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Monday,  
November 22, 1999

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Part V

**Department of  
Defense**

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Semiannual Regulatory Agenda

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**Department of Defense (DOD)**


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**DEPARTMENT OF DEFENSE****32 CFR Chs. I, V, VI, and VII****33 CFR Ch. II****36 CFR Ch. III****Improving Government Regulations;  
Unified Agenda of Federal Regulatory  
and Deregulatory Actions**

AGENCY: Department of Defense (DoD).

ACTION: Semiannual regulatory agenda.

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

This edition of the **Unified Agenda of Federal Regulatory and Deregulatory Actions** includes **The Regulatory Plan**, which appears in part II of this issue of the **Federal Register**. The Department of Defense's Statement of Regulatory Priorities is included in part II.

The agenda portion of this document updates the report published on April 26, 1999, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in April 2000, with the next regulatory plan scheduled to be published in October 2000. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the overall DoD regulatory improvement program and for general semiannual agenda

information, contact Mr. Robert Cushing, telephone 703-604-6269, or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, or e-mail: [cushingr@osd.pentagon.mil](mailto:cushingr@osd.pentagon.mil).

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

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Mr. Dan Cragg, telephone 703-697-4111, or write to Directives and Records Division, Directorate for Correspondence and Directives, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155, or e-mail: [dcragg@osd.pentagon.mil](mailto:dcragg@osd.pentagon.mil).

For general information on Office of the Secretary agenda items which are procurement-related, contact Ms. Kathleen Fenk, telephone 703-602-0131, or write to Defense Acquisition Regulations Directorate, 3062 Defense Pentagon, Washington, DC 20301-3062, or e-mail: [fenk@acq.osd.mil](mailto:fenk@acq.osd.mil).

For general information on Department of the Army regulations, contact Mr. Gregory D. Showalter, telephone 703-806-3708, or write to the U.S. Army Records Management and Declassification Agency, ATTN: TAPC-PDD-RP, 6000 6th Street, Stop 5603, Fort Belvoir, Virginia 22060-5603, or e-mail: [showalterg@rmbo.belvoir.army.mil](mailto:showalterg@rmbo.belvoir.army.mil).

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Michael L. Davis, telephone 703-695-1370, 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: [davisml@hqda.army.mil](mailto:davisml@hqda.army.mil).

For general information on Department of the Navy regulations, contact Lieutenant Commander James L. Roth, telephone 703-604-8218, 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: [roth.james@hq.navy.mil](mailto:roth.james@hq.navy.mil).

For general information on Department of the Air Force regulations, contact Ms. Janet A. Long, telephone 703-588-6189, or write to Department of the Air Force, HQ AFCIC/ITCR, 1250 Air Force Pentagon, Washington, DC 20330-1250, or e-mail: [afcicitcr@pentagon.af.mil](mailto:afcicitcr@pentagon.af.mil).

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

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

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

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

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

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

Those DoD issuances, which are directly applicable under these statutes, will be identified in the agenda and

DOD

their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and

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

**Dated** : September 1, 1999.  
**D. O. Cooke,**  
*Director, Administration and Management.*

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
876	Commercial Activities Program Procedures (DoD Instruction 4100.33) .....	0790-AG44
877	Personnel and General Claims .....	0790-AG47
878	Eligibility Requirements for Education of Minor Dependents in Overseas Areas (DoD Directive 1342.13) .....	0790-AG71
879	Eligibility Procedures for the Education of Minor Dependents in Overseas Areas (DoD Instruction 1342.XX) .....	0790-AG72
880	Financial Institutions On DoD Installations .....	0790-AG73
881	Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations (7000.14-R) .....	0790-AG74

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
882	Science, Mathematics, and Engineering (SME) Education .....	0790-AF27
883	National Security Education Program (NSEP) Grants to Institutions of Higher Education (DoD Instruction 1025.5) .....	0790-AF59
884	Collection From Third Party Payers of Reasonable Costs of Healthcare Services .....	0790-AG51
885	Personnel Security Policies for Granting Access to Classified Information .....	0790-AG54
886	National Policy on Reciprocity of Facilities and Guidelines for Implementation of Reciprocity .....	0790-AG55
887	National Policy on Technical Surveillance Countermeasures .....	0790-AG56
888	Screening the Ready Reserve (DoD Directive 1200.7) .....	0790-AG57
889	Freedom of Information Act Program (NSA/CSS) .....	0790-AG59
890	Implementation of the Wildfire Suppression Aircraft Transfer Act of 1996 (Pub. L. 104-307) .....	0790-AG60
891	Defense Information Systems Agency (DISA) Freedom of Information Act (FOIA) Program .....	0790-AG75

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
892	Teacher and Teacher's Aide Placement Assistance Program (Troops to Teachers)(DoD Instruction 1404.13) .....	0790-AF71
893	DLA Acquisition Regulation; Small Business and Small Disadvantaged Business Concerns .....	0790-AF72
894	DLA Acquisition Regulation; Fuel Allocation Procedures .....	0790-AF73
895	Military Assistance for Civil Disturbances (MACDIS) (DoD Directive 3025.12) .....	0790-AG21
896	Former Spouse Payments From Retired Pay; Amendment (DoD Directive 1340.16 and DoD 7000.14-R, Vol 7, Part B) .....	0790-AG22
897	University Research Initiative Support Program (URISP) .....	0790-AG26
898	Restoration Advisory Board (RABs) .....	0790-AG31
899	Closed, Transferred, and Transferring Ranges Containing Military Munitions .....	0790-AG46
900	Compensation of Certain Former Operatives Incarcerated by the Democratic Republic of Vietnam; Amendment ....	0790-AG67

## DOD

## Defense Acquisition Regulations Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
901	Rewrite of DFARS Part 225 (DFARS Case 98-D028) .....	0750-AC60
902	Domestic Source Restrictions—Commercial Items (DFARS Case 1999-D301) .....	0750-AC76
903	Acquisitions for Foreign Military Sales (DFARS Case 1999-D020) .....	0750-AC77

## Defense Acquisition Regulations Council—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
904	Contract Administration and Audit Services (DFARS Case 98-D003) .....	0750-AC02
905	Contractor Use of Nonimmigrant Aliens—Guam (DFARS Case 97-D318) .....	0750-AC21
906	Reform of Affirmative Action in Federal Government Procurement (DFARS Case 98-D007) .....	0750-AC38
907	Reform of Affirmative Action in Federal Procurement DFARS—Phase II (DFARS Case 98-D021) .....	0750-AC54
908	People's Republic of China (DFARS Case 98-D305) .....	0750-AC59
909	Manufacturing Technology Program (DFARS 98-D306) .....	0750-AC64
910	Debarment Investigation Reports (DFARS Case 1999-D013) .....	0750-AC78
911	Designation of Payment Offices (DFARS Case 1999-D010) .....	0750-AC79
912	Paying Offices (DFARS Case 1999-D004) .....	0750-AC84
913	References to Federal Acquisition Regulation 52.203.1, Officials Not To Benefit (DFARS Case 1999-D018) .....	0750-AC88

## Defense Acquisition Regulations Council—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
914	Incremental Funding, Fixed Price Contracts (DAR Case 90-037) .....	0750-AA07
915	Demilitarization (DFARS Case 92-D024) .....	0750-AA09
916	Acquisition of Commercial Items (DFARS Case 95-D712) .....	0750-AB00
917	DFARS Commercially Available Off-the-Shelf Items (DFARS Case 96-D316) .....	0750-AB40
918	Commercial Ball or Roller Bearings—Components of Noncommercial Items (DFARS Case 97-D028) .....	0750-AC13
919	Veterans Employment Emphasis (DFARS Case 97-D314) .....	0750-AC20
920	Uniform Procurement Instrument Identification (DFARS Case 97-D033) .....	0750-AC29
921	Contracting for Commercial Construction (DFARS Case 98-D013) .....	0750-AC44
922	Cargo Preference—Subcontracts for Commercial Items (DFARS Case 98-D014) .....	0750-AC45
923	Congressional Medal of Honor (DFARS Case 98-D304) .....	0750-AC63
924	Weighted Guidelines and Performance-Based Payments (DFARS Case 99-D001) .....	0750-AC65
925	Overseas Use of the Purchase Card (DFARS Case 99-D002) .....	0750-AC72
926	Streamlined Payment Practices (DFARS Case 98-D026) .....	0750-AC74
927	Disclosure of Information (DFARS Case 1999-D015) .....	0750-AC75
928	Military Packaging and Marking (DFARS Case 1999-D016) .....	0750-AC82
929	Utilization of Indian Organizations and Indian-Owned Economic Enterprises (DFARS Case 1999-D300) .....	0750-AC83
930	Foreign Military Sales Customer Observation in Contract Preparation and Negotiations (DFARS Case 1999-D005) .....	0750-AC85
931	General Property, Plant, and Equipment (DFARS Case 1999-D019) .....	0750-AC86
932	Transportation Acquisition Policy (DFARS Case 1999-D009) .....	0750-AC89
933	Randolph Sheppard (DFARS Case 1999-D021) .....	0750-AC93

## Defense Acquisition Regulations Council—Completed Actions

Sequence Number	Title	Regulation Identification Number
934	IR&D/B&P Costs for FY96 and Beyond (DFARS Case 95-D040) .....	0750-AB04
935	Antiterrorism Training (DFARS Case 96-D016) .....	0750-AB26
936	Distribution of Contract Financing Payment (DFARS Case 97-D011) .....	0750-AB87
937	FAR Part 30 Deviations (DFARS Case 97-D016) .....	0750-AB91
938	Single Process Initiative (DFARS Case 97-D014) .....	0750-AB94

## DOD

## Defense Acquisition Regulations Council—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
939	Employment Prohibition on Persons Convicted of Fraud (DFARS Case 97-D020) .....	0750-AB96
940	DD Form 2631, Performance Evaluation (A-E) (DFARS Case 97-D035) .....	0750-AC14
941	Multiyear Contracting (DFARS Case 97-D308) .....	0750-AC31
942	Television-Audio Support Activity (T-ASA) (DFARS Case 98-D008) .....	0750-AC39
943	Fiscal Year 2000 Contract Action Reporting Requirements (DFARS Case 98-D017) .....	0750-AC40
944	Revisions to DD Form 1707, Instructions to Offerors or Quoters (DFARS Case 98-D020) .....	0750-AC49
945	Flexible Progress Payments (DFARS Case 98-D400) .....	0750-AC51
946	Electronic Funds Transfer (DFARS Case 98-D012) .....	0750-AC52
947	Restructuring Savings Repricing Clause (DFARS Case 98-D019) .....	0750-AC53
948	Evaluation of Duty (DFARS Case 98-D030) .....	0750-AC56
949	Para-Aramid Fibers and Yarns (DFARS Case 98-D310) .....	0750-AC57
950	Singapore Accession to GPA (DFARS Case 98-D029) .....	0750-AC58
951	Applicability of DFARS Buy American Clauses to Simplified Acquisitions (DFARS Case 98-D031) .....	0750-AC61
952	Improved Accounting for Defense Contract Services (DFARS Case 98-D312) .....	0750-AC62
953	Taxpayer Identification Numbers and Commercial and Government Entity Codes (DFARS Case 98-D027) .....	0750-AC66
954	DoD Purchases Through Other Agencies (DFARS Case 98-D311) .....	0750-AC67
955	Revisions to DD Form 1425, Specifications and Standards Requisition (DFARS Case 98-D022) .....	0750-AC68
956	Electronic Publication of DFARS (DFARS Case 98-D024) .....	0750-AC69
957	Limitation on the Use of Price Preference Upon Achievement of Contract Goal for Small and Disadvantaged Businesses (DFARS Case 98-D307) .....	0750-AC71
958	DD Form 1057, Work Stoppage (DFARS Case 99-D003) .....	0750-AC73
959	Contracts Crossing Fiscal Years (DFARS Case 1999-D008) .....	0750-AC80
960	Oral Attestation (DFARS Case 1999-D006) .....	0750-AC81
961	Short Form Research Contract Clauses (DFARS Case 1999-D014) .....	0750-AC87
962	Fiscal Year 2000 DD Form 350 Revisions (DFARS Case 1999-D011) .....	0750-AC90
963	Contract Actions for Leased Equipment (DFARS Case 1999-D012) .....	0750-AC91

## Department of the Army—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
964	The Department of the Army Freedom of Information Act Program .....	0702-AA30

## Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
965	Army Board for Correction of Military Records .....	0702-AA32

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

Sequence Number	Title	Regulation Identification Number
966	Environmental Quality; Procedures for Implementing the National Environmental Policy Act (NEPA) .....	0710-AA42
967	Regulatory Programs of the Corps of Engineers, Endangered Species Act; Scope of Analysis .....	0710-AA43
968	Flood Control Cost-Sharing Requirements Under the Ability To Pay Provisions .....	0710-AA44

DOD

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

Sequence Number	Title	Regulation Identification Number
969	Regulatory Program of the Corps of Engineers—Administrative Appeals .....	0710-AA41
970	Public Use of Water Development Projects Administered by the Chief of Engineers .....	0710-AA45

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

Sequence Number	Title	Regulation Identification Number
971	Regulatory Programs of the Corps of Engineers .....	0710-AA30
972	Regulatory Programs of the Corps of Engineers—Wetland Delineator Certification Program .....	0710-AA38

U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identification Number
973	Administrative Appeal Process Establishment for the Regulatory Program of the Corps of Engineers .....	0710-AA46

Department of the Navy—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
974	Application Guidelines for Underwater Archaeological Research Permits on Submerged Cultural Resources Under Jurisdiction of the Department of the Navy .....	0703-AA57

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
975	Use of Department of the Navy Aviation Facilities by Other Than United States Department of Defense Aircraft ....	0703-AA48
976	Policies and Responsibilities for Implementation of the National Environmental Policy Act Within the Department of the Navy .....	0703-AA51
977	Availability of the Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public .....	0703-AA53
978	Professional Conduct of Attorney Practices Under the Supervision of the Judge Advocate General .....	0703-AA54
979	United States Navy Regulations .....	0703-AA55

Department of the Navy—Long-Term Actions

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

## DOD

## Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identification Number
981	Availability of the Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public .....	0703-AA52

## Department of the Air Force—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
982	Appointment to the United States Air Force Academy .....	0701-AA58
983	Delivery of Personnel to U.S. Civilian Authorities for Trial .....	0701-AA60

## Department of the Air Force—Completed Actions

Sequence Number	Title	Regulation Identification Number
984	Environmental Impact Analysis Process .....	0701-AA56

## Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
985	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Double Coverage; Third Party Recoveries .....	0720-AA52

## Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
986	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care (DoD 6010.8-R) .....	0720-AA20
987	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Transplants (DoD 6010.8-R) .....	0720-AA28
988	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions .....	0720-AA41
989	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Prosthetic Devices .....	0720-AA49
990	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage .....	0720-AA50

## Office of Assistant Secretary for Health Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
991	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Former Spouse/Widow(er) and Federal Claims Collection Act (DoD 6010.8-R) .....	0720-AA07
992	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Provider Certification Requirements—Corporate Services Provider Class; Occupational Therapists (DoD 6010.8-R) .....	0720-AA27
993	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Extension of the Active Duty Dependents Dental Plan to Overseas Areas .....	0720-AA36
994	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Revisions to the Eligibility Requirements .....	0720-AA39
995	Civilian Health and Medical Program for the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment Procedures .....	0720-AA48

DOD

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

Sequence Number	Title	Regulation Identification Number
996	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Revisions to the Eligibility Requirements .....	0720-AA51

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

Proposed Rule Stage

**876. COMMERCIAL ACTIVITIES PROGRAM PROCEDURES (DOD INSTRUCTION 4100.33)**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 301; 5 USC 552

**CFR Citation:** 32 CFR 164

**Legal Deadline:** None

**Abstract:** OMB issued a revised Circular No. A-76 supplemental handbook that contained streamlined cost comparison guidance. This rule updates DoD unique policies and assigns responsibility for commercial activities as contained in OMB Circular No. A-76, Revised Supplemental Handbook, "Performance of Commercial Activities." This rule also removes 32 CFR part 169a.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	
NPRM Comment Period End	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** John Horsfall, Department of Defense, Office of the Secretary  
Phone: 703 604-6735

**RIN:** 0790-AG44

Management and Budget (OMB) the Comptroller General's authority to settle claims. The OMB Director subsequently delegated some of these authorities to the Department of Defense (DoD). Later, the General Accounting Office Act of 1996 codified many of these delegations and transferred to the OMB Director the authority of the Comptroller General to waive uniformed service member and employee debts arising out of the erroneous payment of pay or allowances exceeding \$1,500. The OMB Director subsequently delegated the authority to waive such debts of uniformed service members to DoD and the authority to waive employee debts to the employee's agency (non-DoD agencies may request an advisory opinion from DoD). The Secretary of Defense further delegated his claims settlement authority to the Defense Office of Hearings and Appeals (DOHA). This proposed rule seeks public comments on the procedures that DOHA proposes to use to implement these authorities.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	
NPRM Comment Period End	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Additional Information:** Pending analysis of public comments and issuance of final regulations, DOHA intends to use the procedures and practices applicable to claims and waiver applications before the effective dates of the transfers of authority, June 30, 1996, and December 18, 1996, respectively, which are published in title 4, Code of Federal Regulations, chapter 1, subchapters C and G. See

also 61 FR 50285, September 25, 1996; and 62 FR 5387, February 5, 1997.

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

**RIN:** 0790-AG47

**878. • ELIGIBILITY REQUIREMENTS FOR EDUCATION OF MINOR DEPENDENTS IN OVERSEAS AREAS (DOD DIRECTIVE 1342.13)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 20 USC 921-932; PL 105-261

**CFR Citation:** 32 CFR 83

**Legal Deadline:** None

**Abstract:** This rule updates eligibility requirements for the education of minor dependents in overseas areas. The updates reflect recent legislation in section 657 of PL 105-261, "Strom Thurmond National Defense Authorization Act for Fiscal Year 1999," October 17, 1998, which authorizes the Secretary of Defense to pay an educational allowance to defray the educational expense of certain overseas, space-required dependents.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	
NPRM Comment Period End	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gail Terres, Department of Defense, Office of the Secretary  
Phone: 703 696-4545

**RIN:** 0790-AG71

**877. PERSONNEL AND GENERAL CLAIMS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 5584; 10 USC 2575; 10 USC 2771; 10 USC 2774; 24 USC 420; 31 USC 3702; 32 USC 714; 32 USC 716; 37 USC 554

**CFR Citation:** 32 CFR 153

**Legal Deadline:** None

**Abstract:** The Legislative Branch Appropriations Act of 1996 transferred to the Director of the Office of

DOD—OS

Proposed Rule Stage

**879. • ELIGIBILITY PROCEDURES FOR THE EDUCATION OF MINOR DEPENDENTS IN OVERSEAS AREAS (DOD INSTRUCTION 1342.XX)****Priority:** Substantive, Nonsignificant**Legal Authority:** 20 USC 921-932; PL 105-261**CFR Citation:** 32 CFR 84**Legal Deadline:** None**Abstract:** This rule implements policy, assigns responsibilities, and outlines the procedures including the recent education allowance legislation that allows sponsors the choice of schools (subject to the Department of State Standardized Regulation (DSSR) rates) in areas where DoD does not operate schools.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	
NPRM Comment Period End	12/00/99	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Gail Terres, Department of Defense, Office of the Secretary  
Phone: 703 696-4545**RIN:** 0790-AG72**Legal Authority:** 10 USC 136**CFR Citation:** 32 CFR 230; 32 CFR 231a**Legal Deadline:** None**Abstract:** This rule proposes to remove 32 CFR part 231a, "Procedures Governing Banking Offices on DoD Installations," and revise 32 CFR part 230, "Financial Institutions on DoD Installations." This rule is being promulgated to provide administrative guidelines for the operation of banks and credit unions on domestic and overseas installations of the Department of Defense and address areas such as the solicitation for such services, the types of services and the logistics support provided.**Timetable:**

Action	Date	FR Cite
NPRM	08/11/99	64 FR 43856
NPRM Comment Period End	10/12/99	
Final Action	12/00/99	
Final Action Effective	02/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Summers, Department of Defense, Office of the Secretary  
Phone: 703 602-0299**RIN:** 0790-AG73

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 10 USC 136**CFR Citation:** 32 CFR 231**Legal Deadline:** None**Abstract:** This proposed rule reflects the transition of operational responsibilities for banks and credit unions from the Office of the Under Secretary of Defense (Comptroller) to the Defense Finance and Accounting Service; to address changes in financial-related technology and the vehicles through which financial services are delivered (i.e., in-store banking, electronic banking (ATMs)); and incorporates the procedural guidance contained in other DoD documents.**Timetable:**

Action	Date	FR Cite
NPRM	08/11/99	64 FR 43858
NPRM Comment Period End	10/12/99	
Final Action	12/00/99	
Final Action Effective	02/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Summers, Department of Defense, Office of the Secretary  
Phone: 703 602-0299**RIN:** 0790-AG74**880. • FINANCIAL INSTITUTIONS ON DOD INSTALLATIONS****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**881. • PROCEDURES GOVERNING BANKS, CREDIT UNIONS AND OTHER FINANCIAL INSTITUTIONS ON DOD INSTALLATIONS (7000.14-R)****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the ReinventingDepartment of Defense (DOD)  
Office of the Secretary (OS)

Final Rule Stage

**882. SCIENCE, MATHEMATICS, AND ENGINEERING (SME) EDUCATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 301**CFR Citation:** 32 CFR 118**Legal Deadline:** None**Abstract:** This rule provides support to institutions of higher education through infrastructure assistance to historically black colleges and universities and minority institutions. It also defines minority institutions and establishes

procedures for DoD programs and activities in science, mathematics, and engineering (SME) education.

**Timetable:**

Action	Date	FR Cite
NPRM	12/17/93	58 FR 65956
NPRM Comment Period End	02/15/94	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Keith Thompson, Department of Defense, Office of the Secretary  
Phone: 703 696-0378  
Email: thompsonsk@acq.osd.mil**RIN:** 0790-AF27

DOD—OS

Final Rule Stage

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 20 USC 1141(a)

**CFR Citation:** 32 CFR 206

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

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	05/05/94	59 FR 26116
Interim Final Rule	05/19/94	
Interim Final Rule Comment Period End	07/18/94	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Agency Contact:** Steve Door, Department of Defense, Office of the Secretary  
Phone: 703 696-1991

Email: nsep@nsep.policy.osd.mil

**RIN:** 0790-AF59

**884. COLLECTION FROM THIRD PARTY PAYERS OF REASONABLE COSTS OF HEALTHCARE SERVICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 10 USC 1095

**CFR Citation:** 32 CFR 220

**Legal Deadline:** None

**Abstract:** This proposed rule implements several recent statutory changes and makes other revisions to

the Third Party Collection Program. The primary matters include: a new initiative to identify third party payer situations, similar to an activity currently in effect for the Medicare Program; implementation of new statutory authority to include worker's compensation programs under the Third Party Collection Program; the addition of special rules for collections from preferred provider organizations; and other program revisions.

**Timetable:**

Action	Date	FR Cite
NPRM	03/10/98	63 FR 11635
NPRM Comment Period End	05/11/98	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Edmund Chan, Department of Defense, Office of the Secretary  
Phone: 703 681-8910

**RIN:** 0790-AG51

**885. PERSONNEL SECURITY POLICIES FOR GRANTING ACCESS TO CLASSIFIED INFORMATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 12968

**CFR Citation:** 32 CFR 147

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/30/98	63 FR 4572
Interim Final Rule Effective	03/24/98	
Interim Final Rule Comment Period End	03/31/98	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Terence Thompson, Department of Defense, Office of the Secretary  
Phone: 703 602-9969

**RIN:** 0790-AG54

**886. 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	
Interim Final Rule Comment Period End	03/31/98	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Terence Thompson, Department of Defense, Office of the Secretary  
Phone: 703 602-9969

**RIN:** 0790-AG55

**887. 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.

## DOD—OS

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	09/16/97	63 FR 4582
Interim Final Rule	01/30/98	
Interim Final Rule Comment Period End	03/31/98	
Final Action	11/00/99	
Final Action Effective	12/00/99	

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

**Agency Contact:** Terence Thompson, Department of Defense, Office of the Secretary  
Phone: 703 602-9969

**RIN:** 0790-AG56

**888. SCREENING THE READY RESERVE (DOD DIRECTIVE 1200.7)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 10145; 10 USC 10146; 10 USC 10149; 10 USC 10150; 10 USC 10205; 10 USC 12301; 10 USC 12302; 10 USC 12304; 10 USC 12306; 10 USC 12317; 10 USC 12645; EO 11190

**CFR Citation:** 32 CFR 44

**Legal Deadline:** None

**Abstract:** This rule establishes guidance governing the screening of Reserve component members of the United States Military Departments relative to their civilian employment. The requirement for screening the Ready Reserve is established in law. The purpose of the screening program is to ensure the availability of Ready Reserve members for military mobilization purposes. The intended effect of the screening is to preclude conflicts between Reserve mobilization obligations and Federal civilian employment requirements during times of war or national emergency.

**Timetable:**

Action	Date	FR Cite
NPRM	08/28/98	63 FR 45975
NPRM Comment Period End	10/27/98	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Daniel Kohner, Department of Defense, Office of the Secretary

Phone: 703 693-7479

Email: dkohner@osd.pentagon.mil

**RIN:** 0790-AG57

**889. FREEDOM OF INFORMATION ACT PROGRAM (NSA/CSS)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552

**CFR Citation:** 32 CFR 299

**Legal Deadline:** None

**Abstract:** This rule revises the National Security Agency/Central Security Service (NSA/CSS) regulation governing disclosure of information under the Freedom of Information Act of 1986 (Pub. L. 99-570). As a component of the Department of Defense, the Departmental rules and schedules with respect to the Freedom of Information Reform Act will also be the policy of the NSA/CSS. The effect of the revised rule is to conform to the requirements of the Electronic Freedom of Information Act Amendments of 1996, 5 USC 552, as amended by Public Law 104-231. It also incorporates guidance provided by the Department of Defense on implementation of this amended law.

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/98	63 FR 52208
NPRM Comment Period End	11/30/98	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Barbara Paisley, Department of Defense, Office of the Secretary

Phone: 301 688-6527

**RIN:** 0790-AG59

**890. IMPLEMENTATION OF THE WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996 (PUB. L. 104-307)**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 104-307

**CFR Citation:** 32 CFR 171

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

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29227
Interim Final Rule Effective	06/01/99	
Interim Final Rule Comment Period End	08/02/99	
Final Action	11/00/99	
Final Action Effective	12/00/99	
Interim Final Rule Effective Period End	09/30/00	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal

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

Phone: 703 767-1537

**RIN:** 0790-AG60

**891. DEFENSE INFORMATION SYSTEMS AGENCY (DISA) FREEDOM OF INFORMATION ACT (FOIA) PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552

**CFR Citation:** 32 CFR 287

DOD—OS

Final Rule Stage

**Legal Deadline:** None

**Abstract:** This proposed rule provides guidance on the implementation of the Freedom of Information Act (FOIA) Program within the Defense Information and the Office of the Manager National Communications System. It was written to comply with

the Electronic FOIA amendments of 1996.

**Timetable:**

Action	Date	FR Cite
NPRM	05/27/99	64 FR 28773
NPRM Comment Period End	07/26/99	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robin Berger, Department of Defense, Office of the Secretary  
Phone: 703 607-6515

**RIN:** 0790-AG75

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

Long-Term Actions

**892. TEACHER AND TEACHER'S AIDE PLACEMENT ASSISTANCE PROGRAM (TROOPS TO TEACHERS)(DOD INSTRUCTION 1404.13)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 32 CFR 254

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/15/94	59 FR 7213
Interim Final Rule Effective	02/22/94	
Interim Final Rule Comment Period End	04/18/94	
Interim Final Rule; Amendment Effective	11/25/94	
Interim Final Rule; Amendment	06/08/95	60 FR 30188
Interim Final Rule; Amendment Comment Period End	08/07/95	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Otto Thomas  
Phone: 703 614-4074  
Email: thomaso@pr.osd.mil

**RIN:** 0790-AF71

Action	Date	FR Cite
NPRM Comment Period End	06/27/94	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Holley Bailey  
Phone: 703 767-1374

**RIN:** 0790-AF72

**894. DLA ACQUISITION REGULATION; FUEL ALLOCATION PROCEDURES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 5452

**Timetable:**

Action	Date	FR Cite
NPRM	04/28/94	59 FR 21956
NPRM Comment Period End	06/27/94	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Holley Bailey  
Phone: 703 767-1374

**RIN:** 0790-AF73

**Government Levels Affected:** Federal, State, Local

**Agency Contact:** G. Warren  
Phone: 703 697-5454

**RIN:** 0790-AG21

**896. FORMER SPOUSE PAYMENTS FROM RETIRED PAY; AMENDMENT (DOD DIRECTIVE 1340.16 AND DOD 7000.14-R, VOL 7, PART B)**

**Priority:** Info./Admin./Other

**CFR Citation:** 32 CFR 63

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Fiti Malufau  
Phone: 703 607-5061  
Email: malufauf@cleveland.dfas.mil

**RIN:** 0790-AG22

**897. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM (URISP)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 32 CFR 209

**Timetable:**

Action	Date	FR Cite
NPRM	03/02/95	60 FR 11642
NPRM Comment Period End	05/01/95	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Evelyn Kent

**893. DLA ACQUISITION REGULATION; SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 5419; 48 CFR 5452

**Timetable:**

Action	Date	FR Cite
NPRM	04/28/94	59 FR 21954

**895. MILITARY ASSISTANCE FOR CIVIL DISTURBANCES (MACDIS) (DOD DIRECTIVE 3025.12)**

**Priority:** Other Significant

**CFR Citation:** 32 CFR 215

**Timetable:**

Action	Date	FR Cite
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

## DOD—OS

## Long-Term Actions

Phone: 703 696-0368  
 Email: kente@acq.osd.mil  
 RIN: 0790-AG26

**898. RESTORATION ADVISORY BOARD (RABS)**

**Priority:** Other Significant  
**CFR Citation:** 32 CFR 202

**Timetable:**

Action	Date	FR Cite
NPRM	08/06/96	61 FR 40764
NPRM Comment Period End	11/04/96	61 FR 40765
NPRM Extension of Comment Period	11/19/96	61 FR 58803
NPRM Comment Period End	01/20/97	
Final Action	To Be Determined	

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

**Agency Contact:** Marcia Read  
 Phone: 703 697-9793

Email: readmw@acq.osd.mil  
 RIN: 0790-AG31

**899. CLOSED, TRANSFERRED, AND TRANSFERRING RANGES CONTAINING MILITARY MUNITIONS**

**Priority:** Other Significant  
**CFR Citation:** 32 CFR 178

**Timetable:**

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

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

**Agency Contact:** Lydia Sanchez  
 Phone: 703 325-1373

RIN: 0790-AG46

**900. COMPENSATION OF CERTAIN FORMER OPERATIVES INCARCERATED BY THE DEMOCRATIC REPUBLIC OF VIETNAM; AMENDMENT**

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 32 CFR 270

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	10/17/98	63 FR 68194
Interim Final Rule	12/10/98	
Interim Final Rule Comment Period End	02/08/99	
Final Action	To Be Determined	

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

**Agency Contact:** Frank Hudson  
 Phone: 703 588-6570  
 Chuck Witschonke  
 Phone: 703 693-1059

RIN: 0790-AG67

## Department of Defense (DOD)

## Proposed Rule Stage

## Defense Acquisition Regulations Council (DARC)

**901. REWRITE OF DFARS PART 225 (DFARS CASE 98-D028)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 208.72; 48 CFR 209.1; 48 CFR 209.4; 48 CFR 225; 48 CFR 252.209; 48 CFR 252.225

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to conform DFARS part 225 and associated clauses to the proposed rewrite of FAR part 25 and to incorporate other improvements.

**Timetable:**

Action	Date	FR Cite
Case opened	11/02/98	
NPRM	11/00/99	

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

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
 Phone: 703 602-0296  
 Fax: 703 602-0350  
 Email: fenkk@acq.osd.mil

RIN: 0750-AC60

**902. • DOMESTIC SOURCE RESTRICTIONS—COMMERCIAL ITEMS (DFARS CASE 1999-D301)****Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421; 41 USC 430; 10 USC 2534; PL 105-262, sec 8067

**CFR Citation:** 48 CFR 212.5; 48 CFR 225.7019; 48 CFR 252.225

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to review the applicability of Section 2534, Title 10, United States Code, and Department of Defense appropriations act domestic source restrictions to commercial items.

**Timetable:**

Action	Date	FR Cite
Case Opened	05/20/99	
NPRM	11/00/99	

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

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
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RIN: 0750-AC76

## DOD—DARC

## Proposed Rule Stage

**903. • ACQUISITIONS FOR FOREIGN MILITARY SALES (DFARS CASE 1999-D020)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225.7303**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to address pricing issues in foreign military sales contracts.**Timetable:**

Action	Date	FR Cite
Case Opened	07/15/99	
NPRM	11/00/99	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil**RIN:** 0750-AC77**Department of Defense (DOD)  
Defense Acquisition Regulations Council (DARC)**

## Final Rule Stage

**904. CONTRACT ADMINISTRATION AND AUDIT SERVICES (DFARS CASE 98-D003)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 232; 48 CFR 242; 48 CFR 246; 48 CFR 252; 48 CFR 231; 48 CFR 247**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to conform to FAR revisions regarding policies and procedures for assigning contract administration and audit responsibilities.**Timetable:**

Action	Date	FR Cite
Case opened	01/15/98	
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** RFA: N**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil**RIN:** 0750-AC02**905. CONTRACTOR USE OF NONIMMIGRANT ALIENS—GUAM (DFARS CASE 97-D318)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-85, sec 390**CFR Citation:** 48 CFR 222.73; 48 CFR 252.222**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to prohibit contracts for base operations support on Guam from being performed by certain nonimmigrant aliens.**Timetable:**

Action	Date	FR Cite
Case opened	11/14/97	
Interim Final Rule	06/11/98	63 FR 31935
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** RFA: Y**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil**RIN:** 0750-AC21**906. REFORM OF AFFIRMATIVE ACTION IN FEDERAL GOVERNMENT PROCUREMENT (DFARS CASE 98-D007)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 205; 48 CFR 206; 48 CFR 217; 48 CFR 219; 48 CFR 225; 48 CFR 226; 48 CFR 235; 48 CFR 236; 48 CFR 252; 48 CFR 253**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to revise language concerning small disadvantaged businesses programs, in accordance with the Department of Justice proposal to reform affirmative action in Federal procurement and to make the language consistent with FAR changes.**Timetable:**

Action	Date	FR Cite
Case opened	02/09/98	
Interim Final Rule	08/06/98	63 FR 41972
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Additional Information:** RFA: N**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139,

## DOD—DARC

## Final Rule Stage

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RIN: 0750-AC38

### 907. REFORM OF AFFIRMATIVE ACTION IN FEDERAL PROCUREMENT DFARS—PHASE II (DFARS CASE 98-D021)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 215; 48 CFR 217; 48 CFR 219; 48 CFR 226; 48 CFR 236; 48 CFR 252.212; 48 CFR 252.219

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to revise language concerning small disadvantaged business programs, in accordance with the Department of Justice proposal to reform affirmative action in Federal procurement and to make the language consistent with FAR changes.

**Timetable:**

Action	Date	FR Cite
Case opened	08/05/98	
Interim Final Rule	11/20/98	63 FR 64427
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
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RIN: 0750-AC54

### 908. PEOPLE'S REPUBLIC OF CHINA (DFARS CASE 98-D305)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-262, sec 8120; PL 105-277, sec 144

**CFR Citation:** 48 CFR 209.104; 48 CFR 212.301; 48 CFR 225.771; 48 CFR 252.225

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to implement section 8120 of the Defense Appropriations Act for Fiscal Year 1999. Section 8120, as amended, restricts contracts with companies in which the Under Secretary of Defense for Acquisition and Technology has determine that the People's Republic of China or the People's Liberation Army of the People's Republic of China owns more than 50 percent interest.

**Timetable:**

Action	Date	FR Cite
Case opened	10/28/98	
Interim Final Rule	02/23/99	64 FR 8727
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
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RIN: 0750-AC59

### 909. MANUFACTURING TECHNOLOGY PROGRAM (DFARS 98-D306)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-261, sec 213

**CFR Citation:** 48 CFR 235.006

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to implement section 213 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261). Section 213 amends 10 USC 2525(d)(i) to require the ratio of contract recipient cost to Government cost to be determined by competitive procedures for each grant awarded and each

contract entered into on a cost-share basis under the program.

**Timetable:**

Action	Date	FR Cite
Case opened	10/28/98	
Interim Final Rule	04/16/99	64 FR 18829
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
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RIN: 0750-AC64

### 910. • DEBARMENT INVESTIGATION REPORTS (DFARS CASE 1999-D013)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 203.103; 48 CFR 209.406; 48 CFR 209.407; 48 CFR 203.104; 48 CFR 203.203; 48 CFR 203.301; 48 CFR 203.405; 48 CFR 203.502; 48 CFR 203.570; 48 CFR 209.105; 48 CFR 209.403; 48 CFR 225.206; 48 CFR 249.106

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to clarify that the contracting officer's report with details of a proposed debarment is required at the discretion of the debarring official, and that the absence of a contracting officer's report does not affect the validity of any otherwise lawful agency action. Adds procedures for suspension.

**Timetable:**

Action	Date	FR Cite
Case Opened	05/10/99	
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## DOD—DARC

## Final Rule Stage

**Government Levels Affected:** Federal  
**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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**RIN:** 0750-AC78

#### 911. • DESIGNATION OF PAYMENT OFFICES (DFARS CASE 1999-D010)

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 41 USC 421  
**CFR Citation:** 48 CFR 242.302  
**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to clarify the policies and procedures for identifying in contracts the cognizant paying offices.

**Timetable:**

Action	Date	FR Cite
Case Opened	03/12/99	
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal  
**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition

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**RIN:** 0750-AC79

#### 912. • PAYING OFFICES (DFARS CASE 1999-D004)

**Priority:** Info./Admin./Other  
**Legal Authority:** 41 USC 421  
**CFR Citation:** 48 CFR 242.302  
**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to provide an internet address for a reference tool that can be used for identifying cognizant Defense Finance Accounting System paying offices.

**Timetable:**

Action	Date	FR Cite
Case Opened	02/11/99	
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal  
**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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**RIN:** 0750-AC84

#### 913. • REFERENCES TO FEDERAL ACQUISITION REGULATION 52.203.1, OFFICIALS NOT TO BENEFIT (DFARS CASE 1999-D018)

**Priority:** Info./Admin./Other

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 237.7204; 48 CFR 252.227

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to delete the references to 52.203-1, Officials Not to Benefit, in DFARS 237.7204 and the clause at DFARS 252.227-7012.

**Timetable:**

Action	Date	FR Cite
Case Opened	06/24/99	
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal  
**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
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**RIN:** 0750-AC88

### Department of Defense (DOD)

### Defense Acquisition Regulations Council (DARC)

### Long-Term Actions

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 232.7; 48 CFR 252.232

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 0750-AA07

## DOD—DARC

## Long-Term Actions

**915. DEMILITARIZATION (DFARS CASE 92-D024)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 245; 48 CFR 252.245**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AA09**916. ACQUISITION OF COMMERCIAL ITEMS (DFARS CASE 95-D712)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 211.70; 48 CFR 212; 48 CFR 227.7102; 48 CFR 252.211; 48 CFR 252.212; 48 CFR 252.227**Timetable:**

Action	Date	FR Cite
Case opened	10/04/95	
Interim Final Rule	11/30/95	60 FR 61585
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AB00**917. DFARS COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS (DFARS CASE 96-D316)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 212**Timetable:**

Action	Date	FR Cite
Case opened	08/28/96	
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AB40**918. COMMERCIAL BALL OR ROLLER BEARINGS—COMPONENTS OF NONCOMMERCIAL ITEMS (DFARS CASE 97-D028)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 225.7019; 48 CFR 252.225**Timetable:**

Action	Date	FR Cite
Case opened	09/08/97	
NPRM	11/04/97	62 FR 59641
NPRM Comment Period End	01/05/98	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AC13**919. VETERANS EMPLOYMENT EMPHASIS (DFARS CASE 97-D314)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 209.104; 48 CFR 212.503; 48 CFR 213.110; 48 CFR 217.207; 48 CFR 222.1304; 48 CFR 252.209**Timetable:**

Action	Date	FR Cite
Case opened	10/17/97	
Interim Final Rule	03/11/98	63 FR 11850
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AC20**920. UNIFORM PROCUREMENT INSTRUMENT IDENTIFICATION (DFARS CASE 97-D033)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 204.70**Timetable:**

Action	Date	FR Cite
Case opened	10/07/97	
ANPRM	12/16/97	62 FR 65782
ANPRM Comment Period End	02/17/98	
NPRM	04/28/99	64 FR 22822
NPRM Comment Period End	06/28/99	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AC29**921. CONTRACTING FOR COMMERCIAL CONSTRUCTION (DFARS CASE 98-D013)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 212; 48 CFR 252.212**Timetable:**

Action	Date	FR Cite
Case opened	04/07/98	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AC44

## DOD—DARC

## Long-Term Actions

**922. CARGO PREFERENCE—  
SUBCONTRACTS FOR COMMERCIAL  
ITEMS (DFARS CASE 98-D014)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 212.504; 48 CFR 252.212; 48 CFR 252.244; 48 CFR 247.572; 48 CFR 252.247**Timetable:**

Action	Date	FR Cite
Case opened	05/05/98	
NPRM	06/22/99	64 FR 33238
NPRM Comment Period End	08/23/99	
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AC45**923. CONGRESSIONAL MEDAL OF  
HONOR (DFARS CASE 98-D304)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 209.104**Timetable:**

Action	Date	FR Cite
Case opened	10/28/98	
Interim Final Rule	06/14/99	64 FR 31732
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AC63**924. WEIGHTED GUIDELINES AND  
PERFORMANCE-BASED PAYMENTS  
(DFARS CASE 99-D001)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 215.404**Timetable:**

Action	Date	FR Cite
Case opened	01/14/99	
NPRM	05/04/99	64 FR 23814
NPRM Comment Period End	07/06/99	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AC65**925. OVERSEAS USE OF THE  
PURCHASE CARD (DFARS CASE 99-  
D002)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 201.603; 48 CFR 213.301**Timetable:**

Action	Date	FR Cite
Case opened	01/15/99	
NPRM	05/25/99	64 FR 28134
NPRM Comment Period End	07/26/99	
NPRM Comment Period Extended	07/29/99	64 FR 41060
NPRM Comment Period End	08/25/99	
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AC72**926. STREAMLINED PAYMENT  
PRACTICES (DFARS CASE 98-D026)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 232; 48 CFR 252.232; 48 CFR 208.405; 48 CFR 212; 48 CFR 213; 48 CFR 214.201; 48 CFR 215.204**Timetable:**

Action	Date	FR Cite
Case opened	10/08/98	
NPRM	07/20/99	64 FR 38878
NPRM Comment Period End	09/20/99	
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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**RIN:** 0750-AC74**927. • DISCLOSURE OF  
INFORMATION (DFARS CASE 1999-  
D015)****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.404; 48 CFR 252.204**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to revise the clause at DFARS 252.204-7000 to make it more specific and easier to administer.**Timetable:**

Action	Date	FR Cite
Case Opened	06/15/99	
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

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**RIN:** 0750-AC75**928. • MILITARY PACKAGING AND  
MARKING (DFARS CASE 1999-D016)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 247; 48 CFR 252.247**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to add a clause to

## DOD—DARC

## Long-Term Actions

specifically state that the packaging codes included in an Electronic Data Interchange transaction comply with MIL-STD 2073 and marking codes comply with MIL-STD-129.

**Timetable:**

Action	Date	FR Cite
Case Opened	06/16/99	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
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**RIN:** 0750-AC82

**929. • UTILIZATION OF INDIAN ORGANIZATIONS AND INDIAN-OWNED ECONOMIC ENTERPRISES (DFARS CASE 1999-D300)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-262, Sec 8024

**CFR Citation:** 48 CFR 226.103; 48 CFR 226.104

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to implement section 8024 of Public Law 105,262, to clearly reflect that the Indian Incentive Payment Program be made available for small business participation, and that small business participation be retroactive to fiscal year 1997.

**Timetable:**

Action	Date	FR Cite
Case Opened	05/06/99	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is a

statutory requirement. There is no paperwork burden associated with this action.

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**RIN:** 0750-AC83

**930. • FOREIGN MILITARY SALES CUSTOMER OBSERVATION IN CONTRACT PREPARATION AND NEGOTIATIONS (DFARS CASE 1999-D005)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 225.7304

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to establish procedures to allow foreign military sales customers to observe price negotiations.

**Timetable:**

Action	Date	FR Cite
Case Opened	02/11/99	
NPRM	04/28/99	64 FR 22825
NPRM Comment	06/28/99	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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**RIN:** 0750-AC85

**931. • GENERAL PROPERTY, PLANT, AND EQUIPMENT (DFARS CASE 1999-D019)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 245; 48 CFR 252; 48 CFR 253

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to provide a mechanism to obtain data that will enable the Department of Defense to comply with the financial reporting requirements of the Chief Financial Officer's Act. Revisions would require contractors to furnish information on other real property, industrial plant equipment, other plant equipment, and software acquired or produced for performance of a cost-reimbursement or time-and-material contract. The reporting requirement is limited to reportable items or systems having an acquisition cost of \$100,000 or more.

**Timetable:**

Action	Date	FR Cite
Case Opened	07/12/99	
ANPRM	07/22/99	64 FR 39456
ANPRM Comment	09/07/99	
Period End		
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
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**RIN:** 0750-AC86

**932. • TRANSPORTATION ACQUISITION POLICY (DFARS CASE 1999-D009)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

## DOD—DARC

## Long-Term Actions

**CFR Citation:** 48 CFR 242; 48 CFR 247; 48 CFR 252

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to implement the Under Secretary of Defense for Acquisition and Technology policy memorandum, Subject: Transportation Acquisition Policy.

**Timetable:**

Action	Date	FR Cite
Case Opened	03/08/99	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
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**RIN:** 0750-AC89

**933. • RANDOLPH SHEPPARD (DFARS CASE 1999-D021)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 208.001; 48 CFR 208.74; 48 CFR 252.208

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to provide guidance on purchasing operation of a cafeteria.

**Timetable:**

Action	Date	FR Cite
Case Opened	08/12/99	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
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**RIN:** 0750-AC93

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

## Completed Actions

**934. IR&D/B&P COSTS FOR FY96 AND BEYOND (DFARS CASE 95-D040)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 242.771; 48 CFR 225.7303; 48 CFR 231.205

**Completed:**

Reason	Date	FR Cite
Final Action	02/23/99	64 FR 8729
Final Action Effective	02/23/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AB04

**Completed:**

Reason	Date	FR Cite
Final Action	05/07/99	64 FR 24529
Final Action Effective	05/07/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AB26

**936. DISTRIBUTION OF CONTRACT FINANCING PAYMENT (DFARS CASE 97-D011)**

**Priority:** Economically Significant.  
Major under 5 USC 801.

**CFR Citation:** 48 CFR 214.201

**Completed:**

Reason	Date	FR Cite
Withdrawn	06/22/99	64 FR 33239

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AB87

**937. FAR PART 30 DEVIATIONS (DFARS CASE 97-D016)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 201.402; 48 CFR 230

**Completed:**

Reason	Date	FR Cite
Final Action	02/23/99	64 FR 8726
Final Action Effective	02/23/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AB91

**935. ANTITERRORISM TRAINING (DFARS CASE 96-D016)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 225.7400; 48 CFR 225.7401; 48 CFR 225.7402; 48 CFR 252.225

**938. SINGLE PROCESS INITIATIVE (DFARS CASE 97-D014)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 211.273; 48 CFR 252.211

## DOD—DARC

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	03/25/99	64 FR 14398
Final Action Effective	03/25/99	

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

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RIN: 0750-AB94

**939. EMPLOYMENT PROHIBITION ON PERSONS CONVICTED OF FRAUD (DFARS CASE 97-D020)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 203.570; 48 CFR 252.203**Completed:**

Reason	Date	FR Cite
Final Action	03/25/99	64 FR 14397
Final Action Effective	03/25/99	

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

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RIN: 0750-AB96

**940. DD FORM 2631, PERFORMANCE EVALUATION (A-E) (DFARS CASE 97-D035)****Priority:** Routine and Frequent**CFR Citation:** 48 CFR 253**Completed:**

Reason	Date	FR Cite
Published Revised Form	04/16/99	

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

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RIN: 0750-AC14

**941. MULTIYEAR CONTRACTING (DFARS CASE 97-D308)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 202.101; 48 CFR 217.1**Completed:**

Reason	Date	FR Cite
Final Action	08/09/99	64 FR 43096
Final Action Effective	08/09/99	

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

**Agency Contact:** Kathleen Fenk  
 Phone: 703 602-0296  
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 Email: fenkk@acq.osd.mil

RIN: 0750-AC31

**942. TELEVISION-AUDIO SUPPORT ACTIVITY (T-ASA) (DFARS CASE 98-D008)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR ch 2, app B**Completed:**

Reason	Date	FR Cite
Final Action	02/23/99	64 FR 8726
Final Action Effective	02/23/99	

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

**Agency Contact:** Kathleen Fenk  
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 Email: fenkk@acq.osd.mil

RIN: 0750-AC39

**943. FISCAL YEAR 2000 CONTRACT ACTION REPORTING REQUIREMENTS (DFARS CASE 98-D017)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 253.204**Completed:**

Reason	Date	FR Cite
Final Action	08/19/99	64 FR 45197
Final Action Effective	10/01/99	

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

**Agency Contact:** Kathleen Fenk  
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 Email: fenkk@acq.osd.mil

RIN: 0750-AC40

**944. REVISIONS TO DD FORM 1707, INSTRUCTIONS TO OFFERORS OR QUOTERS (DFARS CASE 98-D020)****Priority:** Routine and Frequent**CFR Citation:** 48 CFR 253.303**Completed:**

Reason	Date	FR Cite
Published revised form	03/26/99	

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

**Agency Contact:** Kathleen Fenk  
 Phone: 703 602-0296  
 Fax: 703 602-0350  
 Email: fenkk@acq.osd.mil

RIN: 0750-AC49

**945. FLEXIBLE PROGRESS PAYMENTS (DFARS CASE 98-D400)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 232.501; 48 CFR 232.502; 48 CFR 252.232**Completed:**

Reason	Date	FR Cite
Final Action	02/23/99	64 FR 8731
Final Action Effective	02/23/99	

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

**Agency Contact:** Kathleen Fenk  
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 Fax: 703 602-0350  
 Email: fenkk@acq.osd.mil

RIN: 0750-AC51

**946. ELECTRONIC FUNDS TRANSFER (DFARS CASE 98-D012)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 232.11; 48 CFR 252.232**Completed:**

Reason	Date	FR Cite
Final Action	04/16/99	64 FR 18828
Final Action Effective	05/03/99	

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

**Agency Contact:** Kathleen Fenk  
 Phone: 703 602-0296  
 Fax: 703 602-0350  
 Email: fenkk@acq.osd.mil

RIN: 0750-AC52

## DOD—DARC

## Completed Actions

**947. RESTRUCTURING SAVINGS REPRICING CLAUSE (DFARS CASE 98-D019)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 231.205

**Completed:**

Reason	Date	FR Cite
Final Action	04/16/99	64 FR 18827
Final Action Effective	04/16/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Kathleen Fenk

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Email: fenkk@acq.osd.mil

RIN: 0750-AC53

**948. EVALUATION OF DUTY (DFARS CASE 98-D030)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 225; 48 CFR 242.302; 48 CFR 252.225

**Completed:**

Reason	Date	FR Cite
Case closed	04/07/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Kathleen Fenk

Phone: 703 602-0296

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Email: fenkk@acq.osd.mil

RIN: 0750-AC56

**949. PARA-ARAMID FIBERS AND YARNS (DFARS CASE 98-D310)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 225.70; 48 CFR 252.225

**Completed:**

Reason	Date	FR Cite
Final Action	05/07/99	64 FR 24528
Final Action Effective	05/07/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Kathleen Fenk

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RIN: 0750-AC57

**950. SINGAPORE ACCESSION TO GPA (DFARS CASE 98-D029)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 225.408; 48 CFR 252.225

**Completed:**

Reason	Date	FR Cite
Final Action	02/23/99	64 FR 8730
Final Action Effective	02/23/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Kathleen Fenk

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RIN: 0750-AC58

**951. APPLICABILITY OF DFARS BUY AMERICAN CLAUSES TO SIMPLIFIED ACQUISITIONS (DFARS CASE 98-D031)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 213.302

**Completed:**

Reason	Date	FR Cite
Final Action	05/07/99	64 FR 24528
Final Action Effective	05/07/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Kathleen Fenk

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RIN: 0750-AC61

**952. IMPROVED ACCOUNTING FOR DEFENSE CONTRACT SERVICES (DFARS CASE 98-D312)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 237.201; 48 CFR 237.203; 48 CFR 237.271

**Completed:**

Reason	Date	FR Cite
Final Action	07/22/99	64 FR 39430
Final Action Effective	07/22/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Kathleen Fenk

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Fax: 703 602-0350

Email: fenkk@acq.osd.mil

RIN: 0750-AC62

**953. TAXPAYER IDENTIFICATION NUMBERS AND COMMERCIAL AND GOVERNMENT ENTITY CODES (DFARS CASE 98-D027)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 204; 48 CFR 212.301; 48 CFR 213.106; 48 CFR 252.204; 48 CFR 253.204

**Completed:**

Reason	Date	FR Cite
Final Action	08/09/99	64 FR 43098
Final Action Effective	08/09/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Kathleen Fenk

Phone: 703 602-0296

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Email: fenkk@acq.osd.mil

RIN: 0750-AC66

**954. DOD PURCHASES THROUGH OTHER AGENCIES (DFARS CASE 98-D311)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 217.500

**Completed:**

Reason	Date	FR Cite
Final Action	03/25/99	64 FR 14399

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

Agency Contact: Kathleen Fenk

Phone: 703 602-0296

Fax: 703 602-0350

Email: fenkk@acq.osd.mil

RIN: 0750-AC67

**955. REVISIONS TO DD FORM 1425, SPECIFICATIONS AND STANDARDS REQUISITION (DFARS CASE 98-D022)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 211.201; 48 CFR 253.303

**Completed:**

Reason	Date	FR Cite
Final Action	02/23/99	64 FR 8727
Final Action Effective	02/23/99	

**Regulatory Flexibility Analysis**

Required: No

## DOD—DARC

## Completed Actions

**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

Phone: 703 602-0296

Fax: 703 602-0350

Email: fenkk@acq.osd.mil

RIN: 0750-AC68

**956. ELECTRONIC PUBLICATION OF DFARS (DFARS CASE 98-D024)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 201.1; 48 CFR 201.3**Completed:**

Reason	Date	FR Cite
Final Action	07/22/99	64 FR 39429
Final Action Effective	07/22/99	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

Phone: 703 602-0296

Fax: 703 602-0350

Email: fenkk@acq.osd.mil

RIN: 0750-AC69

**957. LIMITATION ON THE USE OF PRICE PREFERENCE UPON ACHIEVEMENT OF CONTRACT GOAL FOR SMALL AND DISADVANTAGED BUSINESSES (DFARS CASE 98-D307)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 219.2**Completed:**

Reason	Date	FR Cite
Case closed	02/24/99	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

Phone: 703 602-0296

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Email: fenkk@acq.osd.mil

RIN: 0750-AC71

**958. DD FORM 1057, WORK STOPPAGE (DFARS CASE 99-D003)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 253.303; 48 CFR 222.101**Completed:**

Reason	Date	FR Cite
Final Action	05/25/99	64 FR 28109
Final Action Effective	05/25/99	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

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Email: fenkk@acq.osd.mil

RIN: 0750-AC73

**959. • CONTRACTS CROSSING FISCAL YEARS (DFARS CASE 1999-D008)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421; PL 105-85, Sec 801**CFR Citation:** 48 CFR 232.703; 48 CFR 237.106**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to clarify the authority granted by Section 801 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) to enter into a service contract that begins in one fiscal year and ends in the next.**Timetable:**

Action	Date	FR Cite
Case Opened	02/23/99	
Final Action	05/25/99	64 FR 28109
Final Action Effective	05/25/99	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0296

Fax: 703 602-0350

Email: fenkk@acq.osd.mil

RIN: 0750-AC80

**960. • ORAL ATTESTATION (DFARS CASE 1999-D006)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.404; 48 CFR 252.204**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to implement the Deputy Secretary of Defense policy on contractor oral attestations of Top Secret or higher security clearances.**Timetable:**

Action	Date	FR Cite
Case Opened	02/12/99	
NPRM	03/25/99	64 FR 14424
NPRM Comment Period End	05/24/99	
Final Action	08/19/99	64 FR 45196
Final Action Effective	08/19/99	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0296

Fax: 703 602-0350

Email: fenkk@acq.osd.mil

RIN: 0750-AC81

**961. • SHORT FORM RESEARCH CONTRACT CLAUSES (DFARS CASE 1999-D014)****Priority:** Info./Admin./Other**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 252.235**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to remove obsolete clauses pertaining to short form research contracts.**Timetable:**

Action	Date	FR Cite
Case Opened	06/03/99	
Final Action	07/22/99	64 FR 39431
Final Action Effective	07/22/99	

## DOD—DARC

## Completed Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296

Fax: 703 602-0350

Email: fenkk@acq.osd.mil

RIN: 0750-AC87

**962. • FISCAL YEAR 2000 DD FORM 350 REVISIONS (DFARS CASE 1999-D011)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 253.204**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to revise the DD Form 350 and its instructions to conform with HUBZone, taxpayer identification numbers, and very small business

requirements, and provide for other editorial changes.

**Timetable:**

Action	Date	FR Cite
Case Opened	03/18/99	
Final Action	08/19/99	64 FR 45197
Final Action Effective	10/01/99	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296

Fax: 703 602-0350

Email: fenkk@acq.osd.mil

RIN: 0750-AC90

**963. • CONTRACT ACTIONS FOR LEASED EQUIPMENT (DFARS CASE 1999-D012)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 207.471**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to provide guidance on capital lease funding requirements.**Timetable:**

Action	Date	FR Cite
Case Opened	03/18/99	
Final Action	06/14/99	64 FR 31732
Final Action Effective	06/14/99	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Kathleen Fenk, Business Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD A&T, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil

RIN: 0750-AC91

**Department of Defense (DOD)  
Department of the Army (DOA)****Proposed Rule Stage****964. THE DEPARTMENT OF THE ARMY FREEDOM OF INFORMATION ACT PROGRAM****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 5 USC 552**CFR Citation:** 32 CFR 518**Legal Deadline:** None**Abstract:** This proposed rule updates the Army FOIA program. This change incorporates DoD policies as required by public law.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Gregory D. Showalter, Army Federal Register Liaison Officer, Department of Defense, Department of the Army, MS 5603, U.S. Army Records Mgmt and Declass Agency, Attn: TAPC-PDD-RP, 6000 6th Street, Fort Belvoir, VA 22060-5603  
Phone: 703 806-3708  
Email: showalterg@rmpo.belvoir.army.mil

RIN: 0702-AA30

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

**Final Rule Stage**

**965. ARMY BOARD FOR  
CORRECTION OF MILITARY  
RECORDS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 10 USC 1552; 10 USC 1553; 10 USC 1554; 10 USC 3012; 38 USC 3103a

**CFR Citation:** 32 CFR 581

**Legal Deadline:** None

**Abstract:** This rule updates the policy and procedures for consideration of applications and corrections of the military records process. It also implements DoD Instruction 1336.6, Correction of Military Records, and streamlines portions of the application process by transferring the information into a Department of the Army pamphlet.

**Timetable:**

Action	Date	FR Cite
NPRM	09/29/98	63 FR 51875
NPRM Comment Period End	10/29/98	
Final Action	01/00/00	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gregory D. Showalter, Army Federal Register Liaison Officer, Department of Defense, Department of the Army, MS 5603, U.S. Army Records Mgmt and Declass Agency, Attn: TAPC-PDD-RP, 6000 6th Street, Fort Belvoir, VA 22060-5603

Phone: 703 806-3708

Email:  
showalterg@rmbo.belvoir.army.mil

**RIN:** 0702-AA32

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

**Proposed Rule Stage**

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 33 CFR 230

**Legal Deadline:** None

**Abstract:** The purpose of this regulatory revision is to clarify and provide additional guidance for Corps NEPA requirements for activities at Federal water resource development projects and lands.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	
NPRM Comment Period End	12/00/99	
Final Action	02/00/00	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Forrester Einarsen, Biologist, Department of Defense, U.S. Army Corps of Engineers, Office of Environmental Policy (CECW-AR-E), 7701 Telegraph Road, Alexandria, VA 22315-3861

Phone: 703 428-7081

**RIN:** 0710-AA42

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

**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:** The regulation will clarify the scope of analysis that the Corps has responsibility for under the Endangered Species Act (ESA). This regulation will adopt the Corps ESA scope of analysis consistent with the ESA, the ESA regulations, and the Corps authorities.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/00	
NPRM Comment Period End	10/00/00	
Final Action	12/00/00	
Final Action Effective	01/00/01	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Attn: CECW-OR, Washington, DC 20314-1000

Phone: 202 761-0199  
**RIN:** 0710-AA43

**968. • FLOOD CONTROL COST-  
SHARING REQUIREMENTS UNDER  
THE ABILITY TO PAY PROVISIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2213

**CFR Citation:** 33 CFR 241

**Legal Deadline:** None

**Abstract:** The Department of the Army is proposing to amend the procedures in 33 CFR part 241 for ability to pay determinations for flood control projects. The proposed amendment will establish an eligibility for reductions in the non-Federal cost, using county per capita income and county per capita non-Federal project cost criterion. A final rule for flood control projects implementing section 103(m) of Public Law 99-662, 33 U.S.C. 2213m, was published in the Federal Register on January 26, 1995 (60 FR 5133). The proposed rule will amend the guidelines in accordance with the discretionary language in section 202(b) of Public Law 104-303. The proposed rule applies only to flood control projects,

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mr. Harry M Shoudy, Senior Political Analyst, Department of Defense, U.S. Army Corps of Engineers, CECW-AR, 20 Massachusetts Avenue, N.W., Washington, DC 20314-1000

DOD—COE

Proposed Rule Stage

Phone: 202 761-1977

RIN: 0710-AA44

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

Final Rule Stage

**969. REGULATORY PROGRAM OF  
THE CORPS OF ENGINEERS—  
ADMINISTRATIVE APPEALS**
**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 33 CFR 331

**Legal Deadline:** None

**Abstract:** The regulation establishes an administrative appeal process for permit denials and declined permits by permit applicants and jurisdictional determinations for landowners and permit applicants. This process is included in the President's Wetland Protection Plan to increase fairness in the permitting process by allowing landowners and permit applicants to seek a speedy recourse of these decisions without having to go to court.

**Timetable:**

Action	Date	FR Cite
NPRM	07/19/95	60 FR 37280
NPRM Comment Period End	09/05/95	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Additional Information:** The permit denial and declined permits portion of this rulemaking was published as a Final Rule on March 9, 1999, in the Federal Register (64 FR 11707). It did not address regulations concerning jurisdictional determinations.

**Agency Contact:** Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Attn: CECW-OR, Washington, DC 20314-1000  
Phone: 202 761-0199

**RIN:** 0710-AA41

**970. • PUBLIC USE OF WATER  
DEVELOPMENT PROJECTS  
ADMINISTERED BY THE CHIEF OF  
ENGINEERS**
**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1

**CFR Citation:** 36 CFR 327

**Legal Deadline:** None

**Abstract:** This action amends the rules and regulations governing public use of water resources development projects administered by the Chief of Engineers. The amendments are necessary to clarify and strengthen the regulation for

more effective management and to enhance public safety and enjoyment of U.S. Army Corps of Engineers water resources development projects. Changes are minor and editorial in nature and have been made to express the intent of the regulations more concisely and to maintain consistency with existing Public Law.

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/99	64 FR 38854
NPRM Comment Period End	08/19/99	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Stephen B. Austin, Outdoor Recreation Planner, Department of Defense, U.S. Army Corps of Engineers, Room 6223, Natural Resources Management Branch, CECW-ON, 20 Massachusetts Avenue NW., Washington, DC 20314-1000  
Phone: 202 761-1796  
Fax: 202 761-1671

**RIN:** 0710-AA45

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

Long-Term Actions

**971. REGULATORY PROGRAMS OF  
THE CORPS OF ENGINEERS**
**Priority:** Substantive, Nonsignificant

**CFR Citation:** 33 CFR 320 to 330

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Sam Collinson  
Phone: 202 761-0199

**RIN:** 0710-AA30

**972. REGULATORY PROGRAMS OF  
THE CORPS OF ENGINEERS—  
WETLAND DELINEATOR  
CERTIFICATION PROGRAM**
**Priority:** Substantive, Nonsignificant

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/14/95	60 FR 13654

Action	Date	FR Cite
NPRM Comment Period End	04/13/95	
Next Action Undetermined		

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael D Smith  
Phone: 202 761-0201

**RIN:** 0710-AA38

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

## Completed Actions

**973. • ADMINISTRATIVE APPEAL PROCESS ESTABLISHMENT FOR THE REGULATORY PROGRAM OF THE CORPS OF ENGINEERS**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 33 CFR 320; 33 CFR 326; 33 CFR 331

**Legal Deadline:** None

**Abstract:** On July 19, 1995, the Corps of Engineers published notice in the

Federal Register of a proposal to establish an administrative appeal process for the regulatory program of the Corps of Engineers, (33 CFR parts 320 to 331). Changes have been made to clarify and enhance the administrative appeal process for permit denials and declined permits.

**Timetable:**

Action	Date	FR Cite
NPRM	07/19/95	60 FR 37280
NPRM Comment Period End	09/05/95	
Final Action	03/09/99	64 FR 11707
Final Action Effective	08/06/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The rule finalizes a proposed rule that was published in the Federal Register on July 19, 1995 (60 FR 37280), under RIN 0710-AA41. This final rule addresses regulations establishing an administrative appeal process for permit denials and declined permits. RIN 0710-AA41 will address jurisdictional determinations.

**Agency Contact:** Sam Collinson, Chief, Policy Development Section, Department of Defense, U.S. Army Corps of Engineers, Attn: CECW-OR, Washington, DC 20314-1000  
Phone: 202 761-0199

**RIN:** 0710-AA46

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

## Proposed Rule Stage

**974. • APPLICATION GUIDELINES FOR UNDERWATER ARCHAEOLOGICAL RESEARCH PERMITS ON SUBMERGED CULTURAL RESOURCES UNDER JURISDICTION OF THE DEPARTMENT OF THE NAVY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 16 USC 470aa to 47011

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Department of the Navy (DON), Naval Historical Center, is implementing guidelines for issuance of permits for underwater archaeology on submerged cultural resources under jurisdiction of DON. These rules are being issued consistent with the Archaeological Resources Protection Act, and as a result of requirements to manage cultural resources under the National Historical Preservation Act.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Robert S. Neyland, Underwater Archaeologist, Department of Defense, Department of the Navy, Naval Historical Center, DON, 805 Kidder Breesse Avenue SE., Washington, DC 20374-5060  
Phone: 202 433-2210  
Fax: 202 433-2729

**RIN:** 0703-AA57

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

## Final Rule Stage

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 1507

**CFR Citation:** 32 CFR 766

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/94	59 FR 61561
NPRM Comment Period End	01/03/95	
Final Action	12/00/99	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Maj James Beaton, Department of Defense, Department of the Navy, N885F, Office of the Chief of Naval Operations, 2000 Navy Pentagon, Washington, DC 20350-2000  
Phone: 703 604-7707

Fax: 703 604-6969

**RIN:** 0703-AA48

**976. POLICIES AND RESPONSIBILITIES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT WITHIN THE DEPARTMENT OF THE NAVY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 44502

**CFR Citation:** 32 CFR 775 (Revision)

**Legal Deadline:** None

**Abstract:** The Department of the Navy is revising its regulations which

## DOD—NAVY

## Final Rule Stage

establish the responsibilities and procedures for complying with the National Environmental Policy Act (NEPA). This revision clarifies when certain Department of the Navy actions must be studied to determine their effect on the human environment and what types of activities are excluded from the NEPA documentation requirements.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

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

**RIN:** 0703-AA51

**977. • AVAILABILITY OF THE DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552

**CFR Citation:** 32 CFR 701 (Revision)

**Legal Deadline:** None

**Abstract:** The Department of the Navy is revising its regulations pertaining to its Freedom of Information Act (FOIA) program.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Formerly published as RIN 0703-AA52.

**Agency Contact:** Doris M. Lama, Head, DON PA/FOIA Policy Branch, Office of the Chief of Naval Operations, Department of Defense, Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350-2000  
Phone: 202 685-6545

**RIN:** 0703-AA53

**978. • PROFESSIONAL CONDUCT OF ATTORNEY PRACTICES UNDER THE SUPERVISION OF THE JUDGE ADVOCATE GENERAL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 806 to 806(a); 10 USC 826; 10 USC 827; 10 USC 1044

**CFR Citation:** 32 CFR 776 (Revision)

**Legal Deadline:** None

**Abstract:** The Department of the Navy is revising its regulations concerning the professional conduct of attorneys practicing law under the cognizance and supervision of the Judge Advocate General of the Navy.

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/99	64 FR 37470
NPRM Comment Period End	09/10/99	
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Maj Ed McDonnell USMC, Department of Defense, Department of the Navy, Code 13, Office of the Judge Advocate General, Washington Navy Yard, 1322 Patterson Avenue SE., Washington, DC 20374-5066

Phone: 703 604-8228

**RIN:** 0703-AA54

**979. • UNITED STATES NAVY REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 6011

**CFR Citation:** 32 CFR 700

**Legal Deadline:** None

**Abstract:** The Department of the Navy is amending the Navy Regulations, incorporating new subparts and modifying some existing subparts. This revision will allow the published Navy Regulations to comport with the 1990 Navy Regulations currently in use.

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** LT Nieva K. van Leer JAGC, USNR, Regulations/Leg. FOIA/Privacy Act Branch Attorney, Department of Defense, Department of the Navy, Suite 3000, Office of the Judge Advocate General, Washington Navy Yard, 1322 Patterson Avenue SE., Washington, DC 20374-5066

Phone: 703 604-8208

Fax: 703 604-6955

Email: vanleer.nieva@hq.navy.mil

**RIN:** 0703-AA55

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

**Long-Term Actions**

**980. 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
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Clarence Belton

Phone: 703 602-2807

Email: belton.clarence@hq.navy.mil

**RIN:** 0703-AA50

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

## Completed Actions

981. AVAILABILITY OF THE  
DEPARTMENT OF THE NAVY  
RECORDS AND PUBLICATION OF  
DEPARTMENT OF THE NAVY  
DOCUMENTS AFFECTING THE  
PUBLIC

Priority: Substantive, Nonsignificant  
CFR Citation: 32 CFR 701 (Revision)

## Completed:

Reason	Date	FR Cite
Withdrawn	09/03/99	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Doris M. Lama

Phone: 202 685-6545

RIN: 0703-AA52

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

## Final Rule Stage

982. APPOINTMENT TO THE UNITED  
STATES AIR FORCE ACADEMY

Priority: Info./Admin./Other

Legal Authority: 10 USC 903; 10 USC  
8013

CFR Citation: 32 CFR 901

Legal Deadline: None

Abstract: This rule provides  
instructions on processing nominations  
and appointments to the United States  
Air Force Academy.

## Timetable:

Action	Date	FR Cite
NPRM	12/01/97	62 FR 63485
NPRM Comment Period End	01/30/98	
Final Action	01/00/00	

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Karen Parker,  
Department of Defense, Department of  
the Air Force, HQ USAFA RRA, 1040  
Air Force Pentagon, Washington, DC  
20330-1040  
Phone: 703 697-7116

RIN: 0701-AA58

983. • DELIVERY OF PERSONNEL TO  
U.S. CIVILIAN AUTHORITIES FOR  
TRIAL

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 8013; 10 USC  
814; PL 100-456, sec 721(a)

CFR Citation: 32 CFR 884 (Revision)

Legal Deadline: None

Abstract: Establishes procedures for  
making Air Force members, civilian  
personnel, and family members  
available to U.S. civilian authorities for  
trial or specified court appearances.

## Timetable:

Action	Date	FR Cite
NPRM	06/01/99	64 FR 29252
NPRM Comment Period End	08/02/99	
Final Action	11/00/99	

Regulatory Flexibility Analysis  
Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The NPRM was  
published in the Federal Register under  
RIN 0701-AA59; RIN was changed to  
0701-AA60.

Agency Contact: Lt Col Tom Jaster,  
Department of Defense, Department of  
the Air Force, AFLSA/JAJM, 112 Luke  
Avenue, Suite 343, Bolling AFB,  
Washington, DC 20332-8000  
Phone: 202 767-1539  
Email: thomas.jaster@pentagon.af.mil

RIN: 0701-AA60

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

## Completed Actions

984. ENVIRONMENTAL IMPACT  
ANALYSIS PROCESS

Priority: Info./Admin./Other

CFR Citation: 32 CFR 989

## Completed:

Reason	Date	FR Cite
Final Action Effective	07/06/99	
Final Action	07/15/99	64 FR 38127

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: None

Agency Contact: Kenneth L. Reinerton  
Phone: 703 607-0221

RIN: 0701-AA56

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

Proposed Rule Stage

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

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 10 USC ch 55; 5 USC 301  
**CFR Citation:** 32 CFR 199  
**Legal Deadline:** None  
**Abstract:** This rule implements section 711 of the Strom Thurmond National

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/99	

Action	Date	FR Cite
NPRM Comment Period End	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0720-AA52

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

Final Rule Stage

**986. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); HOSPITAL PAYMENT FOR AMBULATORY CARE (DOD 6010.8-R)**

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

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/20/94	59 FR 3046
NPRM Comment Period End	03/21/94	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs Phone: 703 681-1745 Email: steve.lillie@tma.osd.mil

**RIN:** 0720-AA20

**987. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); TRANSPLANTS (DOD 6010.8-R)**

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

**Abstract:** This rule establishes coverage for heart-lung, single or double lung, and combined liver-kidney transplantation for those patients who meet specific patient selection criteria; establishes preauthorization requirements for heart, liver, heart-lung, single or double lung, combined liver-kidney transplantation, high dose chemotherapy and stem cell transplantation, and air ambulance (in conjunction with lung or heart-lung transplantation preauthorizations); extends coverage of cardiac rehabilitation to those patients who have had heart valve surgery, heart or heart-lung transplantation; authorizes an exception to the ambulance benefit to allow organ transplantation candidates to be transported to a certified CHAMPUS organ transplant center instead of the closest appropriate facility; authorizes pulmonary rehabilitation for beneficiaries whose conditions are considered appropriate for pulmonary rehabilitation according to guidelines adopted by the Director, OCHAMPUS, or a designee; recognizes certain transplant centers that meet specific criteria as an authorized CHAMPUS institutional provider; and clarifies the CHAMPUS position on consortium programs for organ

transplantation to allow individual hospitals which are members of a consortium to use the combined (pooled) experience and survival data of the consortium team to meet CHAMPUS requirements for authorization as a certified CHAMPUS organ transplant center.

**Timetable:**

Action	Date	FR Cite
NPRM	03/17/95	60 FR 14403
NPRM Comment Period End	05/16/95	
Final Action	11/00/99	
Final Action Effective	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cynthia Speight, Department of Defense, Office of Assistant Secretary for Health Affairs Phone: 703 681-1745 Email: cynthia.speight@tma.osd.mil

**RIN:** 0720-AA28

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

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 10 USC ch 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** Currently, any individual who is a civilian employee of the United States Government cannot be

## DOD—DODOASHA

## Final Rule Stage

authorized by CHAMPUS as a provider of medical services. We propose to provide an exception to this prohibition to permit these individuals to be authorized CHAMPUS providers if they meet three conditions. First, they must be employed by the Government agency on a part-time basis, that is, less than twenty (20) hours per week. Second, the agency must certify that unique or special circumstances detrimental to the delivery of quality health care exist that can be overcome only by employing part-time, non-Government physicians. Third, the agency and the physician must certify that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's private practice.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/97	62 FR 45196
NPRM Comment Period End	10/27/97	
Final Action	11/00/99	
Final Action Effective	12/00/99	

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

**Agency Contact:** Stephen Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs  
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**RIN:** 0720-AA41
**989. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PROSTHETIC DEVICES**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule implements section 702 of the National Defense Authorization Act for Fiscal Year 1998 (PL 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	
Interim Final Rule Comment Period End	10/19/99	
Final Action	01/00/00	
Final Action Effective	03/00/00	

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

**Agency Contact:** Margaret Brown, Department of Defense, Office of Assistant Secretary for Health Affairs  
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**RIN:** 0720-AA49
**990. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); DOUBLE COVERAGE**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32451
NPRM Comment Period End	08/16/99	
Final Action	11/00/99	
Final Action Effective	12/00/99	

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

**Agency Contact:** LTC Kathleen Larkin, Department of Defense, Office of Assistant Secretary for Health Affairs  
Phone: 703 681-1745  
Email: kathleen.larkin@tma.osd.mil

**RIN:** 0720-AA50

## Department of Defense (DOD)

## Completed Actions

## Office of Assistant Secretary for Health Affairs (DODOASHA)

**991. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); FORMER SPOUSE/WIDOW(ER) AND FEDERAL CLAIMS COLLECTION ACT (DOD 6010.8-R)**

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 199

**Completed:**

Reason	Date	FR Cite
Final Action	08/24/99	64 FR 46133
Final Action Effective	09/23/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Stephen Isaacson

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Email: stephen.isaacson@pma.osd.mil

RIN: 0720-AA07

**992. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PROVIDER CERTIFICATION REQUIREMENTS—CORPORATE SERVICES PROVIDER CLASS; OCCUPATIONAL THERAPISTS (DOD 6010.8-R)**

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 199

**Completed:**

Reason	Date	FR Cite
Final Action	03/10/99	64 FR 11765
Final Action Effective	06/08/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: David Bennett

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RIN: 0720-AA27

**993. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); EXTENSION OF THE ACTIVE DUTY DEPENDENTS DENTAL PLAN TO OVERSEAS AREAS**

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 199

**Completed:**

Reason	Date	FR Cite
Final Action	07/19/99	64 FR 38575

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Carol Ortega

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RIN: 0720-AA36

**994. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); REVISIONS TO THE ELIGIBILITY REQUIREMENTS**

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 199

**Completed:**

Reason	Date	FR Cite
Final Action	08/24/99	64 FR 46133
Final Action Effective	09/23/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Stephen Isaacson

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Email: stephen.isaacson@pma.osd.mil

RIN: 0720-AA39

**995. CIVILIAN HEALTH AND MEDICAL PROGRAM FOR THE UNIFORMED SERVICES (CHAMPUS); TRICARE PRIME ENROLLMENT PROCEDURES**

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 199

**Completed:**

Reason	Date	FR Cite
Final Action	03/23/99	64 FR 13912
Final Action Effective	04/22/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Kathleen Larkin

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RIN: 0720-AA48

**996. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); REVISIONS TO THE ELIGIBILITY REQUIREMENTS**

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC ch 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule revises the comprehensive CHAMPUS regulation

pertaining to basic CHAMPUS benefits in accordance with several statutory changes. This rule sets forth the requirements for reinstatement of CHAMPUS eligibility for beneficiaries under age 65 who would otherwise have lost eligibility for CHAMPUS due to eligibility for Medicare as a result of disability or end-stage renal disease (ESRD); establishes new classes of CHAMPUS eligibles; establishes the Transitional Assistance Management Program which provides transitional health care for members (and their dependents) who served on active duty in support of a contingency operation and for members (and their dependents) who are involuntarily separated from active duty; allows former spouses who buy a conversion health policy to keep CHAMPUS eligibility for twenty-four (24) months for preexisting conditions that are not covered by the conversion policy; and makes minor technical revisions to the double coverage provisions. In order to expedite compliance with the statutory requirements, all of these provisions have been implemented under interim instructions. This final rule also adds a new category of eligible beneficiary under the Continued Health Care Benefit Program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/97	62 FR 67018
NPRM Comment Period End	02/23/98	
Final Action	08/24/99	64 FR 46133
Final Action Effective	09/23/99	

**Specific Paragraphs Statutorily-Mandated Effective Dates**

Section 199.3(b)(2)(iii)(H)(3)	11/14/1986
Section 199.3(b)(2)(iii)(A)(1)	11/14/1986
Section 199.3(e)(1)(ii)	10/01/1990
Section 199.3(e)(1)(iii)	10/01/1990
Section 199.3(e)(1)(i)	04/06/1991
Section 199.3(f)(3)(viii)	10/01/1991
Section 199.3(f)(3)(ix)	10/01/1991
Section 199.3(b)(2)(ii)(H)(2)	10/23/1992
Section 199.3(b)(2)(iii)(A)(2)	10/23/1992
Section 199.3(b)(2)(ii)(H)(4) pertaining to placement by a court	07/01/1994
Section 199.3(b)(2)(ii)(H)(4) pertaining to placement by a agency	10/05/1994

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Additional Information:** The rule finalizes a proposed rule that was published in the Federal Register on December 23, 1997 (62 FR 67018) under RIN 0720-AA39. The proposed rule published under RIN 0720-AA39

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DOD—DODOASHA

Completed Actions

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was split from a proposed rule published under RIN 0720-AA07.

**Agency Contact:** Stephen Isaacson,  
Department of Defense, Office of  
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**RIN:** 0720-AA51  
[FR Doc. 99-24738 Filed 11-19-99; 8:45 am]  
**BILLING CODE 5001-10-F**