Rules and Regulations

Federal Register
Vol. 53, No. 176
Monday, September 12, 1988

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 630]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 630 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 311,600 cartons during the period September 11 through September 17, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 630 (§ 910.930) is effective for the period September 11 through September 17, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the FRA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601–674) as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1988–89. The committee met publicly on September 7, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the demand for lemons is good.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.930 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.930 Lemon Regulation 630.

The quantity of lemons grown in California and Arizona which may be handled during the period September 11, 1988, through September 17, 1988, is established at 311,600 cartons.

Dated: September 8, 1988.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 88–20800 Filed 9–8–88; 4:39 pm]

BILLING CODE 3410–02–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 146

Records Maintained on Individuals

AGENCY: Commodity Futures Trading Commission.

ACTION: Final Rule.

SUMMARY: The rule revises the Commodity Futures Trading Commission's Privacy Act regulations so as to exempt from certain provisions of the Privacy Act a new system of records entitled "Exempted Closed Commission Meetings." The Commission issued a notice of this system of records on June 17, 1988. 53 FR 22686.

EFFECTIVE DATE: October 12, 1988.

FOR FURTHER INFORMATION CONTACT: Ellyn S. Roth, Attorney, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254–9880.

SUPPLEMENTARY INFORMATION:

Background

On June 17, 1988, the Commodity Futures Trading Commission

("Commission") issued a notice of the existence of two systems of records, CFTC–30 ("Open Commission Meetings") and CFTC–31 ("Exempted Closed Commission Meetings"). In compliance with the requirements of the Government in the Sunshine Act, 5 U.S.C. 552b ("Sunshine Act") and the Commission's regulations promulgated to implement the Sunshine Act, 17 CFR Part 147, the Commission maintains electronic recordings, transcripts or sets of minutes of all closed Commission meetings or closed portions of Commission meetings. It is also the Commission's practice to record its meetings which are held open to public observation. With respect to all of its meetings, whether open or closed, the Commission maintains indices of the meetings, organized by year and subdivided by subject. The indices contain the names of some individuals, and the corresponding recordings, transcripts or minutes contain some information about those individuals.

These indices and records constitute two systems of records under the Privacy Act of 1974, 5 U.S.C. 552a. One system consists of the recordings of Commission meetings open to the public. The other system consists of the recordings of closed Commission meetings, which, as explained below, the Commission proposed to exempt from certain provisions of the Privacy Act.

Amendment to Privacy Act Regulations

On June 17, 1988 the Commission published for public comment a proposal to amend § 146.12 of its regulations in order to exempt the system containing information on closed Commission meetings from certain notification and access provisions of the Privacy Act. Pursuant to Section (k) of the Privacy Act, 5 U.S.C. 552a(k), an agency may promulgate rules to exempt a system of records from certain notification and access requirements of the Privacy Act if the information in the system falls under any of the enumerated categories. The Commission believes that much of the information in this system falls under the categories set forth in Sections (k)(2) and (k)(5). The information in this system includes (a) investigatory materials compiled for law enforcement purposes whose disclosure the Commission has determined could impair the effectiveness and orderly conduct of the Commission's regulatory, enforcement and contract market surveillance programs (Section (k)(2)) or (b) investigatory material compiled soley for the purpose of determining suitability, eligibility or qualifications for employment with the Commission to the extent that it identifies a confidential source. (Section (k)(5)).

Accordingly, the Commission proposed that 17 CFR § 146.12 be amended so to exempt those records which fall within the categories enumerated in Sections (k)(2) and (k)(5) of the Privacy Act from the notification procedures, record access procedures and record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of record in the system be described.

The Commission received no comments in response to the notice of proposed rulemaking and has decided to adopt the rule as proposed.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq*, requires agencies to consider the impact of proposed rules on small entities. It is not anticipated that this rule would impose any new burden on small entities. Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that rule promulgated herein would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 146

Privacy Act, Records maintained on individuals.

In consideration of the foregoing, and pursuant to the authority contained in section 2(a)(11) of the Commodity Exchange Act, 7 U.S.C. 4a(j) and in the Privacy Act, 5 U.S.C. 552a, the Commission hereby amends Part 146 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 146—RECORDS MAINTAINED ON INDIVIDUALS

1. The authority citation for Part 146 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a); Sec. 101(a), Pub. L. 93–463, 88 Stat. 1389 (7 U.S.C. 4a(j)).

2. Section 146.12(a) is amended by revising the second sentence to read as follows:

§ 146.12 Exemptions.

(a) * * * Materials exempted under this paragraph are contained in the system of records entitled "Exempted Investigatory Records" and/or in the system of records entitled "Exempted Closed Commission Meetings." * * *

3. Section 146.12(b) is amended by revising the last sentence to read as follows:

(b) * * * Materials exempted under this paragraph are included in the system of records entitled "Exempted Employee Background Investigation Material" and/or in the system of records entitled "Exempted Closed Commission Meetings."

Issued in Washington, DC, on September 6, 1988 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88–20586 Filed 9–9–88; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Part 233

Aid to Families With Dependent Children—Treatment of Utility Payments by Applicants or Recipients Living in Certain Federally Assisted Housing

AGENCY: Family Support Administration, HHS.

ACTION: Final rule.

SUMMARY: This regulation implements section 221 of Pub. L. 98–181 of the Domestic Housing and International Recovery and Financial Stability Act enacted November 30, 1983, as amended by section 102 of Pub. L. 98–479, the Housing and Community Development Technical Amendments Act of 1984, enacted October 17, 1984. The above legislation addresses the problem of the treatment of certain utility payments for Aid to Families with Dependent Children (hereafter referred to as AFDC) families living in dwellings assisted by the U.S. Department of Housing and Urban Development (hereafter referred to as HUD). The legislation was designed to provide these families with some money in their AFDC grant for rent. The categories to which the legislation applies are applicants or recipients who live in Federal housing assisted under the United States Housing Act of 1937, as amended, or section 236 of the National Housing Act. This includes all Indian and public housing, section 8 rental housing, and section 236 rental assistance housing.

EFFECTIVE DATE: September 12, 1988.

FOR FURTHER INFORMATION CONTACT: Ms. Diann Dawson, Room B–428, Transpoint Building, 2100 Second Street SW., Washington, DC 20201, telephone 202–245–3290.

SUPPLEMENTARY INFORMATION:

Timing and Form of Regulation

On August 27, 1987, a Notice of Proposed Rulemaking for the Aid to Families with Dependent Children program was published in the Federal Register (52 FR 32323–32325). It proposed the same policy as this final rule implements.

Background

An AFDC family living in HUD-assisted housing is required to contribute an amount for the cost of its housing. If the landlord pays for the utilities, the family makes its required contribution as a single payment to either the landlord or the public housing agency. That payment is considered a rental or shelter payment by AFDC. If the tenant pays for the utilities, HUD's determination of the family's required housing expenses includes: (1) An amount the family is to pay the landlord or the public housing agency and (2) an amount (which is a reasonable estimate) that the family is expected to pay the utility company. HUD refers to the amount in (2) as the "utility allowance." (Note: This amount is determined by either HUD or the appropriate public housing authority, pursuant to Federal law. The utility allowance may be for one or more utilities. For purposes of this regulation, utility payment can mean payment to more than one utility company. In the same way, utility company may be considered plural.) In such cases, the HUD-assisted family makes its utility payment directly to the utility company and pays the remainder of its required contribution to the landlord or public housing agency. When the family's required housing contribution is less than or equal to HUD's estimate of reasonable utility costs, HUD requires the family to pay all of its required housing contribution to the utility company and not make any direct payment to the landlord or the public housing agency.

The following discussion illustrates these principles. In each case, the HUD estimate of utilities that is used in computing the family's required contribution is $110. In Case A, the family's required contribution is $120. The family pays $110 to the utility company and $10 to the landlord or housing authority. In Case B, the family's required contribution is $110. Therefore the family pays all of its $110 to the utility company. In Case C, the family's required contribution is $80. In this example, the family pays all of the $80 to the utility company.

In addition, HUD provides the family $30 (the difference between the $110 and the $80) to pay the utility company. These offsets between utility estimates and required contributions are done to minimize multiple payments between recipients, HUD, and the utility companies. For HUD's purpose, the family contribution in Case B and Case C does in fact represent payment for both rent and utilities. HUD's instruction to a family to pay their contribution to a utility company is merely for HUD's convenience. Since the family is, in fact, making some payment to the landlord in Case A, this regulation does not apply, and for AFDC purposes, $110 is considered to be payment for utilities and $10 is considered to be for rent.

Under the AFDC program, financial eligibility and the amount of assistance are determined in accordance with a Statewide standard of need. The standard represents a money amount as defined by the State for those items of living costs that the State wishes to recognize as essential for applicants and recipients of the AFDC program. The money amount of the standard for these items may be expressed as one flat amount by family size, that is, a specified dollar amount for all items.

The money amount of the standard may also be expressed as flat amounts for certain groups of need items or as amounts for each individual item in the need standard or as a combination of both. Some States have elected to treat shelter costs as a separate item which is included only where the family actually incurs a shelter expense. In some of these States verification of housing costs results in the inclusion of a standard shelter allowance in the AFDC grant. Others of these States include an amount for shelter on an "as paid" basis subject to a maximum. The usual terminology for this latter situation is an AFDC standard that provides for "shelter as paid to a maximum."

As stated above, for AFDC grant purposes, there are some States that provide an amount for shelter solely upon evidence that such expense is incurred by the family. In those States, a HUD-assisted AFDC family would not receive an amount in their AFDC grant for shelter if its entire "total tenant payment" (HUD's term for the family's contribution) was made directly to the utility company. This has significantly disadvantaged some families. Payment for shelter is often the largest part of the AFDC payment. The intent of this provision and its subsequent amendment was to remedy this situation. As a result, when the entire total tenant payment of the AFDC family is paid to the utility company, the amount of the total tenant payment shall be considered a shelter payment for AFDC purposes. States still have the option to count HUD subsidies as income as permitted under section 402(a)(7)(C) of the Social Security Act and to prorate shelter and utilities as permitted under section 412 of the Social Security Act.

Discussion of Section 221 of Pub. L. 98–181 as Amended by Pub. L. 98–479

As specified in the statute, only those AFDC applicants and recipients living in Federally-assisted housing under the United States Housing Act of 1937, as amended, and section 236 of the National Housing Act are to be included. Housing assisted under the United States Housing Act of 1937 and section 236 of the National Housing Act means all Federal public and Indian housing programs, section 8 rental housing, and section 236 rental assistance housing. Persons receiving HUD mortgage subsidies are not included.

The majority of States remain unaffected by the provision. This regulation does not apply to States in which all AFDC applicants or recipients already receive an AFDC grant amount which includes a portion for shelter. In addition, in the other States, this regulation will not apply to any AFDC families living in HUD-assisted housing who actually make some direct payment to a landlord or public housing authority. In this situation, the usual AFDC rules apply.

This legislation is addressed to those States which include an amount in the grant for rent only upon evidence of that expense being incurred by the assistance unit. In some of these States, evidence has meant documentation of payment made to the landlord. Prior to this legislation, AFDC assistance units in some of these States would not have received an amount for rent in their grant because the entire total tenant payment for rent and utilities was paid to the utility company.

Now, under the provisions of this new regulation, any HUD-assisted AFDC family shall have all or a part of its utility payment considered a rental payment for AFDC if the family pays its entire total tenant payment to the utility company. For purposes of the AFDC grant calculation, only the amount HUD designates as the family's "total tenant payment" shall be considered a rental or shelter payment. Payments in excess of the amount of the total tenant contribution which the AFDC unit may make to a utility company will not be considered as rental payments. This is because the statute provides that only those utility payments which are made

in lieu of a rental payment shall be considered as shelter payments. The maximum payment that could be made to a landlord as rent is the "total tenant payment." Any remaining amount above the "total tenant payment" will be considered a payment for utilities. Of course, the amount the AFDC State agency includes in the grant for shelter cannot exceed the State's AFDC maximum for shelter as authorized in the State plan.

Finally, the applicable utility payments that may be considered as rental payments are payments for gas, electricity, water, heating fuel, sewerage systems, and trash and garbage collection. Not included in this list of utilities are telephone and cable television costs. This is the same definition as is used by HUD to compute a family's required housing expense under the various HUD-assisted programs.

Discussion of Comments

Comments were received from four interested parties regarding the proposed rule on the treatment of utility payments by AFDC applicants and recipients living in certain federally-assisted housing. Comments in support of the regulation were received from one State welfare agency and one local welfare agency. In addition, comments were received from the General Counsel of the Federal Department of Housing and Urban Development and a Commissioner of a State welfare agency. We have made some minor changes to the preamble for clarification purposes. No policy changes have been made.

The comments we received are discussed below:

Comment: At the end of the fourth line of proposed section 233.20(a)(2)(ix), the word "the" should be "be".

Response: The commenter is correct that an error was made in publication and the word should be "be". A correction is made in this final rule.

Comment: The proposed regulation provides that utility payments are treated as shelter payments when the utility allowance equals or exceeds the total tenant payment, and that this is contrary to the purpose of the statute and can result in duplicate payments.

Response: As explained above, in some States Families need to present evidence of shelter payments in order to receive the shelter component in their AFDC grants and they will be unable to present such evidence with their total tenant payment is made to the utility company. Accordingly, in order to provide relief to these families, we believe that it is reasonable to interpret the statute as providing that the total tenant payment is for shelter when it equals or does not exceed the utility allowance. We recognize that in some cases this could result in duplicate payments to the extent that both AFDC and the public housing authority are providing payments for either rent or utilities. However, it should be noted that States are still permitted to count HUD subsidies as income under section 402(a)(7)(C) of the Social Security Act.

Comment: In the preamble, the distinction between whether an AFDC family lives in a dwelling with common or individual utility metering is not important for this regulation. The distinction that should be made is between situations where the landlord pays for the utilities and where the tenant pays the utility company directly.

Response: We agree. Accordingly we have revised the discussion in the preamble to differentiate between situations where the landlord pays for the utilities and the tenant pays for them.

Comment: The preamble states that HUD does not specify the portion of a family's contribution that is for rent and for utilities. This is not totally accurate in so far as both a total tenant payment and a utility allowance are established.

Response: We agree and the misleading sentence has been omitted.

Regulatory Procedures

Executive Order 12291

This regulation does not meet any of the three criteria which require a regulatory impact analysis under Executive Order 12291. Specifically, this regulation will not have any annual effect on the economy of more than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any significant effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The estimated Federal costs resulting from the legislative provisions which this regulation implements are $2 million per year. These program costs result from implementing the Domestic Housing and International Recovery and Financial Stability Act of 1983 (Pub. L. 98–181) as amended by the Housing and Community Development Technical Amendments of 1984 (Pub. L. 98–479) and not the result of actions taken under the discretionary latitude of the Secretary. It is expected that the additional $2 million in Federal AFDC costs will be offset by recoupment in HUD subsidies and Food Stamp allocations.

Paperwork Reduction Act

There will be no new reporting or recordkeeping requirements imposed on the public or the States which would require clearance by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

We certify that this regulation will not have a significant impact on a substantial number of small entities because it primarily affects State governments and individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

This regulation is issued under the authority of the Domestic Housing and International Recovery and Financial Stability Act, section 221 of Pub. L. 98–181, as amended by section 102 of Pub. L. 98–479, and section 1102 of the Social Security Act.

(Catalog of Federal Domestic Assistance Program 13.780, Public Assistance Payments Maintenance Assistance)

List of Subjects in 45 CFR Part 233

Aliens, Grant programs/social programs, Public assistance programs, Reporting and recordkeeping requirements.

Date: July 28, 1988.

Wayne A. Stanton,

Administrator of Family Support Administration.

Approved: August 22, 1988.

Otis R. Bowen,

Secretary of Health and Human Services.

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY

Part 233 of Chapter II, Title 45 Code of Federal Regulations is amended as set forth below:

1. The authority citation for Part 233 is revised to read as follows and all other authority citations which appear throughout Part 233 are removed:

Authority: Secs. 1, 402, 406, 407, 1002, 1102, 1402, and 1602 of the Social Security Act (42 U.S.C. 301, 602, 606, 607, 1202, 1302, 1352 and 1382 note), and Sec. 6 of Pub. L. 94–114, 89 Stat. 579 and Title XXIII of Pub. L. 97–35, 95 Stat. 843, and Pub. L. 97–248, 96 Stat. 324, and Pub. L. 99–603, 100 Stat. 3359, and Sec. 221 of Pub. L. 98–181, as amended by Sec. 102 of Pub. L. 98–479 (42 U.S.C. 602 note).

2. Section 233.20 is amended by adding paragraph (a)(2)(ix) to read as follows:

§ 233.20 **Need and amount of assistance.**

(a) * * *

(2) * * *

(ix) For AFDC, provide that a State shall consider utility payments made in lieu of any direct rental payment to a landlord or public housing agency to be shelter costs for applicants or recipients living in housing assisted under the U.S. Housing Act of 1937, as amended, and section 236 of the National Housing Act. The amount considered as a shelter payment shall not exceed the total amount the applicant or recipient is expected to contribute for the cost of housing as determined by HUD. "Utility payments" means only those payments made directly to a utility company or supplier which are for gas, electricity, water, heating fuel, sewerage systems, and trash and garbage collection. Utility payments are made "in lieu of any direct rental payment to a landlord or public housing agency" when, and only when, the AFDC family pays its entire required contribution at HUD's direction to one or more utility companies and does not make any direct payment to the landlord or the public housing agency. Housing covered by "the U.S. Housing Act of 1937, as amended, and section 236 of the National Housing Act" means Department of Housing and Urban Development assisted housing which includes Indian and public housing, section 8 new and existing rental housing, and section 236 rental housing.

* * * * *

[FR Doc. 88-20600 Filed 9-9-88; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF DEFENSE

48 CFR Parts 207, 210, 215, and 252

Federal Acquisition Regulation Supplement; Acquisition Streamlining

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Defense Acquisition Regulatory Council has approved changes to DFARS Parts 207, 210, 215 and 252 to implement FAR coverage and DoD Directive 5000.43, regarding acquisition streamlining.

EFFECTIVE DATE: September 12, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, ODASD(P)/DARS, c/o OUSD(A) (M&RS), Room 3D139, The Pentagon, Washington, DC 20301-3062, telephone (202) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

The amendments to DFARS 207.105, 210.001, 210.002, 210.004, 210.011, 215.608 and to the provisions/clauses in Part 252 are added to implement the FAR and DoD Directive 5000.43, Acquisition Streamlining. Acquisition streamlining is any effort related to ensuring that only necessary and cost-effective requirements are included in solicitations and contracts. It applies not only to the design, development, and production of new systems, but also to modifications of existing systems that involve the redesign of systems or subsystems.

B. Regulatory Flexibility Act

This rule is not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because the program primarily involves the engineering and design of systems and equipment which ordinarily is not accomplished by small businesses. A proposed rule was published in the Federal Register on January 28, 1988 (53 FR 2514) and public comments were solicited. Comments were considered in formulating this final rule. The only change made to the proposed rule was to add the word "technical" in paragraph (c)(4) of section 210.002.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) does not apply because the rule does not impose any additional recordkeeping requirements or information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 207, 210, 215, and 252

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Adoption of Amendments

Therefore 48 CFR Parts 207, 210, 215, and 252 are amended as follows:

1. The authority for 48 CFR Parts 207, 210, 215, and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 207—ACQUISITION PLANNING

2. Section 207.105 is amended by adding paragraph (a)(8) to read as follows:

§ 207.105 **Contents of written acquisition plans.**

* * * * *

(a) *Acquisition background and objectives.*

* * * * *

(8) *Acquisition streamlining.* Policy direction on acquisition streamlining is contained in DoDD 5000.43 and Part 210 of this regulation. See MIL-HDBK 248 for guidance on streamlining performance requirements, the technical package, and the contract strategy.

PART 210—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

3. Section 210.001 is amended by adding the following definitions:

§ 210.001 **Definitions.**

* * * * *

"Systems", as used in this part, means a combination of elements that will function together to produce the capabilities required to fulfill a mission need.

"System acquisition", as used in this part, means the design, development and production of new systems or the modification to existing systems that involve redesign of the system or subsystems.

4. Section 210.002 is amended by adding paragraph (c) to read as follows:

§ 210.002 **Policy.**

* * * * *

(c) All systems acquisition programs in the DoD are subject to acquisition streamlining policies and procedures as specified in DoD Directive 5000.43 and MIL-HDBK 248.

(1) Requirements that are not mandated by law or established DoD policy and that do not contribute to the operational effectiveness and suitability of the system, or effective management of its acquisition, operation, or support, shall be excluded.

(2) At the outset of development, system-level requirements shall be specified in terms of mission-performance, operational effectiveness, and operational suitability.

(3) During all acquisition phases, solicitations and contracts shall state management requirements in terms of results needed rather than "how-to-manage" procedures for achieving those results.