

No stickers or other adhesive materials are to be placed on either side of an ID card. Holes shall not be punched into ID cards, except when a CAC has been requested by the next of kin for an individual who has perished in the line of duty. A CAC provided to next of kin shall have the status of the card revoked in DEERS, have the certificates revoked, and have a hole punched through the integrated circuit chip prior to release of the CAC to the next of kin.

(8) An ID card shall be in the personal custody of the individual to whom it was issued at all times. If required by military authority, it shall be surrendered for ID or investigation.

(d) *CAC migration to Federal PIV requirements.* The Department of Defense is currently migrating the CAC to meet the Federal requirements for credentialing contained within FIPS Publication 201-1 and Homeland Security Presidential Directive 12. Migration will take place over multiple years as the card issuance hardware, software, and supporting systems and processes are upgraded. Successful migration will require coordination and collaboration within and among all CAC communities (e.g., personnel security, operational security, industrial security, information security, physical security, and information technology). The following organizations will support the migration in conjunction with the responsibilities listed in § 161.3:

(1) The DMDC shall:

(i) Procure and distribute CAC consumables, including card stock, electromagnetically opaque sleeves, and printer supplies, commensurate with funding received from the DoD Components.

(ii) In coordination with the Office of the Under Secretary of Defense for Policy (OUSD(P)), establish an electronic process for securing CAC eligibility information on foreign government military, employee, or contract support personnel whose visit status and background investigation has been confirmed, documented, and processed by OUSD(P) according to DoDD 5230.20 (see <http://www.dtic.mil/whs/directives/corres/pdf/523020p.pdf>).

(iii) In accordance with DoD Directive 5400.11, electronically capture and store source documents in the identity proofing process at the accession points for eligible ID card holders

(iv) Implement modifications to the CAC applets and interfaces, add contactless capability to the CAC platform, and, in accordance with DoD 5400.11-R, implement modifications to the CAC topology to support compliance with FIPS Publication 201-1.

(v) Establish and implement procedures for capturing biometrics required to support CAC issuance, which includes fingerprints and facial images specified in FIPS Publication 201-1 and National Institute of Standards and Technology Special Publication 800-76-1, "Biometric Data Specification for Personal Identity Verification" (see [http://csrc.nist.gov/publications/nistpubs/800-76-1/SP800-76-1\\_012407.pdf](http://csrc.nist.gov/publications/nistpubs/800-76-1/SP800-76-1_012407.pdf)).

(vi) In coordination with the Executive Manager for DoD Biometrics and the Office of the USD(AT&L), implement the capability to obtain two segmented images (primary and secondary) fingerprint minutia from the full 10-print fingerprints captured as part of the initial background investigation process for CAC issuance.

(vii) Maintain a capability for a CAC holder to reset or unlock PINs from a system outside of the CAC issuance infrastructure.

(2) The Executive Manager for DoD Biometrics shall:

(i) Establish biometric standards for the collection, storage, capture, and subsequent transmittal of biometric information in accordance with DoDD 8521.01E, "Department of Defense Biometrics" (see <http://www.dtic.mil/whs/directives/corres/pdf/852101p.pdf>).

(ii) In coordination with the Offices of the USD(P&R) and USD(I) and the DoD Components, establish capability for biometric capture and enrollment operations to support CAC issuance in accordance with DoD 5400.11-R and National Institute of Standards and Technology Special Publication 800-76-1.

(3) The Identity Protection and Management Senior Coordinating Group shall:

(i) Monitor the CAC and identity management related activities outlined within this part in accordance with DoDD 1000.25.

(ii) Maintain a configuration management process for the CAC and its related components to monitor DoD compliance with FIPS Publication 201-1.

Dated: July 26, 2010.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 199

[DOD-2010-HA-0033]

RIN 0720-AB44

#### TRICARE: Unfortunate Sequelae From Noncovered Services in a Military Treatment Facility

**AGENCY:** Office of the Secretary, Department of Defense.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Defense is publishing this proposed rule to allow coverage for otherwise covered services and supplies required in the treatment of complications (unfortunate sequelae) resulting from a noncovered incident of treatment provided in a Military Treatment Facility (MTF), when the initial noncovered service has been authorized by the MTF Commander and the MTF is unable to provide the necessary treatment of the complications. This proposed rule is necessary to protect TRICARE beneficiaries from incurring financial hardships due to the current regulatory restrictions that prohibit TRICARE coverage of treatment of the complications resulting from noncovered medical procedures, even when those procedures were conducted in a Department of Defense facility.

**DATES:** Comments received at the address indicated below by October 5, 2010 will be accepted.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by either of the following methods:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

*Instructions:* All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** René Morrell, Medical Benefits and Reimbursement Branch, TRICARE Management Activity, (303) 676-3618.

**SUPPLEMENTARY INFORMATION:** In order to support Graduate Medical Education and maintain provider skill levels, Military Treatment Facility (MTF) providers are frequently required to perform medical procedures that may be excluded from coverage under TRICARE. Unexpected complications (unfortunate sequelae) from these procedures may result and, in those instances where the MTFs are unable to provide the appropriate level of care necessary for the proper treatment of these complications, the MTF Commander must refer beneficiaries for treatment outside the MTF. Under current regulatory provisions, TRICARE is unable to cover treatment of the complications resulting from noncovered procedures. When beneficiaries require treatment outside the MTF for these complications, arising from noncovered procedures, they are responsible for payment for this necessary treatment resulting in significant financial hardship. This proposed rule will address that unfortunate situation by allowing coverage of treatment for the complications resulting from noncovered treatment provided in an MTF when the original procedure was authorized by the MTF Commander. The specific procedures for approval of this treatment will be addressed in the TRICARE Policy Manual rather than in the regulation to ensure that this information is current and easily accessible. TRICARE manuals may be accessed at <http://www.tricare.mil>.

**Regulatory Procedures**

*Executive Order 12866, "Regulatory Planning and Review"*

Section 801 of title 5, United States Code, and Executive Order 12866 require certain regulatory assessments and procedures for any major rule or significant regulatory action, defined as one that would result in an annual effect of \$100 million or more on the national economy or which would have other substantial impacts. It has been certified that this rule is not a major rule or significant regulatory action.

*Public Law 104-4, Section 202, "Unfunded Mandates Reform Act"*

Section 202 of Public Law 104-4, "Unfunded Mandates Reform Act," requires that an analysis be performed to determine whether any federal mandate may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector of \$100 million in any one year. It has been certified that this proposed rule does not contain a Federal mandate that

may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year, and thus this proposed rule is not subject to this requirement.

*Public Law 96-354, "Regulatory Flexibility Act" (RFA) (5 U.S.C. 601)*

Public Law 96-354, "Regulatory Flexibility Act" (RFA) (5 U.S.C. 601), requires that each Federal agency prepare a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities. This proposed rule is not an economically significant regulatory action, and it has been certified that it will not have a significant impact on a substantial number of small entities. Therefore, this proposed rule is not subject to the requirements of the RFA.

*Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)*

This rule does not contain a "collection of information" requirement, and will not impose additional information collection requirements on the public under Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35).

*Executive Order 13132, "Federalism"*

Executive Order 13132, "Federalism," requires that an impact analysis be performed to determine whether the rule has federalism implications that would have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. It has been certified that this proposed rule does not have federalism implications, as set forth in Executive Order 13132.

**List of Subjects in 32 CFR Part 199**

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, Military personnel.

Accordingly, 32 CFR part 199 is proposed to be 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 199.4(e)(9) is revised to read as follows:

**§ 199.4 Basic program benefits.**

\* \* \* \* \*  
(e) \* \* \*

(9) *Complications (unfortunate sequelae) resulting from noncovered initial surgery or treatment.*

(i) Benefits are available for otherwise covered services and supplies required in the treatment of complications resulting from a noncovered incident of treatment (such as nonadjunctive dental care and cosmetic surgery) but only if the later complication represents a separate medical condition such as a systemic infection, cardiac arrest, and acute drug reaction. Benefits may not be extended for any later care or procedures related to the complication that essentially is similar to the initial noncovered care. An example of complications similar to the initial episode of care (and thus not covered) would be repair of facial scarring resulting from dermabrasion for acne.

(ii) Benefits are available for otherwise covered services and supplies required in the treatment of complications (unfortunate sequelae) resulting from a noncovered incident of treatment provided in a Military Treatment Facility (MTF), when the initial noncovered service has been authorized by the MTF Commander and the MTF is unable to provide the necessary treatment of the complications, according to the guidelines adopted by the Director, TMA, or a designee.

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Dated: July 26, 2010.

**Patricia L. Toppings,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 60, 1039, 1042, 1065, and 1068**

**[EPA-HQ-OAR-2010-0295, FRL-9185-7]**

**RIN 2060-AP67**

**Standards of Performance for Stationary Compression Ignition and Spark Ignition Internal Combustion Engines**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Extension of public comment period.

**SUMMARY:** On June 8, 2010, EPA proposed amendments to the standards of performance for stationary compression ignition and spark ignition internal combustion engines. In this