



# Federal Register

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**Thursday,  
November 30, 2000**

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**Part V**

**Department of  
Defense**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF DEFENSE (DOD)

## DEPARTMENT OF DEFENSE

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

## 33 CFR Ch. II

## 36 CFR Ch. III

**Improving Government Regulations;  
Unified Agenda of Federal Regulatory  
and Deregulatory Actions**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Semiannual regulatory agenda.

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

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

The agenda portion of this document updates the report published on April 24, 2000, 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 2001, with the next regulatory plan scheduled to be published in October 2001. 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@whs.pentagon.mil](mailto:cushingr@whs.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 703-602-0296, or write to Defense Acquisition Regulations Directorate, 3062 Defense Pentagon, Washington, DC 20301-3062, or e-mail: [fenkk@acq.osd.mil](mailto:fenkk@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.

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Those DoD issuances, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as

defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

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

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

**Dated:** August 31, 2000.  
**D. O. Cooke,**  
*Director, Administration and Management.*

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
891	Commercial Activities Program Procedures (DoD Instruction 4100.33) .....	0790-AG44
892	Personnel and General Claims .....	0790-AG47
893	Eligibility Requirements for Education of Minor Dependents in Overseas Areas (DoD Directive 1342.13) .....	0790-AG71
894	Eligibility Procedures for the Education of Minor Dependents in Overseas Areas (DoD Instruction 1342.XX) .....	0790-AG72
895	Implementation of Executive Order 13132 "Federalism" .....	0790-AG81
896	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance .....	0790-AG83

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
897	Science, Mathematics, and Engineering (SME) Education .....	0790-AF27
898	National Security Education Program (NSEP) Grants to Institutions of Higher Education (DoD Instruction 1025.5) .....	0790-AF59
899	Closed, Transferred, and Transferring Ranges Containing Military Munitions ( <b>Reg Plan Seq. No. 23</b> ) .....	0790-AG46
900	Personnel Security Policies for Granting Access to Classified Information .....	0790-AG54
901	National Policy on Reciprocity of Facilities and Guidelines for Implementation of Reciprocity .....	0790-AG55
902	National Policy on Technical Surveillance Countermeasures .....	0790-AG56
903	Implementation of the Wildfire Suppression Aircraft Transfer Act of 1996 (Pub. L. 104-307) .....	0790-AG60
904	Financial Institutions on DoD Installations .....	0790-AG73
905	Procedures Governing Banks, Credit Unions, and Other Financial Institutions on DoD Installations (7000.14-R) ....	0790-AG74
906	Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations .....	0790-AG76
907	Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects .....	0790-AG79
908	Revitalizing Base Closure Communities and Community Assistance .....	0790-AG80

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

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
909	Teacher and Teacher's Aide Placement Assistance Program (Troops to Teachers) (DoD Instruction 1404.13) .....	0790-AF71
910	DLA Acquisition Regulation; Small Business and Small Disadvantaged Business Concerns .....	0790-AF72
911	DLA Acquisition Regulation; Fuel Allocation Procedures .....	0790-AF73
912	Military Assistance for Civil Disturbances (MACDIS) (DoD Directive 3025.12) .....	0790-AG21
913	Former Spouse Payments from Retired Pay; Amendment (DoD Directive 1340.16 and DoD 7000.14-R, Vol 7, Part B) .....	0790-AG22
914	University Research Initiative Support Program (URISP) .....	0790-AG26
915	Restoration Advisory Board (RABs) .....	0790-AG31

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## Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identification Number
916	Compensation of Certain Former Operatives Incarcerated by the Democratic Republic of Vietnam; Amendment ....	0790-AG67
917	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving Federal Financial Assistance .....	0790-AG77
918	National Imagery and Mapping Agency (NIMA) Freedom of Information Act Program .....	0790-AG82

## Defense Acquisition Regulations Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
919	Overseas Use of the Purchase Card in Contingency, Humanitarian, or Peacekeeping Operations (DFARS Case 2000-D019) .....	0750-AD16
920	Ocean Transportation by United States-Flag Vessels—Simplified Acquisition Threshold (DFARS Case 2000-D014) .....	0750-AD19
921	Domestic Source Restriction—Ball and Roller Bearings and Vessel Propellers (DFARS Case 2000-D301) .....	0750-AD33

## Defense Acquisition Regulations Council—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
922	DD Form 250, Material Inspection and Receiving Report (DFARS Case 2000-D008) .....	0750-AD14
923	North American Industry Classification System (NAICS) (DFARS Case 2000-D015) .....	0750-AD15

## Defense Acquisition Regulations Council—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
924	Incremental Funding, Fixed Price Contracts (DAR Case 90-037) .....	0750-AA07
925	Demilitarization (DFARS Case 92-D024) .....	0750-AA09
926	Acquisition of Commercial Items (DFARS Case 95-D712) .....	0750-AB00
927	DFARS Commercially Available Off-the-Shelf Items (DFARS Case 96-D316) .....	0750-AB40
928	Veterans Employment Emphasis (DFARS Case 97-D314) .....	0750-AC20
929	Contracting for Commercial Construction (DFARS Case 98-D013) .....	0750-AC44
930	Foreign Military Sales Customer Observation in Contract Preparation and Negotiations (DFARS Case 1999-D005) .....	0750-AC85
931	Material Management and Accounting System (DFARS Case 2000-D003) .....	0750-AC96
932	Anticompetitive Teaming (DFARS Case 1999-D028) .....	0750-AC98
933	Closeout of Foreign Military Sales (FMS) Contract Line Items (DFARS Case 2000-D002) .....	0750-AD01
934	Institutions of Higher Education (DFARS Case 1999-D303) .....	0750-AD05
935	Pollution Control and Clean Air and Water (DFARS Case 2000-D004) .....	0750-AD13
936	Profit Incentives to Produce Innovative New Technologies (DFARS Case 2000-D300) .....	0750-AD17
937	Polyacrylonitrile Carbon Fiber (DFARS Case 2000-D017) .....	0750-AD20
938	Change to Profit Policy (DFARS Case 2000-D018) .....	0750-AD21
939	Balance of Payments Program (DFARS Case 2000-D020) .....	0750-AD22

## Defense Acquisition Regulations Council—Completed Actions

Sequence Number	Title	Regulation Identification Number
940	Cargo Preference—Subcontracts for Commercial Items (DFARS Case 98-D014) .....	0750-AC45
941	Rewrite of DFARS Part 225 (DFARS Case 98-D028) .....	0750-AC60
942	Streamlined Payment Practices (DFARS Case 98-D026) .....	0750-AC74
943	Disclosure of Information (DFARS Case 1999-D015) .....	0750-AC75
944	Domestic Source Restrictions—Commercial Items (DFARS Case 1999-D301) .....	0750-AC76

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

Sequence Number	Title	Regulation Identification Number
945	Utilization of Indian Organizations and Indian-Owned Economic Enterprises (DFARS Case 1999-D300) .....	0750-AC83
946	General Property, Plant, and Equipment (DFARS Case 1999-D019) .....	0750-AC86
947	Transportation Acquisition Policy (DFARS Case 1999-D009) .....	0750-AC89
948	Production Surveillance and Reporting (DFARS Case 1999-D026) .....	0750-AC95
949	Enhancement of Authority Relating to Utility Privatization (DFARS Case 1999-D309) .....	0750-AC99
950	Reporting Requirements Update (DFARS Case 2000-D001) .....	0750-AD00
951	Manufacturing Technology Program (DFARS Case 1999-D302) .....	0750-AD02
952	Mentor-Protege Program Improvements (DFARS Case 1999-D307) .....	0750-AD03
953	Contract Drawings, Maps, and Specifications (DFARS Case 1999-D025) .....	0750-AD04
954	Construction/Service Contracts in Noncontiguous States (DFARS Case 1999-D308) .....	0750-AD06
955	Special Procedures for Negotiation of Construction Contracts (DFARS Case 2000-D010) .....	0750-AD18
956	Uncompensated Overtime Source Selection Factor (DFARS Case 2000-D013) .....	0750-AD23
957	OMB Circular A-73, Audit of Federal Operations and Programs (DFARS Case 2000-D007) .....	0750-AD24
958	Waiver of Cost Accounting Standards (DFARS Case 2000-D012) .....	0750-AD25
959	Progress Payments for Foreign Military Sales Contracts (DFARS Case 2000-D009) .....	0750-AD26
960	Repeal of Reporting Requirements under Public Law 85-804 (DFARS Case 2000-D016) .....	0750-AD27
961	Reporting Forms (DFARS Case 2000-D400) .....	0750-AD28
962	Federal Prison Industries (FPI) Waiver Threshold (DFARS Case 2000-D005) .....	0750-AD29
963	Research, Development, Test, and Evaluation Budget Category Definitions (DFARS Case 2000-D401) .....	0750-AD30
964	Caribbean Basin Countries (DFARS Case 2000-D006) .....	0750-AD31
965	North American Free Trade Agreement Threshold—Goods and Services (DFARS Case 2000-D011) .....	0750-AD32

## Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
966	Report On Use of Employees of Non-Federal Entities to Provide Services to the Department of the Army .....	0702-AA33

## Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identification Number
967	The Department of the Army Freedom of Information Act Program .....	0702-AA30
968	Army Board for Correction of Military Records .....	0702-AA32

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

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

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

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

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## U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identification Number
974	Regulatory Program of the Corps of Engineers—Administrative Appeals .....	0710-AA41

## Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
975	Policies and Responsibilities for Implementation of the National Environmental Policy Act Within the Department of the Navy .....	0703-AA51
976	Disposition of Property .....	0703-AA60
977	Midway Islands Code .....	0703-AA61
978	Rules Applicable to the Public .....	0703-AA62
979	Rules Limiting Public Access to Particular Installations .....	0703-AA63

## Department of the Navy—Long-Term Actions

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

## Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identification Number
982	Availability of the Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public .....	0703-AA53
983	Professional Conduct of Attorney Practices Under the Supervision of the Judge Advocate General .....	0703-AA54
984	United States Navy Regulations .....	0703-AA55
985	Application Guidelines for Underwater Archaeological Research Permits on Submerged Cultural Resources Under Jurisdiction of the Department of the Navy .....	0703-AA57
986	Availability of Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public .....	0703-AA58
987	Legal Assistance .....	0703-AA59

## Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
988	Installation Entry Policy, Civil Disturbance Intervention and Disaster Assistance .....	0701-AA64

## Department of the Air Force—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
989	Appointment to the United States Air Force Academy .....	0701-AA58
990	Delivery of Personnel to U.S. Civilian Authorities for Trial .....	0701-AA60
991	Release, Dissemination, and Sale of Visual Information Materials .....	0701-AA62
992	Visual Information Documentation Program .....	0701-AA63

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Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
993	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care (DoD 6010.8-R) .....	0720-AA20
994	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Transplants (DoD 6010.8-R) .....	0720-AA28
995	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions .....	0720-AA41
996	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Prosthetic Devices .....	0720-AA49
997	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage .....	0720-AA50
998	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Double Coverage; Third-Party Recoveries .....	0720-AA52
999	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Family Member Dental Plan .....	0720-AA53
1000	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Establishment of an Appeals Process for TRICARE Claimcheck Denials .....	0720-AA56
1001	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Methodology for Coverage of NIH-Sponsored Clinical Trials .....	0720-AA57
1002	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Payments for Professional Services in Low-Access Locations .....	0720-AA58
1003	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment .....	0720-AA59
1004	TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Bonus Payments in Medically Underserved Areas .....	0720-AA60
1005	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Enhancement of Dental Benefits Under the TRICARE Retiree Dental Program .....	0720-AA61

Office of Assistant Secretary for Health Affairs—Completed Actions

Sequence Number	Title	Regulation Identification Number
1006	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Expansion of Dependent Eligibility for TRICARE Retiree Dental Program .....	0720-AA54
1007	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Nonavailability Statement Requirement for Maternity Care .....	0720-AA55

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

**Proposed Rule Stage**

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

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

**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	10/00/00	
NPRM Comment Period End	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** John Horsfall, Department of Defense, Office of the Secretary

Phone: 703 604-6735

**RIN:** 0790-AG44

**892. 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 Management and Budget (OMB) the Comptroller General's authority to

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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	10/00/00	
NPRM Comment	12/00/00	
Period End		

**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

### 893. 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 Public Law 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	10/00/00	
NPRM Comment	12/00/00	
Period End		

**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

### 894. 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	10/00/00	
NPRM Comment	12/00/00	
Period End		

**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

### 895. • IMPLEMENTATION OF EXECUTIVE ORDER 13132 "FEDERALISM"

**Priority:** Substantive, Nonsignificant**Legal Authority:** EO 13132**CFR Citation:** 32 CFR 339**Legal Deadline:** None

**Abstract:** This rule assigns responsibilities and prescribes procedures for the implementation of Executive Order 13132 "Federalism" within the Department of Defense. This rule establishes an accountable consultation process with State and local officials in the development of policies having Federalism implications. The Director, Administration and Management, was designated the Federalism official for the Department of Defense by Secretary of Defense memorandum. Accordingly, the Federalism official has established an accountable process for meaningful and timely intergovernmental consultation, will monitor compliance with the Executive order, and will provide certification of compliance and reports to the Office of Management and Budget. Costs attributed to the rulemaking and budgetary effects are negligible. The primary qualitative benefit from this rulemaking lies in establishing a regulatory and policymaking approach that respects the role of State and local governments by ensuring the opportunity for timely and meaningful consultation.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/00	
NPRM Comment	12/00/00	
Period End		

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

**Agency Contact:** Robert Cushing, Department of Defense, Office of the Secretary

Phone: 703 604-6269

RIN: 0790-AG81

## DOD—OS

## Proposed Rule Stage

**896. • NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The Department of Defense proposes to make amendments to its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these

statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRA) added definitions of “program or activity” and “program” to title VI and added a definition of “program or activity” to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients’ programs or activities under these statutes. The promulgation of this proposed regulation explicitly incorporates the CRRA’s definition of “program or activity” and “program” into the Department of Defense’s title VI, section 504, and Age Discrimination Act regulations. The Department of

Defense’s proposed regulation will be published as part of a joint notice of proposed rulemaking involving up to 24 Federal agencies.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Jerry Anderson, Department of Defense, Office of the Secretary  
Phone: 703 695-0105**RIN:** 0790–AG83

## Department of Defense (DOD)

## Final Rule Stage

## Office of the Secretary (OS)

**897. 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	58 FR 65956
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Keith Thompson, Department of Defense, Office of the Secretary  
Phone: 703 696-0378  
Email: thompsonk@acq.osd.mil**RIN:** 0790–AF27**898. NATIONAL SECURITY EDUCATION PROGRAM (NSEP) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION (DOD INSTRUCTION 1025.5)****Priority:** Substantive, Nonsignificant**Legal Authority:** 20 USC 1141(a)**CFR Citation:** 32 CFR 206**Legal Deadline:** Final, Statutory, April 5, 1994.**Abstract:** The National Security Education Act provided for the National Security Education Program, the National Security Education Board, and a trust fund in the U.S. Treasury to provide all resources for the program. Under the Act, the Secretary is directed to carry out a program to award undergraduate scholarships, graduate fellowships, and grants to institutions of higher education. This rule is to inform those concerned with institutional grants to be offered under the 1994-1995 pilot grants program of the preliminary guidelines.**Timetable:**

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

Action	Date	FR Cite
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Organizations**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Steve Door, Department of Defense, Office of the Secretary  
Phone: 703 696-1991  
Email: nsep@nsep.policy.osd.mil**RIN:** 0790–AF59**899. CLOSED, TRANSFERRED, AND TRANSFERRING RANGES CONTAINING MILITARY MUNITIONS****Regulatory Plan:** This entry is Seq. No. 23 in Part II of this issue of the **Federal Register**.**RIN:** 0790–AG46**900. PERSONNEL SECURITY POLICIES FOR GRANTING ACCESS TO CLASSIFIED INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12968**CFR Citation:** 32 CFR 147**Legal Deadline:** None

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**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	63 FR 4572
Interim Final Rule Comment Period End	03/31/98	
Final Action	10/00/00	
Final Action Effective	12/00/00	

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

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	09/16/97	63 FR 4580
Interim Final Rule	01/30/98	63 FR 4580
Interim Final Rule Comment Period End	03/31/98	63 FR 4580
Final Action	10/00/00	
Final Action Effective	12/00/00	

**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**902. NATIONAL POLICY ON TECHNICAL SURVEILLANCE COUNTERMEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12968**CFR Citation:** 32 CFR 149**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	09/16/97	63 FR 4582
Interim Final Rule	01/30/98	63 FR 4582
Interim Final Rule Comment Period End	03/31/98	63 FR 4582
Final Action	10/00/00	
Final Action Effective	12/00/00	

**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**903. IMPLEMENTATION OF THE WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996 (PUB. L. 104-307)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 104-307**CFR Citation:** 32 CFR 171**Legal Deadline:** Final, Statutory, September 30, 1998.

**Abstract:** The Wildfire Suppression Aircraft Transfer Act of 1996 states that, notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 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	64 FR 29227
Interim Final Rule Comment Period End	08/02/99	64 FR 29227
Final Action	10/00/00	
Final Action Effective	12/00/00	

**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**904. 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.

**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

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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	64 FR 43856
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Tom Summers, Department of Defense, Office of the Secretary  
Phone: 703 602-0299

**RIN:** 0790-AG73

### 905. 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 Reinventing 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 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	64 FR 43858
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Tom Summers, Department of Defense, Office of the Secretary  
Phone: 703 602-0299

**RIN:** 0790-AG74

### 906. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 10 USC 113

**CFR Citation:** 32 CFR 22; 32 CFR 32

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14405
Interim Final Rule Effective	04/17/00	65 FR 14405
Interim Final Rule Comment Period End	05/15/00	65 FR 14405
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** None

**Agency Contact:** Mark Herbst, Department of Defense, Office of the Secretary  
Phone: 703 696-0372

Email: herbstm@acq.osd.mil

**RIN:** 0790-AG76

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-65

**CFR Citation:** 32 CFR 3

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/05/00	65 FR 35576
Interim Final Rule Effective	07/05/00	65 FR 35576
Interim Final Rule Comment Period End	08/04/00	65 FR 35576
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** None

**Agency Contact:** Teresa Brooks, Department of Defense, Office of the Secretary  
Phone: 703 695-4258  
Fax: 703 693-9616  
Email: brooksta@acq.osd.mil

**RIN:** 0790-AG79

### 908. REVITALIZING BASE CLOSURE COMMUNITIES AND COMMUNITY ASSISTANCE

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing

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

**Legal Authority:** PL 103-160

**CFR Citation:** 32 CFR 175

**Legal Deadline:** None

**Abstract:** On July 20, 1995, the Department of Defense published a final rule (60 FR 37337) implementing title XXIX of the National Defense Authorization Act for FY 1994 (Pub. L. 103-160) and the President's Five-Part Plan "A Program to Revitalize Base Closure Communities," July 2, 1993.

This rule will amend the final rule to implement section 2821 of the FY 2000 Defense Authorization Act, which provides for the non-cost conveyance of base closure property for job creation purposes. This new authority is essential to the Department's base reuse program because it improves the conveyance process and enhances our ability to support local communities' economic recovery efforts.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/00	
Interim Final Rule Effective	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

**Sectors Affected:** None

**Agency Contact:** Patrick O'Brien, Department of Defense, Office of the Secretary

Phone: 703 604-5844

Email: obrienpj@acq.osd.mil

**RIN:** 0790-AG80

## Department of Defense (DOD)

## Office of the Secretary (OS)

## Long-Term Actions

**909. 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	59 FR 7213
Interim Final Rule Comment Period End	04/18/94	59 FR 7213
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	60 FR 30188
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Otto Thomas

Phone: 703 614-4074

Email: thomaso@pr.osd.mil

**RIN:** 0790-AF71

**910. 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
NPRM Comment Period End	06/27/94	59 FR 21954
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Agency Contact:** Holley Bailey

Phone: 703 767-1374

**RIN:** 0790-AF72

**911. 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	59 FR 21956
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Agency Contact:** Holley Bailey

Phone: 703 767-1374

**RIN:** 0790-AF73

**912. 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

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

**Federalism:** Undetermined

**Agency Contact:** G. Warren

Phone: 703 697-5454

**RIN:** 0790-AG21

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 32 CFR 63

**Timetable:**

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

## DOD—OS

## Long-Term Actions

**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

**914. 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

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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Evelyn Kent

Phone: 703 696-0368

Email: kente@acq.osd.mil

RIN: 0790-AG26

**915. 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	
NPRM Extension of Comment Period	11/19/96	61 FR 58803
NPRM Comment Period End	01/20/97	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Federalism:** Undetermined**Agency Contact:** Marcia Read

Phone: 703 697-9793

Email: readmw@acq.osd.mil

RIN: 0790-AG31

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

## Completed Actions

**916. COMPENSATION OF CERTAIN FORMER OPERATIVES INCARCERATED BY THE DEMOCRATIC REPUBLIC OF VIETNAM; AMENDMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 270**Completed:**

Reason	Date	FR Cite
Final Action	05/31/00	65 FR 34588

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None**Agency Contact:** Chuck Witschonke

Phone: 703 693-1059

Frank Hudson

Phone: 703 588-6570

RIN: 0790-AG67

**917. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 196**Completed:**

Reason	Date	FR Cite
Final Action	08/30/00	65 FR 52858

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** William Leftwich

Phone: 703 695-0105

RIN: 0790-AG77

**918. NATIONAL IMAGERY AND MAPPING AGENCY (NIMA) FREEDOM OF INFORMATION ACT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552a**CFR Citation:** 32 CFR 293**Legal Deadline:** None

**Abstract:** This rule establishes the National Imagery and Mapping Agency (NIMA) regulation governing the disclosure of information under the Freedom of Information Act. This rule is revised pursuant to the Department of Defense rule, which implements the Freedom of Information Act, and it conforms to the Department of

Defense's rule and schedule. As a component of the Department of Defense, the Department of Defense rules and schedules with respect to the Freedom of Information Act, as amended, will also be the policy of NIMA.

**Timetable:**

Action	Date	FR Cite
Final Action Effective	03/14/00	65 FR 38201
Final Action	06/20/00	65 FR 38201

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

Phone: 301 227-2953

RIN: 0790-AG82

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

Proposed Rule Stage

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 213.301

**Legal Deadline:** None

**Abstract:** Modified the Defense FAR Supplement to permit the use of the Governmentwide Commercial Purchase Card on a stand-alone basis for overseas purchases of commercial items valued at or below \$25,000. This case provides this same authority (with two additional conditions) to contingency contracting officers, in support of contingency, humanitarian, or peacekeeping operations, or purchases that do not exceed the simplified acquisition threshold (\$200,000).

**Timetable:**

Action	Date	FR Cite
Case Opened	06/26/00	
NPRM	10/00/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
 Phone: 703 602-0296  
 Fax: 703 602-0350  
 Email: fenkk@acq.osd.mil

**RIN:** 0750-AD16

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 247.573; 48 CFR 252.247

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Case Opened	05/12/00	
NPRM	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
 Phone: 703 602-0296  
 Fax: 703 602-0350  
 Email: fenkk@acq.osd.mil

**RIN:** 0750-AD19

**921. • DOMESTIC SOURCE RESTRICTION—BALL AND ROLLER BEARINGS AND VESSEL PROPELLERS (DFARS CASE 2000-D301)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-259, sec 8064

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

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to implement section 8064 of the Fiscal Year 2001 Defense Appropriations Act (Public Law 106-259). Section 8064 restricts acquisition of ball and roller bearings and vessel propellers other than those produced by a domestic source and of domestic origin. The restrictions do not apply to the purchase of commercial items, except ball or roller bearings purchased as end items.

**Timetable:**

Action	Date	FR Cite
Case Opened	08/16/00	
NPRM	12/00/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
 Phone: 703 602-0296  
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 Email: fenkk@acq.osd.mil

**RIN:** 0750-AD33

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

Final Rule Stage

**922. • DD FORM 250, MATERIAL INSPECTION AND RECEIVING REPORT (DFARS CASE 2000-D008)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 253; 48 CFR Appendix F

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to conform the DD Form 250, Material Inspection and Receiving

Report, and its instructions in DFARS Appendix F, to the requirements in FAR 32.905(f)(5) and (6).

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**Timetable:**

Action	Date	FR Cite
Case Opened	03/27/00	
Final Action	10/00/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil**RIN:** 0750-AD14**923. • NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) (DFARS CASE 2000-D015)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 217; 48 CFR 219; 48 CFR 236; 48 CFR Appendix I**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to convert Standard Industrial Classification (SIC) codes to North American Industry Classification System (NAICS) codes.**Timetable:**

Action	Date	FR Cite
Case Opened	05/17/00	
Interim Final Rule	08/17/00	65 FR 50148
Interim Final Rule Effective	10/01/00	
Interim Final Rule Comment Period End	10/16/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
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Email: fenkk@acq.osd.mil**RIN:** 0750-AD15

## Department of Defense (DOD)

## Defense Acquisition Regulations Council (DARC)

## Long-Term Actions

**924. 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**Agency Contact:** Kathleen Fenk  
Phone: 703 602-0296  
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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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Email: fenkk@acq.osd.mil**RIN:** 0750-AA09**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk  
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Email: fenkk@acq.osd.mil**RIN:** 0750-AB00**925. DEMILITARIZATION (DFARS CASE 92-D024)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 245; 48 CFR 252.245**926. 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**927. DFARS COMMERCIALY AVAILABLE OFF-THE-SHELF ITEMS (DFARS CASE 96-D316)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 212

## DOD—DARC

## Long-Term Actions

**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**928. 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
Interim Final Rule Effective	03/11/98	
Interim Final Rule Comment Period End	05/11/98	
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-AC20**929. 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**930. FOREIGN MILITARY SALES CUSTOMER OBSERVATION IN CONTRACT PREPARATION AND NEGOTIATIONS (DFARS CASE 1999-D005)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 225.7304**Timetable:**

Action	Date	FR Cite
Case Opened	02/11/99	
NPRM	04/28/99	64 FR 22825
NPRM Comment Period End	06/28/99	
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-AC85**931. MATERIAL MANAGEMENT AND ACCOUNTING SYSTEM (DFARS CASE 2000-D003)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 242.72; 48 CFR 252.242**Timetable:**

Action	Date	FR Cite
Case Opened	01/19/00	
NPRM	07/03/00	65 FR 41038
NPRM Comment Period End	09/01/00	
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-AC96**932. ANTICOMPETITIVE TEAMING (DFARS CASE 1999-D028)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 203.3**Timetable:**

Action	Date	FR Cite
Case Opened	10/13/99	
NPRM	11/18/99	64 FR 63002
NPRM Comment Period End	01/18/00	
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-AC98**933. CLOSEOUT OF FOREIGN MILITARY SALES (FMS) CONTRACT LINE ITEMS (DFARS CASE 2000-D002)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 204.804**Timetable:**

Action	Date	FR Cite
Case Opened	01/18/00	
NPRM	04/13/00	65 FR 19865
NPRM Comment Period End	06/12/00	
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-AD01**934. INSTITUTIONS OF HIGHER EDUCATION (DFARS CASE 1999-D303)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 209.470; 48 CFR 243; 48 CFR 252.209**Timetable:**

Action	Date	FR Cite
Case Opened	10/06/99	
Interim Final Rule	01/13/00	65 FR 2056

## DOD—DARC

## Long-Term Actions

Action	Date	FR Cite
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Interim Final Rule	03/13/00	
Comment Period		
End		

Next Action Undetermined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AD05

**935. POLLUTION CONTROL AND CLEAN AIR AND WATER (DFARS CASE 2000-D004)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 223.104; 48 CFR 209.405

**Timetable:**

Action	Date	FR Cite
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Case Opened	02/01/00	
NPRM	05/22/00	65 FR 30265
NPRM Comment	07/21/00	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750-AD13

**936. • PROFIT INCENTIVES TO PRODUCE INNOVATIVE NEW TECHNOLOGIES (DFARS CASE 2000-D300)**

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-65, section 813

CFR Citation: 48 CFR 215

Legal Deadline: None

**Abstract:** Modified the Defense FAR Supplement to implement section 813 of the National Defense Authorization Act for Fiscal Year 2000. The rule amends the weighted guidelines method of profit computation to combine the management and cost control elements of the performance risk factor. The rule also establishes a

new "technology incentive" range for technical risk and modifies some of the cost control standards. In addition, the rule clarifies that Department of Defense departments and agencies must use a structured approach for developing a prenegotiation profit or fee objective on any negotiated contract action when cost or pricing data is obtained.

**Timetable:**

Action	Date	FR Cite
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Case Opened	03/24/00	
NPRM	05/22/00	65 FR 32066
NPRM Comment	07/21/00	
Period End		
Final Action	To Be	Determined

**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.

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RIN: 0750-AD17

**937. • POLYACRYLONITRILE CARBON FIBER (DFARS CASE 2000-D017)**

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225.7103

Legal Deadline: None

**Abstract:** Modifies the Defense FAR Supplement to phase out the restrictions on acquisition from foreign sources of polyacrylonitrile carbon fiber.

**Timetable:**

Action	Date	FR Cite
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Case Opened	05/23/00	
NPRM	07/03/00	
NPRM Comment	09/01/00	
Period End		
Final Action	To Be	Determined

**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-AD20

**938. • CHANGE TO PROFIT POLICY (DFARS CASE 2000-D018)**

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 215.404

Legal Deadline: None

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

**Timetable:**

Action	Date	FR Cite
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Case Opened	06/05/00	
NPRM	07/24/00	
NPRM Comment	09/22/00	
Period End		
Final Action	To Be	Determined

**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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## DOD—DARC

## Long-Term Actions

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RIN: 0750-AD21

**939. • BALANCE OF PAYMENTS PROGRAM (DFARS CASE 2000-D020)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 225; 48 CFR 252.225

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to add lanuage on the Balance of Payments Program.

**Timetable:**

Action	Date	FR Cite
Case Opened	08/01/00	
NPRM	To Be Determined	

**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-AD22

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

## Completed Actions

**940. CARGO PREFERENCE—SUBCONTRACTS FOR COMMERCIAL ITEMS (DFARS CASE 98-D014)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 212.504; 48 CFR 247; 48 CFR 252.247; 48 CFR 252.212; 48 CFR 252.244; 48 CFR 244

**Completed:**

Reason	Date	FR Cite
Final Rule	03/16/00	65 FR 14400

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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RIN: 0750-AC45

**942. STREAMLINED PAYMENT PRACTICES (DFARS CASE 98-D026)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 208.405; 48 CFR 212; 48 CFR 213; 48 CFR 214.201; 48 CFR 215.204; 48 CFR 232; 48 CFR 252.232

**Completed:**

Reason	Date	FR Cite
Final Action	07/31/00	65 FR 46625
Final Action Effective	07/31/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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RIN: 0750-AC74

**944. DOMESTIC SOURCE RESTRICTIONS—COMMERCIAL ITEMS (DFARS CASE 1999-D301)**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Case Closed	08/16/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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RIN: 0750-AC76

**941. REWRITE OF DFARS PART 225 (DFARS CASE 98-D028)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 213.302; 48 CFR 225; 48 CFR 242; 48 CFR 252.225

**Completed:**

Reason	Date	FR Cite
Final Action	04/13/00	65 FR 19849
Final Action Effective	04/13/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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RIN: 0750-AC60

**943. DISCLOSURE OF INFORMATION (DFARS CASE 1999-D015)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 204; 48 CFR 252.204

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/13/00	65 FR 19866

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
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RIN: 0750-AC75

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

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Final Action	04/13/00	65 FR 19858
Final Action Effective	04/13/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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## DOD—DARC

## Completed Actions

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RIN: 0750-AC83

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

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 253

**Completed:**

Reason	Date	FR Cite
Case Closed	08/21/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

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RIN: 0750-AC86

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

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 242; 48 CFR 247; 48 CFR 252.247; 48 CFR 212.6

**Completed:**

Reason	Date	FR Cite
Final Action	08/17/00	65 FR 50143

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

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RIN: 0750-AC89

**948. PRODUCTION SURVEILLANCE AND REPORTING (DFARS CASE 1999-D026)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 242; 48 CFR 253

**Completed:**

Reason	Date	FR Cite
Final Action	06/27/00	65 FR 39722
Final Action Effective	06/27/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

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RIN: 0750-AC95

**949. ENHANCEMENT OF AUTHORITY RELATING TO UTILITY PRIVATIZATION (DFARS CASE 1999-D309)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 241.103

**Completed:**

Reason	Date	FR Cite
Final Action	05/22/00	65 FR 32040
Final Action Effective	05/22/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

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RIN: 0750-AC99

**950. REPORTING REQUIREMENTS UPDATE (DFARS CASE 2000-D001)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 204; 48 CFR 253.204

**Completed:**

Reason	Date	FR Cite
Final Action	06/27/00	65 FR 39707
Final Action Effective	10/01/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

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RIN: 0750-AD00

**951. MANUFACTURING TECHNOLOGY PROGRAM (DFARS CASE 1999-D302)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 235.006

**Completed:**

Reason	Date	FR Cite
Final Action	04/13/00	65 FR 19859
Final Action Effective	04/13/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

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RIN: 0750-AD02

**952. MENTOR-PROTEGE PROGRAM IMPROVEMENTS (DFARS CASE 1999-D307)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 219.17; 48 CFR app I

**Completed:**

Reason	Date	FR Cite
Interim Final Rule Comment Period End	04/10/00	
Final Action	08/17/00	65 FR 50149

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

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RIN: 0750-AD03

**953. CONTRACT DRAWINGS, MAPS, AND SPECIFICATIONS (DFARS CASE 1999-D025)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 252.236

**Completed:**

Reason	Date	FR Cite
Final Action	08/17/00	65 FR 50152

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

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RIN: 0750-AD04

**954. CONSTRUCTION/SERVICE CONTRACTS IN NONCONTIGUOUS STATES (DFARS CASE 1999-D308)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 222.70; 48 CFR 252.222

**Completed:**

Reason	Date	FR Cite
Interim Final Rule Comment Period End	05/15/00	

## DOD—DARC

## Completed Actions

Reason	Date	FR Cite
Final Action	08/17/00	65 FR 50150
Final Action Effective	08/17/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AD06

**955. • SPECIAL PROCEDURES FOR NEGOTIATION OF CONSTRUCTION CONTRACTS (DFARS CASE 2000-D010)**

**Priority:** Substantive, Nonsignificant

**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 236.4

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to remove obsolete text pertaining to special procedures for fee negotiation under cost-reimbursement contracts for construction.

**Timetable:**

Action	Date	FR Cite
Case Opened	04/12/00	
Final Action	08/17/00	65 FR 50157

**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-AD18

**956. • UNCOMPENSATED OVERTIME SOURCE SELECTION FACTOR (DFARS CASE 2000-D013)**

**Priority:** Substantive, Nonsignificant

**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 215.305

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to delete language at 215.305(a)(1) on uncompensated overtime that duplicates language at FAR 37.115-2(c).

**Timetable:**

Action	Date	FR Cite
Case Opened	05/11/00	
Final Action	06/27/00	65 FR 39721
Final Action Effective	06/27/00	

**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-AD23

**957. • OMB CIRCULAR A-73, AUDIT OF FEDERAL OPERATIONS AND PROGRAMS (DFARS CASE 2000-D007)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 252.237

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to remove the requirement for contractors to comply with Office of Management and Budget (OMB) Circular No. A-73 when performing audit services for the Department of Defense.

**Timetable:**

Action	Date	FR Cite
Case Opened	03/27/00	
Final Action	05/22/00	65 FR 32041
Final Action Effective	05/22/00	

**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-AD24

**958. • WAIVER OF COST ACCOUNTING STANDARDS (DFARS CASE 2000-D012)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 203.201

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to specify the procedures in Department of Defense for Cost Accounting Standard waivers.

**Timetable:**

Action	Date	FR Cite
Case Opened	05/01/00	
Final Action	06/06/00	65 FR 36034
Final Action Effective	06/06/00	

**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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## DOD—DARC

## Completed Actions

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RIN: 0750-AD25

**959. • PROGRESS PAYMENTS FOR FOREIGN MILITARY SALES CONTRACTS (DFARS CASE 2000-D009)**

**Priority:** Substantive, Nonsignificant

**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 232

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to delete customary foreign military sale process payments.

**Timetable:**

Action	Date	FR Cite
Case Opened	03/30/00	
Final Action	06/27/00	65 FR 39722
Final Action Effective	06/27/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil

RIN: 0750-AD26

**960. • REPEAL OF REPORTING REQUIREMENTS UNDER PUBLIC LAW 85-804 (DFARS CASE 2000-D016)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 250.104

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to remove policy on submission of reports to Congress regarding contractor requests for extraordinary contractual relief.

**Timetable:**

Action	Date	FR Cite
Case Opened	05/22/00	
Final Action	07/31/00	65 FR 46626
Final Action Effective	07/31/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil

RIN: 0750-AD27

**961. • REPORTING FORMS (DFARS CASE 2000-D400)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 253

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to consider a new format for the DD Form 350, Individual Contract Action Report, and the DD Form 1057, Monthly Contracting Summary of Actions \$25,000 or less.

**Timetable:**

Action	Date	FR Cite
Case Opened	03/03/00	
Form Updated	06/20/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil

RIN: 0750-AD28

**962. • FEDERAL PRISON INDUSTRIES (FPI) WAIVER THRESHOLD (DFARS CASE 2000-D005)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 208.606

**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to increase, from \$25 to \$250, the threshold at which the Department of Defense must request clearance from Federal Prison Industries (FPI) before purchasing FPI Schedule items from sources other than FPI, when delivery is required within 10 days.

**Timetable:**

Action	Date	FR Cite
Case Opened	02/10/00	
Final Action	03/16/00	65 FR 14400
Final Action Effective	03/16/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil

RIN: 0750-AD29

## DOD—DARC

## Completed Actions

**963. • RESEARCH, DEVELOPMENT, TEST, AND EVALUATION BUDGET CATEGORY DEFINITIONS (DFARS CASE 2000-D401)****Priority:** Substantive, Nonsignificant**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 235.001**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to remove obsolete definitions pertaining to research and development efforts.**Timetable:**

Action	Date	FR Cite
Case Opened	03/06/00	
Final Action	05/22/00	65 FR 32040
Final Action Effective	05/22/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil**RIN:** 0750—AD30**964. • CARIBBEAN BASIN COUNTRIES (DFARS CASE 2000-D006)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 252.225**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to delete the Dominican Republic and Honduras from the definition of "Caribbean Basin Country" consistent with a decision of the United States Trade Representative.**Timetable:**

Action	Date	FR Cite
Case Opened	02/24/00	
Final Action	04/13/00	65 FR 19859
Final Action Effective	04/13/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil**RIN:** 0750—AD31**965. • NORTH AMERICAN FREE TRADE AGREEMENT THRESHOLD—GOODS AND SERVICES (DFARS CASE 2000-D011)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225.1101**Legal Deadline:** None**Abstract:** Modifies the Defense FAR Supplement to implement the determination of the United States Trade Representative to increase the dollar threshold for application of the North American Free Trade Agreement to procurement of goods from Mexico, from \$53,150 to \$54,372.**Timetable:**

Action	Date	FR Cite
Case Opened	04/14/00	
Final Action	06/06/00	65 FR 36034
Final Action Effective	06/06/00	

**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, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0296  
Fax: 703 602-0350  
Email: fenkk@acq.osd.mil**RIN:** 0750—AD32

## Department of Defense (DOD)

## Final Rule Stage

## Department of the Army (DOA)

**966. • REPORT ON USE OF EMPLOYEES OF NON-FEDERAL ENTITIES TO PROVIDE SERVICES TO THE DEPARTMENT OF THE ARMY****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 2461 (g)**CFR Citation:** 32 CFR 668**Legal Deadline:** None**Abstract:** The Department of the Army announced an interim rule to establish the basic contractor reporting requirements in support of identifying the number of direct and indirect labor work year equivalents.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/15/00	65 FR 13906
Interim Final Rule Effective	03/15/00	
Interim Final Rule Comment Period End	05/15/00	
Final Rule	10/00/00	

**Regulatory Flexibility Analysis****Required:** No

## DOD—DOA

## Final Rule Stage

**Government Levels Affected:** None

**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

**Additional Information:** The interim rule relates to procurement where contractor labor hours is collected coincidental with contract performance.

It is not, however, required for the actual business of procurement. The collection is currently "made necessary" by statute and is the only possible way to carry out the request under section 343 of the Defense Authorization Act. The collection does have some external (and internal) paperwork burden, but that has been minimized to the extent practicable.

**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@rmmpo.belvoir.army.mil  
**RIN:** 0702-AA33

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

## Completed Actions

**967. THE DEPARTMENT OF THE ARMY FREEDOM OF INFORMATION ACT PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 32 CFR 518

**Completed:**

Reason	Date	FR Cite
Withdrawn	09/08/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gregory D. Showalter  
Phone: 703 806-3708  
Email: showalterg@rmmpo.belvoir.army.mil

**RIN:** 0702-AA30

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 32 CFR 581

**Completed:**

Reason	Date	FR Cite
Final Action	03/29/00	65 FR 17440

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gregory D. Showalter  
Phone: 703 806-3708  
Email: showalterg@rmmpo.belvoir.army.mil

**RIN:** 0702-AA32

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

## Proposed Rule Stage

**969. 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	10/00/00	
NPRM Comment Period End	11/00/00	
Final Action	02/00/01	
Final Action Effective	09/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**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

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

## Long-Term Actions

**970. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS**

**Priority:** Substantive, Nonsignificant

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

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

**RIN:** 0710-AA30

**971. 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

**DOD—COE**

**Long-Term Actions**

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

**RIN:** 0710-AA38

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 33 CFR 325

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

**RIN:** 0710-AA43

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 33 CFR 241

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

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

**RIN:** 0710-AA44

**Department of Defense (DOD)**

**Completed Actions**

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

**974. REGULATORY PROGRAM OF THE CORPS OF ENGINEERS—ADMINISTRATIVE APPEALS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 33 CFR 331

**Completed:**

Reason	Date	FR Cite
Final Action	03/28/00	65 FR 16486
Final Action Effective	03/28/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0710-AA41

**Department of Defense (DOD)**

**Final Rule Stage**

**Department of the Navy (NAVY)**

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 44502

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37069

Action	Date	FR Cite
NPRM Comment Period End	09/07/99	
Final Action	04/00/01	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 0703-AA51

**976. • DISPOSITION OF PROPERTY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 5031; 10 USC 6011

**CFR Citation:** 32 CFR 736

**Legal Deadline:** None

**Abstract:** The Department of the Navy (DON) is amending its regulations

governing the disposition of Government property to reflect changes in the Disposition of Property Regulation, updating information and citation authorities, organizational names, and other information. The amendments will enhance public awareness regarding rules affecting the disposition of DON property.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** LCDR James L. Roth JAGC, USN, Department of Defense, Department of the Navy, Suite 3000, Head, Regulations/Leg. FOIA/Privacy Act Branch, Office of the Judge Advocate General, Washington Navy Yard, 1322 Patterson Avenue SE, Washington, DC 20374-5066  
Phone: 703 604-8200  
Fax: 703 604-6955

## DOD—NAVY

## Final Rule Stage

Email: roth.james@hq.navy.mil

RIN: 0703-AA60

**977. • MIDWAY ISLANDS CODE****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** EO 13022**CFR Citation:** 32 CFR 762**Legal Deadline:** None**Abstract:** Pursuant to Executive Order 13022, jurisdiction and responsibility for the Midway Islands transferred to the Department of the Interior (DOI) on October 31, 1996. This action removes obsolete regulations governing the Midway Islands, which have been superceded by regulations promulgated by the DOI at 50 CFR 38.**Timetable:**

Action	Date	FR Cite
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** LCDR James L. Roth JAGC, USN, Department of Defense, Department of the Navy, Suite 3000, Head, Regulations/Leg. FOIA/Privacy Act Branch, Office of the Judge Advocate General, Washington Navy Yard, 1322 Patterson Avenue SE, Washington, DC 20374-5066

Phone: 703 604-8200

Fax: 703 604-6955

Email: roth.james@hq.navy.mil

RIN: 0703-AA61

**978. • RULES APPLICABLE TO THE PUBLIC****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 301; 10 USC 133; 10 USC 956; 10 USC 5031; 10 USC 6011; ...**CFR Citation:** 32 CFR 765 (Revised)**Legal Deadline:** None**Abstract:** The Department of the Navy is revising its regulation pertaining to the payment of rewards for Navy and Marine Corps absentee/deserter personnel.**Timetable:**

Action	Date	FR Cite
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** LCDR James L. Roth JAGC, USN, Department of Defense, Department of the Navy, Suite 3000, Head, Regulations/Leg. FOIA/Privacy Act Branch, Office of the Judge Advocate General, Washington Navy Yard, 1322 Patterson Avenue SE, Washington, DC 20374-5066  
Phone: 703 604-8200  
Fax: 703 604-6955  
Email: roth.james@hq.navy.mil

RIN: 0703-AA62

**979. • RULES LIMITING PUBLIC ACCESS TO PARTICULAR INSTALLATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC 6011**CFR Citation:** 32 CFR 770, subparts A, B, F, G**Legal Deadline:** None**Abstract:** This amends regulations concerning entry upon installations with limited public access under jurisdiction of the Department of the Navy.**Timetable:**

Action	Date	FR Cite
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** LCDR James L. Roth JAGC, USN, Department of Defense, Department of the Navy, Suite 3000, Head, Regulations/Leg. FOIA/Privacy Act Branch, Office of the Judge Advocate General, Washington Navy Yard, 1322 Patterson Avenue SE, Washington, DC 20374-5066  
Phone: 703 604-8200  
Fax: 703 604-6955  
Email: roth.james@hq.navy.mil

RIN: 0703-AA63

**Department of Defense (DOD)  
Department of the Navy (NAVY)****Long-Term Actions****980. USE OF DEPARTMENT OF THE NAVY AVIATION FACILITIES BY OTHER THAN UNITED STATES DEPARTMENT OF DEFENSE AIRCRAFT****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 766**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** James Beaton  
Phone: 703 604-7707  
Fax: 703 604-6969

RIN: 0703-AA48

**981. 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
Interim Final Rule Effective	12/22/97	
Interim Final Rule Comment Period End	02/20/98	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Clarence Belton  
Phone: 703 602-2807

## DOD—NAVY

## Long-Term Actions

Email: belton.clarence@hq.navy.mil

RIN: 0703-AA50

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

## Completed Actions

**982. 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
Final Rule	09/14/99	64 FR 49850
Final Action Effective	09/14/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Doris M. Lama

Phone: 202 685-6545

RIN: 0703-AA53

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

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 776 (Revision)

Completed:

Reason	Date	FR Cite
Final Action	03/21/00	65 FR 15059
Final Action Effective	03/21/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Vita Antolin-Jenkins

Phone: 703 604-8228

RIN: 0703-AA54

**984. UNITED STATES NAVY REGULATIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 700

Completed:

Reason	Date	FR Cite
Final Action	10/15/99	64 FR 56061
Final Action Effective	11/15/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: James L. Roth

Phone: 703 604-8200

Fax: 703 604-6955

Email: roth.james@hq.navy.mil

RIN: 0703-AA55

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

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 767

Completed:

Reason	Date	FR Cite
Final Action	05/16/00	65 FR 31079
Final Action Effective	05/16/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

Agency Contact: Robert S. Neyland

Phone: 202 433-2210

Fax: 202 433-2729

RIN: 0703-AA57

**986. • AVAILABILITY OF 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

Legal Deadline: None

**Abstract:** This rule sets forth regulations pertaining to the Department of the Navy's Freedom of Information Act Program. This rule adds regulations regarding indexing, public inspection, and publication of documents affecting the public. Due to incorrect amendatory instructions, subpart E was inadvertently deleted from part 701 when subparts A through D were revised on September 14, 1999 (64 FR 49850). Subpart E has been added back to part 701 in its entirety.

**Timetable:**

Action	Date	FR Cite
Final Action	04/27/00	65 FR 24635
Final Action Effective	04/27/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LCDR James L. Roth

JAGC, USN, Department of Defense,

Department of the Navy, Suite 3000,

Head, Regulations/Leg. FOIA/Privacy

Act Branch, Office of the Judge

Advocate General, Washington Navy

Yard, 1322 Patterson Avenue SE,

Washington, DC 20374-5066

Phone: 703 604-8200

Fax: 703 604-6955

Email: roth.james@hq.navy.mil

RIN: 0703-AA58

**987. • LEGAL ASSISTANCE**

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 10 USC 5031; 10 USC 5148

CFR Citation: 32 CFR 727

Legal Deadline: None

**Abstract:** The Department of the Navy is amending its regulations concerning the provision of legal assistance to military members and other persons eligible for legal assistance to reflect recent changes to chapter VII of the Manual of the Judge Advocate General. The amendment relates to internal naval management and personnel practices and is being published by the Department of the Navy solely for the guidance and interest of the public in accordance with 5 U.S.C. 552(a)(1).

**Timetable:**

Action	Date	FR Cite
Final Action	05/09/00	65 FR 26748
Final Action Effective	05/09/00	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

## DOD—NAVY

## Completed Actions

**Agency Contact:** LCDR Steven L. Haycock JAGC, USN, Department of Defense, Department of the Navy, Code 36, Suite 3000, Office of the Judge

Advocate General, Washington Navy Yard, 1322 Patterson Avenue SE, Washington, DC 20374-5066

Phone: 202 685-4642

**RIN:** 0703-AA59

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

## Proposed Rule Stage

**988. • INSTALLATION ENTRY POLICY, CIVIL DISTURBANCE INTERVENTION AND DISASTER ASSISTANCE**

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

**Legal Authority:** 10 USC 332-333, 50 USC 797

**CFR Citation:** 32 CFR 808 (previously 32 CFR 809a)

**Legal Deadline:** None

**Abstract:** This rule prescribes the installation commanders authority for

enforcing orders within or near Air Force installations and controlling entry. It also provides for guidance for use of military personnel in controlling civil disturbances and in supporting disaster relief operations.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gerald McDorman, SMSgt, Department of Defense, Department of the Air Force, HQ AFSFC/SFO, 1720 Patrick Street, Lackland AFB, TX 78236-5226  
Phone: 210 671-0898

Email: gerald.mcdorman@lackland.af.mil

**RIN:** 0701-AA64

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

## Final Rule Stage

**989. 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	10/00/00	

**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

**990. 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	64 FR 29252
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**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/AJM, 112 Luke

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**RIN:** 0701-AA60

**991. RELEASE, DISSEMINATION, AND SALE OF VISUAL INFORMATION MATERIALS**

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

**Legal Authority:** 10 USC 8013

**CFR Citation:** 32 CFR 811 (Revision)

**Legal Deadline:** None

**Abstract:** Establishes procedures for the release, dissemination, and sale of visual information materials to other agencies and the general public.

**Timetable:**

Action	Date	FR Cite
NPRM	12/28/99	64 FR 72621
NPRM Comment Period End	02/28/00	64 FR 72621
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ray Dabney, Department of Defense, Department of the Air Force, HQ AFCIC/ITSM, 1250

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Final Rule Stage

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RIN: 0701-AA62

### 992. VISUAL INFORMATION DOCUMENTATION PROGRAM

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

**Legal Authority:** 10 USC 8013

**CFR Citation:** 32 CFR 813 (previously 811a) (Revision)

**Legal Deadline:** None

**Abstract:** Establishes procedures for using audio and visual media as decisionmaking and communication tools for recording Air Force operations, activities, and historical events.

#### Timetable:

Action	Date	FR Cite
NPRM	01/05/00	65 FR 419
NPRM Comment Period End	03/06/00	65 FR 419
Final Action	10/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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RIN: 0701-AA63

Department of Defense (DOD)

Final Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

### 993. 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	59 FR 3046
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs  
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RIN: 0720-AA20

### 994. 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	60 FR 14403
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Cynthia Speight, Department of Defense, Office of Assistant Secretary for Health Affairs  
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RIN: 0720-AA28

### 995. 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

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United States Government cannot be authorized by CHAMPUS as a provider of medical services. We propose to provide an exception to this prohibition to permit these individuals to be authorized CHAMPUS providers if they meet three conditions. First, they must be employed by the Government agency on a part-time basis, that is, less than twenty (20) hours per week. Second, the agency must certify that unique or special circumstances detrimental to the delivery of quality health care exist that can be overcome only by employing part-time, non-Government physicians. Third, the agency and the physician must certify that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's private practice.

**Timetable:**

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

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

**Agency Contact:** Stephen Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs  
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**RIN:** 0720-AA41**996. 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 (Pub. L. 105-85), which authorizes purchase of prosthetic devices, as determined by the Secretary of Defense, to be necessary because of significant conditions resulting from trauma,

congenital anomalies, or disease. The Act changes the existing limited provisions for prosthetic devices, expands coverage to include cost sharing of other prostheses; e.g., noses, ears, and fingers.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	05/20/99	64 FR 45453
Interim Final Rule	08/20/99	64 FR 45453
Interim Final Rule Comment Period End	10/19/99	64 FR 45453
Final Action	10/00/00	
Final Action Effective	12/00/00	

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

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**RIN:** 0720-AA49**997. 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	64 FR 32451
Final Action	10/00/00	
Final Action Effective	12/00/00	

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

**Agency Contact:** LTC Kathleen Larkin, Department of Defense, Office of Assistant Secretary for Health Affairs  
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**RIN:** 0720-AA50**998. 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	10/19/99	64 FR 56283
NPRM Comment Period End	12/20/99	64 FR 56283
Final Action	10/00/00	
Final Action Effective	12/00/00	

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

**Agency Contact:** Robert Shepherd, Department of Defense, Office of Assistant Secretary for Health Affairs  
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**RIN:** 0720-AA52

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**999. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); TRICARE FAMILY MEMBER DENTAL PLAN****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 the Expanded Active Duty Dependents Benefit Plan. The new plan and this rule: Places the responsibility for TRICARE Family Member Dental Plan (TFMDP) enrollment and a large portion of the appeals program on the dental plan contractor; allows the dental plan contractor to bill eligible dependents for plan premiums in certain circumstances; reduces the enrollment period from 24 to 12 months; excludes Reserve component members ordered to active duty in support of a contingency operation from the mandatory 12-month enrollment; simplifies enrollment types and exceptions; reduces cost-shares for certain enlisted grades; adds anesthesia as a covered benefit; incorporates legislative authority for calculating the method by which premiums may be raised and allowing premium reductions for certain enlisted grades; and reduces administrative burden by reducing redundant language, referencing language appearing in other CFR sections, and removing language more appropriate to the actual contract. These improvements will provide Uniformed Service families with numerous quality-of-life benefits that will improve participation in the plan, significantly reduce enrollment errors, and positively effect utilization of this important dental plan.

**Timetable:**

Action	Date	FR Cite
NPRM	11/24/99	64 FR 66126
NPRM Comment Period End	12/27/99	64 FR 66126
NPRM Comment Period Extension	01/14/00	64 FR 69981
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Sectors Affected:** None**Agency Contact:** Lt. Col. Brian Grassi, Department of Defense, Office of Assistant Secretary for Health Affairs  
Phone: 303 676-3496**RIN:** 0720-AA53**1000. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ESTABLISHMENT OF AN APPEALS PROCESS FOR TRICARE CLAIMCHECK DENIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule implements section 714 of the National Defense Authorization Act for FY 1999, which requires the establishment of an appeals process for denials by TRICARE Claimcheck (TCC) or any similar software system. This rule enhances the current appeals process by adding an additional level of appeal conducted at the TRICARE Management Activity (TMA) and by codifying the entire process in this part.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/00	65 FR 2085
NPRM Comment Period End	03/13/00	65 FR 2085
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Sectors Affected:** None**Agency Contact:** Donald Wagner, Department of Defense, Office of Assistant Secretary for Health Affairs  
Phone: 303 676-3411**RIN:** 0720-AA56**1001. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); METHODOLOGY FOR COVERAGE OF NIH-SPONSORED CLINICAL TRIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/31/00	65 FR 34627
NPRM Comment Period End	07/31/00	65 FR 34627
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Sectors Affected:** None**Agency Contact:** Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs  
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**RIN:** 0720-AA57**1002. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PAYMENTS FOR PROFESSIONAL SERVICES IN LOW-ACCESS LOCATIONS****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 716 of the National Defense Authorization Act for Fiscal Year 2000, which allows the Secretary of Defense to authorize higher provider reimbursement than normally allowable, with certain limitations, when necessary to ensure an adequate TRICARE Prime network of qualified providers. This rule also describes additional actions which may be taken

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under section 731 of the National Defense Authorization Act for Fiscal Year 1996 when TRICARE beneficiaries face very severe limitations on access to needed health care services. In such instances, the Assistant Secretary of Defense for Health Affairs may authorize higher TRICARE payments than would normally be allowable for professional services in a designated location.

**Timetable:**

Action	Date	FR Cite
NPRM	05/30/00	65 FR 34423
NPRM Comment Period End	07/31/00	65 FR 34423
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Sectors Affected:** None

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**RIN:** 0720-AA58

**1003. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); TRICARE PRIME ENROLLMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC ch 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule provides for automatic enrollment of certain family members of E-4 and below in TRICARE Prime. When affected family members reside in a catchment area of a military medical treatment facility offering TRICARE Prime, the family members will be automatically enrolled in TRICARE Prime and will choose or be assigned a Primary Care Manager located in the military medical treatment facility. Such automatic enrollment may be terminated at any time.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/28/00	65 FR 39804

Action	Date	FR Cite
Interim Final Rule Effective	07/28/00	65 FR 39804
Interim Final Rule Comment Period End	08/28/00	65 FR 39804
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** None

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**RIN:** 0720-AA59

**1004. • TRICARE; CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); BONUS PAYMENTS IN MEDICALLY UNDERSERVED AREAS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC ch 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule implements a bonus payment, in addition to the amount normally paid under the allowable charge methodology, to providers in medically underserved areas. For purposes of this rule, medically underserved areas are the same as those determined by the Secretary of Health and Human Services for the Medicare program. Such bonus payments shall be equal to the bonus payments authorized by Medicare, except as necessary to recognize any unique or distinct characteristics or requirements of the CHAMPUS program and as described in instructions issued by the Director, OCHAMPUS. Due to the urgency for such bonus payments in medically underserved areas to alleviate problems by lower payments, the interim final rule making process has been utilized. This rule promotes a reimbursement enhancement to a limited number of providers designed to increase CHAMPUS beneficiary access to care, which also supports the use of the interim final rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/03/00	65 FR 41002
Interim Final Rule Effective	08/02/00	65 FR 41002
Interim Final Rule Comment Period End	09/01/00	65 FR 41002
Final Action	10/00/00	
Final Action Effective	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** None

**Agency Contact:** Stan Regensberg, Department of Defense, Office of Assistant Secretary for Health Affairs, Washington, DC  
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**RIN:** 0720-AA60

**1005. • CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ENHANCEMENT OF DENTAL BENEFITS UNDER THE TRICARE RETIREE DENTAL PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC ch 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule implements section 704 of the National Defense Authorization Act for Fiscal Year 2000 to allow additional benefits under the retiree dental insurance plan for Uniformed Services retirees and their family members that may be comparable to those under the Dependents Dental Program. The Department of Defense is publishing this rule as an interim final rule in order to comply timely with the desire of Congress to meet the needs of retirees for additional dental coverage.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/14/00	65 FR 49491
Interim Final Rule Effective	08/14/00	65 FR 49491
Interim Final Rule Comment Period End	10/13/00	65 FR 49491
Final Action	11/00/00	
Final Action Effective	01/00/01	

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**Regulatory Flexibility Analysis**  
Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** None

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Phone: 303 676-3682

**RIN:** 0720-AA61

Department of Defense (DOD)

Completed Actions

Office of Assistant Secretary for Health Affairs (DODOASHA)

**1006. CIVILIAN HEALTH AND  
MEDICAL PROGRAM OF THE  
UNIFORMED SERVICES (CHAMPUS);  
EXPANSION OF DEPENDENT  
ELIGIBILITY FOR TRICARE RETIREE  
DENTAL PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 32 CFR 199

**Completed:**

Reason	Date	FR Cite
Final Action	08/10/00	65 FR 48911
Final Action Effective	08/10/00	65 FR 48911

**Regulatory Flexibility Analysis**  
Required: No

**Government Levels Affected:** None

**Agency Contact:** Linda Winter  
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**RIN:** 0720-AA54

**1007. CIVILIAN HEALTH AND  
MEDICAL PROGRAM OF THE  
UNIFORMED SERVICES (CHAMPUS);  
NONAVAILABILITY STATEMENT  
REQUIREMENT FOR MATERNITY  
CARE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 32 CFR 199

**Completed:**

Reason	Date	FR Cite
Final Action	07/21/00	65 FR 45288

**Regulatory Flexibility Analysis**  
Required: No

**Government Levels Affected:** None

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**RIN:** 0720-AA55

[FR Doc. 00-23741 Filed 11-29-00]

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