



Federal Register

**Monday,
May 16, 2005**

Part V

**Department of
Defense**

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)

DEPARTMENT OF DEFENSE

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

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. II

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

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

This agenda updates the report published on December 13, 2004, 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 2005. 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 Executive Services Directorate, Washington Headquarters Services, 1225 South Clark Street, Suite 504, Arlington, Virginia 22202-4326, or e-mail: robert.cushing@whs.mil.

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

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Jeanette Owings-Ballard, telephone 703-601-4722, extension 140, or write to Directives and Records Division, Executive Services Directorate, Washington Headquarters Services, Suite 501, 1111 Jefferson Davis Highway, Arlington, Virginia 22202, or e-mail: jeannette.owings-bal@whs.mil.

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

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

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

For general information on Department of the Navy regulations, contact Lieutenant I. C. LeMoyne, Jr., telephone 703-601-3631, 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: chuck.lemoyne@navy.mil.

For general information on Department of the Air Force regulations, contact Mr. Albert Bodnar, telephone 703-696-6327, or write to Department of the Air Force, AF-CIO/P, 1155 Air Force Pentagon, Washington, DC 20330-1155,

or e-mail: albert.bodnar@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:

1. Regulatory Flexibility Act;
2. Paperwork Reduction Act of 1995;
3. 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

DOD

entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public.

Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its

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

Dated: March 22, 2005.

Howard G. Becker,
Deputy Director, Administration and Management.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
588	Defense Contract Management Agency Freedom of Information Act (FOIA) Program	0790-AH00
589	DoD Contractors' Safety Manual (DoD 4145.26-M)	0790-AH76
590	Armed Services Exchange Regulations (ASER) (DoD Instruction 1330.21)	0790-AH77
591	Voluntary State Tax Withholding From Retired Pay	0790-AH78
592	Emergency Security Control of Air Traffic (ESCAT) Plan	0790-AH81
593	DoD Privacy Program (DoD Directive 5400.11)	0790-AH83
594	Obtaining Information From Financial Institutions (DoD Directive 5400.12)	0790-AH84
595	Guidance on Obtaining Information From Financial Institutions (DoD Instruction 5400.15)	0790-AH85
596	Sale or Rental of Sexually Explicit Material on DoD Property (DoD Instruction 4105.70)	0790-AH86
597	Personal Commercial Solicitation on DoD Installations (DoD Directive 1344.7) and Personal Commercial Solicitation on DoD Installations Implementing Procedures (DoD Instruction 1344.aa)	0790-AH87

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
598	National Security Education Program (NSEP) Grants to Institutions of Higher Education (DoD Instruction 1025.5)	0790-AF59
599	Restoration Advisory Boards (RABs)	0790-AG31
600	Settling Personnel and General Claims and Processing Advance Decision Requests	0790-AG47
601	Personnel Security Policies for Granting Access to Classified Information	0790-AG54
602	National Policy on Reciprocity of Facilities and Guidelines for Implementation of Reciprocity	0790-AG55
603	National Policy on Technical Surveillance Countermeasures	0790-AG56
604	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	0790-AG76
605	Waiver of Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Directive 1340.21)	0790-AG90
606	Waiver Procedures for Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Instruction 1340.23)	0790-AG91
607	Development of a Munitions Response Site Prioritization Protocol	0790-AG94
608	Review of the Manual for Courts-Martial (DoD Directive 5500.17)	0790-AG99
609	Implementation of Section 740 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century and Section 1051 of the National Defense Authorization Act for Fiscal Year 2003	0790-AH02
610	Provision of Early Intervention and Special Education Services to Eligible DoD Dependents	0790-AH70
611	Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Service Members, and Former Service Members	0790-AH73
612	Supplemental Standards of Ethical Conduct for Employees of the Department of Defense	0790-AH74
613	DoD Grant and Agreement Regulations	0790-AH75
614	Federal Policy for the Protection of Human Subjects	0790-AH79
615	Department of Defense National Security Personnel System (NSPS)	0790-AH82

DOD

Defense Acquisition Regulations Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
616	Protests, Disputes, and Appeals (DFARS Case 2003-D010)	0750-AE01
617	Cost Accounting Standards (DFARS Case 2003-D015)	0750-AE10
618	Radio Frequency Identification (DFARS Case 2004-D011)	0750-AE55
619	Foreign Acquisition (DFARS Case 2003-D008)	0750-AE70
620	Contract Pricing (DFARS Case 2003-D014)	0750-AE71
621	Exchange or Sale of Government-Owned Information Technology (DFARS Case 2003-D094)	0750-AE72
622	Material Inspection and Receiving Report (DFARS Case 2003-D085)	0750-AE73
623	Micro-Purchases Not Using the Governmentwide Purchase Card (DFARS Case 2003-D059)	0750-AE74
624	Simplified Acquisition Procedures (DFARS Case 2003-D075)	0750-AE75
625	Uniform Contract Line Item Numbering (DFARS Case 2003-D082)	0750-AE76
626	Administrative Matters (DFARS Case 2003-D084)	0750-AE77
627	Contract Financing (DFARS Case 2003-D043)	0750-AE78
628	Restrictions on Totally Enclosed Lifeboat Survival Systems (DFARS Case 2004-D034)	0750-AE82
629	Quality Assurance (DFARS Case 2003-D027)	0750-AE85
630	Subcontracting Policies and Procedures (DFARS Case 2003-D025)	0750-AE86
631	Contract Modifications (DFARS Case 2003-D024)	0750-AE87
632	Socioeconomic Programs (DFARS Case 2003-D029)	0750-AE88
633	Transportation (DFARS Case 2003-D028)	0750-AE89
634	Environment, Occupational Safety, and Drug-Free Workplace (DFARS Case 2003-D039)	0750-AE90
635	Construction (DFARS Case 2003-D034)	0750-AE91
636	Acquisition Planning (DFARS Case 2003-D044)	0750-AE92
637	Small Business Programs (DFARS Case 2003-D047)	0750-AE93
638	Termination of Contracts (DFARS Case 2003-D046)	0750-AE94
639	Authorization for Continued Contracts (DFARS Case 2003-D052)	0750-AE95
640	Contract Administration Functions (DFARS Case 2003-D051)	0750-AE96
641	Contractor Insurance/Pension Reviews (DFARS Case 2003-D050)	0750-AE97
642	Acquisition of Information Technology (DFARS Case 2003-D068)	0750-AE98
643	Describing Agency Needs (DFARS Case 2003-D073)	0750-AE99
644	Required Sources of Supplies and Services (DFARS Case 2003-D072)	0750-AF00
645	Component Breakout (DFARS Case 2003-D071)	0750-AF01
646	Special Contracting Methods (DFARS Case 2003-D079)	0750-AF02
647	Types of Contracts (DFARS Case 2003-D078)	0750-AF03
648	Contracting by Negotiation (DFARS Case 2003-D077)	0750-AF04
649	Contract Administration (DFARS Case 2003-D023)	0750-AF05
650	Application of Labor Laws to Government Acquisitions (DFARS Case 2003-D019)	0750-AF06
651	Competition Requirements for Federal Supply Schedules and Multiple Award Contracts (DFARS Case 2004-D009)	0750-AF08

Defense Acquisition Regulations Council—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
652	Incremental Funding, Fixed-Price Contracts (DFARS Case 1990-037)	0750-AA07
653	Patent Rights—Ownership by the Contractor (Large Business) (DFARS Case 2001-D015)	0750-AD72
654	Approval of Service Contracts and Task Orders (DFARS Case 2002-D024)	0750-AD81
655	Purchase Card Internal Controls (DFARS Case 2002-D025)	0750-AD87
656	Central Contractor Registration (DFARS Case 2003-D040)	0750-AE11
657	Geographic Use of the Term “United States” (DFARS Case 2001-D003)	0750-AE12
658	Contract Period for Task and Delivery Order Contracts (DFARS Case 2003-D097)	0750-AE25
659	Threshold for Small Business Specialist Review (DFARS Case 2003-D060)	0750-AE30
660	Payment and Billing Instructions (DFARS Case 2003-D009)	0750-AE34
661	Major Systems Acquisition (DFARS Case 2003-D030)	0750-AE35
662	Contractors Accompanying a Force Deployed (DFARS Case 2003-D087)	0750-AE42
663	Reporting Contract Performance Outside the United States (DFARS Case 2004-D001)	0750-AE46
664	Consolidation of Contract Requirements (DFARS Case 2003-D109)	0750-AE48
665	Transition of Weapons-Related Prototype Projects to Follow-On Contracts (DFARS Case 2003-D106)	0750-AE49
666	Personal Services Contracts (DFARS Case 2003-D103)	0750-AE50

DOD

Defense Acquisition Regulations Council—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
667	Quality Control of Aviation Critical Safety Items and Related Services (DFARS Case 2003-D101)	0750-AE51
668	Provision of Information to Cooperative Agreement Holders (DFARS Case 2004-D025)	0750-AE58
669	Free Trade Agreements—Australia and Morocco (DFARS Case 2004-D013)	0750-AE59
670	Acquisition of Ball and Roller Bearings (DFARS Case 2003-D021)	0750-AE60
671	Advisory and Assistance Services (DFARS Case 2003-D042)	0750-AE61
672	Specialized Service Contracting (DFARS Case 2003-D041)	0750-AE62
673	Acquisition of Telecommunications Services (DFARS Case 2003-D055)	0750-AE63
674	Utility Rates Established by Regulatory Bodies (DFARS Case 2003-D096)	0750-AE64
675	Acquisition of Utility Services (DFARS Case 2003-D069)	0750-AE65
676	Extraordinary Contractual Actions (DFARS Case 2003-D048)	0750-AE66
677	Update of Clauses for Telecommunications Services (DFARS Case 2003-D053)	0750-AE67
678	Information Technology Equipment—Screening of Government Inventory (DFARS Case 2003-D054)	0750-AE68
679	Basic Agreements for Telecommunications Services (DFARS Case 2003-D056)	0750-AE69
680	Business Restructuring Costs (DFARS Case 2004-D026)	0750-AE79
681	DoD Pilot Mentor-Protege Program (DFARS Case 2004-D028)	0750-AE80
682	Sole Source Award of 8(a) Contracts to Native Hawaiian-Owned Small Business Concerns (DFARS Case 2004-D031)	0750-AE81
683	Incentive Program for Use of Domestic Machine Tools and Other Capital Assets (DFARS Case 2005-D003)	0750-AE83
684	Berry Amendment Memoranda (DFARS Case 2004-D035)	0750-AE84
685	Assignment of Contract Administration Functions (DFARS Case 2004-D007)	0750-AF07
686	Contractor Performance of Acquisition Functions Closely Associated With Inherently Governmental Functions (DFARS Case 2004-D021)	0750-AF09
687	Multiyear Contracting (DFARS Case 2004-D024)	0750-AF10

Defense Acquisition Regulations Council—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
688	Codification and Modification of Berry Amendment (DFARS Case 2002-D002)	0750-AD76
689	Unique Item Identification and Property Valuation (DFARS Case 2003-D081)	0750-AE09

Defense Acquisition Regulations Council—Completed Actions

Sequence Number	Title	Regulation Identifier Number
690	Improper Business Practices, Organizational Conflicts of Interest, and Debarment (DFARS Case 2003-D012)	0750-AE02
691	Protection of Privacy and Freedom of Information (DFARS Case 2003-D038)	0750-AE03
692	Contractor Qualifications Relating to Contract Placement (DFARS Case 2003-D011)	0750-AE06
693	Government Source Inspection Requirements (DFARS Case 2002-D032)	0750-AE08
694	Laws Inapplicable to Commercial Subcontracts (DFARS Case 2003-D018)	0750-AE14
695	Tax Procedures for Overseas Contracts (DFARS Case 2003-D031)	0750-AE18
696	Resolving Tax Problems (DFARS Case 2003-D032)	0750-AE19
697	Architect-Engineer Services (DFARS Case 2003-D035)	0750-AE20
698	Contracting for Architect-Engineer Services (DFARS Case 2003-D105)	0750-AE21
699	Publicizing Contract Actions (DFARS Case 2003-D016)	0750-AE22
700	Competition Requirements (DFARS Case 2003-D017)	0750-AE23
701	Sealed Bidding (DFARS Case 2003-D076)	0750-AE24
702	Firefighting Services Contracts (DFARS Case 2003-D107)	0750-AE26
703	Contractor Use of Government Supply Sources (DFARS Case 2003-D045)	0750-AE28
704	DoD Pilot Mentor-Protégé Program (DFARS Case 2003-D013)	0750-AE29
705	Small Business Competitiveness Demonstration Program (DFARS Case 2003-D063)	0750-AE31
706	Acquisition of Commercial Items (DFARS Case 2003-D074)	0750-AE32
707	Small Disadvantaged Businesses and Leader Company Contracting (DFARS Case 2003-D092)	0750-AE33
708	Bonds (DFARS Case 2003-D033)	0750-AE36
709	Cost Principles and Procedures (DFARS Case 2003-D036)	0750-AE37

DOD

Defense Acquisition Regulations Council—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
710	Insurance (DFARS Case 2003-D037)	0750-AE38
711	Removal of Obsolete Research and Development Contracting Procedures (DFARS Case 2003-D058)	0750-AE39
712	Research and Development Contracting (DFARS Case 2003-D067)	0750-AE40
713	Procedures, Guidance, and Information (DFARS Case 2003-D090)	0750-AE41
714	Free Trade Agreements—Chile and Singapore (DFARS Case 2003-D088)	0750-AE43
715	Written Assurance of Technical Data Conformity (DFARS Case 2003-D104)	0750-AE45
716	Polyacrylonitrile (PAN) Carbon Fiber—Restriction to Domestic Sources (DFARS Case 2004-D002)	0750-AE52
717	Extension of Partnership Agreement Under the 8(a) Program (DFARS Case 2004-D015)	0750-AE56
718	Purchases From Federal Prison Industries—Deletion of Duplicative Text (DFARS Case 2004-D005)	0750-AE57

Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
719	Motor Vehicle Traffic Supervision	0702-AA43
720	Military Police Investigations	0702-AA44
721	The Freedom of Information Act Program	0702-AA45

Department of the Army—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
722	Foreign Acquisition	0702-AA38
723	Solicitation Provisions and Contract Clauses	0702-AA39
724	Decorations, Medals, Ribbons, and Similar Devices	0702-AA41

Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identifier Number
725	Law Enforcement Reporting	0702-AA42
726	Apprehension and Restraint	0702-AA46
727	Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Authorities	0702-AA47

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

Sequence Number	Title	Regulation Identifier Number
728	Regulatory Program of the Army Corps of Engineers and Historic Properties	0710-AA51
729	Compensatory Mitigation for Losses of Aquatic Resources	0710-AA55

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

Sequence Number	Title	Regulation Identifier Number
730	Nationwide Permit Program Regulations	0710-AA60

DOD

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

Sequence Number	Title	Regulation Identifier Number
731	Environmental Quality; Procedures for Implementing the National Environmental Policy Act (NEPA)	0710-AA42
732	Regulatory Programs of the Corps of Engineers, Endangered Species Act; Scope of Analysis	0710-AA43
733	Cost-Sharing Requirements Under the Ability To Pay Provisions	0710-AA44
734	Special Events Rule	0710-AA53

U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identifier Number
735	United States Coast Guard Restricted Area; Coast Guard Base Mobile; Mobile, Alabama	0710-AA56
736	United States Marine Corps Restricted Area and Danger Zone; Brickyard Creek and Tributaries and the Broad River; Marine Corps Air Station; Beaufort, South Carolina	0710-AA57
737	United States Army Danger Zone; Salt River, Rolling Fork River, and Otter Creek; U.S. Army Garrison, Fort Knox Military Reservation; Fort Knox, Kentucky	0710-AA58
738	Department of the Army; Fort Richardson Alaska; Small Arms Complex; Fort Wainwright, Alaska	0710-AA59

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
739	Release of Official Information for Litigation Purposes and Testimony by Department of the Navy Personnel	0703-AA76

Department of the Navy—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
740	Shipbuilding Capability Preservation Agreements	0703-AA50

Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
741	TRICARE; Changes to DRG and Inpatient Mental Health Payment Systems	0720-AA91
742	TRICARE; Revision of Participating Providers Reimbursement Rate; TRICARE Dental Program (TDP)	0720-AA92

Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
743	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care	0720-AA20
744	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions	0720-AA41
745	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Prosthetic Devices	0720-AA49
746	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage	0720-AA50
747	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Establishment of an Appeals Process for TRICARE Claimcheck Denials	0720-AA56
748	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Methodology for Coverage of NIH-Sponsored Clinical Trials	0720-AA57

DOD

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

Sequence Number	Title	Regulation Identifier Number
749	Civilian Health and Medical Program of the Uniformed Services; Individual Case Management Program for Persons With Extraordinary Conditions (ICMP-PEC)	0720-AA65
750	TRICARE; Prime Remote for Active Duty Family Members	0720-AA68
751	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Voluntary Disenrollment From the TRICARE Retiree Dental Program (TRDP)	0720-AA69
752	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS): Enuretic Devices, Breast Reconstructive Surgery, PFPWD Valid Authorization Period, Early Intervention Services	0720-AA70
753	TRICARE; Waiver of Certain TRICARE Deductibles; Clarification of the TRICARE Prime Enrollment Period	0720-AA72
754	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
755	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2002 (NDAA-02) and a Technical Correction Included in the NDAA-03	0720-AA77
756	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2003 (NDAA-03)	0720-AA85
757	TRICARE; Coordination of Benefits Between TRICARE and The Department of Veterans Affairs	0720-AA87
758	TRICARE Program; Rare Diseases Definition and Partial List of Examples of Unproven Drugs, Devices, Medical Treatments, or Procedures	0720-AA88
759	TRICARE; Changes to NDAA FY02 and Technical Correction to NDAA FY03	0720-AA89
760	TRICARE Reserve Select for Certain Members of the Selected Reserve, Transitional Assistance Management Program, Early Eligibility for TRICARE for Certain Reserve Component Members	0720-AA90

Office of Assistant Secretary for Health Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
761	TRICARE; Elimination of Nonavailability Statement and Referral Authorization Requirements and Elimination of Specialized Treatment Services Program	0720-AA79

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

Proposed Rule Stage

588. DEFENSE CONTRACT MANAGEMENT AGENCY FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552

CFR Citation: 32 CFR 289

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cathy Alphin, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 428-1453

RIN: 0790-AH00

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

Priority: Other Significant

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 184

Legal Deadline: None

Abstract: This rule provides guidelines to contractors that are engaged in ammunition and explosives operations. This rule is necessary to minimize the

potential for mishaps that should interrupt DoD operations, delay project completion dates, adversely impact DoD production base or capability, damage or destroy DoD-owned material/equipment, cause injury to DoD personnel, or endanger the general public.

Timetable:

Action	Date	FR Cite
NPRM	03/29/05	70 FR 16038
NPRM Comment Period End	05/31/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr Josephine Covino, Department of Defense, Office of the Secretary, 2461 Eisenhower Avenue, Alexandria, VA 22331

DOD—OS

Proposed Rule Stage

Phone: 703 325-8625
 Fax: 703 325-6227
 Email: josephine.covino@ddeb.osd.mil
RIN: 0790-AH76

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

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 50

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George McNamara, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
 Phone: 703 602-4601

RIN: 0790-AH77

591. VOLUNTARY STATE TAX WITHHOLDING FROM RETIRED PAY

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1045

CFR Citation: 32 CFR 78

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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

RIN: 0790-AH78

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

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

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 245

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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

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

RIN: 0790-AH81

593. • DOD PRIVACY PROGRAM (DOD DIRECTIVE 5400.11)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552a

CFR Citation: 32 CFR 310

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0790-AH83

594. • OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS (DOD DIRECTIVE 5400.12)

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

Unfunded Mandates: Undetermined

Legal Authority: 12 USC 3401

CFR Citation: 32 CFR 275

Legal Deadline: None

Abstract: This proposed rule updates policies and responsibilities for obtaining access to financial records maintained by financial institutions.

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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

RIN: 0790-AH84

DOD—OS

Proposed Rule Stage

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

Priority: Substantive, Nonsignificant
Legal Authority: Not Yet Determined
CFR Citation: 32 CFR 276
Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected:

Undetermined

Federalism: Undetermined

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

RIN: 0790-AH85

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

Priority: Substantive, Nonsignificant
Legal Authority: 10 USC 2489a
CFR Citation: 32 CFR 235

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: George McNamara, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
 Phone: 703 602-4601

RIN: 0790-AH86

597. • PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS (DOD DIRECTIVE 1344.7) AND PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS IMPLEMENTING PROCEDURES (DOD INSTRUCTION 1344.AA)

Priority: Other Significant
Legal Authority: 5 USC 301
CFR Citation: 32 CFR 50
Legal Deadline: None

Abstract: This rule continues the established annual DoD registration requirements for life insurance companies operating on all DoD installations. It continues the established requirement for the sale of insurance and securities on DoD installations overseas. This rule identifies prohibited practices that may cause withdrawal of commercial solicitation privileges on DoD installations and establishes notification requirements when privileges are withdrawn. This rule establishes procedures for persons solicited on DoD installations to evaluate solicitors, and it identifies procedures for providing financial education programs to military personnel.

Timetable:

Action	Date	FR Cite
NPRM	04/19/05	70 FR 20316
NPRM Comment Period End	06/20/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected:

Undetermined

Federalism: Undetermined

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

RIN: 0790-AH87

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

Final Rule Stage

598. 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	05/19/94	59 FR 26116

Action	Date	FR Cite
Interim Final Rule Comment Period End	07/18/94	
Interim Final Rule Effective	05/05/94	
Final Action	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: Organizations

Government Levels Affected: None

Federalism: Undetermined

DOD—OS

Final Rule Stage

Agency Contact: Steve Door,
Department of Defense, Office of the
Secretary, Defense Pentagon,
Washington, DC 20301
Phone: 703 696-1991
Email: nsep@nsep.policy.osd.mil

RIN: 0790-AF59

599. RESTORATION ADVISORY BOARDS (RABS)

Priority: Other Significant

Legal Authority: 5 USC 551 et seq; 10
USC 2705

CFR Citation: 32 CFR 202

Legal Deadline: NPRM, Statutory,
September 15, 1996.

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

Timetable:

Action	Date	FR Cite
NPRM	08/06/96	61 FR 40764
NPRM Comment Period End	11/04/96	61 FR 40765
NPRM Extension of Comment Period	11/19/96	61 FR 58803
NPRM Comment Period End	01/20/97	
Second NPRM	01/28/05	70 FR 4061
Second NPRM Comment Period End	03/29/05	
Final Action	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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

RIN: 0790-AG31

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

Priority: Other Significant

Legal Authority: 10 USC 2575; 10 USC
2771; 10 USC 4712; 10 USC 9712; 24
USC 420; 31 USC 3529; 31 USC 3702;
32 USC 714; 37 USC 554; ...

CFR Citation: 32 CFR 281

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68956
NPRM Comment Period End	01/13/03	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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, Defense Pentagon,
Washington, DC 20301
Phone: 703 696-8510

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

RIN: 0790-AG47

601. 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	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Terence Thompson,
Department of Defense, Office of the
Secretary, Defense Pentagon,
Washington, DC 20301
Phone: 703 602-9969

RIN: 0790-AG54

DOD—OS

Final Rule Stage

602. NATIONAL POLICY ON RECIPROCITY OF FACILITIES AND GUIDELINES FOR IMPLEMENTATION OF RECIPROCITY**Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12968**CFR Citation:** 32 CFR 148**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/16/97	63 FR 4580
Interim Final Rule	01/30/98	63 FR 4580
Interim Final Rule Comment Period End	03/31/98	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

Agency Contact: Terence Thompson, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 602-9969

RIN: 0790-AG55**603. NATIONAL POLICY ON TECHNICAL SURVEILLANCE COUNTERMEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12968**CFR Citation:** 32 CFR 149**Legal Deadline:** None

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

Timetable:

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

Action	Date	FR Cite
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

Agency Contact: Terence Thompson, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 602-9969

RIN: 0790-AG56**604. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC 113**CFR Citation:** 32 CFR 22; 32 CFR 32**Legal Deadline:** None

Abstract: This rulemaking is the Department of Defense portion of a multiple-agency action. The agencies are amending their rules implementing Office of Management and Budget (OMB) Circular A-110 "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." The amendments to the rules incorporate updated language in Circular A-110 requiring Federal awarding agencies to ensure that all data produced under awards subject to the Circular are made available to the public through the procedures established under the Freedom of Information Act (FOIA). OMB updated the Circular language in this way in October 1999, in response to a provision in Public Law 105-277. With this rule amendment to 32 CFR parts 22 and 32, the Department of Defense therefore will maintain policies on access to data produced under awards subject to Circular A-110 that are consistent with the policies of other executive departments and agencies.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14405
Interim Final Rule Effective	04/17/00	

Action	Date	FR Cite
Interim Final Rule	05/15/00	
Comment Period End		
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

Agency Contact: Mark Herbst, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 696-0372
Email: herbstm@acq.osd.mil

RIN: 0790-AG76**605. WAIVER OF DEBTS RESULTING FROM ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES (DOD DIRECTIVE 1340.21)****Priority:** Other Significant**Legal Authority:** 5 USC 5584; 10 USC 2774; 32 USC 716**CFR Citation:** 32 CFR 283**Legal Deadline:** None

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

DOD—OS

Final Rule Stage

reassignment of the Comptroller General's former duties within the Department of Defense with little impact on the public.

Timetable:

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68963
NPRM Comment Period End	01/13/03	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

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

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

RIN: 0790-AG90

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

Priority: Other Significant

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

CFR Citation: 32 CFR 284**Legal Deadline:** None

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

employees to the Secretary of Defense. The Secretary of Defense further delegated his claims settlement and waiver authorities to the General Counsel. This rule implements the reassignment of the Comptroller General's former duties within the Department of Defense with little impact on the public.

Timetable:

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68965
NPRM Comment Period End	01/13/03	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

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

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

RIN: 0790-AG91

607. DEVELOPMENT OF A MUNITIONS RESPONSE SITE PRIORITIZATION PROTOCOL

Priority: Other Significant**Legal Authority:** 10 USC 2710**CFR Citation:** 32 CFR 179**Legal Deadline:** None

Abstract: In response to section 311 of the Fiscal Year 2002 National Defense Authorization Act, the Office of the Deputy Under Secretary of Defense (Installations & Environment), U.S. Department of Defense (DoD), proposes to develop a site prioritization protocol for assigning to each defense site (hereinafter, munitions response site) a relative priority for response activities related to unexploded ordnance, discarded military munitions, and munitions constituents. Section 311 lists specific factors to be included in the protocol. DoD is requesting input from interested parties on: (a) These factors; (b) any additional factors to consider in developing a site prioritization protocol; (c) how the proposed protocol should incorporate such factors as they relate to safety and environmental hazards; and (d)

recommendations on any existing prioritization methods, models, or tools that should be evaluated.

Timetable:

Action	Date	FR Cite
ANPRM	03/20/02	67 FR 12937
ANPRM Comment Period End	05/20/02	
NPRM	08/22/03	68 FR 50900
NPRM; Correction	09/11/03	68 FR 53532
NPRM Comment Period End	11/20/03	68 FR 50900
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

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

RIN: 0790-AG94

608. REVIEW OF THE MANUAL FOR COURTS-MARTIAL (DOD DIRECTIVE 5500.17)

Priority: Substantive, Nonsignificant**Legal Authority:** EO 12473; 10 USC 47**CFR Citation:** 32 CFR 152**Legal Deadline:** None

Abstract: The Department of Defense promulgates procedures implementing Executive Order 12473, dated July 13, 1984, calling upon the Secretary of Defense to cause an annual review of the Manual for Courts-Martial (MCM) and to recommend to the President any appropriate amendments. Through the annual review process, the Secretary of Defense assists the President in fulfilling his rulemaking responsibilities under article 36 of the Uniform Code of Military Justice (UCMJ); chapter 47 of title 10, United States Code). Under the direction of the General Counsel of the Department of Defense, a Joint Service Committee on Military Justice (JSC) is established with responsibility to conduct the annual review and propose MCM amendments. The JSC also proposes amendments to the UCMJ, as necessary. This rule updates part 152 to title 32, Code of Federal Regulations, "Review

DOD—OS

Final Rule Stage

of the Manual for Courts-Martial," to reflect practice and procedures for conducting annual reviews and to change the annual review cycle from concluding with an annual report due to the General Counsel by December 31, instead of May 1. The change in the annual review cycle is due to legislative requirements on affecting JSC responsibilities. This interim rule is provided to afford a 60-day opportunity for public comment prior to issuing a final rule. This rule is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any person.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	05/03/03	68 FR 36915
Interim Final Rule	06/20/03	68 FR 36915
Interim Final Rule Comment Period End	08/19/03	
Final Action	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert E. Reed, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 695-1055

RIN: 0790-AG99

609. IMPLEMENTATION OF SECTION 740 OF THE WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY AND SECTION 1051 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-181; PL 107-314

CFR Citation: 32 CFR 207

Legal Deadline: None

Abstract: This rule prescribes regulations to implement section 740 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Pub. L. 106-181) and section

1051 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314). The regulations will establish procedures for the sale of excess Department of Defense aircraft to persons or entities that provide oil spill response services (including the application of oil dispersants by air) pursuant to an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/22/03	68 FR 27904
Interim Final Rule Effective	05/22/03	
Interim Final Rule Comment Period End	07/21/03	
Final Action	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Debra Bennett, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 604-0098

Related RIN: Related to 0790-AG95

RIN: 0790-AH02

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

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 301

CFR Citation: 32 CFR 57

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/10/04	69 FR 32662

Action	Date	FR Cite
Interim Final Rule Effective	06/10/04	
Interim Final Rule Comment Period End	08/09/04	
Final Action	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0790-AH70

611. CRIMINAL JURISDICTION OVER CIVILIANS EMPLOYED BY OR ACCOMPANYING THE ARMED FORCES OUTSIDE THE UNITED STATES, SERVICE MEMBERS, AND FORMER SERVICE MEMBERS

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

Legal Authority: 18 USC 3261

CFR Citation: 32 CFR 153

Legal Deadline: None

Abstract: This rule establishes policies and procedures, and assigns responsibilities, under the Military Extraterritorial Jurisdiction Act (MEJA), for exercising extraterritorial criminal jurisdiction over certain military personnel, former service members of the United States Armed Forces, and over civilians employed by or accompanying the Armed Forces outside the United States (as specifically defined in section 3267 of MEJA).

Timetable:

Action	Date	FR Cite
NPRM	02/02/04	69 FR 4890
NPRM Comment Period End	04/02/04	
Final Action	05/00/05	
Final Action Effective	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

DOD—OS

Final Rule Stage

Agency Contact: Robert E. Reed,
Department of Defense, Office of the
Secretary, Defense Pentagon,
Washington, DC 20301
Phone: 703 695-1055

RIN: 0790-AH73

612. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 5 USC 7301; 5 USC 7351; 5 USC 7353; EO 12674; EO 12731; 5 CFR 2635.105; 5 CFR 2635.203(a); 5 CFR 2635.204(k); 5 CFR 2635.803

CFR Citation: 5 CFR 3601

Legal Deadline: None

Abstract: The Department of Defense, with the concurrence of the Office of Government Ethics (OGE), is amending the Supplemental Standards of Ethical Conduct for Employees of the Department of Defense to reflect certain administrative changes as a result of DoD reorganizations, as well as to add a component.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Amendments	11/18/03	68 FR 64979
Interim Final Rule Effective; Amendments	11/18/03	
Final Action	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gail Mason,
Standards of Conduct Office, General
Counsel, Department of Defense, Office
of the Secretary, 1600 Defense
Pentagon, Washington, DC 20301-1600
Phone: 703 697-5305

RIN: 0790-AH74

613. DOD GRANT AND AGREEMENT REGULATIONS

Priority: Other Significant

Legal Authority: 5 USC 301; 10 USC 113; 31 USC 6101 note; EO 12549; EO 12689

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

Legal Deadline: None

Abstract: The Department of Defense (DoD) proposes to amend parts 21, 22, 25, 32, 33, 34, and 37 of the DoD Grant and Agreement Regulations (DoDGARS) to implement four Office of Management and Budget (OMB) policy directives, to conform the DoDGARS with several statutory and regulatory revisions, and to make other administrative changes. The four OMB directives that are being implemented: Require Federal agencies to use a new standard format for announcements of funding opportunities; require Federal agencies to electronically post synopses of those announcements at a Governmentwide Internet site; require Governmentwide use of the Data Universal Numbering System (DUNS) number as the universal identifier for recipient organizations; and amend OMB Circular A-133 to raise the threshold of Federal funding at which recipients must obtain single audits. The statutory and regulatory changes with which the DoDGARS are being conformed concern matters such as nonprocurement debarment and suspension, drug-free workplace requirements for grants, and campus access for military recruiters and Reserve Officer Training Corps.

Timetable:

Action	Date	FR Cite
NPRM	07/28/04	69 FR 44990
NPRM Comment Period End	09/27/04	
Final Action	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Herbst,
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RIN: 0790-AH75

614. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 42 USC 289; 42 USC 300v-1(b)

CFR Citation: 32 CFR 219

Legal Deadline: None

Abstract: The agencies listed in this rule are amending the common rule concerning the Federal Policy for the Protection of Human Subjects, which was published in the Federal Register on June 18, 1991 (56 FR 28003), to change all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP); revise a footnote by deleting references to research involving fetuses, pregnant women, or human in vitro fertilization; and revise subpart B of 45 CFR part 46.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Department of Defense, Office of the
Secretary, Defense Pentagon,
Washington, DC 20301
Phone: 703 588-7402
Fax: 703-588-7560
Email: patty.decot@osd.mil

RIN: 0790-AH79

615. • DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM (NSPS)

Priority: Other Significant

Legal Authority: 5 USC 9902

CFR Citation: 5 CFR 9901

Legal Deadline: None

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

DOD—OS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/14/05	70 FR 7552
NPRM Comment Period End	03/16/05	
Final Action	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Brad Bunn,
Department of Defense, Office of theSecretary, Pentagon, Washington, DC
20301

Phone: 703 696-7770

Email: brad.bunn@cpms.osd.mil

RIN: 0790-AH82**Department of Defense (DOD)**

Proposed Rule Stage

Defense Acquisition Regulations Council (DARC)**616. PROTESTS, DISPUTES, AND APPEALS (DFARS CASE 2003-D010)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 233**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to protests, disputes, and appeals.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**Agency Contact:** Michele Peterson,
Department of Defense, Defense
Acquisition Regulations Council, 3062
Defense Pentagon, Washington, DC
20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE01**617. COST ACCOUNTING STANDARDS (DFARS CASE 2003-D015)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 230**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to Cost Accounting Standards.**Timetable:**

Action	Date	FR Cite
Case Opened	07/01/03	
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**Agency Contact:** Michele Peterson,
Department of Defense, Defense
Acquisition Regulations Council, 3062
Defense Pentagon, Washington, DC
20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE10**618. RADIO FREQUENCY IDENTIFICATION (DFARS CASE 2004-D011)****Priority:** Economically Significant,
Major under 5 USC 801.**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 211; 48 CFR 212;
48 CFR 252**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to add requirements for contractors to affix radio frequency identification tags to certain commodities to be delivered to certain DoD locations. The change will improve visibility of DoD assets in the supply chain, increase the accuracy of shipment and receipt data, and reduce the amount of time it takes to deliver material to the warfighter.**Timetable:**

Action	Date	FR Cite
NPRM	04/21/05	70 FR 20726
NPRM Comment Period End	06/20/05	70 FR 20727
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**Agency Contact:** Michele Peterson,
Department of Defense, Defense
Acquisition Regulations Council, 3062
Defense Pentagon, Washington, DC
20301-3062

Phone: 703 602-0311

RIN: 0750-AE55**619. FOREIGN ACQUISITION (DFARS CASE 2003-D008)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225; 48 CFR
252.225**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that relate to the acquisition of supplies and services from foreign sources.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson,
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Defense Pentagon, Washington, DC
20301-3062

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Email: michele.peterson@osd.mil

RIN: 0750-AE70

DOD—DARC

Proposed Rule Stage

620. • CONTRACT PRICING (DFARS CASE 2003–D014)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 215.4; 48 CFR 252.215; 48 CFR 253.215**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to contract pricing.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062

Phone: 703 602–0311

Email: michele.peterson@osd.mil

RIN: 0750–AE71**621. • EXCHANGE OR SALE OF GOVERNMENT-OWNED INFORMATION TECHNOLOGY (DFARS CASE 2003–D094)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239.70**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the exchange or sale of Government-owned information technology.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062

Phone: 703 602–0311

Email: michele.peterson@osd.mil

RIN: 0750–AE72**622. • MATERIAL INSPECTION AND RECEIVING REPORT (DFARS CASE 2003–D085)****Priority:** Other Significant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR ch 2, app F**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that relate to the use of material inspection and receiving reports for items delivered under DoD contracts.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062

Phone: 703 602–0311

Email: michele.peterson@osd.mil

RIN: 0750–AE73**623. • MICRO-PURCHASES NOT USING THE GOVERNMENTWIDE PURCHASE CARD (DFARS CASE 2003–D059)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 213.270**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to use of the Governmentwide commercial purchase card for actions at or below the micro-purchase threshold.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062

Phone: 703 602–0311

Email: michele.peterson@osd.mil

RIN: 0750–AE74**624. • SIMPLIFIED ACQUISITION PROCEDURES (DFARS CASE 2003–D075)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 213; 48 CFR 253.213**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the use of simplified acquisition procedures.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062

Phone: 703 602–0311

Email: michele.peterson@osd.mil

RIN: 0750–AE75**625. • UNIFORM CONTRACT LINE ITEM NUMBERING (DFARS CASE 2003–D082)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.71**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to requirements for uniform contract line item numbering.

DOD—DARC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

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

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

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RIN: 0750-AE76

626. • ADMINISTRATIVE MATTERS (DFARS CASE 2003-D084)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.1; 48 CFR 204.4; 48 CFR 204.9**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that relate to administrative aspects of contract execution.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

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

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

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE77

627. • CONTRACT FINANCING (DFARS CASE 2003-D043)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 232**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement

recommendations resulting from the DFARS Transformation Initiative that pertain to contract financing and payment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

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

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

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RIN: 0750-AE78

628. • RESTRICTIONS ON TOTALLY ENCLOSED LIFEBOAT SURVIVAL SYSTEMS (DFARS CASE 2004-D034)**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 103-139, sec 8124; PL 103-335, sec 8093; 10 USC 2534**CFR Citation:** 48 CFR 225.7008; 48 CFR 252.225-7039**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to remove text addressing restrictions on the acquisition of totally enclosed lifeboat survival systems. The text being removed addresses 1994 and 1995 appropriations act restrictions that are no longer considered applicable and other statutory restrictions that apply only to the Navy.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

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

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

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RIN: 0750-AE82

629. • QUALITY ASSURANCE (DFARS CASE 2003-D027)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 246**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

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

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

Phone: 703 602-0311

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RIN: 0750-AE85

630. • SUBCONTRACTING POLICIES AND PROCEDURES (DFARS CASE 2003-D025)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 244.3; 48 CFR 252.244-7000**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative pertaining to subcontracts awarded under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

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

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

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DOD—DARC

Proposed Rule Stage

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RIN: 0750-AE86

631. • CONTRACT MODIFICATIONS (DFARS CASE 2003-D024)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 243.1; 48 CFR 243.2

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

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RIN: 0750-AE87

632. • SOCIOECONOMIC PROGRAMS (DFARS CASE 2003-D029)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 226

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to socioeconomic considerations in DoD contracting.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

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RIN: 0750-AE88

633. • TRANSPORTATION (DFARS CASE 2003-D028)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 247

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

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RIN: 0750-AE89

634. • ENVIRONMENT, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE (DFARS CASE 2003-D039)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 223

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative pertaining to environmental and safety matters under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

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Email: michele.peterson@osd.mil

RIN: 0750-AE90

635. • CONSTRUCTION (DFARS CASE 2003-D034)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 236.1; 48 CFR 236.2

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE91

636. • ACQUISITION PLANNING (DFARS CASE 2003-D044)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 207

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

DOD—DARC

Proposed Rule Stage

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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Email: michele.peterson@osd.mil
RIN: 0750–AE92

637. • SMALL BUSINESS PROGRAMS (DFARS CASE 2003–D047)

Priority: Other Significant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 219

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the participation of small business concerns in DoD acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil
RIN: 0750–AE93

638. • TERMINATION OF CONTRACTS (DFARS CASE 2003–D046)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 249

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil
RIN: 0750–AE94

639. • AUTHORIZATION FOR CONTINUED CONTRACTS (DFARS CASE 2003–D052)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204.7001

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement a recommendation resulting from the DFARS Transformation Initiative that would authorize the issuance of a “mirror contract” when performance under the original contract number is no longer possible solely for administrative reasons.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil
RIN: 0750–AE95

640. • CONTRACT ADMINISTRATION FUNCTIONS (DFARS CASE 2003–D051)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 242.302

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil
RIN: 0750–AE96

641. • CONTRACTOR INSURANCE/PENSION REVIEWS (DFARS CASE 2003–D050)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 242.73

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil
RIN: 0750–AE97

642. • ACQUISITION OF INFORMATION TECHNOLOGY (DFARS CASE 2003–D068)

Priority: Other Significant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement

DOD—DARC

Proposed Rule Stage

recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of information technology.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AE98

643. • DESCRIBING AGENCY NEEDS (DFARS CASE 2003-D073)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 211

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
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RIN: 0750-AE99

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

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 208

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AF00

645. • COMPONENT BREAKOUT (DFARS CASE 2003-D071)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 207.105; 48 CFR app D

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the breakout of components of end items for future acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AF01

646. • SPECIAL CONTRACTING METHODS (DFARS CASE 2003-D079)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 217

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0311
Email: michele.peterson@osd.mil

RIN: 0750-AF02

647. • TYPES OF CONTRACTS (DFARS CASE 2003-D078)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 216

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

Proposed Rule Stage

Email: michele.peterson@osd.mil

RIN: 0750-AF03

648. • CONTRACTING BY NEGOTIATION (DFARS CASE 2003-D077)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 215

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF04

649. • CONTRACT ADMINISTRATION (DFARS CASE 2003-D023)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 242; 48 CFR 252.242-7000; 48 CFR 252.242-7004

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement

recommendations resulting from the DFARS Transformation Initiative that pertain to DoD contract administration and audit services.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF05

650. • APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS (DFARS CASE 2003-D019)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 222

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF06

651. • COMPETITION REQUIREMENTS FOR FEDERAL SUPPLY SCHEDULES AND MULTIPLE AWARD CONTRACTS (DFARS CASE 2004-D009)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 208.4; 48 CFR 216.5

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to strengthen requirements for competition in the placement of orders under Federal Supply Schedules and multiple award contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF08

Department of Defense (DOD)

Defense Acquisition Regulations Council (DARC)

Final Rule Stage

652. INCREMENTAL FUNDING, FIXED-PRICE CONTRACTS (DFARS CASE 1990-037)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 232.7; 48 CFR 252.232

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Case Opened	09/26/90	
Interim Final Rule	09/01/93	58 FR 46091
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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DOD—DARC

Final Rule Stage

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Related RIN: Previously reported as 0790-AE42**RIN:** 0750-AA07**653. PATENT RIGHTS—OWNERSHIP BY THE CONTRACTOR (LARGE BUSINESS) (DFARS CASE 2001-D015)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 227.3; 48 CFR 252.227**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to add a contract clause on patent rights to replace a FAR clause that has been proposed for deletion.**Timetable:**

Action	Date	FR Cite
NPRM	09/30/04	69 FR 58377
NPRM Comment Period End	11/01/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AD72**654. APPROVAL OF SERVICE CONTRACTS AND TASK ORDERS (DFARS CASE 2002-D024)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-107, sec 801(b)**CFR Citation:** 48 CFR 237.170**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement section 801(b) of the Fiscal Year 2002 National Defense Authorization Act. Section 801(b) requires DoD to establish and implement a management structure for the procurement of services.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/01/03	68 FR 56563

Action	Date	FR Cite
Interim Final Rule	12/01/03	
Comment Period End		
Interim Final Rule	05/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AD81**655. PURCHASE CARD INTERNAL CONTROLS (DFARS CASE 2002-D025)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 213.3**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to add policy on internal controls for proper use of the Governmentwide commercial purchase card.**Timetable:**

Action	Date	FR Cite
NPRM	12/20/02	67 FR 77955
NPRM Comment Period End	02/18/03	
Final Action	08/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AD87**656. CENTRAL CONTRACTOR REGISTRATION (DFARS CASE 2003-D040)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204; 48 CFR 212.3; 48 CFR 213.1; 48 CFR 252.204**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to remove Central Contractor Registration (CCR) requirements, since CCR requirements have been incorporated into the FAR.**Timetable:**

Action	Date	FR Cite
Case Opened	07/28/03	
Interim Final Rule	11/14/03	68 FR 64557
Interim Final Rule	01/13/04	
Comment Period End		
Final Action	07/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE11**657. GEOGRAPHIC USE OF THE TERM "UNITED STATES" (DFARS CASE 2001-D003)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204; 48 CFR 208; 48 CFR 209; 48 CFR 212; 48 CFR 213; 48 CFR 215; 48 CFR 219; 48 CFR 252;

...

Legal Deadline: None**Abstract:** Amends the Defense FAR Supplement to standardize the use of geographic terms, in accordance with definitions found in the FAR.**Timetable:**

Action	Date	FR Cite
NPRM	11/10/04	69 FR 65121

DOD—DARC

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	01/10/05	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE12**658. CONTRACT PERIOD FOR TASK AND DELIVERY ORDER CONTRACTS (DFARS CASE 2003-D097)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-136, sec 843**CFR Citation:** 48 CFR 216.501-2; 48 CFR 217.204**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 843 of the Fiscal Year 2004 National Defense Authorization Act. Section 843 provides that a task or delivery order contract awarded under the authority of 10 U.S.C. 2304a may cover a total period of not more than 5 years.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/23/04	69 FR 13478
Interim Final Rule Comment Period End	05/24/04	
Interim Final Rule	12/15/04	69 FR 74992
Interim Final Rule Comment Period End	02/14/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

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RIN: 0750-AE25**659. THRESHOLD FOR SMALL BUSINESS SPECIALIST REVIEW (DFARS CASE 2003-D060)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 219.201**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Eliminates requirements for small business specialists to review proposed acquisitions that are (1) within the scope and under the terms of the existing contract or (2) under \$100,000 and totally set aside for small business concerns. Also proposes to relocate text addressing the functions of small business specialists to a new DFARS companion resource, Procedures, Guidance, and Information (PGI).

Timetable:

Action	Date	FR Cite
NPRM	04/23/04	69 FR 21997
NPRM Comment Period End	06/22/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE30**660. PAYMENT AND BILLING INSTRUCTIONS (DFARS CASE 2003-D009)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.2; 48 CFR 204.71; 48 CFR 252.204; 48 CFR app F**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Eliminates the need for non-standard local payment clauses by providing a menu of standard payment instructions from which the contracting officer will make a selection for inclusion in section G of the contract. Adds a clause addressing contract line item information needed in contract financing and interim payment requests and amends Material Inspection and Receiving Report instructions to address electronic submissions.

Timetable:

Action	Date	FR Cite
NPRM	06/25/04	69 FR 35564
NPRM Comment Period End	08/24/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE34**661. MAJOR SYSTEMS ACQUISITION (DFARS CASE 2003-D030)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 234.0; 48 CFR 242.11; 48 CFR 252.234; 48 CFR 252.242**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Updates text pertaining to major systems acquisition, earned value management systems, and cost/schedule status reporting.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8155

DOD—DARC

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	04/23/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE35

662. CONTRACTORS ACCOMPANYING A FORCE DEPLOYED (DFARS CASE 2003-D087)

Priority: Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 207; 48 CFR 212;
48 CFR 225; 48 CFR 252**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to add policy for contracts that require contractor employees to accompany a force engaged in contingency, humanitarian, peacekeeping, or combat operations outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	03/23/04	69 FR 13500
NPRM Comment Period End	05/24/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE42

663. REPORTING CONTRACT PERFORMANCE OUTSIDE THE UNITED STATES (DFARS CASE 2004-D001)

Priority: Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225.72; 48 CFR
252.225**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Clarifies requirements for contractor reporting of performance outside the United States and establishes two separate clauses to eliminate confusion between two reporting requirements presently contained in one clause.

Timetable:

Action	Date	FR Cite
NPRM	06/08/04	69 FR 31939
NPRM Comment Period End	08/09/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE46

664. CONSOLIDATION OF CONTRACT REQUIREMENTS (DFARS CASE 2003-D109)

Priority: Substantive, Nonsignificant**Legal Authority:** PL 108-136, sec 801;
10 USC 2382**CFR Citation:** 48 CFR 207.170; 48 CFR
219.201

Legal Deadline: Other, Statutory, May 23, 2004, Applies to solicitations issued after 05/22/2004.

Abstract: Amends the Defense FAR Supplement to place restrictions on consolidating two or more separate requirements into a single solicitation

and contract. Requires agencies to include the following in acquisition strategies that involve consolidation of requirements exceeding \$5,000,000: (1) The results of market research; (2) any alternatives that would involve a lesser degree of consolidation; and (3) a determination by the senior procurement executive that the consolidation is necessary and justified. This change implements section 801 of the National Defense Authorization Act for Fiscal Year 2004 and is intended to ensure that decisions regarding consolidation of requirements are made with a view toward providing maximum practicable opportunity for small business concerns to participate in DoD procurements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/04	69 FR 55986
Interim Final Rule Comment Period End	11/16/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE48

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

Priority: Substantive, Nonsignificant**Legal Authority:** PL 108-136, sec 847**CFR Citation:** 48 CFR 212.212; 48 CFR
212.70**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to establish a pilot program that permits contracting officers to use FAR part 12 (Acquisition of Commercial Items) procedures to

DOD—DARC

Final Rule Stage

award follow-on contracts for the production of items begun as prototype projects under other transaction agreements. The follow-on contract must be awarded to a nontraditional defense contractor; must not exceed \$50,000,000; must be either firm-fixed-price or fixed-price with economic price adjustment; and must be awarded on or before September 30, 2008. This change implements section 847 of the National Defense Authorization Act for Fiscal Year 2004 and is intended to ease the transition of nontraditional defense contractors from prototype transactions to standard contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/01/04	69 FR 63329
Interim Final Rule Comment Period End	01/03/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE49**666. PERSONAL SERVICES CONTRACTS (DFARS CASE 2003-D103)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-136, sec 721; 10 USC 1091(a)(2); PL 108-136, sec 841; 10 USC 129b**CFR Citation:** 48 CFR 237.1**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to authorize the use of personal services contracts for health care at locations outside of medical treatment facilities (such as military entrance processing stations) and for services that are to be performed outside the United States or that directly support the mission of a DoD intelligence or counter-intelligence

organization or the special operations command. This change implements sections 721 and 841 of the National Defense Authorization Act for Fiscal Year 2004 and enables the award of contracts for specialized services that would be impractical for DoD to obtain by other means.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/04	69 FR 55991
Interim Final Rule Comment Period End	11/16/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE50**667. QUALITY CONTROL OF AVIATION CRITICAL SAFETY ITEMS AND RELATED SERVICES (DFARS CASE 2003-D101)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-136, sec 802**CFR Citation:** 48 CFR 209.270; 48 CFR 217.75; 48 CFR 246.407; 48 CFR 246.504**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to establish requirements for quality control in the procurement of aviation critical safety items and the modification, repair, and overhaul of those items. Specifies that the design control activity is responsible for qualifying and identifying aviation critical safety item suppliers and products. This change implements section 802 of the National Defense Authorization Act for Fiscal Year 2004 and is intended to ensure flight safety.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/04	69 FR 55987

Action	Date	FR Cite
Interim Final Rule Comment Period End	11/16/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

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RIN: 0750-AE51**668. ● PROVISION OF INFORMATION TO COOPERATIVE AGREEMENT HOLDERS (DFARS CASE 2004-D025)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2416(d)**CFR Citation:** 48 CFR 205.470**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to increase, from \$500,000 to \$1,000,000, the threshold at which DoD contracts must include a requirement for the contractor to provide to cooperative agreement holders, upon their request, a list of the contractor's employees who are responsible for entering into subcontracts. Implements section 816 of the National Defense Authorization Act for Fiscal Year 2005.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/22/05	70 FR 8536
Interim Final Rule Comment Period End	04/25/05	
Final Action	07/00/05	

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

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DOD—DARC

Final Rule Stage

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669. • FREE TRADE AGREEMENTS—AUSTRALIA AND MOROCCO (DFARS CASE 2004-D013)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-286; PL 108-302

CFR Citation: 48 CFR 225; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement new Free Trade Agreements with Australia and Morocco. The Free Trade Agreements waive the applicability of the Buy American Act for some foreign supplies and construction materials from Australia and Morocco, and specify procurement procedures designed to ensure fairness.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/13/05	70 FR 2361
Interim Final Rule Comment Period End	03/14/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AE59

670. • ACQUISITION OF BALL AND ROLLER BEARINGS (DFARS CASE 2003-D021)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2534; 41 USC 430; PL 108-287, sec 8059

CFR Citation: 48 CFR 225.70; 48 CFR 252.225-7016

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to improve the clarity of domestic source restrictions on the acquisition of ball and roller bearings, by addressing only the exceptions,

waivers, and waiver authority available to the contracting officer under current law, and by making the restrictions inapplicable to bearings that are commercial components of non-commercial end items or components.

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8560
NPRM Comment Period End	04/25/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AE60

671. • ADVISORY AND ASSISTANCE SERVICES (DFARS CASE 2003-D042)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 237.2

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8562
NPRM Comment Period End	04/25/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AE61

672. • SPECIALIZED SERVICE CONTRACTING (DFARS CASE 2003-D041)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 237.70; 48 CFR 237.71; 48 CFR 252.237

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of mortuary and laundry and dry cleaning services.

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8563
NPRM Comment Period End	04/25/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AE62

673. • ACQUISITION OF TELECOMMUNICATIONS SERVICES (DFARS CASE 2003-D055)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239.74

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8564
NPRM Comment Period End	04/25/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

DOD—DARC

Final Rule Stage

Government Levels Affected: Federal

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RIN: 0750-AE63

674. • UTILITY RATES ESTABLISHED BY REGULATORY BODIES (DFARS CASE 2003-D096)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 241.201; 48 CFR 241.501

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to utility rates established by independent and nonindependent regulatory bodies.

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8565
NPRM Comment Period End	04/25/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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675. • ACQUISITION OF UTILITY SERVICES (DFARS CASE 2003-D069)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 241

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8566
NPRM Comment Period End	04/25/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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676. • EXTRAORDINARY CONTRACTUAL ACTIONS (DFARS CASE 2003-D048)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 250

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the processing of requests for extraordinary contract adjustments.

Timetable:

Action	Date	FR Cite
NPRM	02/07/05	70 FR 6393
NPRM Comment Period End	04/08/05	
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AE66

677. • UPDATE OF CLAUSES FOR TELECOMMUNICATIONS SERVICES (DFARS CASE 2003-D053)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239.74; 48 CFR 252.239

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67885
NPRM Comment Period End	01/21/05	
Final Action	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AE67

678. • INFORMATION TECHNOLOGY EQUIPMENT—SCREENING OF GOVERNMENT INVENTORY (DFARS CASE 2003-D054)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239.73

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to procedures for screening of Government inventory before authorizing a contractor to purchase information technology equipment.

Timetable:

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67884
NPRM Comment Period End	01/21/05	
Final Action	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson,
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DOD—DARC

Final Rule Stage

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RIN: 0750-AE68

679. • BASIC AGREEMENTS FOR TELECOMMUNICATIONS SERVICES (DFARS CASE 2003-D056)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239.74

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the use of basic agreements in the acquisition of telecommunications services.

Timetable:

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67883
NPRM Comment Period End	01/21/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AE69

680. • BUSINESS RESTRUCTURING COSTS (DFARS CASE 2004-D026)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2325

CFR Citation: 48 CFR 231.205-70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 819 of the National Defense Authorization Act for Fiscal Year 2005. Section 819 lowers the approval level for determinations relating to payment of restructuring costs to DoD contractors.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AE79

681. • DOD PILOT MENTOR-PROTEGE PROGRAM (DFARS CASE 2004-D028)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-375, sec 841; PL 108-375, sec 842

CFR Citation: 48 CFR 219.71; 48 CFR ch 2, app I

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement sections 841 and 842 of the National Defense Authorization Act for Fiscal Year 2005. Section 841 provides for a 5-year extension of the DoD Pilot Mentor-Protégé Program. Section 842 expands the program to include service-disabled veteran-owned small business concerns and HUBZone small business concerns.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AE80

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

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-287, sec 8021

CFR Citation: 48 CFR 219.805

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

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RIN: 0750-AE81

683. • INCENTIVE PROGRAM FOR USE OF DOMESTIC MACHINE TOOLS AND OTHER CAPITAL ASSETS (DFARS CASE 2005-D003)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-136, sec 822

CFR Citation: 48 CFR 215; 48 CFR 216

Legal Deadline: Other, Statutory, May 24, 2005, Interim Final.

Final, Statutory, February 18, 2006.

Abstract: Amends the Defense FAR Supplement to implement section 822 of the National Defense Authorization Act for Fiscal Year 2004. Section 822 requires DoD to establish incentives for DoD contractors to purchase capital assets manufactured in the United States.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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DOD—DARC

Final Rule Stage

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RIN: 0750-AE83

**684. • BERRY AMENDMENT
MEMORANDA (DFARS CASE
2004-D035)**

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2533a

CFR Citation: 48 CFR 225.7002

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement DoD policy memoranda on determinations regarding the nonavailability of domestic supplies.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AE84

**685. • ASSIGNMENT OF CONTRACT
ADMINISTRATION FUNCTIONS
(DFARS CASE 2004-D007)**

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 242.202

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to add the Defense Energy Support Center to the list of DoD

activities authorized to perform contract administration functions at or near a contractor's facilities.

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF07

**686. • CONTRACTOR PERFORMANCE
OF ACQUISITION FUNCTIONS
CLOSELY ASSOCIATED WITH
INHERENTLY GOVERNMENTAL
FUNCTIONS (DFARS CASE
2004-D021)**

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2383

CFR Citation: 48 CFR 207.5

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 804 of the National Defense Authorization Act for Fiscal Year 2005. Section 804 places limitations on the award of contracts for the performance of acquisition functions closely associated with inherently governmental functions.

Timetable:

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

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AF09

**687. • MULTIYEAR CONTRACTING
(DFARS CASE 2004-D024)**

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2306b; 10 USC 2306c; PL 108-287, sec 8008

CFR Citation: 48 CFR 217.1

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 8008 of the Defense Appropriations Act for Fiscal Year 2005 and section 814 of the National Defense Authorization Act for Fiscal Year 2005. Sections 8008 and 814 establish new requirements related to the funding of multiyear contracts.

Timetable:

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

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AF10

Department of Defense (DOD)

Defense Acquisition Regulations Council (DARC)

Long-Term Actions

**688. CODIFICATION AND
MODIFICATION OF BERRY
AMENDMENT (DFARS CASE
2002-D002)**

Priority: Substantive, Nonsignificant

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

Timetable:

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

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750-AD76

DOD—DARC

Long-Term Actions

689. UNIQUE ITEM IDENTIFICATION AND PROPERTY VALUATION (DFARS CASE 2003—D081)**Priority:** Other Significant**CFR Citation:** 48 CFR 204.7104; 48 CFR 211.2; 48 CFR 212.301; 48 CFR 252.211**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/10/03	68 FR 58631
Interim Final Rule Comment Period End	11/10/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson
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RIN: 0750—AE09

Department of Defense (DOD)

Completed Actions

Defense Acquisition Regulations Council (DARC)

690. IMPROPER BUSINESS PRACTICES, ORGANIZATIONAL CONFLICTS OF INTEREST, AND DEBARMENT (DFARS CASE 2003—D012)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 203; 48 CFR 209**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to improper business practices, organizational conflicts of interest, and debarment.**Timetable:**

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8146
NPRM Comment Period End	04/23/04	
Final Action	12/15/04	69 FR 74989

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**URL For Public Comments:**emissary.acq.osd.mil/dar/dfars.nsf**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750—AE02**691. PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION (DFARS CASE 2003—D038)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 224**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to protection of privacy and freedom of information.**Timetable:**

Action	Date	FR Cite
Case Opened	07/28/03	
NPRM	02/23/04	69 FR 8152
NPRM Comment Period End	04/23/04	
Final Action	11/22/04	69 FR 67856

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**URL For Public Comments:**emissary.acq.osd.mil/dar/dfars.nsf**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750—AE03**692. CONTRACTOR QUALIFICATIONS RELATING TO CONTRACT PLACEMENT (DFARS CASE 2003—D011)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 209; 48 CFR 252.209**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that relate to contractor qualification requirements and contract placement.**Timetable:**

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8150
NPRM Comment Period End	04/23/04	
Final Action	11/10/04	69 FR 65088

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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RIN: 0750—AE06**693. GOVERNMENT SOURCE INSPECTION REQUIREMENTS (DFARS CASE 2002—D032)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 246.4**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to limit Government source inspection requirements for contracts below \$250,000. This change will permit contract administration

DOD—DARC

Completed Actions

offices to devote more resources to high-risk contracts.

Timetable:

Action	Date	FR Cite
NPRM	09/15/03	68 FR 53946
NPRM Comment Period End	11/14/03	
Final Action	02/22/05	70 FR 8539

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE08

694. LAWS INAPPLICABLE TO COMMERCIAL SUBCONTRACTS (DFARS CASE 2003-D018)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 212.504

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to remove the Buy American Act and the Trade Agreements Act from the list of laws inapplicable to commercial subcontracts. This change implements a recommendation resulting from the DFARS Transformation Initiative.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8151
NPRM Comment Period End	04/23/04	
Final Action	11/01/04	69 FR 63330

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE14

695. TAX PROCEDURES FOR OVERSEAS CONTRACTS (DFARS CASE 2003-D031)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 229.70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated contains procedures for contracting officers to use in obtaining tax relief and duty-free import privileges for acquisitions conducted in foreign countries.

Timetable:

Action	Date	FR Cite
NPRM	08/02/04	69 FR 46129
NPRM Comment Period End	10/01/04	
Final Action	02/07/05	70 FR 6375

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE18

696. RESOLVING TAX PROBLEMS (DFARS CASE 2003-D032)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 229.101

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the

DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated addresses situations where a contracting officer may direct a contractor to litigate the applicability of a particular tax and addresses information on tax relief agreements between the United States and foreign governments.

Timetable:

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48445
NPRM Comment Period End	10/12/04	
Final Action	02/22/05	70 FR 8538

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE19

697. ARCHITECT-ENGINEER SERVICES (DFARS CASE 2003-D035)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 236.6

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated contains procedures for establishment of evaluation criteria in the selection of firms for architect-engineer contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/25/04	69 FR 35568
NPRM Comment Period End	08/24/04	
Final Action	12/15/04	69 FR 75000

DOD—DARC

Completed Actions

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**URL For Public Comments:**emissary.acq.osd.mil/dar/dfars.nsf**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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Email: michele.peterson@osd.mil**RIN:** 0750-AE20**698. CONTRACTING FOR ARCHITECT-ENGINEER SERVICES (DFARS CASE 2003-D105)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-136, sec 1427**CFR Citation:** 48 CFR 219.502; 48 CFR 219.1005**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement section 1427 of the Fiscal Year 2004 National Defense Authorization Act. Section 1427 increases, from \$85,000 to \$300,000, the value below which acquisitions for architect-engineer services for military construction or family housing projects are set aside for small business concerns.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/08/04	69 FR 31909
Interim Final Rule Comment Period End	08/09/04	
Final Action	11/22/04	69 FR 67855

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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Email: michele.peterson@osd.mil**RIN:** 0750-AE21**699. PUBLICIZING CONTRACT ACTIONS (DFARS CASE 2003-D016)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 205; 48 CFR 226; 48 CFR 235; 48 CFR 252**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated contains a notice for inclusion in acquisitions being considered for historically black college and minority institution set-aside.**Timetable:**

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8148
NPRM Comment Period End	04/23/04	
Final Action	11/01/04	69 FR 63327

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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Email: michele.peterson@osd.mil**RIN:** 0750-AE22**700. COMPETITION REQUIREMENTS (DFARS CASE 2003-D017)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 206.001; 48 CFR 206.202; 48 CFR 206.3**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated addresses circumstances under which use of other than full and open competition may be appropriate due to unusual and compelling urgency.**Timetable:**

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8149
NPRM Comment Period End	04/23/04	
Final Action	12/15/04	69 FR 74990

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**URL For Public Comments:**emissary.acq.osd.mil/dar/dfars.nsf**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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Email: michele.peterson@osd.mil**RIN:** 0750-AE23**701. SEALED BIDDING (DFARS CASE 2003-D076)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 214.2; 48 CFR 214.4; 48 CFR 214.5**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Deletes unnecessary text pertaining to sealed bidding and updates administrative information.**Timetable:**

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8152
NPRM Comment Period End	04/23/04	
Final Action	11/10/04	69 FR 65089

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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DOD—DARC

Completed Actions

702. FIREFIGHTING SERVICES CONTRACTS (DFARS CASE 2003–D107)**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–136, sec 331**CFR Citation:** 48 CFR 237.102–70**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 331 of the Fiscal Year 2004 National Defense Authorization Act. Section 331 adds an exception to the prohibition on contracting for firefighting services, to permit such contracts for periods of 1 year or less, if the firefighting functions would otherwise have to be performed by members of the armed forces who are not readily available by reason of a deployment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/04	69 FR 35532
Interim Final Rule Comment Period End	08/24/04	
Final Action	12/15/04	69 FR 75000

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**URL For Public Comments:**emissary.acq.osd.mil/dar/dfars.nsf

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Email: michele.peterson@osd.mil**RIN:** 0750–AE26**703. CONTRACTOR USE OF GOVERNMENT SUPPLY SOURCES (DFARS CASE 2003–D045)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 251.1; 48 CFR 252.251–7000**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures,

Guidance, and Information (PGI). The text to be relocated contains procedures for authorizing contractors to use Government supply sources. Also updates policy regarding contractor payment for purchases from Government supply sources.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8159
NPRM Comment Period End	04/23/04	
Final Action	11/22/04	69 FR 67858

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm

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Email: michele.peterson@osd.mil**RIN:** 0750–AE28**704. DOD PILOT MENTOR–PROTÉGÉ PROGRAM (DFARS CASE 2003–D013)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 101–510, sec 831**CFR Citation:** 48 CFR 219.71; 48 CFR app I**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to update policy pertaining to the DoD Pilot Mentor–Protégé Program. The changes authorize the Director, Small and Disadvantaged Business Utilization, of each military department and defense agency to approve mentor firms and mentor–protégé agreements.

Timetable:

Action	Date	FR Cite
NPRM	05/13/04	69 FR 26533
NPRM Comment Period End	07/12/04	
Final Action	12/15/04	69 FR 74995

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**URL For Public Comments:**emissary.acq.osd.mil/dar/dfars.nsf

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Email: michele.peterson@osd.mil**RIN:** 0750–AE29**705. SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM (DFARS CASE 2003–D063)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 219.1007**Legal Deadline:** None

Abstract: Supplements FAR text that requires a statement on the face page of contracts to identify awards under the Small Business Competitiveness Demonstration Program. To accommodate the use of automated systems, the change specifies that, when it is not possible to mark the face page, alternate means may be used to identify a contact as an award under the Program.

Timetable:

Action	Date	FR Cite
NPRM	06/25/04	69 FR 35566
NPRM Comment Period End	08/24/04	
Final Action	02/07/05	70 FR 6373

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.acq.osd.mil/dpap/dfars/index.htm**URL For Public Comments:**emissary.acq.osd.mil/dar/dfars.nsf

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Email: michele.peterson@osd.mil**RIN:** 0750–AE31**706. ACQUISITION OF COMMERCIAL ITEMS (DFARS CASE 2003–D074)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421

DOD—DARC

Completed Actions

CFR Citation: 48 CFR 212.303; 48 CFR 212.503

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Deletes unnecessary text pertaining to the structuring of contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/08/04	69 FR 31939
NPRM Comment Period End	08/09/04	
Final Action	11/10/04	69 FR 65089

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE32

707. SMALL DISADVANTAGED BUSINESSES AND LEADER COMPANY CONTRACTING (DFARS CASE 2003-D092)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 217.401; 48 CFR 219.705-4

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Lowers the approval level for subcontracting plans that contain a small disadvantaged business goal of less than 5 percent, from two levels above the contracting officer to one level above the contracting officer. Also deletes unnecessary text pertaining to leader company contracting.

Timetable:

Action	Date	FR Cite
NPRM	04/23/04	69 FR 21996
NPRM Comment Period End	06/22/04	
Final Action	11/22/04	69 FR 67855

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE33

708. BONDS (DFARS CASE 2003-D033)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 228.1

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Clarifies that fidelity and forgery bonds are authorized for use under certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48444
NPRM Comment Period End	10/12/04	
Final Action	02/22/05	70 FR 8537

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE36

709. COST PRINCIPLES AND PROCEDURES (DFARS CASE 2003-D036)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 231.205

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the

DFARS Transformation Initiative. Updates DFARS text pertaining to cost principles and procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8154
NPRM Comment Period End	04/23/04	
Final Action	11/01/04	69 FR 63331

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE37

710. INSURANCE (DFARS CASE 2003-D037)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 228.3

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated addresses risk-pooling arrangements, overseas workers' compensation, and war-hazard insurance.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8153
NPRM Comment Period End	04/23/04	
Final Action	11/10/04	69 FR 65090

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

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

DOD—DARC

Completed Actions

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RIN: 0750-AE38

711. REMOVAL OF OBSOLETE RESEARCH AND DEVELOPMENT CONTRACTING PROCEDURES (DFARS CASE 2003-D058)

Priority: Substantive, Nonsignificant
Legal Authority: 41 USC 421
CFR Citation: 48 CFR 235.70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Removes obsolete procedures for research and development contracting.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8157
NPRM Comment Period End	04/23/04	
Final Action	11/22/04	69 FR 67857

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE39

712. RESEARCH AND DEVELOPMENT CONTRACTING (DFARS CASE 2003-D067)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 235.0; 48 CFR 252.235-7011

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Updates text on research and development contracting. Relocates text addressing maintenance of scientific and technical reports to a new DFARS companion resource, Procedures, Guidance, and Information (PGI).

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8158
NPRM Comment Period End	04/23/04	
Final Action	11/10/04	69 FR 65091

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE40

713. PROCEDURES, GUIDANCE, AND INFORMATION (DFARS CASE 2003-D090)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 201.105-3; 48 CFR 201.2; 48 CFR 201.301; 48 CFR 202.101

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Establishes the framework for a new DFARS companion resource, Procedures, Guidance, and Information (PGI), which will contain mandatory and non-mandatory internal DoD procedures, non-mandatory guidance, and supplemental information. Use of PGI will enable DoD to more rapidly convey internal administrative and procedural information to the acquisition workforce. PGI will not contain policy or procedures that significantly affect the public and, therefore, will not be published in the Federal Register or the Code of Federal Regulations. PGI will be available on the World Wide Web and will be electronically linked to the DFARS.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8145
NPRM Comment Period End	04/23/04	
Final Action	11/01/04	69 FR 63326

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:

emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE41

714. FREE TRADE AGREEMENTS—CHILE AND SINGAPORE (DFARS CASE 2003-D088)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-77; PL 108-78

CFR Citation: 48 CFR 212; 48 CFR 213; 48 CFR 225; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement new Free Trade Agreements with Chile and Singapore, as approved by Congress in the United States-Chile Free Trade Agreement Implementation Act and the United States-Singapore Free Trade Agreement Implementation Act. The new Free Trade Agreements waive the applicability of the Buy American Act for some foreign supplies and construction materials from Chile and Singapore, and specify procurement procedures designed to ensure fairness.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/13/04	69 FR 1926
Interim Final Rule Comment Period End	03/15/04	
Final Action	12/15/04	69 FR 74991

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dfars/index.htm

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DOD—DARC

Completed Actions

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 RIN: 0750-AE43

715. WRITTEN ASSURANCE OF TECHNICAL DATA CONFORMITY (DFARS CASE 2003-D104)

Priority: Substantive, Nonsignificant
Legal Authority: PL 108-136, sec 844
CFR Citation: 48 CFR 227.71; 48 CFR 252.227-7036

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 844 of the Fiscal Year 2004 National Defense Authorization Act. Section 844 eliminates the requirement for a contractor to furnish written assurance that delivered technical data is complete, accurate, and complies with all requirements of the contract. The change reduces paperwork for contractors but does not diminish the contractor's contractual obligations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/08/04	69 FR 31911
Interim Final Rule Comment Period End	08/09/04	
Final Action	11/22/04	69 FR 67856

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:
www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:
emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE45

716. POLYACRYLONITRILE (PAN) CARBON FIBER—RESTRICTION TO DOMESTIC SOURCES (DFARS CASE 2004-D002)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225.7103-1

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to extend the ending date for phasing out domestic source restrictions on the acquisition of PAN carbon fiber, from May 31, 2005, to May 31, 2006. The aerospace industry requested the extension to provide U.S. companies sufficient time to maintain the industrial and technological capability to support a critical material used in advanced aerospace weapons programs.

Timetable:

Action	Date	FR Cite
NPRM	06/25/04	69 FR 35567
NPRM Comment Period End	08/24/04	
Final Action	02/07/05	70 FR 6374

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:
www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments:
emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750-AE52

717. EXTENSION OF PARTNERSHIP AGREEMENT UNDER THE 8(A) PROGRAM (DFARS CASE 2004-D015)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 219.800

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to extend the expiration date of a partnership agreement between DoD and the Small Business Administration (SBA). The partnership agreement permits DoD to award contracts to 8(a) Program participants on behalf of SBA.

Timetable:

Action	Date	FR Cite
Final Action	09/30/04	69 FR 58353

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:
www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE56

718. PURCHASES FROM FEDERAL PRISON INDUSTRIES—DELETION OF DUPLICATIVE TEXT (DFARS CASE 2004-D005)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 208, 210, 219, and 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to delete obsolete text pertaining to purchase of products from Federal Prison Industries. The text has been superseded by policy published in the FAR.

Timetable:

Action	Date	FR Cite
Final Action	11/01/04	69 FR 63328

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:
www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750-AE57

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

Final Rule Stage

719. • MOTOR VEHICLE TRAFFIC SUPERVISION

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 30112(g); 5 USC 2951; PL 89-564; 89-670; 91-605; 93-87

CFR Citation: 32 CFR 634

Legal Deadline: None

Abstract: This proposed rule prescribes policies and procedures on motor vehicle traffic supervision on military installations in the continental United States and overseas areas, including registration of privately owned vehicles; granting, suspending, or revoking the privilege to operate a privately owned vehicle on a military installation; administration of the vehicle registration program; driver improvement programs; police traffic supervision; an off-installation traffic activities.

Timetable:

Action	Date	FR Cite
NPRM	12/21/04	69 FR 76526
NPRM Comment Period End	02/22/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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RIN: 0702-AA43

720. • MILITARY POLICE INVESTIGATIONS

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

Legal Authority: 28 USC 534 note; 42 USC 10601; 18 USC 922; 42 USC 14071; 10 USC 1562; 10 USC ch 47

CFR Citation: 32 CFR 637

Legal Deadline: None

Abstract: This proposed rule prescribes policies and procedures on types and categories of offenses investigated by Military Police and DA Civilian detectives/investigators.

Timetable:

Action	Date	FR Cite
NPRM	12/16/04	69 FR 75287
NPRM Comment Period End	02/14/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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721. • THE FREEDOM OF INFORMATION ACT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 551, 552, 552a, 5101 to 5108, 5110 to 5113, 5115, 5332 to 5334, 5341 to 5342, 5504 to 5509, 7154; 10 USC 130, 1102, 2320 to 2321, 2328; 18 USC 798, 3500; 31 USC 3710; 35 USC 181 to 188; 42 USC 2162; 44 USC 33; E.O. 12600

CFR Citation: 32 CFR 518

Legal Deadline: None

Abstract: This proposed rule updates the provisions for access and release of information from all Army information systems (automated and manual) in support of the Freedom of Information Act as required by public law.

Timetable:

Action	Date	FR Cite
NPRM	12/28/04	69 FR 77836
NPRM Comment Period End	02/28/05	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

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

Long-Term Actions

722. FOREIGN ACQUISITION

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

CFR Citation: 48 CFR 5125

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/28/03	68 FR 66738

Action	Date	FR Cite
Interim Final Rule Comment Period End	01/27/04	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0702-AA39

RIN: 0702-AA38

DOD—DOA

Long-Term Actions

723. SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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

CFR Citation: 48 CFR 5152

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/28/03	68 FR 66740
Interim Final Rule Comment Period End	01/27/04	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 0702-AA38

RIN: 0702-AA39

724. DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 578

Timetable:

Action	Date	FR Cite
NPRM	07/28/04	69 FR 45114

Action	Date	FR Cite
NPRM Comment Period End	09/27/04	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected:
Undetermined

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

Completed Actions

725. LAW ENFORCEMENT REPORTING

Priority: Substantive, Nonsignificant

Legal Authority: 28 USC 534 note; 42 USC 10601; 18 USC 922; 42 USC 14071; 10 USC 1562; 10 USC ch 47

CFR Citation: 32 CFR 635

Legal Deadline: None

Abstract: This proposed rule prescribes policies and procedures on preparing, reporting, using, retaining, and disposing of Military Police Reports. The rule also prescribes policies and procedures for offense reporting and the release of law enforcement information.

Timetable:

Action	Date	FR Cite
NPRM	07/16/04	69 FR 42626
NPRM Comment Period End	09/14/04	
Final Action	12/16/04	69 FR 75245

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0702-AA42

726. ● APPREHENSION AND RESTRAINT

Priority: Substantive, Nonsignificant

Legal Authority: sec 3012, 70A Stat 157; 10 USC 3012

CFR Citation: 32 CFR 503

Legal Deadline: None

Abstract: This action removes 32 CFR part 503 published in the Federal Register, December 9, 1981 (44 FR 60195). The rule is being removed because it is now obsolete.

Timetable:

Action	Date	FR Cite
Withdrawn	12/21/04	69 FR 76412

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0702-AA46

727. ● ABSENTEE DESERTER APPREHENSION PROGRAM AND SURRENDER OF MILITARY PERSONNEL TO CIVILIAN AUTHORITIES

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 801 through 940; Manual for Courts-Martial, U.S. 2002 revised addition as amended, sec 709; PL 96-154; Defense Appropriation Act, 93 Stat 1153

CFR Citation: 32 CFR 630

Legal Deadline: None

Abstract: This action removes 32 CFR part 630 published in the Federal Register, July 26, 1996 (61 FR 39073). The rule is being removed because it is now obsolete and does not affect the general public.

Timetable:

Action	Date	FR Cite
Withdrawn	12/21/04	69 FR 76412

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification

DOD—DOA

Completed Actions

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

Proposed Rule Stage

**728. REGULATORY PROGRAM OF
THE ARMY CORPS OF ENGINEERS
AND HISTORIC PROPERTIES**

Priority: Substantive, Nonsignificant

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

CFR Citation: 33 CFR 325

Legal Deadline: None

Abstract: In 1990, the Corps published its final regulations regarding the protection of historic properties and compliance with the National Historic Preservation Act (NHPA) and other historic preservation laws. Since those final regulations were published, the NHPA was amended in 1992, and the Advisory Council on Historic Preservation's implementing regulations at 36 CFR part 800 have been revised substantially. The Corps will revise its regulations to conform to the NHPA's revised implementing regulations.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/04	69 FR 57662
ANPRM Comment Period End	11/26/04	
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	
Final Action	09/00/06	
Final Action Effective	11/00/06	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David B. Olson,
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RIN: 0710-AA51

**729. COMPENSATORY MITIGATION
FOR LOSSES OF AQUATIC
RESOURCES**

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

Legal Authority: 33 USC 1344; PL
108-136; 33 USC 403

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory,
November 24, 2005.
Public Law 108-136 requires that the
final regulations be issued no later than
two years after the enactment of the
Act.

Abstract: Section 314(b) of the National
Defense Authorization Act of 2004

(Pub. L. 108-136) requires the Secretary of the Army, acting through the Chief of Engineers, to issue regulations establishing performance standards and criteria for on-site, off-site, and in lieu fee mitigation and mitigation banking consistent with section 404 of the Clean Water Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	09/00/05	
Final Action	12/00/05	
Final Action Effective	02/00/06	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected:
Undetermined

Energy Effects: Statement of Energy
Effects planned as required by
Executive Order 13211.

Agency Contact: David B. Olson,
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RIN: 0710-AA55

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

Final Rule Stage

**730. NATIONWIDE PERMIT PROGRAM
REGULATIONS**

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

Legal Authority: 33 USC 1344; 33 USC
401 et seq; 33 USC 1413

CFR Citation: 33 CFR 330

Legal Deadline: None

Abstract: The Corps will propose to
revise its Nationwide Permit Program
regulations at 33 CFR part 330 to

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

Timetable:

Action	Date	FR Cite
NPRM	11/30/04	69 FR 69563
NPRM Comment Period End	01/31/05	
Final Action	07/00/05	
Final Action Effective	09/00/05	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected:
Undetermined

DOD—COE

Final Rule Stage

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

Agency Contact: David B. Olson, Regulatory Program Manager,

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RIN: 0710—AA60

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

Long-Term Actions

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

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 230

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Forester Einarsen
Phone: 202 761–4700

RIN: 0710—AA42

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Russell Kaiser
Phone: 202 761–4614

RIN: 0710—AA43

Phone: 202 761–7674

RIN: 0710—AA44

734. SPECIAL EVENTS RULE

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

CFR Citation: 36 CFR 327

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Judy Rice
Phone: 202 761–5541

RIN: 0710—AA53

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

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 325

733. 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: Janice Rasgus

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

Completed Actions

735. UNITED STATES COAST GUARD RESTRICTED AREA; COAST GUARD BASE MOBILE; MOBILE, ALABAMA

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1; 33 USC 3

CFR Citation: 33 CFR 334

Legal Deadline: None

Abstract: The U. S. Army Corps of Engineers is proposing to establish a new restricted area in the waters of Arlington Channel surrounding the U.S. Coast Guard Base Mobile Docks at Mobile, Alabama. The designation would ensure public safety and satisfy the Coast Guard's security, safety, and operational requirements as they pertain to vessels at U.S. Coast Guard Base Mobile by establishing an area into which unauthorized vessels and persons may not enter.

Timetable:

Action	Date	FR Cite
NPRM	04/16/04	69 FR 20570
NPRM Comment Period End	05/17/04	
Final Action	07/29/04	69 FR 45258
Final Action Effective	08/30/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David B. Olson, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, CECW—MVD (3G81), 441 G Street NW, Washington, DC 20314–1000
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david.b.olson@hq02.usace.army.mil

RIN: 0710—AA56

736. UNITED STATES MARINE CORPS RESTRICTED AREA AND DANGER ZONE; BRICKYARD CREEK AND TRIBUTARIES AND THE BROAD RIVER; MARINE CORPS AIR STATION; BEAUFORT, SOUTH CAROLINA

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1; 33 USC 3

CFR Citation: 33 CFR 334

Legal Deadline: None

Abstract: The Corps is proposing a regulation to establish a restricted area and danger zone in Brickyard Creek, a portion of the Atlantic Intracoastal Waterway, Mulligan Creek, Albergottie Creek and Salt Creek in the vicinity of the Marine Corps Air Station in Beaufort, South Carolina. In addition, the proposed regulation will establish a restricted area in the Broad River in the vicinity of Laurel Bay Military

DOD—COE

Completed Actions

Family Housing Area. The purpose of these regulations is to provide effective security in the vicinity of the Marine Corps Air Station and the Laurel Bay Military Family Housing Area.

Timetable:

Action	Date	FR Cite
NPRM	07/29/04	69 FR 45298
NPRM Comment Period End	08/30/04	
Withdrawn	03/01/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David B. Olson, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, CECW—MVD (3G81), 441 G Street NW, Washington, DC 20314—1000
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RIN: 0710—AA57

737. UNITED STATES ARMY DANGER ZONE; SALT RIVER, ROLLING FORK RIVER, AND OTTER CREEK; U.S. ARMY GARRISON, FORT KNOX MILITARY RESERVATION; FORT KNOX, KENTUCKY

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1; 33 USC 3

CFR Citation: 33 CFR 334

Legal Deadline: None

Abstract: The Corps of Engineers is proposing regulations to establish a danger zone on navigable portions of the Salt River and the Rolling Fork River and the non-navigable portions of

Otter Creek, within the installation boundaries of the Fort Knox Military Reservation. These regulations will enable the Army to prohibit public access to the area and enhance safety and security within active military impact and training areas. These regulations are necessary to protect the public from potentially hazardous conditions that may exist as a result of Army use and security of the area. The regulations will also safeguard Government personnel and property from sabotage and other subversive acts, accidents, or incidents of similar nature.

Timetable:

Action	Date	FR Cite
NPRM	07/27/04	69 FR 44613
NPRM Comment Period End	08/26/04	
Withdrawn	03/01/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David B. Olson, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, CECW—MVD (3G81), 441 G Street NW, Washington, DC 20314—1000
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RIN: 0710—AA58

738. DEPARTMENT OF THE ARMY; FORT RICHARDSON ALASKA; SMALL ARMS COMPLEX; FORT WAINWRIGHT, ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1; 33 USC 3

CFR Citation: 33 CFR 334.1301

Legal Deadline: None

Abstract: The Corps of Engineers is proposing to amend its regulations to designate an existing military small arms impact area as a Danger Zone. The military exercise area is located within the Small Arms Complex of Fort Wainwright, Alaska, along the Tanana River. The Danger Zone will only be activated by the United States Army Fort Wainwright during live fire training exercises. There will be no change in use of the existing military exercise area. The area needs to be marked on navigation charts as a Danger Zone to ensure security and safety for the public.

Timetable:

Action	Date	FR Cite
NPRM	08/23/04	69 FR 51788
NPRM Comment Period End	09/22/04	
Withdrawn	03/01/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David B. Olson, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, CECW—MVD (3G81), 441 G Street NW, Washington, DC 20314—1000
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RIN: 0710—AA59

Department of Defense (DOD)

Department of the Navy (NAVY)

Final Rule Stage

739. • RELEASE OF OFFICIAL INFORMATION FOR LITIGATION PURPOSES AND TESTIMONY BY DEPARTMENT OF THE NAVY PERSONNEL

Priority: Info./Admin./Other

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 725

Legal Deadline: None

Abstract: The Secretary of the Navy's sole delegate for service of process, the Navy General Counsel, is changing the address where the service of process documents shall be delivered. This action is being taken in order to streamline the service process and expedite legal response on behalf of the Department of the Navy.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	
Final Action Effective	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LT Samuel Wartell, Department of Defense, Department of

DOD—NAVY

Final Rule Stage

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Washington, DC 20350-1000

Phone: 703 614-4473
RIN: 0703-AA76

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

Long-Term Actions

**740. 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

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RIN: 0703-AA50

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

Proposed Rule Stage

**741. • TRICARE; CHANGES TO DRG
AND INPATIENT MENTAL HEALTH
PAYMENT SYSTEMS**

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marty Maxey,
Department of Defense, Office of

Assistant Secretary for Health Affairs,
1200 Defense Pentagon, Washington,
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Phone: 303 676-3627

RIN: 0720-AA91

**742. • TRICARE; REVISION OF
PARTICIPATING PROVIDERS
REIMBURSEMENT RATE; TRICARE
DENTAL PROGRAM (TDP)**

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

Legal Authority: 5 USC 301; 10 USC 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule revises the requirements and procedures for the reimbursement of TRICARE Dental Program participating providers. Participating providers will no longer be reimbursed at the equivalent of a percentile of prevailing charges sufficiently above the 50th percentile of prevailing charges made for similar services in the same locality (region) or State, or the providers's actual

charge, whichever is lower, less any cost-share amount due for authorized services. Specifically, the revision will require TRICARE Dental Program participating providers to be reimbursed in accordance with the contractor's network agreements, less any cost-share amount due for authorized services.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: COL Gary Martin,
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Assistant Secretary for Health Affairs,
Department of Defense, Office of the
Assistant Secretary for Health Affairs,
1200 Defense Pentagon, Washington,
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Phone: 703 681-0039

RIN: 0720-AA92

Department of Defense (DOD)

Final Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

743. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); HOSPITAL PAYMENT FOR AMBULATORY CARE**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	01/20/94	59 FR 3046
NPRM Comment Period End	03/21/94	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

Agency Contact: Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
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RIN: 0720-AA20**744. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); EXCEPTION TO THE CHAMPUS DUAL COMPENSATION/CONFLICT OF INTEREST PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: Currently, any individual who is a civilian employee of the United States Government cannot be authorized by CHAMPUS as a provider of medical services. We propose to provide an exception to this prohibition to permit these individuals to be authorized CHAMPUS providers if they meet three conditions. First, they must be employed by the Government agency

on a part-time basis; that is, less than 20 hours per week. Second, the agency must certify that unique or special circumstances detrimental to the delivery of quality health care exist that can be overcome only by employing part-time, non-Government physicians. Third, the agency and the physician must certify that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's private practice.

Timetable:

Action	Date	FR Cite
NPRM	08/26/97	62 FR 45196
NPRM Comment Period End	10/27/97	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

Agency Contact: Stephen Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676-3572
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RIN: 0720-AA41**745. 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	05/00/05	
Final Action Effective	07/00/05	

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

Agency Contact: Margaret Brown, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
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Email: margaret.brown@tma.osd.mil
RIN: 0720-AA49

746. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); DOUBLE COVERAGE**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32451
NPRM Comment Period End	08/16/99	

DOD—DODOASHA

Final Rule Stage

Action	Date	FR Cite
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

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RIN: 0720-AA50

747. 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	05/00/05	
Final Action Effective	07/00/05	

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

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

Phone: 303 676-3411

RIN: 0720-AA56

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

Priority: Other Significant**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 Effective	03/02/01	
Final Rule Withdrawn	02/07/01	66 FR 9199
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

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RIN: 0720-AA57

749. 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	05/00/05	
Final Action Effective	07/00/05	

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

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

Phone: 703 681-0039

RIN: 0720-AA65

750. 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

DOD—DODOASHA

Final Rule Stage

access standards, benefit coverage, and cost-shares.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/02	67 FR 5477
Interim Final Rule Comment Period End	04/08/02	
Interim Final Rule Effective	04/08/02	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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, 1200 Defense Pentagon, Washington, DC 20301
Phone: 703 681-0064

RIN: 0720-AA68

751. 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	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0720-AA69

752. 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	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0720-AA70

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

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements section 714 of the National Defense Authorization Act for Fiscal Year 2000, which authorizes the Secretary of Defense to waive the TRICARE deductible in certain cases for care provided to a dependent of a member of a Reserve Component or the National Guard who is called to active duty for more than 30 days but less than 1 year. In implementing this rule, we are limiting this to Reserve Component and National Guard members called to active duty in support of contingency operations. The term "contingency operations" is defined at 10 U.S.C. 101(a)(13). This rule also establishes circumstances under which eligible beneficiaries may enroll in TRICARE Prime for a period of less than 1 year.

Timetable:

Action	Date	FR Cite
NPRM	04/18/02	67 FR 19141
NPRM Comment Period End	06/17/02	
Interim Final Rule	07/31/03	68 FR 44882
Interim Final Rule Effective	09/29/03	
Final Action	05/00/05	
Final Action Effective	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 0720-AA72

DOD—DODOASHA

Final Rule Stage

754. 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; and (4) change in the statutory exclusion of coverage for custodial and domiciliary care.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/02	67 FR 40597
Interim Final Rule Comment Period End	08/12/02	
Interim Final Rule Effective	08/12/02	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

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RIN: 0720-AA73**755. TRICARE; CHANGES INCLUDED IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002 (NDAA-02) AND A TECHNICAL CORRECTION INCLUDED IN THE NDAA-03****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule proposes several changes to the TRICARE program that were enacted by Congress in the National Defense Authorization Act for Fiscal Year 2002 (NDAA-02), Public Law 107-107 (December 28, 2001). Specifically, (1) revisions to the definition of durable medical equipment (DME); (2) adoption of the same pricing methods for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) as are in effect for the Medicare program; (3) clarification that rehabilitative therapy is a TRICARE benefit; (4) addition of augmentative communication devices (ACD)/speech generating devices (SGD) as a TRICARE benefit; (5) addition of hearing aids for family members of active duty members as a TRICARE benefit; (6) revisions to the definition of prosthetics; (7) permanent authority for transitional health care for certain members separated from active duty; and (8) revisions to the time period of eligibility for transitional health care. This rule also addresses a technical correction found in section 706 of the National Defense Authorization Act for Fiscal Year 2003 (NDAA-03), Public Law 107-62, relating to transitional health care for dependents of certain members separated from active duty.

Timetable:

Action	Date	FR Cite
NPRM	04/16/03	68 FR 18575
NPRM Comment Period End	06/16/03	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

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RIN: 0720-AA77**756. TRICARE; CHANGES INCLUDED IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003 (NDAA-03)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC ch 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This interim final rule contains several provisions found in the NDAA-03 (Pub. L. 107-314). Specifically, this rule addresses eliminating the requirement for TRICARE preauthorization of inpatient mental health care for Medicare-eligible beneficiaries where Medicare is primary payer and has already authorized the care using Medicare certification of individual professional providers as sufficient documentation to also certify individual professional providers under TRICARE and expanding the TRICARE Dental Program eligibility for dependents of deceased members.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/19/03	68 FR 65172
Interim Final Rule Effective	11/19/03	
Interim Final Rule Comment Period End	01/20/04	
Final Action	07/00/05	
Final Action Effective	09/00/05	

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

Additional Information: This rule is effective 11/19/2003. The effective date for 32 CFR 199.4(a)(12)(ii)(e)(2) is 10/01/2003. The effective date for 32 CFR 199.13(c)(3)(ii)(e)(2) is 12/02/2002. The applicability date for 32 CFR 199.6(c)(2)(v) is for any TRICARE contract entered into on or after 12/02/2002.

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RIN: 0720-AA85

DOD—DODOASHA

Final Rule Stage

757. TRICARE; COORDINATION OF BENEFITS BETWEEN TRICARE AND THE DEPARTMENT OF VETERANS AFFAIRS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC ch 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	08/19/03	68 FR 49732
NPRM; Correction	09/05/03	68 FR 52722
NPRM; Correction Effective	09/05/03	68 FR 52722
NPRM Comment Period End	10/20/03	68 FR 49732
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

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Related RIN: Previously reported as 0720-AA86**RIN:** 0720-AA87**758. TRICARE PROGRAM; RARE DISEASES DEFINITION AND PARTIAL LIST OF EXAMPLES OF UNPROVEN DRUGS, DEVICES, MEDICAL TREATMENTS, OR PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC ch 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule revises the definition of rare diseases to be more in compliance with the definition of other Federal agencies and national organizations. This rule also clarifies the provision for case-by-case review of benefits for rare diseases. In addition, this rule removes the partial list of examples of unproven drugs, devices, medical treatments, or procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48433
NPRM Comment Period End	10/12/04	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

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RIN: 0720-AA88**759. TRICARE; CHANGES TO NDAA FY02 AND TECHNICAL CORRECTION TO NDAA FY03****Priority:** Other Significant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule makes several changes to the TRICARE program authorized by Congress in the NDAA-02 (Pub. L. 107-107, December 28, 2001). Specifically, revisions to the definition of durable medical equipment (DME); adoption of the same pricing methods for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) as are in effect for the Centers for Medicare & Medicaid Services (CMS); clarification that rehabilitative therapy is a TRICARE benefit; addition of augmentative communication devices (ACD)/speech generating devices (SGDs) as a TRICARE benefit; addition of hearing aids for family members of active duty members as a TRICARE Basic Program benefit; revisions to the definition of prosthetics; permanent authority for transitional health care for certain members separated from active duty;

and revisions to the time period of eligibility for transitional health care. This rule also addresses a technical correction found in section 706 of the Bob Stump NDAA-03, relating to transitional health care for dependents of certain members separated from active duty.

Timetable:

Action	Date	FR Cite
NPRM	04/16/03	68 FR 18575
NPRM Comment Period End	06/16/03	
Final Action	05/00/05	
Final Action Effective	07/00/05	

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

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Related RIN: Duplicate of 0720-AA77**RIN:** 0720-AA89**760. • TRICARE RESERVE SELECT FOR CERTAIN MEMBERS OF THE SELECTED RESERVE, TRANSITIONAL ASSISTANCE MANAGEMENT PROGRAM, EARLY ELIGIBILITY FOR TRICARE FOR CERTAIN RESERVE COMPONENT MEMBERS****Priority:** Other Significant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** Final, Statutory, April 26, 2005.

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

DOD—DODOASHA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/05	70 FR 12798
Interim Final Rule Comment Period End	05/16/05	70 FR 12799

Action

Action	Date	FR Cite
Interim Final Rule Effective	04/15/05	
Final Action	07/00/05	

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

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RIN: 0720-AA90

Department of Defense (DOD)

Completed Actions

Office of Assistant Secretary for Health Affairs (DODOASHA)

**761. TRICARE; ELIMINATION OF
NONAVAILABILITY STATEMENT AND
REFERRAL AUTHORIZATION
REQUIREMENTS AND ELIMINATION
OF SPECIALIZED TREATMENT
SERVICES PROGRAM****Priority:** Other Significant**Legal Authority:** 5 USC 301; 10 USC
chapter 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule implements section 735 of the National Defense Authorization Act for Fiscal Year 2002 (NDAA-02) (Pub. L. 107-107). It also implements section 728 of the National Defense Authorization Act for Fiscal Year 2001 (NDAA-01) (Pub. L. 106-398). Section 735 of NDAA-02 eliminates the requirement for TRICARE Standard beneficiaries who live within a 40-mile radius of a military medical treatment facility

(MTF) to obtain a nonavailability statement (NAS) or preauthorization from an MTF before receiving inpatient care (other than mental health services) or maternity care from a civilian provider in order that TRICARE will cost-share for such services. Further, this section eliminates the NAS requirement for specialized treatment services (STSs) for TRICARE Standard beneficiaries who live outside the 200-mile radius of a designated STS facility. This rule portrays the Department's decision to eliminate the STS program entirely. Finally, section 728 of NDAA-01 requires that prior authorization before referral to a specialty care provider that is part of the contractor network be eliminated under any new TRICARE contract.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/03	68 FR 44878

Action

Action	Date	FR Cite
Interim Final Rule Comment Period End	09/29/03	68 FR 44879
Interim Final Rule Effective	12/28/03	
Final Action Effective	12/28/03	
Final Action	04/13/05	70 FR 19263

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

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RIN: 0720-AA79

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