



Federal Register

**Monday,
December 9, 2002**

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. II

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.

The agenda portion of this document updates the report published on May 13, 2002, 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 2003, with the next regulatory plan scheduled to be published in the fall of 2003. 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 703-604-6269, or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, or e-mail: cushingr@dior.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. Dan Cragg, telephone 703-601-4722, or write to Directives and Records Division, Directorate for Correspondence and Directives, Washington Headquarters Services, Suite 501, 1111 Jefferson Davis Highway, Arlington, Virginia 22202, or e-mail: dcragg@cd.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. Luz D. Ortiz, telephone 703-806-3708, or write to the U.S. Army Records Management and Declassification Agency, ATTN: TAPC-PDD-RP, 6000 6th Street, Stop 5603, Fort Belvoir, Virginia 22060-5603, or e-mail: luz.ortiz@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 Lieutenant Commander Robert Vincent, telephone 703-604-8208, 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: welsh.thomas@hq.navy.mil.

For general information on Department of the Air Force regulations, contact Mrs. Pamela D. Fitzgerald, telephone 703-601-4042, or write to Department of the Air Force, AF-CIO/P, 1155 Air Force Pentagon, Washington, DC 20330-1155, or e-mail: pamela.fitzgerald@pentagon.af.mil.

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

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

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

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

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

- a. Regulatory Flexibility Act;
- b. Paperwork Reduction Act of 1995;

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c. Unfunded Mandates Reform Act of 1995.

Those DoD issuances, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; 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 13, 2002.

Howard G. Becker

Acting Director, Administration and Management.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
753	Settling Personnel and General Claims and Processing Advance Decision Requests	0790-AG47
754	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	0790-AG83
755	Stars and Stripes (S&S) Newspaper	0790-AG84
756	Department of Defense Newspapers, Magazines, and Civilian Enterprise Publications	0790-AG85
757	Procedures for Settling Personnel and General Claims and Processing Advance Decision Requests	0790-AG89
758	Waiver of Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Directive 1340.21)	0790-AG90
759	Waiver Procedures for Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Instruction 1340.23)	0790-AG91
760	Development of a Munitions Response Site Prioritization Protocol	0790-AG94

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
761	National Security Education Program (NSEP) Grants to Institutions of Higher Education (DoD Instruction 1025.5) ..	0790-AF59
762	Restoration Advisory Boards (RABs)	0790-AG31
763	Personnel Security Policies for Granting Access to Classified Information	0790-AG54
764	National Policy on Reciprocity of Facilities and Guidelines for Implementation of Reciprocity	0790-AG55
765	National Policy on Technical Surveillance Countermeasures	0790-AG56
766	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	0790-AG76
767	Governmentwide Debarment and Suspension (Non-Procurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	0790-AG86
768	DoD Grant and Agreement Regulations	0790-AG87
769	Voluntary State Tax Withholding From Retired Pay	0790-AG93
770	Implementation of Wildfire Suppression Aircraft Transfer Act of 1996	0790-AG95
771	National Security Agency/Central Security Service (NSA/CSS) Freedom of Information Act Program	0790-AG96

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
772	Teacher and Teacher's Aide Placement Assistance Program (Troops to Teachers) (DoD Instruction 1404.13)	0790-AF71
773	Former Spouse Payments From Retired Pay; Amendment (DoD Directive 1340.16 and DoD 7000.14-R, Vol 7, Part B)	0790-AG22
774	Closed, Transferred, and Transferring Ranges Containing Military Munitions	0790-AG46

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Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
775	Implementation of the Wildfire Suppression Aircraft Transfer Act of 1996	0790-AG60
776	Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects	0790-AG92

Defense Acquisition Regulations Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
777	Patent Rights—Ownership by the Contractor (Large Business) (DFARS Case 2001-D015)	0750-AD72
778	Rewrite of DFARS Part 225 and Associated Text and Clauses (DFARS Case 2002-D009)	0750-AD73

Defense Acquisition Regulations Council—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
779	Incremental Funding, Fixed-Price Contracts (DFARS Case 90-037)	0750-AA07
780	Performance-Based Service Contracts Using Part 12 Procedures (DFARS Case 2000-D306)	0750-AD35
781	Enterprise Software Agreements (DFARS Case 2000-D023)	0750-AD37
782	Restriction on Contingent Fees for Foreign Military Sales—Commercial Items (DFARS Case 2000-D029)	0750-AD47
783	Applicability of Competition Requirements to Purchases From a Required Source (DFARS Case 2002-D003)	0750-AD57
784	Performance of Security Functions (DFARS Case 2001-D018)	0750-AD58
785	Electronic Submission and Processing of Payment Requests (DFARS Case 2002-D001)	0750-AD70
786	Competition Requirements for Purchase of Services Under Multiple Award Contracts (DFARS Case 2001-D017) ...	0750-AD71
787	Exception for Acquisition of U.S.-Made End Products in Acquisitions Subject to the Trade Agreements Act (DFARS Case 2002-D008)	0750-AD74
788	Foreign Military Sales Customer Involvement (DFARS Case 2002-D005)	0750-AD75
789	Codification and Modification of Provision of Law Known as the “Berry Amendment” (DFARS Case 2002-D002)	0750-AD76
790	Acquisition Workforce Qualifications (DFARS Case 2002-D021)	0750-AD77

Defense Acquisition Regulations Council—Completed Actions

Sequence Number	Title	Regulation Identification Number
791	Institutions of Higher Education (DFARS Case 1999-D303)	0750-AD05
792	Ocean Transportation by United States-Flag Vessels—Simplified Acquisition Threshold (DFARS Case 2000-D014)	0750-AD19
793	Changes to Profit Policy (DFARS Case 2000-D018)	0750-AD21
794	Balance of Payments Program (DFARS Case 2000-D020)	0750-AD22
795	Subcontract Commerciality Determinations (DFARS Case 2000-D028)	0750-AD36
796	Utilization of Indian Organizations and Indian-Owned Economic Enterprises (DFARS Case 2000-D024)	0750-AD42
797	Research and Development Streamlined Contracting Procedures (DFARS Case 2001-D002)	0750-AD43
798	DoD Pilot Mentor-Protege Program (DFARS Case 2001-D006)	0750-AD52
799	Preference for Local 8(a) Contractors—Base Closure or Realignment (DFARS Case 2001-D007)	0750-AD53
800	Partnership Agreement Between SBA and DoD (DFARS Case 2001-D016)	0750-AD59
801	Restriction on Acquisition of Vessel Propellers (DFARS Case 2002-D006)	0750-AD61
802	Weighted Guidelines Form (DFARS Case 2002-D012)	0750-AD63
803	Reporting Requirements Update (DFARS Case 2002-D010)	0750-AD65
804	NAFTA Procurement Threshold (DFARS Case 2002-D007)	0750-AD67
805	Trade Agreements Thresholds—Construction (DFARS Case 2002-D011)	0750-AD69

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Defense Acquisition Regulations Council—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
0750-AA09	Demilitarization (DFARS Case 92-D024)	04/26/2002	Withdrawn
0750-AC98	Anticompetitive Teaming (DFARS Case 1999-D028)	04/15/2002	Withdrawn

Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identification Number
806	Environmental Analysis of Army Actions	0702-AA34

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

Sequence Number	Title	Regulation Identification Number
807	Environmental Quality; Procedures for Implementing the National Environmental Policy Act (NEPA)	0710-AA42

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

Sequence Number	Title	Regulation Identification Number
808	Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers	0710-AA47
809	Programmatic Regulations for the Comprehensive Everglades Restoration Plan (Reg Plan Seq No. 21)	0710-AA49

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

U.S. Army Corps of Engineers—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
810	Regulatory Programs of the Corps of Engineers	0710-AA30
811	Regulatory Programs of the Corps of Engineers—Wetland Delineator Certification Program	0710-AA38
812	Regulatory Programs of the Corps of Engineers, Endangered Species Act; Scope of Analysis	0710-AA43
813	Flood Control Cost-Sharing Requirements Under the Ability To Pay Provisions	0710-AA44

U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identification Number
814	Proposed Revision to the Clean Water Act Regulatory Definitions of “Fill Material” and the “Discharge of Fill Material”	0710-AA48

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
815	Use of Department of the Navy Aviation Facilities by Other Than United States Department of Defense Aircraft	0703-AA48
816	Policies and Responsibilities for Implementation of the National Environmental Policy Act Within the Department of the Navy	0703-AA51

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Department of the Navy—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
817	Shipbuilding Capability Preservation Agreements	0703-AA50

Department of the Air Force—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
818	Department of Defense Commercial Air Transportation Quality and Safety Review Program	0701-AA67

Department of the Air Force—Completed Actions

Sequence Number	Title	Regulation Identification Number
819	Installation Entry Policy, Civil Disturbance Intervention and Disaster Assistance	0701-AA64
820	Wake Island Code	0701-AA65

Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
821	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care (DoD 6010.8-R)	0720-AA20
822	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions	0720-AA41
823	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Prosthetic Devices	0720-AA49
824	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage	0720-AA50
825	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Double Coverage; Third-Party Recoveries	0720-AA52
826	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Establishment of an Appeals Process for TRICARE Claimcheck Denials	0720-AA56
827	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Methodology for Coverage of NIH-Sponsored Clinical Trials	0720-AA57
828	CHAMPUS/TRICARE; Implementation of the Pharmacy Benefits Program	0720-AA63
829	Civilian Health and Medical Program of the Uniformed Services; Individual Case Management Program for Persons With Extraordinary Conditions (ICMP-PEC)	0720-AA65
830	TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Eligibility and Payment Procedures for CHAMPUS Beneficiaries Age 65 and Over	0720-AA66
831	TRICARE Prime Remote for Active Duty Family Members	0720-AA68
832	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Voluntary Disenrollment From the TRICARE Retiree Dental Program (TRDP)	0720-AA69
833	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Enuretic Devices, Breast Reconstructive Surgery, PFPWD Valid Authorization Period, Early Intervention Services	0720-AA70
834	TRICARE; Waiver of Certain TRICARE Deductibles; Clarification of the TRICARE Prime Enrollment Period	0720-AA72
835	TRICARE; Sub-Acute Care Program; Uniform Skilled Nursing Facility Benefit; Home Health Care Benefit; Adopting Medicare Payment Methods for Skilled Nursing Facilities and Home Health Care Providers	0720-AA73

Office of Assistant Secretary for Health Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
836	TRICARE; Revisions to Coverage Criteria for Transplants, Cardiac and Pulmonary Rehabilitation, and Ambulance Services	0720-AA28

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

Sequence Number	Title	Regulation Identification Number
837	TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Bonus Payments in Medically Underserved Areas	0720-AA60
838	CHAMPUS/TRICARE; Partial Implementation of Pharmacy Benefits Program; Implementation of National Defense Authorization Act Medical Benefits for Fiscal Year 2001	0720-AA62
839	Collection From Third-Party Payers of Reasonable Charges of Healthcare Services	0720-AA67

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

Proposed Rule Stage

753. SETTLING PERSONNEL AND GENERAL CLAIMS AND PROCESSING ADVANCE DECISION REQUESTS

Priority: Other Significant

Legal Authority: 31 USC 3702

CFR Citation: 32 CFR 281

Legal Deadline: None

Abstract: 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 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 to DoD and the authority to waive employee debts to the employee's agency (non-DoD agencies may request an advisory opinion from DoD). The Secretary of Defense further delegated his claims settlement authority to the Defense Office of Hearings and Appeals (DOHA). This proposed rule seeks public comments on the procedures that DOHA proposes to use to implement these authorities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

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: Michael Hipple, Department of Defense, Office of the Secretary
Phone: 703 696-8524

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

RIN: 0790-AG47

754. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Department of Defense proposes to make amendments to its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act

of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRA) added definitions of "program or activity" and "program" to title VI and added a definition of "program or activity" to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this proposed regulation explicitly incorporates the CRRA's definition of "program or activity" and "program" into the Department of Defense's title VI, section 504, and Age Discrimination Act regulations. The Department of Defense's proposed regulation will be published as part of a joint notice of proposed rulemaking involving up to 24 Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Jerry Anderson, Department of Defense, Office of the Secretary
Phone: 703 695-0105

RIN: 0790-AG83

DOD—OS

Proposed Rule Stage

755. STARS AND STRIPES (S&S) NEWSPAPER**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 113**CFR Citation:** 32 CFR 246**Legal Deadline:** None

Abstract: This rule establishes policies and assigns responsibilities for the Stars and Stripes (S&S) newspaper operations. It designates the Secretary of the Army as the DoD Executive Agent for nonappropriated fund support to S&S and designates the successor-in-interest to S&S.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

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

Agency Contact: R. Oleszewski, Department of Defense, Office of the Secretary
Phone: 703 428-0629

RIN: 0790-AG84**756. DEPARTMENT OF DEFENSE NEWSPAPERS, MAGAZINES, AND CIVILIAN ENTERPRISE PUBLICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 113**CFR Citation:** 32 CFR 247**Legal Deadline:** None

Abstract: This rule establishes policy, assigns responsibilities, and prescribes procedures concerning authorized DoD Appropriated Funded (APF) newspapers and magazines, and Civilian Enterprise (CE) newspapers, magazines, guides, and installation maps (hereafter referred to as DoD publications) in support of the DoD Internal Information Program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

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

Agency Contact: R. Oleszewski, Department of Defense, Office of the Secretary
Phone: 703 428-0629

RIN: 0790-AG85**757. PROCEDURES FOR SETTling PERSONNEL AND GENERAL CLAIMS AND PROCESSING ADVANCE DECISION REQUESTS****Priority:** Other Significant**Legal Authority:** 31 USC 3702**CFR Citation:** 32 CFR 282**Legal Deadline:** None

Abstract: 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 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 to DoD and the authority to waive employee debts to the employee's agency (non-DoD agencies may request an advisory opinion from DoD). The Secretary of Defense further delegated his claims settlement authority to the Defense Office of Hearings and Appeals (DOHA). This proposed rule seeks public comments on the procedures that DOHA proposes to use to implement these authorities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

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

Agency Contact: Michael Hipple, Department of Defense, Office of the Secretary

Phone: 703 696-8524

Related RIN: Related To 0790-AG47, Related To 0790-AG90, Related To 0790-AG91

RIN: 0790-AG89**758. WAIVER OF DEBTS RESULTING FROM ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES (DOD DIRECTIVE 1340.21)****Priority:** Other Significant**Legal Authority:** 31 USC 3702**CFR Citation:** 32 CFR 283**Legal Deadline:** None

Abstract: 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 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 to DoD and the authority to waive employee debts to the employee's agency (non-DoD agencies may request an advisory opinion from DoD). The Secretary of Defense further delegated his claims settlement authority to the Defense Office of Hearings and Appeals (DOHA). This proposed rule seeks public comments on the procedures that DOHA proposes to use to implement these authorities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

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

Agency Contact: Michael Hipple, Department of Defense, Office of the Secretary

DOD—OS

Proposed Rule Stage

Phone: 703 696-8524

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

RIN: 0790-AG90

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

Priority: Other Significant

Legal Authority: 31 USC 3702

CFR Citation: 32 CFR 284

Legal Deadline: None

Abstract: 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 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 to DoD and the authority to waive employee debts to the employee's agency (non-DoD agencies may request an advisory opinion from DoD). The Secretary of Defense further delegated his claims

settlement authority to the Defense Office of Hearings and Appeals (DOHA). This proposed rule seeks public comments on the procedures that DOHA proposes to use to implement these authorities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Hipple, Department of Defense, Office of the Secretary
Phone: 703 696-8524

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

RIN: 0790-AG91

760. • DEVELOPMENT OF A MUNITIONS RESPONSE SITE PRIORITIZATION PROTOCOL

Priority: Other Significant

Legal Authority: 10 USC 2710

CFR Citation: 32 CFR 179

Legal Deadline: None

Abstract: In response to section 311 of the Fiscal Year 2002 National Defense Authorization Act, the Office of the Deputy Under Secretary of Defense (Installations & Environment), U.S. Department of Defense (DoD), proposes

to develop a site prioritization protocol for assigning to each defense site (hereinafter, munitions response site) a relative priority for response activities related to unexploded ordnance, discarded military munitions, and munitions constituents. Section 311 lists specific factors to be included in the protocol. DoD is requesting input from interested parties on: (a) these factors; (b) any additional factors to consider in developing a site prioritization protocol; (c) how the proposed protocol should incorporate such factors as they relate to safety and environmental hazards; and (d) recommendations on any existing prioritization methods, models, or tools that should be evaluated.

Timetable:

Action	Date	FR Cite
ANPRM	03/20/02	67 FR 12937
ANPRM Comment Period End	05/20/02	
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Patricia Ferrebee, Department of Defense, Office of the Secretary
Phone: 703 695-6107

RIN: 0790-AG94

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

Final Rule Stage

761. NATIONAL SECURITY EDUCATION PROGRAM (NSEP) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION (DOD INSTRUCTION 1025.5)

Priority: Substantive, Nonsignificant

Legal Authority: 20 USC 1141(a)

CFR Citation: 32 CFR 206

Legal Deadline: Final, Statutory, April 5, 1994.

Abstract: The National Security Education Act provided for the National Security Education Program, the National Security Education Board,

and a trust fund in the U.S. Treasury to provide all resources for the program. Under the Act, the Secretary is directed to carry out a program to award undergraduate scholarships, graduate fellowships, and grants to institutions of higher education. This rule is to inform those concerned with institutional grants to be offered under the 1994-1995 pilot grants program of the preliminary guidelines.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	05/05/94	59 FR 26116

Action	Date	FR Cite
Interim Final Rule	05/19/94	59 FR 26116
Interim Final Rule Comment Period End	07/18/94	
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Organizations

Government Levels Affected: None

Federalism: Undetermined

DOD—OS

Final Rule Stage

Agency Contact: Steve Door,
Department of Defense, Office of the
Secretary

Phone: 703 696-1991

Email: nsep@nsep.policy.osd.mil

RIN: 0790-AF59

762. 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 which 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	
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Federalism: Undetermined

Agency Contact: Marcia Read,
Department of Defense, Office of the
Secretary

Phone: 703 697-9793

Email: readmw@acq.osd.mil

RIN: 0790-AG31

763. PERSONNEL SECURITY POLICIES FOR GRANTING ACCESS TO CLASSIFIED INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: EO 12968

CFR Citation: 32 CFR 147

Legal Deadline: None

Abstract: This rule is published to streamline security practices throughout the Government. Uniform adjudicative guidelines, investigative standards, and guidelines for temporary access are being established. This initiative will simplify security processing and allow the deserving public to obtain a security clearance in a faster, more efficient manner.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/98	63 FR 4572
Interim Final Rule Effective	03/24/98	
Interim Final Rule Comment Period End	03/31/98	
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Terence Thompson,
Department of Defense, Office of the
Secretary

Phone: 703 602-9969

RIN: 0790-AG54

764. NATIONAL POLICY ON RECIPROCITY OF FACILITIES AND GUIDELINES FOR IMPLEMENTATION OF RECIPROCITY

Priority: Substantive, Nonsignificant

Legal Authority: EO 12968

CFR Citation: 32 CFR 148

Legal Deadline: None

Abstract: This rule is published to make physical facilities available for reciprocal use in the storage of classified information. Once a facility has been certified as suitable for classified use by one organization, it may also be used by another for like purposes.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/16/97	63 FR 4580
Interim Final Rule	01/30/98	63 FR 4580
Interim Final Rule Comment Period End	03/31/98	
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Terence Thompson,
Department of Defense, Office of the
Secretary

Phone: 703 602-9969

RIN: 0790-AG55

765. NATIONAL POLICY ON TECHNICAL SURVEILLANCE COUNTERMEASURES

Priority: Substantive, Nonsignificant

Legal Authority: EO 12968

CFR Citation: 32 CFR 149

Legal Deadline: None

Abstract: This rule is published to limit the use of technical surveillance countermeasures within the boundaries of the U.S. to cases where there is a reasonable showing of threat.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/16/97	63 FR 4582
Interim Final Rule	01/30/98	63 FR 4582
Interim Final Rule Comment Period End	03/31/98	
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Terence Thompson,
Department of Defense, Office of the
Secretary

Phone: 703 602-9969

RIN: 0790-AG56

DOD—OS

Final Rule Stage

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14405
Interim Final Rule Effective	04/17/00	
Interim Final Rule Comment Period End	05/15/00	
Final Action	11/00/02	
Final Action Effective	01/00/03	

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

Agency Contact: Mark Herbst, Department of Defense, Office of the Secretary
Phone: 703 696-0372
Email: herbstm@acq.osd.mil

RIN: 0790-AG76**767. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NON-PROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12549; EO 12689; PL 103-355**CFR Citation:** 32 CFR 25; 32 CFR 26**Legal Deadline:** None

Abstract: The Department of Defense (DoD) proposes to adopt two updated common rules, on nonprocurement debarment and suspension and on drug-free workplace requirements for grants and agreements. In adopting these rules, the Office of the Secretary of Defense, Military Departments, Defense Agencies, and DoD Field Activities will maintain uniform policies and procedures that are consistent with those of other executive departments and agencies. At the time the final rule is adopted, the Department of Defense will make conforming amendments to other parts of the DoD Grant and Agreement Regulations (32 CFR parts 21, 22, 32, and 34) to update references to the debarment and suspension and the drug-free workplace requirements that currently are 32 CFR part 25.

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
NPRM Comment Period End	03/25/02	67 FR 3267
Final Action	11/00/02	
Final Action Effective	01/00/03	

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

Agency Contact: Mark Herbst, Department of Defense, Office of the Secretary
Phone: 703 696-0372
Email: herbstm@acq.osd.mil

RIN: 0790-AG86**768. DOD GRANT AND AGREEMENT REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC 113**CFR Citation:** 32 CFR 21; 32 CFR 22; 32 CFR 32; 32 CFR 34; 32 CFR 37**Legal Deadline:** None

Abstract: The Department of Defense (DoD) proposes to add a new part 37 to the DoD Grant and Agreement Regulations (DoDGARs) to incorporate policies and procedures for the award and administration of Technology Investment Agreements (TIAs). TIAs are a relatively new class of assistance instruments. DoD Components use TIAs to support or stimulate defense research projects involving for-profit firms, especially commercial firms that do business primarily in the commercial marketplace. The new part 37 therefore gives DoD agreements officers greater flexibility to negotiate award provisions in areas that can present barriers to those commercial firms (e.g., intellectual property, audits, and cost principles). This rule also proposes revisions to parts 21, 22, 32, and 34 of the DoDGARs to conform the rest of the DoDGARs with the proposed part 37.

Timetable:

Action	Date	FR Cite
NPRM	04/30/02	67 FR 21486
NPRM Comment Period End	07/01/02	
Final Action	11/00/02	
Final Action Effective	01/00/03	

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

Agency Contact: Mark Herbst, Department of Defense, Office of the Secretary
Phone: 703 696-0372
Email: herbstm@acq.osd.mil

RIN: 0790-AG87**769. • 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 amends 32 CFR part 78, Voluntary State Tax Withholding From Retired Pay, to comply with the Treasury Financial Manual, Volume 1, section 5060f.

Timetable:

Action	Date	FR Cite
Final Rule	11/00/02	

DOD—OS

Final Rule Stage

Action	Date	FR Cite
Final Rule; Comment Period End	01/00/03	
Final Rule Effective	01/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Peter Dragon, Department of Defense, Office of the Secretary

Phone: 703 604-6350

RIN: 0790-AG93**770. • IMPLEMENTATION OF WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2576 note**CFR Citation:** 32 CFR 171**Legal Deadline:** None

Abstract: This rule adds regulations on the Implementation of Wildfire Suppression Aircraft Transfer Act of 1996 back into the Code of Federal Regulations. This rule was published as an Interim Final Rule on June 1, 1999 (64 FR 29227) and was inadvertently removed on October 25, 2001 (66 FR 53957). The Wildfire Suppression Aircraft Transfer Act of 1996 authorized the Department of Defense

(DoD), during the period October 1, 1996, through September 30, 2000, to sell aircraft and aircraft parts to entities that contract with the Federal Government for the delivery of fire retardant by air in order to suppress wildfire. Public Law 106-398 (114 Stat. 1654A-89) extended the expiration date from September 30, 2000, to September 30, 2005.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29227
Interim Final Rule Comment Period End	06/01/99	
Interim Final Rule Effective	08/02/99	
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Debra Bennett, Department of Defense, Office of the Secretary
Phone: 703 604-0098**Related RIN:** Related To 0790-AG60**RIN:** 0790-AG95**771. • NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE (NSA/CSS) FREEDOM OF INFORMATION ACT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552**CFR Citation:** 32 CFR 299**Legal Deadline:** None

Abstract: This rule implements the Freedom of Information Act, as amended. It assigns responsibility for responding to written requests made pursuant to the Act and provides for the review required to determining the appropriateness of classification.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	08/05/02	
Interim Final Rule	11/00/02	
Interim Final Rule Comment Period End	01/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Pamela Phillips, Department of Defense, Office of the Secretary
Phone: 301 688-6527**RIN:** 0790-AG96**Department of Defense (DOD)
Office of the Secretary (OS)**

Long-Term Actions

772. TEACHER AND TEACHER'S AIDE PLACEMENT ASSISTANCE PROGRAM (TROOPS TO TEACHERS) (DOD INSTRUCTION 1404.13)**Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 254**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/15/94	59 FR 7213
Interim Final Rule Effective	02/22/94	
Interim Final Rule Comment Period End	04/18/94	
Interim Final Rule Amendment Effective	11/25/94	60 FR 30188
Interim Final Rule Amendment	06/08/95	60 FR 30188

Action	Date	FR Cite
Interim Final Rule Amendment Comment Period End	08/07/95	60 FR 30188
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Otto Thomas
Phone: 703 614-4074
Email: thomaso@pr.osd.mil**RIN:** 0790-AF71**773. FORMER SPOUSE PAYMENTS FROM RETIRED PAY; AMENDMENT (DOD DIRECTIVE 1340.16 AND DOD 7000.14-R, VOL 7, PART B)****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 63**Timetable:**

Action	Date	FR Cite
NPRM	04/06/95	60 FR 17507
NPRM Comment Period End	06/06/95	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Fiti Malufau
Phone: 703 607-5061

DOD—OS

Long-Term Actions

Email: malufauf@cleveland.dfas.mil

RIN: 0790-AG22

774. CLOSED, TRANSFERRED, AND TRANSFERRING RANGES CONTAINING MILITARY MUNITIONS

Priority: Other Significant

CFR Citation: 32 CFR 178

Timetable:

Action	Date	FR Cite
NPRM	09/26/97	62 FR 50796
Public Meetings Begin	10/22/97	
Public Meetings End	12/10/97	
NPRM Comment Period End	12/26/97	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Agency Contact:** John Selstrom
Phone: 703 697-5372

RIN: 0790-AG46

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

Completed Actions

775. IMPLEMENTATION OF THE WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-307

CFR Citation: 32 CFR 171

Legal Deadline: Final, Statutory, September 30, 1998.

Abstract: The Wildfire Suppression Aircraft Transfer Act of 1996 states that, notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning October 1, 1996, and ending on September 30, 2000, sell certain aircraft and aircraft parts to persons or entities that contract with the Federal Government for the delivery of fire retardant by air to suppress wildfire. The Act states that, as soon as practicable after the date of the enactment of the Act, the Secretary of Defense shall, in consultation with the Secretary of Agriculture and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section. This interim final rule prescribes regulations to implement the Wildlife Suppression Aircraft Transfer Act of 1996.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29227

Action	Date	FR Cite
Interim Final Rule Effective	06/01/99	
Interim Final Rule Comment Period End	08/02/99	
Final Action	10/25/01	66 FR 53957
Final Action Effective	10/25/01	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal**Additional Information:** The final rule published in the Federal Register on October 25, 2001 (66 FR 53957), removed 32 CFR part 171 from the Code of Federal Regulations.**Agency Contact:** Michael Stubblebine, Department of Defense, Office of the Secretary
Phone: 703 767-1537**Related RIN:** Related To 0790-AG95

RIN: 0790-AG60

776. TRANSACTIONS OTHER THAN CONTRACTS, GRANTS, OR COOPERATIVE AGREEMENTS FOR PROTOTYPE PROJECTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-160

CFR Citation: 32 CFR 3

Legal Deadline: None

Abstract: This rule codifies the conditions for appropriate use and defines a nontraditional Defense contractor consistent with section 803 of the Floyd D. Spence National Defense Authorization Act for Fiscal year 2001. Representatives of the military departments, Defense agencies, and other DoD activities, have agreed on this final rule that amends the interim rule as a result of comments received. Audit policy is still being discussed and will be addressed by a separate rule.

Timetable:

Action	Date	FR Cite
NPRM	11/21/01	66 FR 58422
NPRM Comment Period End	01/22/02	
Public Meeting	03/27/02	67 FR 9632
Final Action	08/27/02	67 FR 54955
Final Action Effective	08/27/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Teresa Brooks, Department of Defense, Office of the Secretary
Phone: 703 695-8567
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Email: brooksta@acq.osd.mil

RIN: 0790-AG92

Department of Defense (DOD)
Defense Acquisition Regulations Council (DARC)

Proposed Rule Stage

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

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 227.3; 48 CFR 252.227

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to incorporate prescriptive text and a clause equivalent to FAR clause 52.227-12, which will then be removed from the FAR.

Timetable:

Action	Date	FR Cite
Case Opened	10/09/01	
NPRM	11/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131

Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750-AD72

778. • REWRITE OF DFARS PART 225 AND ASSOCIATED TEXT AND CLAUSES (DFARS CASE 2002-D009)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 206.303; 48 CFR 208.7203; 48 CFR 209.1; 48 CFR 209.4; 48 CFR 225; 48 CFR 242.302; 48 CFR 252.209; 48 CFR 252.212; 48 CFR 252.225

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to rewrite part 225 to

improve clarity and make procedures less complex, particularly for evaluation of foreign offers and customs duty.

Timetable:

Action	Date	FR Cite
Case Opened	03/22/02	
NPRM	11/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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 Email: gail.cruz@osd.mil

RIN: 0750-AD73

Department of Defense (DOD)
Defense Acquisition Regulations Council (DARC)

Final Rule Stage

779. INCREMENTAL FUNDING, FIXED-PRICE CONTRACTS (DFARS CASE 90-037)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 232.7; 48 CFR 252.232

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Case Opened	09/26/90	
Interim Final Rule	09/01/93	58 FR 46091
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This rulemaking was previously reported as RIN 0790-AE42.

RFA: Y

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn:

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RIN: 0750-AA07

780. PERFORMANCE-BASED SERVICE CONTRACTS USING PART 12 PROCEDURES (DFARS CASE 2000-D306)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-398, sec 821(b)

CFR Citation: 48 CFR 212.102; 48 CFR 237.601

Legal Deadline: Other, Statutory, April 27, 2001, Implementation can be either an Interim Final Rule or a Final Rule.

Abstract: Modifies the Defense FAR Supplement to implement section 821(b) of the FY 2001 National Defense Authorization Act, which authorizes the Department of Defense to treat performance-based service contracts/task orders valued at \$5 million or less as contracts for commercial items if certain conditions are met.

Timetable:

Action	Date	FR Cite
Case Opened	11/08/00	
Interim Final Rule	12/06/01	66 FR 63335
Interim Final Rule Comment Period End	02/04/02	
Final Action	11/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD35

781. ENTERPRISE SOFTWARE AGREEMENTS (DFARS CASE 2000-D023)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

DOD—DARC

Final Rule Stage

CFR Citation: 48 CFR 208.001; 48 CFR 208.74; 48 CFR 239.101; 48 CFR 251.102; 48 CFR 252.251

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to add guidance on acquiring commercially available software. These revisions implement the Department of Defense Chief Information Officer Guidance and Policy Memorandum Number 12-8430, dated July 26, 2000, entitled "Acquiring Commercially Available Software."

Timetable:

Action	Date	FR Cite
Case Opened	10/03/00	
NPRM	01/29/02	67 FR 4231
NPRM Comment Period End	04/01/02	
Final Action	11/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AD37

782. RESTRICTION ON CONTINGENT FEES FOR FOREIGN MILITARY SALES—COMMERCIAL ITEMS (DFARS CASE 2000-D029)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 252.212

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to remove the clause at 252.225-7027, Restriction on Contingent Fees for Foreign Military Sales, from the list of clauses at DFARS 252.212-7001, Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisitions of Commercial Items.

Timetable:

Action	Date	FR Cite
Case Opened	12/05/00	
NPRM	03/14/02	67 FR 11455
NPRM Comment Period End	05/13/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
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Email: gail.cruz@osd.mil

RIN: 0750-AD47

783. APPLICABILITY OF COMPETITION REQUIREMENTS TO PURCHASES FROM A REQUIRED SOURCE (DFARS CASE 2002-D003)

Priority: Other Significant

Legal Authority: PL 107-107, sec 811

CFR Citation: 48 CFR 208.6; 48 CFR 210.0

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to require market research before purchasing any product from Federal Prison Industries (FPI) to determine whether the FPI product is comparable in price, quality, and time of delivery to products available from the private sector.

Timetable:

Action	Date	FR Cite
Case Opened	01/08/02	
Interim Final Rule	04/26/02	67 FR 20687
Interim Final Rule Comment Period End	06/25/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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Email: gail.cruz@osd.mil

RIN: 0750-AD57

784. PERFORMANCE OF SECURITY FUNCTIONS (DFARS CASE 2001-D018)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-56, sec 1010

CFR Citation: 48 CFR 237.1

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement section 1010 of the USA Patriot Act. Section 1010 permits DoD to contract for security functions at military installations.

Timetable:

Action	Date	FR Cite
Case Opened	12/04/01	
Interim Final Rule	03/14/02	67 FR 11438
Interim Final Rule Comment Period End	05/13/02	
Final Action	11/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
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RIN: 0750-AD58

785. • ELECTRONIC SUBMISSION AND PROCESSING OF PAYMENT REQUESTS (DFARS CASE 2002-D001)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-398, sec 1008

CFR Citation: 48 CFR 232.70; 48 CFR 252.212-7001; 48 CFR 252.232

Legal Deadline: Other, Statutory, October 1, 2002, Implementation can be either an Interim Final Rule or a Final Rule.

Abstract: Modifies the Defense FAR Supplement to implement section 1008 of the FY 2001 National Defense Authorization Act, which requires that any claim for payment be submitted and processed electronically.

Timetable:

Action	Date	FR Cite
Case Opened	01/09/02	
NPRM	05/31/02	67 FR 38057
NPRM Comment Period End	07/30/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

DOD—DARC

Final Rule Stage

Government Levels Affected: Federal
Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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 Email: gail.cruz@osd.mil
RIN: 0750—AD70

786. • COMPETITION REQUIREMENTS FOR PURCHASE OF SERVICES UNDER MULTIPLE AWARD CONTRACTS (DFARS CASE 2001-D017)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-107, sec 803

CFR Citation: 48 CFR 208.4; 48 CFR 216.5

Legal Deadline: Other, Statutory, June 26, 2002, Implementation can be either an Interim Final Rule or a Final Rule.

Abstract: Modifies the Defense FAR Supplement to implement section 803 of the FY 2002 National Defense Authorization Act, which requires competition in the purchase of services under multiple award contracts.

Timetable:

Action	Date	FR Cite
Case Opened	11/16/01	
NPRM	04/01/02	67 FR 15351
NPRM Comment Period End	05/06/02	
Final Action	11/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
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RIN: 0750—AD71

787. • EXCEPTION FOR ACQUISITION OF U.S.-MADE END PRODUCTS IN ACQUISITIONS SUBJECT TO THE TRADE AGREEMENTS ACT (DFARS CASE 2002-D008)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225.001; 48 CFR 225.003; 48 CFR 225.103; 48 CFR 225.402; 48 CFR 225.502; 48 CFR 225.504; 48 CFR 225.1101; 48 CFR 225.7501; 48 CFR 252.225

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement the determination of USD (AT&L) that, for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act to U.S.-made end products that are substantially transformed in the United States.

Timetable:

Action	Date	FR Cite
Case Opened	03/22/02	
NPRM	07/30/02	67 FR 49278
NPRM Comment Period End	09/30/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750—AD74

788. • FOREIGN MILITARY SALES CUSTOMER INVOLVEMENT (DFARS CASE 2002-D005)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225.7304

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to add policy regarding the participation of foreign military sales customers in the development of contracts that DoD awards on their behalf.

Timetable:

Action	Date	FR Cite
Case Opened	01/18/02	
NPRM	04/26/02	67 FR 20713
NPRM Comment Period End	06/25/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750—AD75

789. • CODIFICATION AND MODIFICATION OF PROVISION OF LAW KNOWN AS THE "BERRY AMENDMENT" (DFARS CASE 2002-D002)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-107, sec 832

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

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement section 832 of the FY 2002 National Defense Authorization Act, which codifies and makes minor modifications to the Berry Amendment.

Timetable:

Action	Date	FR Cite
Case Opened	01/08/02	
Interim Final Rule	04/26/02	67 FR 20697
Interim Final Rule Comment Period End	06/25/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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 Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750—AD76

790. • ACQUISITION WORKFORCE QUALIFICATIONS (DFARS CASE 2002-D021)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-107, sec 824

DOD—DARC

Final Rule Stage

CFR Citation: 48 CFR 201.603-2**Legal Deadline:** None

Abstract: Modifies the Defense FAR Supplement to implement section 824 of the FY 2002 National Defense Authorization Act, which contains qualification requirements for contracting professionals.

Timetable:

Action	Date	FR Cite
Case Opened	06/26/02	
Final Action	11/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD77

Department of Defense (DOD)

Completed Actions

Defense Acquisition Regulations Council (DARC)

791. INSTITUTIONS OF HIGHER EDUCATION (DFARS CASE 1999-D303)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-65, sec 549; PL 106-79, sec 8120

CFR Citation: 48 CFR 209.470; 48 CFR 243; 48 CFR 252.209

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement section 549 of the FY 2000 National Defense Authorization Act. Section 549 amends statutory provisions pertaining to the denial of Federal contracts and grants to institutions of higher education that prohibit Senior Reserve Officer Training Corps units or military recruiting on campus.

Timetable:

Action	Date	FR Cite
Case Opened	10/06/99	
Interim Final Rule	01/13/00	65 FR 2056
Interim Final Rule Comment Period End	03/13/00	
Final Rule	07/30/02	67 FR 49253

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD05

792. OCEAN TRANSPORTATION BY UNITED STATES-FLAG VESSELS—SIMPLIFIED ACQUISITION THRESHOLD (DFARS CASE 2000-D014)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 247.573; 48 CFR 252.247

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to apply cargo preference provision and clause in solicitations and resultant contracts with an anticipated value at or below the simplified acquisition threshold.

Timetable:

Action	Date	FR Cite
Case Opened	05/12/00	
NPRM	09/11/01	66 FR 47153
NPRM Comment Period End	11/13/01	
Final Rule	05/31/02	67 FR 38020

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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Email: gail.cruz@osd.mil

RIN: 0750-AD19

793. CHANGES TO PROFIT POLICY (DFARS CASE 2000-D018)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 215.404

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to make changes to Department of Defense profit policy that would reduce and eventually eliminate emphasis on facilities investment, increase emphasis on performance risk, and encourage contractor cost efficiency.

Timetable:

Action	Date	FR Cite
Case Opened	06/05/00	
NPRM	07/24/00	65 FR 45574
NPRM Comment Period End	09/22/00	
NPRM	09/21/01	66 FR 48649
NPRM Comment Period End	11/20/01	
Final Rule	04/26/02	67 FR 20688

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD21

794. BALANCE OF PAYMENTS PROGRAM (DFARS CASE 2000-D020)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225; 48 CFR 252.225

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to add language on the Balance of Payments Program and streamline procedures.

DOD—DARC

Completed Actions

Timetable:

Action	Date	FR Cite
Case Opened	08/01/00	
NPRM	09/11/01	66 FR 47155
NPRM Comment Period End	11/13/01	
Final Rule	04/26/02	67 FR 20693

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD22

795. SUBCONTRACT COMMERCIALITY DETERMINATIONS (DFARS CASE 2000-D028)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 244.303; 48 CFR 244.402

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to clarify that contractors must determine whether a particular subcontract item meets the definition of a commercial item. Also clarifies that administrative contracting officers must review the adequacy of the contractor's rationale documenting commercial item determinations during Contractor Purchasing System Reviews.

Timetable:

Action	Date	FR Cite
Case Opened	11/29/00	
NPRM	09/11/01	66 FR 47159
NPRM Comment Period End	11/13/01	
Final Rule	05/31/02	67 FR 38023

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD36

796. UTILIZATION OF INDIAN ORGANIZATIONS AND INDIAN-OWNED ECONOMIC ENTERPRISES (DFARS CASE 2000-D024)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-259, sec 8022

CFR Citation: 48 CFR 226.104; 48 CFR 252.226

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement section 8022 of the FY 2001 Defense Appropriations Act, which specifies that a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974.

Timetable:

Action	Date	FR Cite
Case Opened	10/17/00	
Interim Final Rule	09/11/01	66 FR 47110
Interim Final Rule Comment Period End	11/13/01	
Final Rule	05/31/02	67 FR 38022

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD42

797. RESEARCH AND DEVELOPMENT STREAMLINED CONTRACTING PROCEDURES (DFARS CASE 2001-D002)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 235.7003

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to delete the requirement that research and development streamlined solicitations must be posted on the research and

development streamlined solicitation/contract website.

Timetable:

Action	Date	FR Cite
Case Opened	01/17/01	
NPRM	12/06/01	66 FR 63348
NPRM Comment Period End	02/04/02	
Final Rule	04/26/02	67 FR 20699

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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Email: gail.cruz@osd.mil

RIN: 0750-AD43

798. DOD PILOT MENTOR-PROTEGE PROGRAM (DFARS CASE 2001-D006)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-398, sec 807

CFR Citation: 48 CFR 219.71; 48 CFR 252.232; 48 CFR app I

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to add women-owned small businesses to the types of concerns that may participate as protege firms in the DoD Pilot Mentor-Protege Program.

Timetable:

Action	Date	FR Cite
Case Opened	04/06/01	
Interim Final Rule	09/11/01	66 FR 47108
Interim Final Rule Comment Period End	11/13/01	
Final Rule	03/14/02	67 FR 11435

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
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Email: gail.cruz@osd.mil

RIN: 0750-AD52

DOD—DARC

Completed Actions

799. PREFERENCE FOR LOCAL 8(A) CONTRACTORS—BASE CLOSURE OR REALIGNMENT (DFARS CASE 2001-D007)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 226.71**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to clarify policy pertaining to preferences for local businesses in acquisitions that support a base closure or realignment.**Timetable:**

Action	Date	FR Cite
Case Opened	05/02/01	
NPRM	09/11/01	66 FR 47158
NPRM Comment Period End	11/13/01	
Final Rule	03/14/02	67 FR 11438

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil**RIN:** 0750—AD53**800. PARTNERSHIP AGREEMENT BETWEEN SBA AND DOD (DFARS CASE 2001-D016)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 219.800**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to implement a Partnership Agreement between DoD and the Small Business Administration (SBA). The agreement permits DoD to award contracts directly to 8(a) program participants instead of awarding the contracts through the SBA.**Timetable:**

Action	Date	FR Cite
Case Opened	11/07/01	
Interim Final Rule	03/14/02	67 FR 11435
Interim Final Rule Comment Period End	05/13/02	
Final Rule	07/30/02	67 FR 49255

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil**RIN:** 0750—AD59**801. RESTRICTION ON ACQUISITION OF VESSEL PROPELLERS (DFARS CASE 2002-D006)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225.7020-4**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to clarify that the statutory restriction on acquisition of vessel propellers from foreign sources applies only to DoD contracts that use fiscal year 2000 or 2001 funds.**Timetable:**

Action	Date	FR Cite
Case Opened	01/28/02	
Final Rule	03/14/02	67 FR 11437

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil**RIN:** 0750—AD61**802. • WEIGHTED GUIDELINES FORM (DFARS CASE 2002-D012)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 215.404-71; 48 CFR 253.215-70**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to revise DD Form 1547, Record of Weighted Guidelines

Application, and related DFARS cites, to conform to changes made to profit policy at 67 FR 20688 on April 26, 2002.

Timetable:

Action	Date	FR Cite
Case Opened	05/09/02	
Final Rule	07/30/02	67 FR 49254

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil**RIN:** 0750—AD63**803. • REPORTING REQUIREMENTS UPDATE (DFARS CASE 2002-D010)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.670; 48 CFR 253.204**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to update DD Form 350 contract reporting requirements to meet FY 2003 statutory and regulatory requirements.**Timetable:**

Action	Date	FR Cite
Case Opened	04/11/02	
Final Rule	07/12/02	67 FR 46112
Final Action Effective	10/01/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
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Fax: 703 602-0350
Email: gail.cruz@osd.mil**RIN:** 0750—AD65

DOD—DARC

Completed Actions

804. • NAFTA PROCUREMENT THRESHOLD (DFARS CASE 2002-D007)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225.1101**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to implement revised NAFTA threshold for procurement of goods and services, as published by USTR at 67 FR 8057 on February 21, 2002.**Timetable:**

Action	Date	FR Cite
Case Opened	03/05/02	
Final Rule	04/26/02	67 FR 20692

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
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Email: gail.cruz@osd.mil**RIN:** 0750-AD67

construction, as published by USTR at 67 FR 14763 on March 27, 2002.

Timetable:

Action	Date	FR Cite
Case Opened	04/19/02	
Final Rule	07/30/02	67 FR 49256

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil**RIN:** 0750-AD69**805. • TRADE AGREEMENTS THRESHOLDS—CONSTRUCTION (DFARS CASE 2002-D011)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225.7503**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to implement revised trade agreements thresholds for acquisition of

Department of Defense (DOD)

Department of the Army (DOA)

Completed Actions

806. ENVIRONMENTAL ANALYSIS OF ARMY ACTIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4321**CFR Citation:** 32 CFR 651**Legal Deadline:** None**Abstract:** This rule revises policies and procedures for assessing the effect of Army actions (32 CFR 651). The revision is intended to streamline portions of the Army environmental actions process and strives to meet the spirit of the National Performance

Review (NPR) and Executive Order 12861 "Elimination of One-Half of Executive Branch Internal Regulations."

Timetable:

Action	Date	FR Cite
NPRM	09/07/00	65 FR 54348
NPRM Comment Period End	11/06/00	
Final Rule	03/29/02	67 FR 15290
Final Rule Effective	03/29/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Luz D. Ortiz, Army Federal Register Liaison Officer, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, Stop 5603, ATTN: TAPC-PDD-RP, 6000 6th Street, Fort Belvoir, VA 22060-5603
Phone: 703 806-3708
Fax: 703 806-3230
Email: luz.ortiz@rmda.belvoir.army.mil**RIN:** 0702-AA34

Department of Defense (DOD)

U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

807. 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 clarify and provide additional guidance for Corps

NEPA requirements for activities at Federal water resource development projects and lands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/03	
NPRM Comment Period End	07/00/03	
Final Action	10/00/03	
Final Action Effective	02/00/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Forrester Einarsen, Biologist, Department of Defense, U.S. Army Corps of Engineers, Office of Environmental Policy (CECW-PC), 441 G Street NW, Washington, DC 20314-1000
Phone: 202 761-4589**RIN:** 0710-AA42

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

Final Rule Stage

808. NATURAL DISASTER PROCEDURES: PREPAREDNESS, RESPONSE, AND RECOVERY ACTIVITIES OF THE CORPS OF ENGINEERS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 701

CFR Citation: 33 CFR 203

Legal Deadline: None

Abstract: This revision of 33 CFR 203 is necessary to reflect current policy, add features required by the Water Resources Development Act of 1996 (Pub. L. 104-303), and streamline certain procedures concerning Corps authority for disaster preparedness, response, and recovery activities. Public Law 104-303 additions are the option of a nonstructural alternative to structural levee repairs for damage

caused by flood events and the provision of a levee owners' manual. Other changes include a change in the cost share provision for rehabilitation of Federal and non-Federal flood control works, expansion of investigation ability for potential Advance Measures work, and a streamlined approach for requests for assistance from Native American tribes and Alaska Native Corporations.

Timetable:

Action	Date	FR Cite
NPRM	02/26/02	67 FR 8748
NPRM Comment Period End	04/29/02	
Final Action	11/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: George Gilmore, Program Manager, Public Law 84-99, Department of Defense, U.S. Army Corps of Engineers, CECW-OE (3F68), 441 G Street NW, Washington, DC 20314-1000
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RIN: 0710-AA47

809. PROGRAMMATIC REGULATIONS FOR THE COMPREHENSIVE EVERGLADES RESTORATION PLAN

Regulatory Plan: This entry is Seq. No. 21 in part II of this issue of the **Federal Register**.

RIN: 0710-AA49

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

Long-Term Actions

810. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 320 to 330

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Thaddeus J. Rugier
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RIN: 0710-AA30

Timetable:

Action	Date	FR Cite
NPRM	03/14/95	60 FR 13654
NPRM Comment Period End	04/13/95	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 0710-AA38

Government Levels Affected: None

Federalism: Undetermined

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RIN: 0710-AA43

813. FLOOD CONTROL COST-SHARING REQUIREMENTS UNDER THE ABILITY TO PAY PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 241

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Harry M. Shoudy
 Phone: 202 761-1977

RIN: 0710-AA44

811. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS—WETLAND DELINEATOR CERTIFICATION PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 320; 33 CFR 323; 33 CFR 325; 33 CFR 328; 33 CFR 333

812. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, ENDANGERED SPECIES ACT; SCOPE OF ANALYSIS

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 325

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Department of Defense (DOD)

Completed Actions

U.S. Army Corps of Engineers (COE)

814. PROPOSED REVISION TO THE CLEAN WATER ACT REGULATORY DEFINITIONS OF "FILL MATERIAL" AND THE "DISCHARGE OF FILL MATERIAL"**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1344**CFR Citation:** 33 CFR 323**Legal Deadline:** None

Abstract: Section 404 of the Clean Water Act requires a permit from the U.S. Army Corps of Engineers for discharges of dredged or filled material to waters of the United States. The Environmental Protection Agency (EPA) and Corps' regulations implementing section 404 previously contained differing definitions of the term "fill material." In particular, the Corps regulations defined fill material as being used for the primary purpose of replacing an aquatic area with dry land

or changing the bottom elevation of a waterbody. In contrast, EPA's definition of fill material looked to whether the effect is to replace waters of the United States with dry land or change the bottom elevation of waterbodies and did not contain a "primary purpose" test as found in the Corps regulations. In order to clarify what constitutes "fill material" for purposes of section 404 and provide improved regulatory certainty, the Corps and EPA have implemented this final rule under which both agencies have adopted identical, effect-based definitions of the terms "fill material" and "discharge of fill material."

Timetable:

Action	Date	FR Cite
NPRM	04/20/00	65 FR 21292
NPRM Comment Period End	06/19/00	

Action	Date	FR Cite
Final Action	05/09/02	67 FR 31129
Final Action Effective	06/10/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Tribal, Federal

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RIN: 0710-AA48

Department of Defense (DOD)

Final Rule Stage

Department of the Navy (NAVY)

815. USE OF DEPARTMENT OF THE NAVY AVIATION FACILITIES BY OTHER THAN UNITED STATES DEPARTMENT OF DEFENSE AIRCRAFT**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 1507**CFR Citation:** 32 CFR 766**Legal Deadline:** None

Abstract: This part establishes the policy and procedures for the use of Navy and Marine Corps aviation facilities by aircraft other than United States Department of Defense aircraft.

Timetable:

Action	Date	FR Cite
NPRM	12/01/94	59 FR 61561
NPRM Comment Period End	01/03/95	
Final Action	11/00/02	

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

Agency Contact: Dan Bartlett, Department of Defense, Department of the Navy, N885F, Office of the Chief of Naval Operations, 2000 Navy Pentagon, Washington, DC 20350-2000
Phone: 703 604-7707
Fax: 703 604-6969

RIN: 0703-AA48**816. POLICIES AND RESPONSIBILITIES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT WITHIN THE DEPARTMENT OF THE NAVY****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 44502**CFR Citation:** 32 CFR 775 (Revision)**Legal Deadline:** None

Abstract: The Department of the Navy is revising its regulations, which establish the responsibilities and procedures for complying with the National Environmental Policy Act

(NEPA). This revision clarifies when certain Department of the Navy actions must be studied to determine their effect on the human environment and what types of activities are excluded from the NEPA documentation requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37069
NPRM Comment Period End	09/07/99	
Final Action	11/00/02	

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

Agency Contact: Tom Egeland, Department of Defense, Department of the Navy, Office of the Assistant Secretary of the Navy (Installations and Environment), 2000 Navy Pentagon, Washington, DC 20350-2000
Phone: 703 588-6671

RIN: 0703-AA51

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

Long-Term Actions**817. SHIPBUILDING CAPABILITY PRESERVATION AGREEMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 5231 (New)**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/22/97	62 FR 66826

Action	Date	FR Cite
Interim Final Rule Effective	12/22/97	
Interim Final Rule Comment Period End	02/20/98	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Clarence Belton

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RIN: 0703-AA50

Department of Defense (DOD)
Department of the Air Force (AF)

Final Rule Stage**818. • DEPARTMENT OF DEFENSE COMMERCIAL AIR TRANSPORTATION QUALITY AND SAFETY REVIEW PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 8013; 10 USC 2640**CFR Citation:** 32 CFR 861**Legal Deadline:** None

Abstract: The Department of Air Force proposes to revise the Department of Defense (DoD) Commercial Transportation Quality and Safety Review Program. The current version of the program is being updated to reflect current and anticipated policies. Department of Defense Directive 4500.53, DoD Commercial Air

Transportation Quality and Safety Review Program, charges the Commander-in-Chief (CINC), United States Transportation Command (USTRANSCOM), with ensuring the establishment of safety requirements and criteria for evaluating civil air carriers and operators providing air transportation and operational support services to DoD. It also charges the CINC with ensuring the establishment of a Commercial Airlift Review Board (CARB) and providing policy guidance and direction for its operation. Part 861 establishes DoD quality and safety criteria for air carriers providing or seeking to provide air transportation and, at the discretion of the CARB or higher authority, operational support services to DoD.

Timetable:

Action	Date	FR Cite
NPRM	09/05/02	67 FR 56777
NPRM Comment Period End	09/20/02	
Final Action	11/00/02	

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

Agency Contact: Merlin Lyman, Department of Defense, Department of the Air Force, HQ, AMC/DOB, Air Mobility Command, 402 Scott Drive, Scott AFB, IL 62225-5302
Phone: 618 229-4801

RIN: 0701-AA67

Department of Defense (DOD)
Department of the Air Force (AF)

Completed Actions**819. INSTALLATION ENTRY POLICY, CIVIL DISTURBANCE INTERVENTION AND DISASTER ASSISTANCE****Priority:** Info./Admin./Other**Legal Authority:** 10 USC 332-333, 50 USC 797**CFR Citation:** 32 CFR 808 (previously 32 CFR 809a)**Legal Deadline:** None

Abstract: This rule prescribes the installation commander's authority for enforcing orders within or near Air Force installations and controlling entry. It also provides for guidance for use of military personnel in controlling civil disturbances and in supporting disaster relief operations.

Timetable:

Action	Date	FR Cite
NPRM	07/12/01	66 FR 36523

Action	Date	FR Cite
NPRM Comment Period End	09/10/01	
Final Action	03/26/02	67 FR 13718

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

Agency Contact: Walter Filipak, SMSgt, Department of Defense, Department of the Air Force, HQ AFSFC/SFO, 1720 Patrick Street, Lackland AFB, TX 78236-5226
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RIN: 0701-AA64**820. WAKE ISLAND CODE****Priority:** Info./Admin./Other**Legal Authority:** 74 Stat 424, PL 86-6244, EO 11048**CFR Citation:** 32 CFR 935 (Revised)**Legal Deadline:** None

Abstract: Revises and updates the Code to reflect current and anticipated use of Wake Island. Provides regulations for conduct not otherwise provided by law and provides a judicial system to enforce those requirements. Delegates authority to the Commander of Pacific Air Forces to perform most of the functions of civil administration.

Timetable:

Action	Date	FR Cite
NPRM	10/25/00	65 FR 63826
NPRM Comment Period End	12/26/00	
Final Action	04/09/02	67 FR 16997

DOD—AF

Completed Actions

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** This is the information for legal authority as it is generally listed. There is some duplication of information.

Sec. 48, Act of 12 July 1960; 74 Stat. 424, Pub. L. 86-624, E.O. 11048, Sept.

1, 1962, 27 FR 8851; agreement between Department of Interior and Department of the Air Force, dated June 19, 1972, 37 FR 12255, and Secretary of the Air Force, Order 111.1, dated April 26, 1999.

Agency Contact: Philip Sheuerman, Associate General Counsel, Department of Defense, Department of the Air

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RIN: 0701-AA65**Department of Defense (DOD)****Final Rule Stage****Office of Assistant Secretary for Health Affairs (DODOASHA)****821. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); HOSPITAL PAYMENT FOR AMBULATORY CARE (DOD 6010.8-R)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None**Abstract:** This rule establishes a new payment method for ambulatory care (other than ambulatory surgery) provided by hospitals to CHAMPUS beneficiaries, under which payment amounts would be based on the cost of the service rather than on the billed charge, as at present.**Timetable:**

Action	Date	FR Cite
NPRM	01/20/94	59 FR 3046
NPRM Comment Period End	03/21/94	
Final Action	11/00/02	
Final Action Effective	01/00/03	

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
Phone: 703 681-3628
Email: steve.lillie@tma.osd.mil**RIN:** 0720-AA20**822. 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 twenty (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	11/00/02	
Final Action Effective	01/00/03	

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
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RIN: 0720-AA41**823. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PROSTHETIC DEVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None**Abstract:** This rule implements section 702 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85), which authorizes purchase of prosthetic devices, as determined by the Secretary of Defense, to be necessary because of significant conditions resulting from trauma, congenital anomalies, or disease. The Act changes the existing limited provisions for prosthetic devices, expands coverage to include cost sharing of other prostheses; e.g., noses, ears, and fingers.**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	05/20/99	64 FR 45453
Interim Final Rule	08/20/99	64 FR 45453
Interim Final Rule Comment Period End	10/19/99	
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis**Required:** No

DOD—DODOASHA

Final Rule Stage

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 0720-AA49

824. 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	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: LTC Kathleen Larkin,
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RIN: 0720-AA50

825. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); TRICARE PROGRAM; DOUBLE COVERAGE; THIRD-PARTY RECOVERIES

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements section 711 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, which allows the Secretary of Defense to authorize certain CHAMPUS/TRICARE claims to be paid, even though other health insurance may be the primary payer, with authority to collect from the other health insurance (third-party payer) the CHAMPUS/TRICARE costs incurred on behalf of the beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	10/19/99	64 FR 56283
NPRM Comment Period End	12/20/99	
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Robert Shepherd,
Department of Defense, Office of
Assistant Secretary for Health Affairs
Phone: 303 676-3705

RIN: 0720-AA52

826. 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	11/00/02	
Final Action Effective	01/00/03	

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
Phone: 303 676-3411

RIN: 0720-AA56

827. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); METHODOLOGY FOR COVERAGE OF NIH-SPONSORED CLINICAL TRIALS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule modifies the general prohibition against CHAMPUS cost-sharing of unproven drugs, devices, and medical treatments or procedures by adding a provision allowing a waiver of the prohibition in connection with clinical trials sponsored by the National Institutes of Health, if it is determined that such a waiver will promote access by covered beneficiaries to promising new treatments and contribute to the development of such treatments.

Timetable:

Action	Date	FR Cite
NPRM	05/31/00	65 FR 34627
NPRM Comment Period End	07/31/00	
Final Rule	01/31/01	66 FR 8365
Final Rule Withdrawn	02/07/01	66 FR 9199
Final Rule Effective	03/02/01	66 FR 8365
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

DOD—DODOASHA

Final Rule Stage

Government Levels Affected: None**Federalism:** Undetermined

Agency Contact: Steve Lillie,
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RIN: 0720-AA57**828. CHAMPUS/TRICARE;
IMPLEMENTATION OF THE
PHARMACY BENEFITS PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule is designed to implement section 701 of the National Defense Authorization Act for Fiscal Year 2000. This rule establishes procedures for the inclusion of pharmaceutical agents on a Uniform Formulary based upon relative clinical effectiveness and cost effectiveness; establishes cost-sharing requirements, including a tiered co-payment structure, for generic, formulary and non-formulary pharmaceutical agents; establishes procedures to assure the availability of pharmaceutical agents not included on the Uniform Formulary to eligible beneficiaries at the non-formulary cost-share tier; establishes procedures to receive pharmaceutical agents not included on the Uniform Formulary, but considered clinically necessary, under the same terms and conditions as an agent on the Uniform Formulary; establishes procedures to assure the availability of clinically appropriate non-formulary pharmaceutical agents to members of the Uniformed Services; establishes procedures for prior authorization when required; and establishes a Department of Defense Pharmacy and Therapeutics Committee (DoD P&T Committee) and a Uniform Formulary Beneficiary Advisory Panel. Other administrative amendments are also made to clarify specific policies that relate to the program.

Timetable:

Action	Date	FR Cite
NPRM	04/12/02	67 FR 17948
NPRM Comment Period End	06/11/02	
Final Action	11/00/02	
Final Action Effective	01/00/03	

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

Agency Contact: Mike Kottyan,
Department of Defense, Office of
Assistant Secretary for Health Affairs
Phone: 303 676-3520

RIN: 0720-AA63**829. CIVILIAN HEALTH AND MEDICAL
PROGRAM OF THE UNIFORMED
SERVICES; 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 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	11/00/02	
Final Action Effective	01/00/03	

**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
Phone: 703 681-0039

RIN: 0720-AA65**830. TRICARE; CIVILIAN HEALTH AND
MEDICAL PROGRAM OF THE
UNIFORMED SERVICES (CHAMPUS);
ELIGIBILITY AND PAYMENT
PROCEDURES FOR CHAMPUS
BENEFICIARIES AGE 65 AND OVER****Priority:** Economically Significant.
Major under 5 USC 801.**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** Final, Statutory,
October 1, 2001, Implements section
712 of FY 2001 NDAA.

Abstract: This rule implements section 712 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. Section 712 extends TRICARE eligibility to persons age 65 and over who would otherwise have lost their TRICARE eligibility due to attainment of entitlement to hospital insurance benefits under Part A of Medicare. In order for these individuals to retain their TRICARE eligibility, they must be 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 rule prescribes TRICARE payment procedures and makes revisions to TRICARE rules to accommodate Medicare-eligible CHAMPUS beneficiaries. The Department is publishing this rule as an interim final rule in order to meet the statutorily required effective date.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/03/01	66 FR 40601
Interim Final Rule Effective	10/01/01	
Interim Final Rule Comment Period End	10/02/01	
Final Action	11/00/02	
Final Action Effective	01/00/03	

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

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DOD—DODOASHA

Final Rule Stage

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RIN: 0720-AA66

831. TRICARE PRIME REMOTE FOR ACTIVE DUTY FAMILY MEMBERS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements 10 U.S.C. 1079(p), as added by section 722(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. This rule provides coverage for medical care for active-duty family members who reside with an active-duty member of the Uniformed Services assigned to remote areas and eligible for the program known as TRICARE Prime Remote. Active-duty family members who enroll in TRICARE Prime Remote for Active-Duty Family Members (TPRADFM) will enjoy benefits generally comparable to TRICARE Prime enrollees including access standards, benefit coverage, and cost-shares.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/02	67 FR 5477
Interim Final Rule Comment Period End	04/08/02	
Interim Final Rule Effective	04/08/02	
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LCDR Robert Styron, Department of Defense, Office of Assistant Secretary for Health Affairs
Phone: 703 681-0064

RIN: 0720-AA68

832. 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	11/00/02	
Final Action Effective	01/00/03	

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
Phone: 303 676-3682

RIN: 0720-AA69

833. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ENURETIC DEVICES, BREAST RECONSTRUCTIVE SURGERY, PFPWD VALID AUTHORIZATION PERIOD, EARLY INTERVENTION SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule removes the exclusion of enuresis alarms, corrects contradictory language as it relates to breast reconstructive surgery, changes the valid period of an authorization for services and items under the Program for Persons with Disabilities, implements section 640 of Public Law 105-17, which establishes the CHAMPUS payment relationship for IDEA part C and items, and revises a statement to the paragraph at 32 CFR 199.4(g)(15)(i)(D).

Timetable:

Action	Date	FR Cite
NPRM	11/15/00	65 FR 68957
NPRM Comment Period End	01/16/01	
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Second Agency Contact: Mike Kottyan, 303 676-3520

Agency Contact: Margaret Brown, Department of Defense, Office of Assistant Secretary for Health Affairs
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RIN: 0720-AA70

834. TRICARE; WAIVER OF CERTAIN TRICARE DEDUCTIBLES; CLARIFICATION OF THE TRICARE PRIME ENROLLMENT PERIOD

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 Fiscal Year 2000, which authorizes the Secretary of Defense to waive the TRICARE deductible in certain cases for care provided to a dependent of a member of a Reserve Component or the National Guard who is called to active duty for more than 30 days but less than one year. In implementing this rule, we are limiting this to Reserve Component and National Guard members called to active duty in support of contingency operations. The term "contingency operations" is defined at 10 U.S.C. 101(a)(13). This rule also establishes circumstances under which eligible beneficiaries may enroll in TRICARE Prime for a period of less than 1 year.

Timetable:

Action	Date	FR Cite
NPRM	04/18/02	67 FR 19141
NPRM Comment Period End	06/17/02	
Final Action	11/00/02	
Final Action Effective	01/00/03	

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
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DOD—DODOASHA

Final Rule Stage

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RIN: 0720-AA72

835. TRICARE; SUB-ACUTE CARE PROGRAM; UNIFORM SKILLED NURSING FACILITY BENEFIT; HOME HEALTH CARE BENEFIT; ADOPTING MEDICARE PAYMENT METHODS FOR SKILLED NURSING FACILITIES AND HOME HEALTH CARE PROVIDERS

Priority: Other Significant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule partially implements the TRICARE “sub-acute and long-term care program reform” enacted by Congress in the National Defense Authorization Act for Fiscal Year 2002, Public Law 107-107,

specifically: (1) Establishment of “an effective, efficient, and integrated sub-acute care benefits program,” with skilled nursing facility and home health care benefits modeled after those of the Medicare Program; (2) adoption of Medicare payment methods for skilled nursing facility, home health care, and certain other institutional health care providers; (3) adoption of Medicare rules on balance billing of beneficiaries, prohibiting it by institutional providers and limiting it by non-institutional providers; (4) change in the statutory exclusion of coverage for custodial and domiciliary care.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/02	67 FR 40597
Interim Final Rule	08/12/02	
Comment Period		
End		

Action	Date	FR Cite
Interim Final Rule	08/12/02	
Effective		
Final Action	11/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Additional Agency Contacts: David Bennett, 303 676-3494, and Stan Regensberg, 303 676-3742

Agency Contact: Tariq Shahid, Department of Defense, Office of Assistant Secretary for Health Affairs
Phone: 303 676-3801

RIN: 0720-AA73

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836. TRICARE; REVISIONS TO COVERAGE CRITERIA FOR TRANSPLANTS, CARDIAC AND PULMONARY REHABILITATION, AND AMBULANCE SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements a number of regulatory revisions relating to TRICARE coverage for transplants and related services, cardiac and pulmonary rehabilitation, and ambulance services. They are (1) clarification of TRICARE coverage and time limitations on preauthorizations for solid organ and stem cell transplantation for beneficiaries whose conditions are considered appropriate for transplantation according to guidelines adopted by the Executive Director, TRICARE Management Activity (TMA), or a designee; (2) clarification of TRICARE coverage for ambulance service for organ and stem cell transplant candidates; (3) recognition of certain transplant centers as authorized TRICARE institutional providers according to provisions adopted by the Executive Director, TMA, or a designee; (4) clarification of pediatric consortium programs for organ transplantation according to

provisions adopted by the Executive Director, TMA, or a designee; (5) extension of coverage for cardiac rehabilitation for those patients who have had heart valve surgery, heart or heart-lung transplantation; (6) establishment of coverage for pulmonary rehabilitation for beneficiaries whose conditions are considered appropriate for pulmonary rehabilitation according to guidelines adopted by the Executive Director, TMA, or a designee; and (7) elimination of payment restrictions for Military Treatment Facility (MTF) ordered ambulance transfers.

Timetable:

Action	Date	FR Cite
NPRM	03/17/95	60 FR 14403
NPRM Comment	05/16/95	
Period End		
Final Action	06/25/02	67 FR 42717
Correction	07/09/02	67 FR 45311
Final Action Effective	07/25/02	67 FR 42717

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Paragraphs 199.4(e)(18)(i)(F) and (G) are effective 12/01/1991. Paragraph 199.4(e)(21) is effective 08/12/2002.

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

RIN: 0720-AA28

837. TRICARE; CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); BONUS PAYMENTS IN MEDICALLY UNDERSERVED AREAS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements a bonus payment, in addition to the amount normally paid under the allowable charge methodology, to physicians in medically underserved areas. For purposes of this rule, medically underserved areas are the same as those determined by the Secretary of Health and Human Services for the Medicare program. Such bonus payments shall be equal to the bonus payments authorized by Medicare, except as necessary to recognize any unique or distinct characteristics or requirements of the TRICARE program and as described in instructions issued by the Executive Director, TRICARE Management Activity. This rule promotes a

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reimbursement enhancement to a limited number of physicians designed to increase TRICARE beneficiary access to care.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/00	65 FR 41002
Interim Final Rule Effective	08/02/00	
Final Action Effective	08/02/00	67 FR 18114
Interim Final Rule Comment Period End	09/01/00	65 FR 41002
Final Action	04/15/02	67 FR 18114

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stan Regensberg, Department of Defense, Office of Assistant Secretary for Health Affairs, Washington, DC
Phone: 303 676-3742

RIN: 0720-AA60

838. CHAMPUS/TRICARE; PARTIAL IMPLEMENTATION OF PHARMACY BENEFITS PROGRAM; IMPLEMENTATION OF NATIONAL DEFENSE AUTHORIZATION ACT MEDICAL BENEFITS FOR FISCAL YEAR 2001

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: Final, Statutory, April 1, 2001, Implements Public Law 106-398.

Provisions of act effective October 30, 2000, or 180 days thereafter.

Abstract: This rule implements several sections of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. The rule allows coverage of physical examinations for beneficiaries ages 5 through 11 that are required in connection with school enrollment; provides an additional 2-year period for survivors of deceased active-duty members to remain eligible for TRICARE medical and dental benefits at active-duty dependent rates; extends eligibility for medical and dental benefits to Medal of Honor recipients and their immediate

dependents in the same manner as if the recipient were entitled to retired pay; partially implements the Pharmacy Benefits Program establishing revised copays and cost-shares for the prescription drug benefit; implements the TRICARE Senior Pharmacy Program by establishing a new eligibility for prescription drug benefits for Medicare-eligible retirees; allows a waiver of copayments, cost-shares, and deductibles for all Uniformed Services TRICARE-eligible active-duty family members residing with their TRICARE Prime Remote-eligible Active-Duty Service Member Sponsor within a TRICARE Prime Remote designated area until implementation of the TRICARE Prime Remote for Family Member Program or October 30, 2001, whichever is later; provides for the elimination of TRICARE Prime copayments for active-duty family members enrolled in TRICARE Prime; provides for the reimbursement of reasonable travel expenses for TRICARE Prime beneficiaries referred by a primary care provider to a specialty care provider who provides services over 100 miles away; and reduces the maximum amount which retirees, their family members, and survivors would be liable from \$7,500 to \$3,000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/09/01	66 FR 9651
Interim Final Rule; Correction	03/26/01	66 FR 16400
Interim Final Rule; Change in Effective Date	04/01/01	66 FR 10367
Final Action Effective	04/01/01	67 FR 15721
Interim Final Rule Comment Period End	04/10/01	66 FR 9651
Interim Final Rule Effective	04/10/01	
Interim Final Rule; Correction	03/19/02	67 FR 12472
Final Action	04/03/02	67 FR 15721

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Tariq Shahid, Department of Defense, Office of Assistant Secretary for Health Affairs
Phone: 303 676-3801

RIN: 0720-AA62

839. COLLECTION FROM THIRD-PARTY PAYERS OF REASONABLE CHARGES OF HEALTHCARE SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1095; 5 USC 301

CFR Citation: 32 CFR 220

Legal Deadline: None

Abstract: This rule implements provisions of the National Defense Authorization Act for Fiscal Year 2000, which amended 10 U.S.C. 1095 to replace the "reasonable cost" basis of the Third-Party Collection Program with a "reasonable charge" basis and which added 10 U.S.C. 1097b(b) to authorize methods to be used for the computation of reasonable charges. We propose to adopt the "reasonable charge" basis and generally to use CHAMPUS payment rates as the reasonable charges under the Program. This rule also implements 10 U.S.C. 1079b, as added by section 732 of the National Defense Authorization Act for Fiscal Year 2002. This section specifically addresses the charging of fees for care to civilians who are not covered beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	03/29/02	67 FR 15140
NPRM Comment Period End	05/28/02	
Final Action	09/12/02	67 FR 57739
Final Action Effective	10/01/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LtCol Rose Layman, Department of Defense, Office of Assistant Secretary for Health Affairs
Phone: 703 681-8910

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RIN: 0720-AA67

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