXED-PRICE CONTRACTS (DFARS CASE 1990-037)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 232.7; 48 CFR 252.232-7007

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to permit the use of incremental funding of fixed-price contracts in certain situations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/93	58 FR 46091
Final Action	04/12/06	71 FR 18671
Final Action Effective	04/12/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

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

Related RIN: Previously reported as 0790-AE42

RIN: 0750-AA07

835. THRESHOLD FOR SMALL BUSINESS SPECIALIST REVIEW (DFARS CASE 2003-D060)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 219.201

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Eliminates requirements for small business specialists to review proposed acquisitions that are under \$100,000 and totally set aside for small business concerns. Also relocates text addressing the functions of small business specialists to the DFARS companion resource, Procedures, Guidance, and Information.

Timetable:

Action	Date	FR Cite
NPRM	04/23/04	69 FR 21997
NPRM Comment Period End	06/22/04	
Final Action	08/08/06	71 FR 44926
Final Action Effective	08/08/06	

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 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE30

836. TRANSITION OF WEAPONS-RELATED PROTOTYPE PROJECTS TO FOLLOW-ON CONTRACTS (DFARS CASE 2003-D106)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-136, sec 847

CFR Citation: 48 CFR 212.212; 48 CFR 212.70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to establish a pilot program that permits contracting officers to use FAR part 12 (Acquisition of Commercial Items) procedures to award follow-on contracts for the production of items begun as prototype projects under other transaction agreements. The follow-on contract must be awarded to a nontraditional defense contractor; must not exceed \$50,000,000; must be either firm-fixed-price or fixed-price with economic price adjustment; and must be awarded on or before September 30, 2008. This change implements section 847 of the National Defense Authorization Act for Fiscal Year 2004 and is intended to ease the transition of nontraditional defense contractors from prototype transactions to standard contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/01/04	69 FR 63329

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Completed Actions

Action	Date	FR Cite
Interim Final Rule Comment Period End	01/03/05	
Final Action	04/12/06	71 FR 18667
Final Action Effective	04/12/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**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-AE49**837. BASIC AGREEMENTS FOR TELECOMMUNICATIONS SERVICES (DFARS CASE 2003-D056)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239.74**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the use of basic agreements in the acquisition of telecommunications services.**Timetable:**

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67883
NPRM Comment Period End	01/21/05	
Final Action	05/12/06	71 FR 27645
Final Action Effective	05/12/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE69**838. EXCHANGE OR SALE OF GOVERNMENT-OWNED INFORMATION TECHNOLOGY (DFARS CASE 2003-D094)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239.70**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the exchange or sale of Government-owned information technology.**Timetable:**

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54697
NPRM Comment Period End	11/15/05	
Final Action	07/11/06	71 FR 39009
Final Action Effective	07/11/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE72**839. UNIFORM CONTRACT LINE ITEM NUMBERING (DFARS CASE 2003-D082)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.71**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to uniform line item numbering in DoD contracts.**Timetable:**

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19036
NPRM Comment Period End	06/13/05	
Final Action	02/23/06	71 FR 9268
Final Action Effective	02/26/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE76**840. ADMINISTRATIVE MATTERS (DFARS CASE 2003-D084)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.1; 48 CFR 204.4; 48 CFR 204.9**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that relate to administrative aspects of contract placement.**Timetable:**

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19037
NPRM Comment Period End	06/13/05	
Final Action	02/23/06	71 FR 9267
Final Action Effective	02/23/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE77**841. BUSINESS RESTRUCTURING COSTS (DFARS CASE 2004-D026)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2325**CFR Citation:** 48 CFR 231.205-70**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement section 819 of the National Defense Authorization

DOD—DARC

Completed Actions

Act for Fiscal Year 2005. Section 819 lowers the approval level for determinations relating to payment of restructuring costs to DoD contractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/05	70 FR 43074
Interim Final Rule Comment Period End	09/26/05	
Final Action	02/23/06	71 FR 9271
Final Action Effective	02/23/06	

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 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AE79

842. SOLE SOURCE AWARD OF 8(A) CONTRACTS TO NATIVE HAWAIIAN-OWNED SMALL BUSINESS CONCERNS (DFARS CASE 2004-D031)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-287, sec 8021

CFR Citation: 48 CFR 219.805

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 8021 of the DoD Appropriations Act for Fiscal Year 2005. Section 8021 permits sole source awards to Native Hawaiian small business concerns under the 8(a) Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/05	70 FR 43072
Interim Final Rule Comment Period End	09/26/05	
Final Action	06/16/06	71 FR 34831
Final Action Effective	06/16/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

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-AE81

843. QUALITY ASSURANCE (DFARS CASE 2003-D027)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 246

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to contract quality assurance.

Timetable:

Action	Date	FR Cite
NPRM	05/24/05	70 FR 29710
NPRM Comment Period End	07/25/05	
Final Action	05/12/06	71 FR 27646
Final Action Effective	05/12/06	

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 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AE85

844. CONSTRUCTION CONTRACTING (DFARS CASE 2003-D034)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 236.1; 48 CFR 236.2

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35605
NPRM Comment Period End	08/22/05	
Final Action	02/23/06	71 FR 9272
Final Action Effective	02/23/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE91

845. ACQUISITION PLANNING (DFARS CASE 2003-D044)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 207

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to acquisition planning.

Timetable:

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54693
NPRM Comment Period End	11/15/05	
Final Action	09/08/06	71 FR 53044
Final Action Effective	09/08/06	

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 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE92

846. CONTRACT TERMINATION (DFARS CASE 2003-D046)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 249

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to contract termination matters.

DOD—DARC

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	07/12/05	70 FR 39980
NPRM Comment Period End	09/12/05	
Final Action	05/12/06	71 FR 27644
Final Action Effective	05/12/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE94

847. AUTHORIZATION FOR CONTINUED CONTRACTS (DFARS CASE 2003-D052)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.7001**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement a recommendation resulting from the DFARS Transformation Initiative. The DFARS change permits DoD contracting activities to assign an additional identification number to an existing contract, by issuing a separate "continued" contract, when continued performance under the existing contract number is not practical for administrative reasons. The continued contract will incorporate all prices, terms, and conditions of the predecessor contract.

Timetable:

Action	Date	FR Cite
NPRM	05/05/05	70 FR 23826
NPRM Comment Period End	07/05/05	
Final Action	05/12/06	71 FR 27640
Final Action Effective	05/12/06	

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

Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE95

848. CONTRACT ADMINISTRATION FUNCTIONS (DFARS CASE 2003-D051)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 242.302**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative pertaining to contract administration functions.

Timetable:

Action	Date	FR Cite
NPRM	11/09/05	70 FR 67955
NPRM Comment Period End	01/09/06	
Final Action	08/08/06	71 FR 44928
Final Action Effective	08/08/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE96

849. CONTRACTOR INSURANCE/PENSION REVIEWS (DFARS CASE 2003-D050)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 242.73**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the conduct of contractor insurance/pension reviews.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35606

Action	Date	FR Cite
NPRM Comment Period End	08/22/05	
Final Action	02/23/06	71 FR 9273
Final Action Effective	02/23/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE97

850. ACQUISITION OF INFORMATION TECHNOLOGY (DFARS CASE 2003-D068)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of information technology.

Timetable:

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54698
NPRM Comment Period End	11/15/05	
Final Action	07/11/06	71 FR 39010
Final Action Effective	07/11/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE98

851. DESCRIBING AGENCY NEEDS (DFARS CASE 2003-D073)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421

DOD—DARC

Completed Actions

CFR Citation: 48 CFR 211

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the use of requirements documents in DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35602
NPRM Comment Period End	08/22/05	
Final Action	05/12/06	71 FR 27641
Final Action Effective	05/12/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE99

852. REQUIRED SOURCES OF SUPPLIES AND SERVICES (DFARS CASE 2003-D072)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 208

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of supplies and services through Government sources.

Timetable:

Action	Date	FR Cite
NPRM	12/09/05	70 FR 73187
NPRM Comment Period End	02/07/06	
Final Action	07/11/06	71 FR 39004
Final Action Effective	07/11/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AF00

853. SPECIAL CONTRACTING METHODS (DFARS CASE 2003-D079)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 217

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of supplies and services through special contracting methods.

Timetable:

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54695
NPRM Comment Period End	11/15/05	
Final Action	05/12/06	71 FR 27642
Final Action Effective	05/12/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AF02

854. TYPES OF CONTRACTS (DFARS CASE 2003-D078)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 216

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the types of contracts that may be used in DoD acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54694
NPRM Comment Period End	11/15/05	
Final Action	07/11/06	71 FR 39006
Final Action Effective	07/11/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AF03

855. LABOR LAWS (DFARS CASE 2003-D019)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 222

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to requirements for compliance with labor laws under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/12/05	70 FR 39978
NPRM Comment Period End	09/12/05	
Final Action	04/12/06	71 FR 18669
Final Action Effective	04/12/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AF06

DOD—DARC

Completed Actions

856. PROHIBITION OF FOREIGN TAXATION ON U.S. ASSISTANCE PROGRAMS (DFARS CASE 2004–D012)**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–7, sec 579 ; PL 108–199, sec 506**CFR Citation:** 48 CFR 225; 48 CFR 252**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement section 579 of Division E of the Consolidated Appropriations Act, 2003, as amended by section 506 of Division D of the Consolidated Appropriations Act, 2004. These statutes provide that commodities financed under U.S. assistance programs shall be exempt from taxation by the foreign government. This DFARS amendment includes a contract clause requiring the contractor to notify the contracting officer if a foreign government inappropriately imposes taxes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/05	70 FR 57191
Interim Final Rule Comment Period End	11/29/05	
Final Action	04/12/06	71 FR 18671
Final Action Effective	04/12/06	

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 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF15**857. CONTRACT REPORTING (DFARS CASE 2005–D004)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204; 48 CFR 253**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to update requirements for reporting contract actions in the Defense Contract Action Data System.

Timetable:

Action	Date	FR Cite
Final Action	08/08/06	71 FR 44926
Final Action Effective	08/08/06	

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 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF18**858. TRAINING FOR CONTRACTOR PERSONNEL INTERACTING WITH DETAINEES (DFARS CASE 2005–D007)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–375, sec 1092**CFR Citation:** 48 CFR 237.171; 48 CFR 252.237–7019

Legal Deadline: Final, Statutory, March 27, 2005, Prescription of implementing policies.

Abstract: Amends the Defense FAR Supplement to implement section 1092 of the National Defense Authorization Act for Fiscal Year 2005. Section 1092 requires that DoD contractor personnel who interact with detainees receive training regarding the applicable international obligations and laws of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/05	70 FR 52032
Interim Final Rule Comment Period End	10/31/05	
Final Action	09/08/06	71 FR 53047
Final Action Effective	09/08/06	

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 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF20**859. FOREIGN ACQUISITION PROCEDURES (DFARS CASE 2005–D012)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to remove text containing internal DoD procedures relating to the acquisition of items from foreign sources. This text will be relocated to the DFARS companion resource, Procedures, Guidance, and Information.

Timetable:

Action	Date	FR Cite
NPRM	01/23/06	71 FR 3448
NPRM Comment Period End	03/24/06	
Final Action	10/26/06	71 FR 62565
Final Action Effective	10/26/06	

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 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF21**860. BUY AMERICAN ACT EXEMPTION FOR COMMERCIAL INFORMATION TECHNOLOGY (DFARS CASE 2005–D011)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–447, sec 517**CFR Citation:** 48 CFR 225.1101; 48 CFR 225.7501**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 517 of Division H of the Consolidated Appropriations Act, 2005. Section 517 authorizes an exemption from the Buy American Act for information technology that is a commercial item.

Timetable:

Action	Date	FR Cite
NPRM	04/12/06	71 FR 18694
NPRM Comment Period End	06/12/06	

DOD—DARC

Completed Actions

Action	Date	FR Cite
Final Action	10/04/06	71 FR 58539
Final Action Effective	10/04/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**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-AF23

861. EXTENSION OF CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER LEARNING (DFARS CASE 2006-D010)

Priority: Substantive, Nonsignificant**Legal Authority:** PL 109-163, sec 842; 10 USC 2323**CFR Citation:** 48 CFR 219.000**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 842 of the National Defense Authorization Act for Fiscal Year 2006. Section 842 extends, through fiscal year 2009, DoD's 5 percent goal for award of contract and subcontract dollars to small disadvantaged businesses and historically black colleges and universities and minority institutions.

Timetable:

Action	Date	FR Cite
Final Action	07/11/06	71 FR 39008
Final Action Effective	07/11/06	

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 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AF27

862. TRADE AGREEMENTS THRESHOLDS AND MOROCCO FREE TRADE AGREEMENT (DFARS CASE 2005-D017)

Priority: Substantive, Nonsignificant**Legal Authority:** PL 108-302; 41 USC 421**CFR Citation:** 48 CFR 225; 48 CFR 252.225**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to incorporate increased thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements, as determined by the United States Trade Representative. Also implements a new Free Trade Agreement with Morocco and amends the list of end products that are subject to trade agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/23/06	71 FR 9269
Interim Final Rule Comment Period End	04/24/06	
Final Action	11/09/06	71 FR 65752
Final Action Effective	11/09/06	

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 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AF29

863. PURCHASE OF WEAPONS OVERSEAS FOR FORCE PROTECTION PURPOSES (DFARS CASE 2006-D008)

Priority: Substantive, Nonsignificant**Legal Authority:** PL 109-163, sec 1231**CFR Citation:** 48 CFR 225**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 1231 of the National Defense Authorization Act for Fiscal Year 2006. Section 1231 permits DoD to purchase weapons from any entity in a foreign country, if necessary to protect U.S. forces engaged

in ongoing military operations in that country.

Timetable:

Action	Date	FR Cite
Withdrawn	06/07/06	

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 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AF35

864. • RELOCATION OF SUBPART 225.6 TO 225.76 (DFARS CASE 2006-D003)

Priority: Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225.6; 48 CFR 225.76**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to relocate text addressing trade sanctions, to reflect the removal of the corresponding FAR subpart.

Timetable:

Action	Date	FR Cite
Final Action	07/11/06	71 FR 39005
Final Action Effective	07/11/06	

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 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AF46

865. • DEFINITION OF TERRORIST COUNTRY (DFARS CASE 2006-D034)

Priority: Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 252.209-7001**Legal Deadline:** None

DOD—DARC

Completed Actions

Abstract: Amends the Defense FAR Supplement to remove Libya from the list of terrorist countries, consistent with the Secretary of State removal of Libya from the list of designated state sponsors of terrorism on June 30, 2006.

Timetable:

Action	Date	FR Cite
Final Action	10/26/06	71 FR 62566
Final Action Effective	10/26/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AF47**866. • PAN CARBON FIBER—DELETION OF OBSOLETE RESTRICTION (DFARS CASE 2006-D033)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225.7103; 48 CFR 252.225-7022**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to remove obsolete text relating to a restriction on the acquisition of polyacrylonitrile (PAN) carbon fiber from foreign sources. The restriction expired on May

31, 2006, as specified in the DFARS text.

Timetable:

Action	Date	FR Cite
Final Action	10/26/06	71 FR 62566
Final Action Effective	10/26/06	

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 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AF48

Department of Defense (DOD)

Final Rule Stage

Department of the Army (DOA)

867. • 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	01/00/07	

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

Agency Contact: Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: JDRP-RDR-C, 7701 Telegraph Road, Alexandria, VA 22315-3860

Phone: 703 428-6422

Fax: 703 428-6514

Email:
brenda.bowen@rmda.belvoir.army.mil

RIN: 0702-AA54**868. • CLAIMS ON BEHALF OF THE UNITED STATES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

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	01/00/07	

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

Agency Contact: Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: JDRP-RDR-C, 7701 Telegraph Road, Alexandria, VA 22315-3860

Phone: 703 428-6422

Fax: 703 428-6514

Email:
brenda.bowen@rmda.belvoir.army.mil

RIN: 0702-AA55

Department of Defense (DOD)

Completed Actions

Department of the Army (DOA)

869. LAW ENFORCEMENT REPORTING**Priority:** Other Significant**Legal Authority:** 28 USC 534 note; 42 USC 10601; 18 USC 922; 42 USC 14071; 10 USC 1562; 10 USC ch 47; PL 108-374; ...**CFR Citation:** 32 CFR 635**Legal Deadline:** None**Abstract:** This rule is being amended to implement portions of section 577(b)(5) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, October 28, 2004, Public Law 108-375, pertaining to reporting of sexual assaults. This revision also implements Department of Defense policy concerning sexual assault.**Timetable:**

Action	Date	FR Cite
NPRM	12/09/05	70 FR 73181
NPRM Comment Period End	01/09/06	
Final Action	05/15/06	71 FR 27961
Final Action Effective	06/14/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: JDRP-RDR-C, 7701 Telegraph Road, Alexandria, VA 22315-3860

Phone: 703 428-6422

Fax: 703 428-6514

Email:

brenda.bowen@rmda.belvoir.army.mil

RIN: 0702-AA52

regulatory authority, such as the Health Insurance Portability and Accountability Act, and E-Government Act of 2002.

Timetable:

Action	Date	FR Cite
NPRM	04/25/06	71 FR 24494
NPRM Comment Period End	06/26/06	
Final Action	08/10/06	71 FR 46052
Final Action Effective	09/11/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: JDRP-RDR-C, 7701 Telegraph Road, Alexandria, VA 22315-3860

Phone: 703 428-6422

Fax: 703 428-6514

Email:

brenda.bowen@rmda.belvoir.army.mil

RIN: 0702-AA53**870. • THE ARMY PRIVACY PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 93-579; 88 Stat 1896; 5 USC 552a**CFR Citation:** 32 CFR 505**Legal Deadline:** None**Abstract:** This rule will update policies and responsibilities for the Army Privacy Program, which implements the Privacy Act of 1974 by showing organizational realignments and by revising referenced statutory and

Proposed Rule Stage

Department of Defense (DOD)

U.S. Army Corps of Engineers (COE)

871. 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	10/00/07	
NPRM Comment Period End	12/00/07	
Final Action	01/00/08	
Final Action Effective	03/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Margaret Gaffney-Smith, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, Attn: CECW-CO, 441 G Street NW, Washington, DC 20314
Phone: 202 761-4229**RIN:** 0710-AA51

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

Final Rule Stage

872. 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	03/00/07	
Final Action Effective	05/00/07	

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

873. 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 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	02/00/07	
Final Action Effective	03/00/07	

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)
U.S. Army Corps of Engineers (COE)

Completed Actions

874. ENVIRONMENTAL QUALITY; PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4321 et seq; 40 CFR 1500.6

CFR Citation: 33 CFR 230

Legal Deadline: None

Abstract: The purpose of this regulatory revision is to update, clarify, and provide additional guidance for the preparation and processing of Corps NEPA documents in support of Civil Works-funded activities. These requirements will cover all such U.S. Army Corps of Engineers Civil Works activities at Federal water resource

development projects and associated lands.

Timetable:

Action	Date	FR Cite
Withdrawn	08/11/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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-AA42

875. COST-SHARING REQUIREMENTS UNDER THE ABILITY TO PAY PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2213; PL 106-541

CFR Citation: 33 CFR 241

Legal Deadline: None

Abstract: The Department of the Army is proposing to amend the procedures in 33 CFR part 241 for ability to pay determinations for flood control projects. The proposed amendment will

DOD—COE

Completed Actions

establish an eligibility for reductions in the non-Federal cost, using county per capita income and county per capita non-Federal project cost criterion. In addition, the new rule will apply to feasibility studies as well as projects and expand the coverage to environmental protection and restoration, navigation, storm damage protection, shoreline erosion, hurricane protection, recreation, and agricultural water supply or for separable elements of any of the applicable purposes. A final rule implementing section 103(m) of Public Law 99-662, 33 U.S.C. 2213m, was published in the Federal Register on January 26, 1995 (60 FR 5133). The proposed rule will amend these 1995 guidelines in accordance with the authority of WRDA 2000 (Pub. L. 106-541).

Timetable:

Action	Date	FR Cite
Withdrawn	08/11/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Janice Rasgus, Department of Defense, U.S. Army Corps of Engineers, CECW-PB, 441 G Street NW, Washington, DC 20314-1000
Phone: 202 761-7674

RIN: 0710-AA44

876. NAVIGATION REGULATIONS—BONNEVILLE LOCK AND DAM

Priority: Substantive, Nonsignificant

Legal Authority: 40 Stat 266; 33 USC 1

CFR Citation: 33 CFR 207.718

Legal Deadline: None

Abstract: The Corps is proposing to amend the regulations for lockage operations at Bonneville Lock and Dam and amend the regulations that establish the restricted areas at Little Goose Lock and Dam. The Corps is making corrections and adjustments to the lockage control, signals, and permissible dimensions of vessels for Bonneville Lock and Dam. These

changes correct language for the new replacement lock. For the Little Goose Lock and Dam, the Corps is making adjustments in the upstream channel restricted area boundary to provide a small craft portage route around the lock and dam along the north shoreline. This reduces interference between fisherman and the boat ramp.

Timetable:

Action	Date	FR Cite
NPRM	10/24/05	70 FR 61401
NPRM Comment Period End	12/08/05	
Final Action	05/01/06	71 FR 25502
Final Action Effective	05/31/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ken Hall, Department of Defense, U.S. Army Corps of Engineers, CECW-NWD, 441 G Street NW, Washington, DC 20314
Phone: 202 761-4717

RIN: 0710-AA63

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

Final Rule Stage

877. • 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	12/00/06	

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

878. • 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	12/00/06	

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

879. • 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.

DOD—NAVY

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/06	

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

880. • 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	12/00/06	

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

Department of Defense (DOD)

Department of the Navy (NAVY)

Completed Actions

881. • AVAILABILITY OF DON RECORDS AND PUBLICATIONS OF DON DOCUMENTS AFFECTING THE PUBLIC

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552

CFR Citation: 32 CFR 701

Legal Deadline: None

Abstract: The rule sets forth amended regulations pertaining to the

Department of the Navy's (DON) Privacy Program. The rule reflects changes in the Secretary of the Navy Instruction (SECNAVINST) 5211.5 series from which it is derived.

Timetable:

Action	Date	FR Cite
Final Action	05/11/06	71 FR 27535
Final Action Effective	05/11/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Doris Lama,
Department of Defense, Department of
the Navy, 2000 Defense Pentagon,
Washington, DC 20305-2000
Phone: 202 685-6545

RIN: 0703-AA77

Department of Defense (DOD)

Department of the Air Force (AF)

Proposed Rule Stage

882. • 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	12/00/06	

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

Department of Defense (DOD)

Proposed Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

883. TRICARE; CHANGES TO DRG AND INPATIENT MENTAL HEALTH PAYMENT SYSTEMS**Priority:** Other Significant**Legal Authority:** 10 USC 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	12/00/06	
NPRM Comment Period End	02/00/07	

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**Legal Deadline:** None

Abstract: This rule prescribes double coverage payment procedures and makes revisions to TRICARE rules to accommodate benefit 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
NPRM	12/00/06	

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

RIN: 0720-AA94**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	12/00/06	

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**884. 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:** None**885. • 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

Department of Defense (DOD)

Final Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

886. 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

Action	Date	FR Cite
NPRM Comment Period End	03/21/94	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

DOD—DODOASHA

Final Rule Stage

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

887. 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 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	12/00/06	
Final Action Effective	12/00/06	

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

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

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 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
NPRM Comment Period End	08/16/99	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

889. 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 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	12/00/06	
Final Action Effective	12/00/06	

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

890. 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 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

DOD—DODOASHA

Final Rule Stage

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	12/00/06	
Final Action Effective	12/00/06	

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**891. 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 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	12/00/06	
Final Action Effective	12/00/06	

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**892. 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
NPRM Comment Period End	10/20/03	68 FR 49732
Final Action	12/00/06	
Final Action Effective	12/00/06	

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**893. 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	12/00/06	
Final Action Effective	12/00/06	

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**894. • TRICARE PROGRAM; ROUTINE CARE NOT DIRECTLY RELATED TO STUDY, GRANT, OR RESEARCH PROGRAM****Priority:** Other Significant**Legal Authority:** 10 USC 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.

DOD—DODOASHA

Final Rule Stage

Timetable:

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

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

**895. • TRICARE; RESERVE AND
GUARD FAMILY MEMBER BENEFITS****Priority:** Other Significant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This proposed 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	12/00/06	

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

Phone: 703 681-0039

RIN: 0720-AB00

**896. • 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 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 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	12/00/06	

Regulatory Flexibility Analysis

Required: No

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

Agency Contact: Col Gary Martin,
Department of Defense, Office of
Assistant Secretary for Health Affairs,
Falls Church, VA 22041-3206

Phone: 703 681-0039

Email: gary.martin@tma.osd.mil

RIN: 0720-AB02

**897. • TRICARE OUTPATIENT
PROSPECTIVE PAYMENT SYSTEM
(OPPS)**

Regulatory Plan: This entry is Seq. No. 25 in part II of this issue of the **Federal Register**.

RIN: 0720-AB03

**898. • TRICARE; CERTAIN
SURVIVORS OF DECEASED ACTIVE
DUTY MEMBERS; AND ADOPTION
INTERMEDIARIES**

Regulatory Plan: This entry is Seq. No. 26 in part II of this issue of the **Federal Register**.

RIN: 0720-AB04

**899. • EXPAND ELIGIBILITY OF
SELECTED RESERVE MEMBERS
UNDER THE TRICARE PROGRAM**

Regulatory Plan: This entry is Seq. No. 27 in part II of this issue of the **Federal Register**.

RIN: 0720-AB05

**900. • 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

DOD—DODOASHA

Final Rule Stage

requirement for those intermediaries who provide adoption placements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ann Fazzini, Department of Defense, Office of

Assistant Secretary for Health Affairs,
1155 Defense Pentagon, Washington,
DC 20301

Phone: 303 676-3803

RIN: 0720-AB07

Department of Defense (DOD)

Completed Actions

Office of Assistant Secretary for Health Affairs (DODOASHA)

901. TRICARE RESERVE SELECT FOR CERTAIN MEMBERS OF THE SELECTED RESERVE, TRANSITIONAL ASSISTANCE MANAGEMENT PROGRAM, EARLY ELIGIBILITY FOR TRICARE FOR CERTAIN RESERVE COMPONENT MEMBERS

Priority: Other Significant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** Final, Statutory, April 26, 2005.

Abstract: This rule establishes requirements and procedures for implementation of TRICARE Reserve Select, the program authorized by section 701 of the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 for premium-based medical coverage for certain members of the Selected Reserve and their family members. It also revises requirements and procedures for the Transitional Assistance Management Program, in accordance with section 706 of the NDAA-05, and implements earlier TRICARE eligibility for certain Reserve component members as authorized by section 703 of the NDAA-05.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/05	70 FR 12798
Interim Final Rule Comment Period End	05/16/05	70 FR 12799
Interim Final Rule Effective	04/15/05	
Final Action	06/02/06	71 FR 31943
Final Action Effective	06/02/06	

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

Agency Contact: Jody Donehoo, Department of Defense, Office of Assistant Secretary for Health Affairs, Defense Pentagon, Washington, DC 20301

Phone: 703 681-0039

RIN: 0720-AA90

902. TRICARE; CHANGES INCLUDED IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005; TRICARE DENTAL PROGRAM

Priority: Other Significant**Legal Authority:** 5 USC 301; 10 USC 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule implements sections 711 and 715 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA-05), Public Law 108-375. Specifically, that legislation makes young dependents of deceased Service members eligible for enrollment in the TRICARE Dental Program when the child was not previously enrolled because of age, and authorizes post-graduate dental residents in a dental treatment facility of the uniformed services under a graduate dental education program accredited by the American Dental Association to provide dental treatment to dependents who are 12 years of age or younger and who are covered by a dental plan established under 10 U.S.C. 1076a. This rule also corrects certain references in 32 CFR 199.13.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/21/05	70 FR 55251
Interim Final Rule Comment Period End	11/21/05	
Final Action	06/02/06	71 FR 31942
Final Action Effective	06/02/06	

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

Agency Contact: Col Gary Martin, Department of Defense, Office of Assistant Secretary for Health Affairs, Falls Church, VA 22041-3206

Phone: 703 681-0039

Email: gary.martin@tma.osd.mil

RIN: 0720-AA93

903. CHAMPUS/TRICARE; COVERAGE OF PHASE II AND PHASE III CLINICAL TRAILS SPONSORED BY THE NATIONAL INSTITUTES OF HEALTH NATIONAL CANCER INSTITUTE

Priority: Other Significant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule allows the Department of Defense to waive normal requirements so that covered beneficiaries can participate in Phase II and Phase III clinical trials sponsored or approved by the National Institutes of Health National Cancer Institute (NIH NCI). This benefit has been provided under TRICARE demonstration authority since 1996. This rule portrays the Department's decision to eliminate the current demonstration and establish a permanent TRICARE benefit for NIH NCI-approved Phase II and Phase III clinical trials.

Timetable:

Action	Date	FR Cite
NPRM	05/31/00	65 FR 34627
NPRM Comment Period End	07/31/00	
Final Action	06/20/06	71 FR 35389
Final Action Effective	07/20/06	

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

DOD—DODOASHA

Completed Actions

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

Related RIN: Previously reported as
0720-AA57

RIN: 0720-AA96

**904. TRICARE PRIME REMOTE FOR
ACTIVE DUTY FAMILY MEMBERS
AND TRICARE PRIME ENROLLMENT
PERIOD**

Priority: Other Significant

Legal Authority: 10 USC ch 55; 5 USC
301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements section 722(b) of the National Defense Authorization Act for Fiscal Year 2001. Section 722(b) established the TRICARE Prime Remote for Active Duty Family Members Program (TPRADFM). This rule also implements section 702 of the National Defense Authorization Act for Fiscal Year 2003. Section 702 expanded eligibility for family members of activated Reserve Component and National Guard members, and for family members whose sponsor served an unaccompanied tour. A third provision of this rule establishes circumstances under which eligible beneficiaries may enroll in TRICARE Prime for a period of less than one year.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/02	67 FR 5477

Action	Date	FR Cite
Interim Final Rule Comment Period End	04/08/02	
Interim Final Rule Effective	04/08/02	
Final Action	08/25/06	71 FR 50347
Final Action Effective	10/24/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: John Leininger,
Department of Defense, Office of
Assistant Secretary for Health Affairs,
Defense Pentagon, Washington, DC
20301
Phone: 303 676-3613
Email: john.leininger@tma.osd.mil

Ann N. Fazzini, Department of Defense,
Office of Assistant Secretary for Health
Affairs, 1200 Defense Pentagon,
Washington, DC 20301
Phone: 303 676-3803

Related RIN: Previously reported as
0720-AA68

RIN: 0720-AA97

**905. • CIVILIAN HEALTH AND
MEDICAL PROGRAM OF THE
UNIFORMED SERVICES (CHAMPUS);
TRICARE RESERVE SELECT FOR
MEMBERS OF THE SELECTED
RESERVE**

Priority: Other Significant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This IFR addresses authorities contained in section 701 of NDAA for FY06 to enhance the TRICARE Reserve Select program implemented in fulfillment of section 701 of the NDAA for FY05. It also addresses authorities contained in section 702 of the NDAA for FY06 to expand eligibility to make the TRICARE Reserve Select program available to all members of the Selected Reserve by providing the statutory basis to establish two tiers of premium sharing subject to a number of additional specific statutory requirements, which are outlined in this regulation. These two tiers are in addition to the premium sharing tier that was established by section 701 of the NDAA for FY05.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/21/06	71 FR 35527
Interim Final Rule Effective	07/21/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0720-AA99

[FR Doc. 06-7776 Filed 12-08-06; 8:45 am]

BILLING CODE 5001-06-S