



Federal Register

**Monday,
May 13, 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

**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.

The agenda portion of this document updates the report published on December 3, 2001, and includes regulations expected to be issued and under review over the next 12 months. The next agenda and regulatory plan are scheduled to be published in the fall of 2002. 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 703-602-0131, 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 Thomas Welsh, 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:

- Regulatory Flexibility Act;
- Paperwork Reduction Act of 1995;
- 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

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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: March 13, 2002.

D. O. Cooke,

Director, Administration and Management.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
553	Settling Personnel and General Claims and Processing Advance Decision Requests	0790-AG47
554	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	0790-AG83
555	Stars and Stripes (S&S) Newspaper	0790-AG84
556	Department of Defense Newspapers, Magazines, and Civilian Enterprise Publications	0790-AG85
557	DoD Grant and Agreement Regulations	0790-AG87
558	Procedures for Settling Personnel and General Claims and Processing Advance Decision Requests	0790-AG89
559	Waiver of Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Directive 1340.21)	0790-AG90
560	Waiver Procedures for Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Instruction 1340.23)	0790-AG91

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
561	National Security Education Program (NSEP) Grants to Institutions of Higher Education (DoD Instruction 1025.5) ..	0790-AF59
562	Personnel Security Policies for Granting Access to Classified Information	0790-AG54
563	National Policy on Reciprocity of Facilities and Guidelines for Implementation of Reciprocity	0790-AG55
564	National Policy on Technical Surveillance Countermeasures	0790-AG56
565	Implementation of the Wildfire Suppression Aircraft Transfer Act of 1996	0790-AG60
566	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	0790-AG76
567	Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects	0790-AG92

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
568	Teacher and Teacher's Aide Placement Assistance Program (Troops to Teachers) (DoD Instruction 1404.13)	0790-AF71
569	Former Spouse Payments From Retired Pay; Amendment (DoD Directive 1340.16 and DoD 7000.14-R, Vol 7, Part B)	0790-AG22
570	Restoration Advisory Boards (RABs)	0790-AG31
571	Closed, Transferred, and Transferring Ranges Containing Military Munitions	0790-AG46
572	Governmentwide Debarment and Suspension (Non-Procurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	0790-AG86

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
573	Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects	0790-AG79

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Office of the Secretary—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
0790-AF27	Science, Mathematics, and Engineering (SME) Education	02/12/2002	Withdrawn
0790-AF72	DLA Acquisition Regulation; Small Business and Small Disadvantaged Business Concerns	02/12/2002	Withdrawn
0790-AF73	DLA Acquisition Regulation; Fuel Allocation Procedures	02/12/2002	Withdrawn
0790-AG21	Military Assistance for Civil Disturbances (MACDIS) (DoD Directive 3025.12)	02/12/2002	Withdrawn
0790-AG26	University Research Initiative Support Program (URISP)	02/12/2002	Withdrawn
0790-AG44	Commercial Activities Program Procedures (DoD Instruction 4100.33)	02/12/2002	Withdrawn
0790-AG71	Eligibility Requirements for Education of Minor Dependents in Overseas Areas (DoD Directive 1342.13)	02/12/2002	Withdrawn
0790-AG72	Eligibility Procedures for the Education of Minor Dependents in Overseas Areas (DoD Instruction 1342.XX)	02/12/2002	Withdrawn
0790-AG80	Revitalizing Base Closure Communities and Base Closure Community Assistance	02/12/2002	Withdrawn

Defense Acquisition Regulations Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
574	Enterprise Software Agreements (DFARS Case 2000-D023)	0750-AD37
575	Restriction on Contingent Fees for Foreign Military Sales—Commercial Items (DFARS Case 2000-D029)	0750-AD47

Defense Acquisition Regulations Council—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
576	Anticompetitive Teaming (DFARS Case 1999-D028)	0750-AC98
577	Ocean Transportation by United States-Flag Vessels—Simplified Acquisition Threshold (DFARS Case 2000-D014)	0750-AD19
578	Changes to Profit Policy (DFARS Case 2000-D018)	0750-AD21
579	Balance of Payments Program (DFARS Case 2000-D020)	0750-AD22
580	Performance-Based Service Contracts Using Part 12 Procedures (DFARS Case 2000-D306)	0750-AD35
581	Subcontract Commerciality Determinations (DFARS Case 2000-D028)	0750-AD36
582	Utilization of Indian Organizations and Indian-Owned Economic Enterprises (DFARS Case 2000-D024)	0750-AD42
583	Research and Development Streamlined Contracting Procedures (DFARS Case 2001-D002)	0750-AD43
584	Department of Defense Pilot Mentor-Protege Program (DFARS Case 2001-D006)	0750-AD52
585	Preference for Local 8(a) Contractors—Base Closure or Realignment (DFARS Case 2001-D007)	0750-AD53
586	Applicability of Competition Requirements to Purchases From a Required Source (DFARS Case 2002-D003)	0750-AD57
587	Performance of Security Functions (DFARS Case 2001-D018)	0750-AD58
588	Partnership Agreement Between SBA and DoD (DFARS Case 2001-D016)	0750-AD59
589	Restriction on Acquisition of Vessel Propellers (DFARS Case 2002-D006)	0750-AD61

Defense Acquisition Regulations Council—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
590	Incremental Funding, Fixed-Price Contracts (DAR Case 90-037)	0750-AA07
591	Demilitarization (DFARS Case 92-D024)	0750-AA09
592	Institutions of Higher Education (DFARS Case 1999-D303)	0750-AD05

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Defense Acquisition Regulations Council—Completed Actions

Sequence Number	Title	Regulation Identification Number
593	Acquisition of Commercial Items (DFARS Case 95-D712)	0750-AB00
594	Veterans Employment Emphasis (DFARS Case 97-D314)	0750-AC20
595	Overseas Use of the Purchase Card in Contingency, Humanitarian, or Peacekeeping Operations (DFARS Case 2000-D019)	0750-AD16
596	Domestic Source Restrictions—Ball and Roller Bearings and Vessel Propellers (DFARS Case 2000-D301)	0750-AD33
597	Multiyear Service Contracts (DFARS Case 2000-D304)	0750-AD34
598	Reporting Requirements Relating to Multiyear Contracts (DFARS Case 2000-D303)	0750-AD38
599	Qualification Requirements for Contracting Positions (DFARS Case 2000-D305)	0750-AD39
600	Cancellation of MIL-STD-973, Configuration Management (DFARS Case 2001-D001)	0750-AD41
601	Caribbean Basin Country End Products (DFARS Case 2000-D302)	0750-AD44
602	Cost or Pricing Data Threshold (DFARS Case 2000-D026)	0750-AD45
603	Tax Exemptions (Italy) (DFARS Case 2000-D027)	0750-AD46
604	Use of Recovered Materials (DFARS Case 2001-D005)	0750-AD50
605	Customary Progress Payment Rate for Large Business Concerns (DFARS Case 2001-D012)	0750-AD51
606	Extension of the MOU—8(a) Program (DFARS Case 2001-D009)	0750-AD54
607	Switzerland-Implementation of Amendment to Memorandum of Understanding (DFARS Case 2001-D019)	0750-AD60
608	Inapplicability of Limitation to Small Purchases of Miniature or Instrument Ball or Roller Bearings Under Certain Circumstances (DFARS Case 2002-D004)	0750-AD62

Department of the Army—Final Rule Stage

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

Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identification Number
610	Program for Qualifying DOD Freight Motor Carriers, Exempt Surface Freight Forwarders, Shipper Agents, and Freight Brokers	0702-AA36

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

Sequence Number	Title	Regulation Identification Number
611	Environmental Quality; Procedures for Implementing the National Environmental Policy Act (NEPA)	0710-AA42
612	Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers	0710-AA47
613	Programmatic Regulations for the Comprehensive Everglades Restoration Plan	0710-AA49

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

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

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

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

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
619	Policies and Responsibilities for Implementation of the National Environmental Policy Act Within the Department of the Navy	0703-AA51

Department of the Navy—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
620	Use of Department of the Navy Aviation Facilities by Other Than United States Department of Defense Aircraft	0703-AA48
621	Shipbuilding Capability Preservation Agreements	0703-AA50

Department of the Air Force—Final Rule Stage

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

Department of the Air Force—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
0701-AA58	Appointment to the United States Air Force Academy	03/11/2002	Withdrawn

Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
624	CHAMPUS/TRICARE; Implementation of the Pharmacy Benefits Program	0720-AA63
625	Collection From Third-Party Payers of Reasonable Charges of Healthcare Services	0720-AA67
626	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Voluntary Disenrollment From the TRICARE Retiree Dental Program (TRDP)	0720-AA69
627	TRICARE; Waiver of Certain TRICARE Deductibles; Clarification of the TRICARE Prime Enrollment Period	0720-AA72

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Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
628	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care (DoD 6010.8-R)	0720-AA20
629	TRICARE; Revisions to Coverage Criteria for Transplants, Cardiac and Pulmonary Rehabilitation and Ambulance Services	0720-AA28
630	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions	0720-AA41
631	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Prosthetic Devices	0720-AA49
632	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage	0720-AA50
633	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Double Coverage; Third-Party Recoveries	0720-AA52
634	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Establishment of an Appeals Process for TRICARE Claimcheck Denials	0720-AA56
635	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Methodology for Coverage of NIH-Sponsored Clinical Trials	0720-AA57
636	TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Bonus Payments in Medically Underserved Areas	0720-AA60
637	CHAMPUS/TRICARE; Partial Implementation of Pharmacy Benefits Program; Implementation of National Defense Authorization Act Medical Benefits for Fiscal Year 2001	0720-AA62
638	Civilian Health and Medical Program of the Uniformed Services; Individual Case Management Program for Persons With Extraordinary Conditions (ICMP-PEC)	0720-AA65
639	TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Eligibility and Payment Procedures for CHAMPUS Beneficiaries Age 65 and Over	0720-AA66
640	TRICARE Prime Remote for Active Duty Family Members	0720-AA68
641	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Enuretic Devices, Breast Reconstructive Surgery, PFPWD Valid Authorization Period, Early Intervention Services	0720-AA70
642	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
643	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Enrollment of Certain Family Members of E-4 and Below Into TRICARE Prime	0720-AA59
644	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Enhancement of Dental Benefits Under the TRICARE Retiree Dental Program	0720-AA61

Department of Defense (DOD)

Proposed Rule Stage

Office of the Secretary (OS)

553. 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.

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Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	

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

554. 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	05/00/02	
NPRM Comment Period End	06/00/02	

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

555. 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	05/00/02	
NPRM Comment Period End	06/00/02	

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

556. 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	05/00/02	
NPRM Comment Period End	06/00/02	

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

557. 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

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Proposed Rule Stage

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	05/00/02	
NPRM Comment Period End	06/00/02	

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

558. ● 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	05/00/02	
NPRM Comment Period End	06/00/02	

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

559. ● 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	05/00/02	
NPRM Comment Period End	06/00/02	

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-AG91

RIN: 0790-AG90

560. ● 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

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Proposed Rule Stage

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	05/00/02	
NPRM Comment Period End	06/00/02	

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

Final Rule Stage

561. 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
Interim Final Rule	05/19/94	59 FR 26116
Interim Final Rule Comment Period End	07/18/94	
Final Action	05/00/02	
Final Action Effective	06/00/02	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Organizations**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Steve Door, Department of Defense, Office of the Secretary
Phone: 703 696-1991

Email: nsep@nsep.policy.osd.mil

RIN: 0790-AF59**562. 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	05/00/02	
Final Action Effective	06/00/02	

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**563. NATIONAL POLICY ON RECIPROCALITY OF FACILITIES AND GUIDELINES FOR IMPLEMENTATION OF RECIPROCALITY****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	05/00/02	
Final Action Effective	06/00/02	

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**564. NATIONAL POLICY ON TECHNICAL SURVEILLANCE COUNTERMEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12968**CFR Citation:** 32 CFR 149

DOD—OS

Final Rule Stage

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	05/00/02	
Final Action Effective	06/00/02	

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

565. 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
Interim Final Rule Effective	06/01/99	
Interim Final Rule Comment Period End	08/02/99	
Final Action	05/00/02	
Final Action Effective	06/00/02	

Regulatory Flexibility Analysis**Required:** Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

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

Phone: 703 767-1537

RIN: 0790-AG60

566. 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	05/00/02	
Final Action Effective	06/00/02	

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

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RIN: 0790-AG76

567. • 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 outlines the conditions for appropriate use enacted bylaw, defines a nontraditional Defense contractor, and provides audit policy application to transactions other than contracts, grants or cooperative agreements for prototype projects. It directly impacts the public by prescribing conduct that must be followed by a party to, or entity that participates in the performance of, any such transaction.

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	05/00/02	
Final Action Effective	06/00/02	

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

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Final Rule Stage

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RIN: 0790-AG92

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

Long-Term Actions

**568. 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
Interim Final Rule Amendment Comment Period End	08/07/95	60 FR 30188
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Otto Thomas

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RIN: 0790-AF71

**569. 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

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Fiti Malufau

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RIN: 0790-AG22

**570. RESTORATION ADVISORY
BOARDS (RABS)**

Priority: Other Significant

CFR Citation: 32 CFR 202

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	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Federalism: Undetermined

Agency Contact: Marcia Read

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RIN: 0790-AG31

**571. 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

Government Levels Affected:

Undetermined

Agency Contact: John Selstrom

Phone: 703 697-5372

RIN: 0790-AG46

**572. GOVERNMENTWIDE
DEBARMENT AND SUSPENSION
(NON-PROCUREMENT) AND
GOVERNMENTWIDE REQUIREMENTS
FOR DRUG-FREE WORKPLACE
(GRANTS)**

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 25; 32 CFR 26

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
NPRM Comment Period End	03/25/02	67 FR 3267
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 0790-AG86

Department of Defense (DOD)
Office of the Secretary (OS)
Completed Actions
573. TRANSACTIONS OTHER THAN CONTRACTS, GRANTS, OR COOPERATIVE AGREEMENTS FOR PROTOTYPE PROJECTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-65

CFR Citation: 32 CFR 3

Legal Deadline: None

Abstract: Representatives of the military departments, defense agencies, and other DoD activities have agreed on a final rule that amends the interim rule as a result of comments received and incorporates clarification enacted in fiscal year 2001 that limits Comptroller General access in certain situations. This rule requires inclusion of a clause as required by law,

providing for Comptroller General access to records in transactions other than contracts, grants, or cooperative agreements for prototype projects that provide for total payments in excess of \$5,000,000. This rule is published in the Federal Register because it directly impacts the public by prescribing conduct that must be followed by a party to, or entity that participates in the performance of, any such transaction.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/05/00	65 FR 35576
Interim Final Rule Effective	07/05/00	

Action	Date	FR Cite
Interim Final Rule Comment Period End	08/04/00	
Final Action	11/15/01	66 FR 57381
Final Action Effective	12/17/01	66 FR 57382

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Teresa Brooks, Department of Defense, Office of the Secretary

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RIN: 0790-AG79

Department of Defense (DOD)
Defense Acquisition Regulations Council (DARC)
Proposed Rule Stage
574. ENTERPRISE SOFTWARE AGREEMENTS (DFARS CASE 2000-D023)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

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	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD37

575. 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	05/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AD47

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

Final Rule Stage

**576. ANTICOMPETITIVE TEAMING
(DFARS CASE 1999-D028)**

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 203.3

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to add policy addressing exclusive teaming arrangements.

Timetable:

Action	Date	FR Cite
Case Opened	10/13/99	
NPRM	11/18/99	64 FR 63002
NPRM Comment Period End	01/18/00	
NPRM	11/01/01	66 FR 55157
NPRM Comment Period End	12/31/01	
Final Action	05/00/02	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AC98

**577. 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 Action	05/00/02	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD19

**578. 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 Action	06/00/02	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AD21

**579. 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.

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 Action	05/00/02	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AD22

**580. 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: Final, Statutory, April 27, 2001.

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

Timetable:

Action	Date	FR Cite
Case Opened	11/08/00	

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Action	Date	FR Cite
Interim Final Rule	12/06/01	66 FR 63335
Interim Final Rule Comment Period End	02/04/02	
Final Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD35

581. 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 Action	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD36

582. 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 Fiscal Year 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 Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD42

583. 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 Action	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD43

584. DEPARTMENT OF DEFENSE 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 Action	05/00/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T,

DOD—DARC

Final Rule Stage

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RIN: 0750-AD52

585. 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 Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AD53

586. • 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	05/00/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AD57

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

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

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	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD58

588. • 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	
Final Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD59

589. • 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 Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

DOD—DARC

Final Rule Stage

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RIN: 0750-AD61

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

Long-Term Actions

590. INCREMENTAL FUNDING, FIXED-PRICE CONTRACTS (DAR CASE 90-037)

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 232.7; 48 CFR 252.232

Timetable:

Action	Date	FR Cite
Case Opened	09/26/90	
Interim Final Rule	09/01/93	58 FR 46091
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Federal

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RIN: 0750-AA07

591. DEMILITARIZATION (DFARS CASE 92-D024)

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 245; 48 CFR 252.245

Timetable:

Action	Date	FR Cite
Case Opened	07/22/92	
NPRM	03/16/94	59 FR 12223
NPRM Comment Period End	06/30/94	
NPRM	03/23/95	60 FR 15276
NPRM Comment Period End	05/22/95	
NPRM	06/05/97	62 FR 30832
NPRM Comment Period End	08/04/97	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 0750-AA09

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

Priority: Substantive, Nonsignificant

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

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	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz

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RIN: 0750-AD05

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

Completed Actions

593. ACQUISITION OF COMMERCIAL ITEMS (DFARS CASE 95-D712)

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-355

CFR Citation: 48 CFR 211.70; 48 CFR 212; 48 CFR 227.7102; 48 CFR 252.211; 48 CFR 252.212; 48 CFR 252.227

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to conform to the FAR changes pertaining to the acquisition of commercial items. Also, implements DoD-unique requirements of the Federal Acquisition Streamlining Act of 1994 regarding the acquisition of commercial items.

Timetable:

Action	Date	FR Cite
Case Opened	10/04/95	
Interim Final Rule	11/30/95	60 FR 61585
Interim Final Rule Effective	11/30/95	
Interim Final Rule Comment Period End	01/29/96	
Final Action	11/01/01	66 FR 55121

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin

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Defense Acquisition Regulations

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RIN: 0750-AB00

594. VETERANS EMPLOYMENT EMPHASIS (DFARS CASE 97-D314)

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-56, sec 8117

CFR Citation: 48 CFR 209.104; 48 CFR 212.503; 48 CFR 213.005; 48 CFR 217.207; 48 CFR 222.1304; 48 CFR 252.209

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement a prohibition

DOD—DARC

Completed Actions

on obligation or expenditure of funds with a contractor who has not submitted a required report on employment of Vietnam veterans.

Timetable:

Action	Date	FR Cite
Case Opened	10/17/97	
Interim Final Rule	03/11/98	63 FR 11850
Interim Final Rule Effective	03/11/98	
Interim Final Rule Comment Period End	05/11/98	
Final Action	01/29/02	67 FR 4208

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AC20

595. OVERSEAS USE OF THE PURCHASE CARD IN CONTINGENCY, HUMANITARIAN, OR PEACEKEEPING OPERATIONS (DFARS CASE 2000-D019)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 213.301

Legal Deadline: None

Abstract: Modified the Defense FAR Supplement to permit contracting officers, in support of contingency, humanitarian, or peacekeeping operations, to use the Governmentwide commercial purchase card on a stand-alone basis for purchases of commercial items at or below the simplified acquisition threshold (\$200,000).

Timetable:

Action	Date	FR Cite
Case Opened	06/26/00	
NPRM	09/20/00	65 FR 56858
NPRM Comment Period End	11/20/00	
Final Action	11/01/01	66 FR 55123

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD16

596. DOMESTIC SOURCE RESTRICTIONS—BALL AND ROLLER BEARINGS AND VESSEL PROPELLERS (DFARS CASE 2000-D301)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-259, sec 8064; PL 106-398, sec 805

CFR Citation: 48 CFR 212.5; 48 CFR 225.70; 48 CFR 252.212; 48 CFR 252.225

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement section 8064 of the Fiscal Year 2001 Defense Appropriations Act (Pub. L. 106-259). Section 8064 restricts acquisition of ball and roller bearings and vessel propellers other than those produced by a domestic source and of domestic origin. The restrictions do not apply to the purchase of commercial items, except ball or roller bearings purchased as end items. Also implements section 805 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, which extends 10 United States Code 2534 restriction of ball and roller bearings through fiscal year 2005.

Timetable:

Action	Date	FR Cite
Case Opened	08/16/00	
Interim Final Rule	12/13/00	65 FR 77827
Interim Final Rule Comment Period End	02/12/01	
Final Action	10/01/01	66 FR 49862

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD33

597. MULTIYEAR SERVICE CONTRACTS (DFARS CASE 2000-D304)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-398, sec 802

CFR Citation: 48 CFR 217.170; 48 CFR 217.171; 48 CFR 217.172; 48 CFR 217.174

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement section 802 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 which clarifies the authority to enter into multiyear contracts for the acquisition of services.

Timetable:

Action	Date	FR Cite
Case Opened	11/08/00	
Final Action	12/06/01	66 FR 63336

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AD34

598. REPORTING REQUIREMENTS RELATING TO MULTIYEAR CONTRACTS (DFARS CASE 2000-D303)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-398, sec 806

CFR Citation: 48 CFR 217.1

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement section 806 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, which requires an annual report that addresses all multiyear contracts, regardless of dollar value. Section 806 also requires a separate

DOD—DARC

Completed Actions

report prior to entering into a multiyear contract or extension above \$500 million if the information required by section 2306b, title 10, for the contract or extension was not included in the annual report.

Timetable:

Action	Date	FR Cite
Case Opened	11/08/00	
Final Action	12/06/01	66 FR 63336

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD38

599. QUALIFICATION REQUIREMENTS FOR CONTRACTING POSITIONS (DFARS CASE 2000-D305)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-398, sec 808

CFR Citation: 48 CFR 201.603

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement section 808 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, which requires a baccalaureate degree and 24 semester credit hours in business disciplines for new entrants into the GS-1102 occupational series and for contracting officers warranted above the simplified acquisition threshold.

Timetable:

Action	Date	FR Cite
Case Opened	11/08/00	
Case Closed	01/15/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AD39

600. CANCELLATION OF MIL-STD-973, CONFIGURATION MANAGEMENT (DFARS CASE 2001-D001)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 243.205; 48 CFR 248.270; 48 CFR 252.243; 48 CFR 252.248

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to reflect the cancellation of MIL-STD-973, Configuration Management.

Timetable:

Action	Date	FR Cite
Case Opened	01/16/01	
Final Action	10/01/01	66 FR 49865

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD41

601. CARIBBEAN BASIN COUNTRY END PRODUCTS (DFARS CASE 2000-D302)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-200, sec 211

CFR Citation: 48 CFR 252.225

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement section 211 of the United States-Caribbean Basin Trade Partnership Act, and the United States Trade Representative's (USTR) determinations under that Act. Specifically, amends the definition of "Caribbean Basin country end product" and removes Panama from the list of Caribbean Basin countries consistent with USTR determination.

Timetable:

Action	Date	FR Cite
Case Opened	10/24/00	
Interim Final Rule	09/11/01	66 FR 47112
Interim Final Rule Comment Period End	11/13/01	
Final Action	01/29/02	67 FR 4210

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD44

602. COST OR PRICING DATA THRESHOLD (DFARS CASE 2000-D026)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 215.404; 48 CFR 253.215

Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to replace references to \$500,000 with the phrase "cost or pricing data threshold."

Timetable:

Action	Date	FR Cite
Case Opened	11/27/00	
Final Action	10/01/01	66 FR 49862

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD45

DOD—DARC

Completed Actions

**603. TAX EXEMPTIONS (ITALY)
(DFARS CASE 2000-D027)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 252.229**Legal Deadline:** None

Abstract: Modifies the Defense FAR Supplement to update the clause at 252.229-7003, Tax Exemptions (Italy), to identify the fiscal codes for the Army and Navy. The revisions also provide the correct address to which questions regarding Italian value-added taxes may be directed and make plain language changes to improve the clarity of the clause.

Timetable:

Action	Date	FR Cite
Case Opened	11/28/00	
NPRM	09/21/01	66 FR 48652
NPRM Comment Period End	11/20/01	
Final Action	01/29/02	67 FR 4209

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

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750-AD46**604. USE OF RECOVERED
MATERIALS (DFARS CASE 2001-D005)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 223.4**Legal Deadline:** None

Abstract: Modifies the Defense FAR Supplement to remove approval requirements pertaining to the acquisition of items that do not meet Environmental Protection Agency (EPA) minimum recovered material standards. The DFARS requirements are no longer necessary as a result of changes made to the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Case Opened	03/14/01	
Final Action	10/01/01	66 FR 49864

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

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD50**605. CUSTOMARY PROGRESS
PAYMENT RATE FOR LARGE
BUSINESS CONCERNS (DFARS CASE
2001-D012)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 232.501; 48 CFR 252.232**Legal Deadline:** None

Abstract: Modifies the Defense FAR Supplement to increase the progress payment rate to 80 percent for large businesses.

Timetable:

Action	Date	FR Cite
Case Opened	06/20/01	
NPRM	08/24/01	66 FR 44588
NPRM Comment Period End	09/24/01	
Final Action	10/01/01	66 FR 49864

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

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD51**606. EXTENSION OF THE MOU—8(A)
PROGRAM (DFARS CASE 2001-D009)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 219.800**Legal Deadline:** None

Abstract: Modifies the Defense FAR Supplement to reflect an extension in the expiration date of a memorandum of understanding between DoD and Small Business Administration (SBA). The memorandum of understanding 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	05/15/01	
Final Action	10/01/01	66 FR 49863

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

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750-AD54**607. • SWITZERLAND-
IMPLEMENTATION OF AMENDMENT
TO MEMORANDUM OF
UNDERSTANDING (DFARS CASE
2001-D019)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225.872-1**Legal Deadline:** None

Abstract: Modifies the Defense FAR Supplement to reflect a determination of the Deputy Secretary of Defense that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced in Switzerland.

Timetable:

Action	Date	FR Cite
Case Opened	12/12/01	
Final Action	01/29/02	67 FR 4209

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

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense,

DOD—DARC

Completed Actions

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RIN: 0750—AD60

CFR Citation: None
Legal Deadline: None

Abstract: Modifies the Defense FAR Supplement to implement section 835 of the FY 2002 National Defense Authorization Act. Section 835 provides an exception for micropurchases of certain ball or roller bearings from the statutory requirement to procure bearings from domestic sources.

Timetable:

Action	Date	FR Cite
Case Opened	01/08/02	
Case Closed	02/27/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Gail Cruz, Admin Assistant, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062
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RIN: 0750—AD62

608. • INAPPLICABILITY OF LIMITATION TO SMALL PURCHASES OF MINIATURE OR INSTRUMENT BALL OR ROLLER BEARINGS UNDER CERTAIN CIRCUMSTANCES (DFARS CASE 2002-D004)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-107, sec 835

Department of Defense (DOD)

Final Rule Stage

Department of the Army (DOA)

609. 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 Action	05/00/02	

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, Stop 5603, U.S. Army Records Management and Declassification Agency, ATTN: TAPC-PDD-RP, 6000 6th Street, Fort Belvoir, VA 22060-5603
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RIN: 0702—AA34

Department of Defense (DOD)

Completed Actions

Department of the Army (DOA)

610. • PROGRAM FOR QUALIFYING DOD FREIGHT MOTOR CARRIERS, EXEMPT SURFACE FREIGHT FORWARDERS, SHIPPER AGENTS, AND FREIGHT BROKERS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 5101-5127; 49 USC 31132; 49 USC 31136; 49 USC 31142

CFR Citation: 32 CFR 619

Legal Deadline: None

Abstract: This action removes 32 CFR part 619 published in the Federal Register August 20, 1993 (58 FR 44405, amended at 61 FR 49060, Sept. 18, 1996). Due to changes in the laws

governing interstate commerce, including a transition of much of our procurement from nonFAR to FAR contract procedures, this rule is obsolete and no longer applies to or governs the qualifications of carriers to do business with the Military Traffic Management Command or with the Department of Defense.

Timetable:

Action	Date	FR Cite
Final Action	12/20/01	66 FR 65651
Final Action Effective	12/20/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0702—AA36

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

Proposed Rule Stage

**611. 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	06/00/02	
NPRM Comment Period End	07/00/02	
Final Action	10/00/02	
Final Action Effective	02/00/03	

**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

**612. 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	07/00/02	

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected:
 Undetermined

Agency Contact: Robert K. Grubbs, 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

**613. • PROGRAMMATIC
 REGULATIONS FOR THE
 COMPREHENSIVE EVERGLADES
 RESTORATION PLAN**

Priority: Other Significant

Legal Authority: PL 106-541

CFR Citation: 33 CFR 385

Legal Deadline: Final, Statutory,
 December 11, 2002.

Abstract: The U.S. Army Corps of Engineers was directed to develop a Comprehensive Everglades Restoration Plan (Plan) to restore and preserve south Florida's natural ecosystem, while enhancing water supplies and maintaining flood protection. The Water Resources Development Act of 2000 required that the Secretary of the Army, after notice and opportunity for

public comment and with concurrence of the Governor of Florida and the Secretary of the Interior and consultation with the Seminole Tribe of Indians of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved. The purpose of these programmatic regulations is to establish a process for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and the objectives of the Plan are achieved; to ensure that new information resulting from changes or unforeseen circumstances, new scientific or technical information, or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan; and to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected:
 Undetermined

Federalism: Undetermined

Agency Contact: Gary M. Hardesty, Program Manager, Everglades Restoration, Department of Defense, U.S. Army Corps of Engineers, ATTN: CECW-B, 441 G Street NW, Washington, DC 20314-1000
 Phone: 202 761-5854

RIN: 0710-AA49

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

Final Rule Stage

614. 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: The regulation revises the Clean Water Act regulations defining the terms "fill material" and the

"discharge of fill material." The purpose is to clarify those pollutants that are regulated by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act.

Timetable:

Action	Date	FR Cite
NPRM	04/20/00	65 FR 21292
NPRM Comment	06/19/00	
Period End		
Final Action	05/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State, Tribal, Federal

Agency Contact: Thaddeus J. Ruginel, Department of Defense, U.S. Army Corps of Engineers, CECW-OR (3F75), 441 G Street NW, Washington, DC 20314-1000

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RIN: 0710-AA48

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

Long-Term Actions

615. 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: Michael D. Smith
 Phone: 202 761-4598

RIN: 0710-AA30

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Michael D. Smith
 Phone: 202 761-4598

RIN: 0710-AA38

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Michael D. Smith
 Phone: 202 761-4598

RIN: 0710-AA43

618. 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

616. 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

617. 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)
Department of the Navy (NAVY)

Final Rule Stage

619. 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	09/07/99	
Period End		
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

DOD—NAVY

Final Rule Stage

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

**620. USE OF DEPARTMENT OF THE
 NAVY AVIATION FACILITIES BY
 OTHER THAN UNITED STATES
 DEPARTMENT OF DEFENSE
 AIRCRAFT**

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 766

Timetable:

Action	Date	FR Cite
NPRM	12/01/94	59 FR 61561
NPRM Comment Period End	01/03/95	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James Beaton
 Phone: 703 604-7707
 Fax: 703 604-6969

RIN: 0703-AA48

**621. 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

**622. 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
NPRM Comment Period End	09/10/01	
Final Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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 Lackland AFB, TX 78236-5226
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RIN: 0701-AA64

623. 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

Action	Date	FR Cite
NPRM Comment Period End	12/26/00	
Final Action	05/00/02	

**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.

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 Associate General Counsel, Department
 of Defense, Department of the Air
 Force, Room 4C921, SAF/GCN, 1740
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DOD—AF

Final Rule Stage

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RIN: 0701-AA65

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

Proposed Rule Stage

**624. • 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	05/00/02	
NPRM Comment Period End	06/00/02	

**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

**625. • 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	05/00/02	
NPRM Comment Period End	06/00/02	

**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

RIN: 0720-AA67

**626. • 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	06/00/02	
Final Action Effective	08/00/02	

**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

**627. • 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

DOD—DODOASHA

Proposed Rule Stage

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	05/00/02	
NPRM Comment Period End	06/00/02	

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

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RIN: 0720-AA72

Department of Defense (DOD)

Final Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

628. 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	05/00/02	
Final Action Effective	06/00/02	

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
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RIN: 0720-AA20**629. 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 Period End	05/16/95	
Final Action	05/00/02	
Final Action Effective	06/00/02	

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

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

RIN: 0720-AA28**630. 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

DOD—DODOASHA

Final Rule Stage

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	05/00/02	
Final Action Effective	06/00/02	

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

631. 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	05/00/02	
Final Action Effective	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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RIN: 0720-AA49

632. 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

Action	Date	FR Cite
NPRM Comment Period End	08/16/99	
Final Action	05/00/02	
Final Action Effective	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: LTC Kathleen Larkin, Department of Defense, Office of Assistant Secretary for Health Affairs
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RIN: 0720-AA50

633. 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	05/00/02	
Final Action Effective	06/00/02	

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

DOD—DODOASHA

Final Rule Stage

634. 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	05/00/02	
Final Action Effective	06/00/02	

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**635. 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	05/00/02	
Final Action Effective	06/00/02	

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
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RIN: 0720-AA57**636. 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 providers 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 reimbursement enhancement to a limited number of providers 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	
Interim Final Rule Comment Period End	09/01/00	
Final Action	05/00/02	
Final Action Effective	06/00/02	

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**637. 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

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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
Interim Final Rule Comment Period End	04/10/01	66 FR 9651
Interim Final Rule Effective	04/10/01	
Final Action	05/00/02	
Final Action Effective	06/00/02	

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

638. 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	05/00/02	
Final Action Effective	06/00/02	

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

639. 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	05/00/02	
Final Action Effective	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Stephen Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs
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RIN: 0720-AA66

640. ● 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.

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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	06/00/02	
Final Action Effective	08/00/02	

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

641. • 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	05/00/02	
Final Action Effective	06/00/02	

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,
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RIN: 0720-AA70

642. • 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	05/00/02	
Interim Final Rule Effective	05/00/02	
Interim Final Rule Comment Period End	06/00/02	

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

Department of Defense (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Completed Actions

643. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ENROLLMENT OF CERTAIN FAMILY MEMBERS OF E-4 AND BELOW INTO TRICARE PRIME

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule provides for enrollment of certain family members

of E-4 and below in TRICARE Prime. Sponsors with non-enrolled family members will be automatically referred to the local TRICARE Service Center for enrollment. They will be given the opportunity to select or be assigned a primary care manager or to refuse enrollment into TRICARE Prime. This enrollment may be terminated at any time and these family members may re-enroll at any time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/28/00	65 FR 39804
Interim Final Rule Effective	07/28/00	
Interim Final Rule Comment Period End	08/28/00	
Final Action	02/12/02	67 FR 6408
Final Action Effective	02/12/02	

Regulatory Flexibility Analysis

Required: No

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Completed Actions

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Duaine Goodno,
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Phone: 703 681-0039

RIN: 0720-AA59

**644. CIVILIAN HEALTH AND MEDICAL
PROGRAM OF THE UNIFORMED
SERVICES (CHAMPUS);
ENHANCEMENT OF DENTAL
BENEFITS UNDER THE TRICARE
RETIREE DENTAL PROGRAM**

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements section 704 of the National Defense Authorization Act for Fiscal Year 2000 to allow additional benefits under the retiree dental insurance plan for Uniformed Services retirees and their family members that may be comparable to those under the Dependents Dental Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/00	65 FR 49491
Interim Final Rule Effective	08/14/00	
Final Action Effective	10/01/00	67 FR 4353

Action	Date	FR Cite
Interim Final Rule Comment Period End	10/13/00	65 FR 49491
Final Action	01/30/02	67 FR 4353

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda Winter,
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RIN: 0720-AA61

[FR Doc. 02-7661 Filed 05-10-02; 8:45 am]

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