



# FEDERAL REGISTER

---

Vol. 79

Tuesday,

No. 4

January 7, 2014

---

Part V

Department of Defense

---

Semiannual Regulatory Agenda

**DEPARTMENT OF DEFENSE****32 CFR Chs. I, V, VI, and VII****33 CFR Ch. II****36 CFR Ch. III****48 CFR Ch. II****Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions****AGENCY:** Department of Defense (DoD).**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 “Regulatory Planning and Review.” This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive Order and other regulatory guidance. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD issuances listed in the agenda are of limited 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 July 3, 2013, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the spring of 2014. 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 Ms. Patricia Toppings, telephone 571-372-0485, or write to Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155, or email: [patricia.l.toppings.civ@mail.mil](mailto:patricia.l.toppings.civ@mail.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. Morgan Park, telephone 571-372-0489, or write to Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155, or email: [morgan.e.park.civ@mail.mil](mailto:morgan.e.park.civ@mail.mil).

For general information on Office of the Secretary agenda items, which are procurement-related, contact Mr. Manuel Quinones, telephone 571-372-6088, or write to Defense Acquisition Regulations Directorate, 4800 Mark Center Drive, Suite 15D07-2, Alexandria, VA 22350, or email: [manuel.quinones@osd.mil](mailto:manuel.quinones@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, Virginia 22315-3860, or email: [brenda.s.bowen.civ@mail.mil](mailto:brenda.s.bowen.civ@mail.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 email: [chip.smith@hqda.army.mil](mailto:chip.smith@hqda.army.mil).

For general information on Department of the Navy regulations, contact LCDR Catherine Chiappetta, 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 email: [catherine.chiappetta@navy.mil](mailto:catherine.chiappetta@navy.mil).

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703-695-6608/6605, or write to Department of the Air Force, SAF/A6PP, 1800 Air Force Pentagon, Washington, DC 20330-1800, or email: [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 and Navy. 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.

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 4, 2013.

**Michael L. Rhodes,**  
*Director, Administration and Management.*

#### DEFENSE ACQUISITION REGULATIONS COUNCIL—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
262 .....	Safeguarding Unclassified Controlled Technical Information (DFARS Case 2011–D039) ( <b>Reg Plan Seq No. 33</b> ).	0750–AG47
263 .....	Ownership of Offeror (DFARS Case 2011–D044) .....	0750–AH58

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

#### DEFENSE ACQUISITION REGULATIONS COUNCIL—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
264 .....	Release of Fundamental Research Information (DFARS Case 2012–D054) .....	0750–AH92

#### OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
265 .....	TRICARE; Reimbursement of Sole Community Hospitals .....	0720–AB41

#### DEPARTMENT OF DEFENSE (DOD)

##### *Defense Acquisition Regulations Council (DARC)*

##### Final Rule Stage

##### **262. Safeguarding Unclassified Controlled Technical Information (DFARS Case 2011–D039)**

*Regulatory Plan:* This entry is Seq. No. 33 in part II of this issue of the **Federal Register**.

*RIN:* 0750–AG47

##### **263. Ownership of Offeror (DFARS Case 2011–D044)**

*Legal Authority:* 41 U.S.C. 1303  
*Abstract:* DoD is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add a solicitation provision to require offerors to identify their highest-level owner, immediate owner, and entity with controlling interest in the offeror. The Commercial And Government Entity (CAGE) code and legal name of that business provide the ability to identify owners of offerors. DoD does not anticipate this rule will have a significant impact on small business.

##### *Timetable:*

Action	Date	FR Cite
NPRM .....	07/24/12	77 FR 43474
NPRM Comment Period End.	09/24/12	
Final Action .....	12/00/13	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Manuel Quinones, Department of Defense, Defense Acquisition Regulations Council, 4800 Mark Center Drive, Suite 15D07–2, Alexandria, VA 22350, *Phone:* 571 372–6088, *Email:* manuel.quinones@osd.mil.

*RIN:* 0750–AH58

#### DEPARTMENT OF DEFENSE (DOD)

##### *Defense Acquisition Regulations Council (DARC)*

##### Completed Actions

##### **264. Release of Fundamental Research Information (DFARS Case 2012–D054)**

*Legal Authority:* 41 U.S.C. 1303

*Abstract:* DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to provide guidance relating to the release of fundamental research information. This rule was previously published as part of the proposed rule 2011–D039, Safeguarding Unclassified DoD Information. This was broken out as a separate rule because the changes in this DFARS clause deal with the release of information on fundamental research projects and not safeguarding. This rule was initiated to implement guidance provided by the Under Secretary of Defense for Acquisition, Technology and Logistics (AT&L) in a memorandum dated May 24, 2010. The memorandum provided additional clarifying guidance to ensure that DoD does not restrict disclosure of the results of fundamental research, as defined by the National Security Decision Directive (NSDD) 189, unless such research efforts are classified for reasons of national security or otherwise restricted by applicable Federal statutes, regulations, or executive orders. The final rule is not expected to have a significant impact on

small entities, because the rule aims to implement policy guidance that is already being followed within DoD regarding restrictions on the disclosure of fundamental research.

*Timetable:*

Action	Date	FR Cite
Final Action .....	08/08/13	78 FR 48331
Final Action Effective.	08/08/13	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Manuel Quinones, Department of Defense, Defense Acquisition Regulations Council, 4800 Mark Center Drive, Suite 15D07-2, Alexandria, VA 22350, *Phone:* 571 372-6088, *Email:* manuel.quinones@osd.mil.

*RIN:* 0750-AH92

## DEPARTMENT OF DEFENSE (DOD)

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

### Completed Actions

#### 265. TRICARE; Reimbursement of Sole Community Hospitals

*Legal Authority:* 5 U.S.C. 301; 10

U.S.C. ch 55

*Abstract:* This proposed rule would implement the statutory provision at 10 U.S.C. 1079(j)(2) that TRICARE payment methods for institutional care be determined, to the extent practicable, in accordance with the same reimbursement rules as those that apply to payments to providers of services of the same type under Medicare. This proposed rule implements a reimbursement methodology similar to that furnished to Medicare beneficiaries for inpatient services provided by sole

community hospitals (SCHs). It will be phased in over a several-year period.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/05/11	76 FR 39043
NPRM Comment Period End.	09/06/11	
Final Action .....	08/08/13	78 FR 48303
Final Action Effective.	10/07/13	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Marty Maxey, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301, *Phone:* 303 676-3627.

*RIN:* 0720-AB41

[FR Doc. 2013-29699 Filed 1-6-14; 8:45 am]

**BILLING CODE 5001-06-P**