

**§ 280.320 Maintenance of the certificate of recordal.**

(a) Certificates of recordal remain in an active status for five years and may be maintained in an active status for subsequent five-year periods running consecutively from the date of issuance of the certificate of recordal upon compliance with the requirements of paragraph (c) of this section.

(b) Maintenance applications shall be required only if the holder of the certificate of recordal is a manufacturer at the time the maintenance application is required.

(c) \* \* \*

(1) The name of the manufacturer;

(2) The address of the manufacturer;

(3) the entity, domicile, and state of incorporation, if applicable, of the manufacturer;

(4) a copy of manufacturer's certificate of recordal;

(5) a statement that the manufacturer will comply with the applicable provisions of the Fastener Quality Act;

(6) a statement that the applicant for recordal is a "manufacturer" as that term is defined in 15 U.S.C. 5402;

(7) a statement that the person signing the application on behalf of the manufacturer has knowledge of the facts relevant to the application and that the person possesses the authority to act on behalf of the manufacturer;

\* \* \*

26. Redesignated § 280.321 is amended by revising the first sentence to read as follows:

**§ 280.321 Notification of changes of address.**

The applicant for recordal or the holder of a certificate of recordal shall notify the Director, USPTO, of any change of address or change of name no later than six months after the change.

\* \* \*

27. Redesignated § 280.323 is amended by revising the second and third sentences of paragraph (a), revising the first sentence of paragraph (b), revising paragraph (d), revising the first sentence of paragraph (e), and adding new paragraph (f) to read as follows:

**§ 280.323 Transfer or assignment of the trademark registration or recorded insignia.**

(a) \* \* \* Any transfer or assignment of such an application or registration must be recorded in the United States Patent and Trademark Office within three months of the transfer or assignment. A copy of such transfer or assignment must also be sent to: Box Fastener, Director, United States Patent and Trademark Office, Washington, DC 20231.

(b) Upon transfer or assignment of a trademark application or registration which forms the basis of a certificate of recordal, the Director, USPTO, shall designate the certificate of recordal as inactive. \* \* \*

\* \* \*

(d) A fastener insignia consisting of an alphanumeric designation issued by the Director, USPTO, can be transferred or assigned.

(e) Upon transfer or assignment of an alphanumeric designation, the Director, USPTO, shall designate such alphanumeric designation as inactive.

\* \* \*

(f) An alphanumeric designation that is reactivated after it has been transferred or assigned shall remain in active status until the expiration of the five year period that began upon the issuance of the alphanumeric designation to its original owner.

28. Redesignated § 280.324 is amended by revising the introductory sentence of paragraph (a), revising paragraphs (a)(1) through (a)(3); redesignating existing paragraph (b) as paragraph (a)(4); revising the first two sentences of redesignated paragraph (a)(4); redesignating paragraph (c) as paragraph (b); and revising redesignated paragraph (b) to read as follows:

**§ 280.324 Change in status of trademark registration or amendment of the trademark.**

(a) The Director, USPTO, shall designate the certificate of recordal as inactive, upon:

(1) issuance of a final decision on appeal which refuses registration of the application which formed the basis for the certificate of recordal;

(2) abandonment of the application which formed the basis for the certificate of recordal;

(3) cancellation or expiration of the trademark registration which formed the basis of the certificate of recordal; or

(4) an amendment of the mark in a trademark application or registration that forms the basis for a certificate of recordal. The certificate of recordal shall become inactive as of the date the amendment is filed. \* \* \*

(b) Certificates of recordal designated inactive due to cancellation, expiration, or amendment of the trademark registration, or abandonment or amendment of the trademark application, cannot be reactivated.

29. Redesignated § 280.325 is revised to read as follows:

**§ 280.325 Cumulative listing of recordal information.**

The Director, USPTO, shall maintain a record of the names, current

addresses, and legal entities of all recorded manufacturers and their recorded insignia.

30. Redesignated § 280.326 is amended by revising the heading and the second sentence to read as follows:

**§ 280.326 Records and files of the United States Patent and Trademark Office**

\* \* \* Copies of any such records may be obtained upon request and payment of the fee set by the Director, USPTO.

**§§ 280.311, 280.312 and 280.323 [Amended]**

31. The reference to "§ 280.710" is revised to read "§ 280.310" in the following sections:

Redesignated § 280.311; redesignated § 280.312; redesignated § 280.323(e).

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**DEPARTMENT OF DEFENSE****Office of the Secretary****32 CFR Part 199****Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment**

**AGENCY:** Office of the Secretary, DOD.

**ACTION:** Interim final rule.

**SUMMARY:** This interim final 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.

**DATES:** This rule is effective July 28, 2000. Public comments must be received by August 28, 2000.

**ADDRESSES:** TRICARE Management Activity (TMA), Program Development Branch, Aurora, CO 80045-6900.

**FOR FURTHER INFORMATION CONTACT:** Lt Col Kathleen Larkin, Office of the Assistant Secretary of Defense (Health Affairs)/TRICARE Management Activity, telephone (703) 681-3628.

Questions regarding payment of specific claims under the CHAMPUS allowable charge method should be addressed to the appropriate TRICARE/CHAMPUS contractor.

**SUPPLEMENTARY INFORMATION:**

## I. Overview of the Rule

This interim final rule implements section 712 of the National Defense Authorization Act for Fiscal Year 1999 which modified chapter 55 of title 10, United States Code by adding a new section 1079a which provides for automatic TRICARE Prime enrollment for active duty families of E-4 and below in certain circumstances. Owing to the small number of family members of E-4 and below who are not already enrolled in TRICARE Prime, and the restrictive nature of TRICARE Prime enrollment, military medical treatment facility commanders will identify those individuals residing in their catchment area who should be automatically enrolled but are not. At that time, the family members will be informed of their enrollment and be given the opportunity to select or be assigned a primary care manager, or to disenroll from TRICARE Prime. The choice of whether to remain enrolled in TRICARE Prime, or to decline enrollment to participate in TRICARE Extra or Standard remains completely voluntary.

## II. Rulemaking Procedures

Executive Order 12866 requires certain regulatory assessments for any significant regulatory action, defined as one which would result in an annual effect on the economy of \$100 million or more, or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This is not a significant regulatory action under the provisions of Executive Order 12866, and it would not have a significant impact on a substantial number of small entities.

The interim final rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 55).

This rule is being issued as an interim final rule, with comment period, as an exception to our standard practice of soliciting public comments prior to issuance. The Assistant Secretary of Defense (Health Affairs) has determined that following the standard practice in this case would be impracticable, unnecessary, and contrary to the public interest. This determination is based on several factors. First, this change directly implements a statutory amendment enacted by Congress

expressly for this purpose. Second, for the most part this rule simply implements the unambiguous Congressional policy of automatically enrolling family members of active duty members of E-4 and below who reside in areas where TRICARE Prime is offered through a military medical treatment facility. Third, TRICARE Prime is a major "quality of life" program of the Department of Defense. Its success is of great importance to maintaining adequate retention rates of military personnel and, thus, the conduct of the military affairs function of the United States. Public comments are invited. All comments will be carefully considered. A discussion of the major issues received by public comments will be included with the issuance of the permanent final rule, anticipated approximately 60 days after the end of the comment period.

### List of Subjects in 32 CFR Part 199

Administrative practice and procedure, Claims, Health care, Health insurance, Individuals with disabilities, Military personnel.

Accordingly, 32 CFR part 199 is amended as follows:

### PART 199—[AMENDED]

1. The authority citation for Part 199 continues to read as follows:

**Authority:** 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.17 is amended as follows:

- a. Revising paragraph (a)(6)(ii)(A),
- b. Adding a new paragraph (b)(3),
- c. Revising paragraphs (c)(2)(i) and (n)(1), and
- d. Adding a new paragraph (o)(7).

The revisions and additions read as follows:

#### § 199.17 TRICARE Program.

(a) \* \* \*

(6) \* \* \*

(ii) \* \* \*

(A) Beneficiaries may enroll, or be enrolled, in the "TRICARE Prime Plan," which features use of military treatment facilities and substantially reduced out-of-pocket costs for CHAMPUS care. Beneficiaries generally agree to use military treatment facilities and designated civilian provider networks, in accordance with enrollment provisions.

\* \* \* \* \*

(b) \* \* \*

(3) *Automatic enrollment of certain dependents.* Under 10 U.S.C. 1079a, in the case of dependents of active duty members in the grade of E-1 to E-4,

such dependents who reside in catchment areas of military hospitals shall be automatically enrolled in TRICARE Prime consistent with procedures established under paragraph (o)(7) of this section. Voluntary choice shall be preserved by the right of such dependents to disenroll at any time.

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(i) In the case of dependents of active duty members in the grade of E-1 to E-4, such dependents who reside in catchment areas of military hospitals will be automatically enrolled in TRICARE Prime consistent with procedures established under paragraph (o)(7) of this section. Other dependents of active duty members are eligible to enroll in Prime. After all active duty members, and those dependents automatically enrolled, all other dependents of active duty members will have second priority for enrollment.

\* \* \* \* \*

(n) \* \* \*

(1) *Primary care manager.* All active duty members and Prime enrollees will be assigned or allowed to select a primary care manager pursuant to a system established by the MTF Commander or other authorized official. Active duty members and dependents of E-4 and below who are automatically enrolled in TRICARE Prime shall choose or be assigned a primary care manager who is part of the MTF. The primary care manager may be an individual physician, a group practice, a clinic, a treatment site, or other designation. For those who are not automatically enrolled in Prime, the primary care manager may be part of the MTF or the Prime civilian network. The enrollee will be given the opportunity to register a preference for primary care manager from a list of choices provided by the MTF commander. Preference requests will be honored subject to availability, under the MTF beneficiary category priority system and other operational requirements established by the commander or other authorized person).

\* \* \* \* \*

(o) \* \* \*

(6) *Special procedures for certain dependents of active duty members in pay grades E-1 to E-4.* As an exception to other procedures in paragraph (o) of this section, dependents of active duty members in pay grades E-1 to E-4, if such dependents reside in a catchment area of a military hospital, are automatically enrolled in TRICARE Prime. The applicable military hospital shall provide written notice of the automatic enrollment to the member

and the affected dependents. The effective date of such automatic enrollment shall be the date of the written notice, unless an earlier effective date is requested by the member or affected dependents, so long as the affected dependents were as of the effective date dependents of an active duty member in pay grades E-1 to E-4 and residents in a catchment area of a military hospital. Dependents who are automatically enrolled under this paragraph may disenroll at any time. Such disenrollment shall remain in effect until such dependents take specific action to reenroll which such dependents may do at any time.

\* \* \* \* \*

Dated: June 22, 2000.

**L. M. Bynum,**

*Alternate Federal Register Notice Liaison  
Officer, Department of Defense.*

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## DEPARTMENT OF DEFENSE

### Defense Commissary Agency

#### 32 CFR Part 327

#### Defense Commissary Agency Privacy Act Program

**AGENCY:** Defense Commissary Agency, DoD.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes the Defense Commissary Agency Privacy Act Program. This rule establishes policies and procedures for implementing the DeCA Privacy Program, and delegates authorities and assigns responsibilities for the administration of the DeCA Privacy Program

**EFFECTIVE DATE:** June 9, 2000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carole Marsh at (804) 734-8841.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866

It has been determined that this Privacy Act rule for the Department of Defense does not constitute "significant regulatory action". Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, under fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or

policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

#### Regulatory Flexibility Act

It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

#### Paperwork Reduction Act

It has been determined that this Privacy Act rule for the Department of Defense imposed no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

#### List of Subjects in 32 CFR Part 327

Privacy.

Accordingly, Title 32 of the CFR is amended in Chapter I, subchapter O, by adding part 327 to read as follows:

#### PART 327—DEFENSE COMMISSARY AGENCY PRIVACY ACT PROGRAM

Sec.

- 327.1 Purpose.
- 327.2 Applicability.
- 327.3 Responsibilities.
- 327.4 Definitions.
- 327.5 Systems of records.
- 327.6 Collecting personal information.
- 327.7 Access by individuals.
- 327.8 Disclosure of personal information to other agencies and third parties.
- Appendix A to part 327—Sample DeCA response letter.
- Appendix B to part 327—Internal Management Control Review Checklist.
- Appendix C to part 327—DeCA Blanket Routine Uses.

**Authority:** Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 522a).

##### § 327.1 Purpose.

This part implements the basic policies and procedures for the implementation of the Privacy Act of 1974, as amended (5 U.S.C. 552a); OMB Circular A-130;<sup>1</sup> and 32 CFR part 310; and to promote uniformity in the DeCA Privacy Act Program.

##### § 327.2 Applicability.

This part applies to Headquarters, Field Operating Activities (FOA), Regions, Zones, Central Distribution Centers (CDC), Commissaries of DeCA,

<sup>1</sup> Copies may be obtained: <http://www.whitehouse.gov/OMB/circulars>.

and contractors during the performance of a contract with DeCA. All personnel are expected to comply with the procedures established herein.

#### § 327.3 Responsibilities.

(a) *The Director, DeCA.* (1) Supervises the execution of the Privacy Act and this part within the DeCA, and serves as the DeCA Privacy Act Appeal Authority.

(2) Appoints:

(i) The Executive Director for Support as the DeCA Initial Denial Authority for the DeCA Privacy Act Program.

(ii) The Records Manager, Office of Safety, Security, and Administration as the DeCA Privacy Act Officer.

(b) *The Privacy Act Officer, DeCA.* (1) Establishes and manages the PA program for DeCA.

(2) Provides guidance, assistance and training.

(3) Controls and monitors all requests received and prepares documentation to the office of primary responsibility (OPR) for response.

(4) Prepares response to requester based on information provided by the OPR.

(5) Signs all response requests for releasable information to the requester after coordination through the General Counsel. Ensures that all denied requests for information are released by the DeCA Initial Denial Authority.

(6) Publishes instructions to contractors that:

(i) Provide DeCA Privacy program guidance to their personnel who solicit, award, or administer government contracts;

(ii) Inform prospective contractors of their responsibilities regarding the DeCA Privacy Program; and

(iii) Establish an internal system of contractor performance review to ensure compliance with DeCA's Privacy program.

(iv) Prepare and submit System Notices to the Defense Privacy Office for publication in the **Federal Register**.

(7) Maintain Privacy Case files and records of disclosure accounting.

(8) Submit the DeCA Annual Privacy Act Report (RCS: DD-DA&M(A)1379) to the Defense Privacy Office.

(c) *DeCA Directorates/Staff Offices.*

(1) Provide response and the information requested to the PA Officer for release to the individual.

(2) In the event the information is to be denied release, the requested information and rationale for denial will be forwarded to the PA Officer for denial determination.

(d) *Regions.* Regional Directors will appoint a Regional PA Coordinator who will maintain suspense control of PA actions, prepare documentation to the