



# Federal Register

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**Monday,  
December 20, 2010**

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**Part V**

**Department of  
Defense**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF DEFENSE (DOD)

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

## 33 CFR Ch. II

## 36 CFR Ch. III

## 48 CFR Ch. II

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

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

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 "Regulatory Planning and Review." This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive Order and other regulatory guidance. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at [www.regulations.gov](http://www.regulations.gov) during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on April 26, 2010, and includes regulations expected to be issued and under review over the next 12 months. The next agenda and regulatory plan are scheduled to be published in the spring of 2011. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

Starting with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov), in

a format that offers users the ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Defense's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is in the Unified Agenda available online.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Mr. Robert Cushing, telephone 703-696-5282, or write to Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155, or e-mail: [robert.cushing@whs.mil](mailto:robert.cushing@whs.mil).

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

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Patricia Toppings, telephone 703-696-5284, or write to Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155, or e-mail: [patricia.toppings@whs.mil](mailto:patricia.toppings@whs.mil).

For general information on Office of the Secretary agenda items, which are procurement-related, contact Ms. Ynette Shelkin, telephone 703-602-8384 or write to Defense Acquisition Regulations Directorate, 3060 Defense Pentagon, Room 3B855, Washington, DC

20301-3060, or e-mail: [ynette.shelkin@osd.mil](mailto:ynette.shelkin@osd.mil).

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703-428-6173, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS-RDR-C, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, VA 22315-3860, or e-mail: [brenda.bowen@conus.army.mil](mailto:brenda.bowen@conus.army.mil).

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

For general information on Department of the Navy regulations, contact LCDR Daniel Werner, telephone 703-614-7408, 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: [daniel.werner@navy.mil](mailto:daniel.werner@navy.mil).

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703-696-6515, or write to Department of the Air Force, SAF/XCPP, 1800 Air Force Pentagon, Washington, DC 20330-1800, or e-mail: [bao-anh.trinh@pentagon.af.mil](mailto:bao-anh.trinh@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

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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.

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

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

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

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

and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

**Dated:** September 10, 2010.  
**Michael L. Rhodes,**  
*Director, Administration and Management.*

**Defense Acquisition Regulations Council—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
295	Restriction on Ball and Roller Bearings (DFARS Case 2006-D029) .....	0750-AG57
296	Business Systems—Definition and Administration (DFARS Case 2009-D038) .....	0750-AG58
297	Warranty Tracking of Serialized Items (DFARS Case 2009-D018) .....	0750-AG74

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

Sequence Number	Title	Regulation Identifier Number
298	TRICARE; Reimbursement of Sole Community Hospitals ( <b>Reg Plan Seq No. 32</b> ) .....	0720-AB41

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

**Department of Defense (DOD) Final Rule Stage**  
**Defense Acquisition Regulations Council (DARC)**

**295. RESTRICTION ON BALL AND ROLLER BEARINGS (DFARS CASE 2006-D029)**

**Legal Authority:** 41 USC 421

**Abstract:** Revises the domestic source restriction on acquisition of ball and roller bearings. The current DFARS restriction on ball and roller bearings requires that the bearings and the main bearing components be manufactured in the U.S. or Canada. This requirement was based on the restriction at 10 U.S.C. 2534(a)(5), which expired on October 1, 2005. The proposed revision interprets the annual defense appropriations act domestic source restriction on acquisition of ball and roller bearings in a manner similar to

the domestic source restriction of the Buy American Act.

**Timetable:**

Action	Date	FR Cite
NPRM	05/07/10	75 FR 25167
NPRM Comment	07/06/10	
Period End		
Final Action	12/00/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Ynette Shelkin, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Washington, DC 20301  
 Phone: 703 602-8384

Email: ynette.shelkin@osd.mil  
**RIN:** 0750-AG57

**296. BUSINESS SYSTEMS—DEFINITION AND ADMINISTRATION (DFARS CASE 2009-D038)**

**Legal Authority:** 41 USC 421

**Abstract:** Improves the effectiveness of DoD oversight of contractor business systems.

**Timetable:**

Action	Date	FR Cite
NPRM	01/15/10	75 FR 2457
NPRM Comment	03/16/10	
Period End		
Final Action	03/00/11	

**DOD—DARC****Final Rule Stage****Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Ynette R. Shelkin,  
Editor, Defense Acquisition Regulations  
System, Department of Defense,  
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Council, 3060 Defense Pentagon, Room  
3B855, Washington, DC 20301-3060  
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**RIN:** 0750-AG58**297. ● WARRANTY TRACKING OF  
SERIALIZED ITEMS (DFARS CASE  
2009-D018)****Legal Authority:** 41 USC 401

**Abstract:** Amends the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a policy memorandum of the Undersecretary of Defense for Acquisition, Technology and Logistics dated February 6, 2007, that required definition of the requirements to track warranties for Item Unique Identification-required items in the Item Unique Identification registry. This proposed rule stresses that the enforcement of warranties is essential to the effectiveness and efficiency of DoD's material readiness.

**Timetable:**

Action	Date	FR Cite
NPRM	08/30/10	75 FR 52917

Action	Date	FR Cite
NPRM Comment Period End	10/29/10	
Final Action	05/00/11	

**Regulatory Flexibility Analysis  
Required:** Yes

**Agency Contact:** Ynette R. Shelkin,  
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**RIN:** 0750-AG74**Department of Defense (DOD)****Proposed Rule Stage****Office of Assistant Secretary for Health Affairs (DODOASHA)****298. ● TRICARE; REIMBURSEMENT  
OF SOLE COMMUNITY HOSPITALS**

**Regulatory Plan:** This entry is Seq. No. 32 in part II of this issue of the **Federal Register**.

**RIN:** 0720-AB41

[FR Doc. 2010-30443 Filed 12-17-10; 8:45  
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