

**DEPARTMENT OF DEFENSE****Office of the Secretary****32 CFR Part 199**

[DOD-2011-HA-0136]

RIN 0720-AB56

**Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Uniform Health Maintenance Organization (HMO) Benefit—Prime Enrollment Fee Exemption for Survivors of Active Duty Deceased Sponsors and Medically Retired Uniformed Services Members and Their Dependents****AGENCY:** Office of the Secretary, DoD.**ACTION:** Final rule.

**SUMMARY:** This final rule creates an exception to the usual rule that TRICARE Prime enrollment fees are uniform for all retirees and their dependents and responds to public comments received to the proposed rule published in the **Federal Register** on June 7, 2013. Survivors of Active Duty Deceased Sponsors and Medically Retired Uniformed Services Members and their Dependents are part of the retiree group under TRICARE rules. In acknowledgment and appreciation of the sacrifices of these two beneficiary categories, the Secretary of Defense has elected to exercise his authority under the United States Code to exempt Active Duty Deceased Sponsors and Medically Retired Uniformed Services Members and their Dependents enrolled in TRICARE Prime from paying future increases to the TRICARE Prime annual enrollment fees. The Prime beneficiaries in these categories have made significant sacrifices for our country and are entitled to special recognition and benefits for their sacrifices. Therefore, the beneficiaries in these two TRICARE beneficiary categories who enrolled in TRICARE Prime prior to 10/1/2013, and those since that date, will have their annual enrollment fee frozen at the appropriate fiscal year rate: FY2011 rate \$230 per single or \$460 per family, FY2012 rate \$260 or \$520, FY2013 rate \$269.38 or \$538.56, or the FY2014 rate \$273.84 or \$547.68. The future beneficiaries added to these categories will have their fee frozen at the rate in effect at the time they are classified in either category and enroll in TRICARE Prime or, if not enrolling, at the rate in effect at the time of enrollment. The fee remains frozen as long as at least one family member remains enrolled in TRICARE Prime and there is not a break in enrollment. The fee charged for the

dependent(s) of a Medically Retired Uniformed Services Member would not change if the dependent(s) was later re-classified a Survivor.

**DATES:** This rule is effective October 30, 2014.

**FOR FURTHER INFORMATION CONTACT:** Ralph (Doug) McBroom, (703) 681-0039, Defense Health Agency, TRICARE Policy and Benefits Office. Questions regarding payment of specific claims under the TRICARE allowable charge method should be addressed to the appropriate TRICARE contractor.

**SUPPLEMENTARY INFORMATION:****I. Introduction and Background***A. Overview*

Title 10 Section 1097(e) of the United States Code says in part, “The Secretary of Defense may prescribe by regulation a premium, deductible, copayment, or other charge for health care provided by this section.” This statute was implemented in Title 32 Code of Federal Regulations section 199.18(c), (32 CFR 199.18(c)), which notes that the enrollment fees shall be published annually and, as applicable, uniformly applied to TRICARE beneficiaries. There is no enrollment fee for active duty dependents. The annual enrollment fee for retirees and their dependents since the program began was \$230 per person or \$460 per family until FY 2012. In FY 2012, the Department of Defense implemented a modest increase (\$2.50 per person or \$5.00 per family per month) in the enrollment fees for retirees and their dependents to \$260 per person or \$520 per family, followed by annual indexing. For FY 2013, the fee was increased per the National Defense Authorization Act (NDAA) for FY 2012 using the same Cost of Living Adjustment (COLA) percentage (3.6%) used to increase military retired pay. The fee was adjusted again in FY2014 and FY2015 using the COLA percentage for those respective fiscal years. Future increases will be calculated per the NDAA for FY 2012.

Although the increases have been modest, the Secretary of Defense will exempt from future enrollment fee increases the Survivors of Active Duty Deceased Sponsors and Medically Retired Uniformed Services Members and their Dependents enrolled in TRICARE Prime. (These two beneficiary categories are part of the retiree group under TRICARE rules.) The enrollment fees for the currently enrolled beneficiaries in these categories will remain at their current rate. The future beneficiaries added to these categories will have their fee frozen at the rate in effect at the time they are classified in

either category and enroll in TRICARE Prime or, if not enrolling, at the rate in effect at the time of enrollment. The fee remains frozen as long as at least one family member remains enrolled in TRICARE Prime and there is not a break in enrollment. This rule creates an exception to the “uniform rate for all retirees” general rule and is being made to acknowledge, and in appreciation of, the sacrifices made by these unique members of the retiree population of TRICARE beneficiaries. This final rule articulates and implements that change. It provides that as an exception to the requirement for uniformity within the group of retirees and their dependents, the Secretary of Defense may exempt Active Duty Deceased Sponsors and Medically Retired Uniformed Services Members and their Dependents from paying future increase in enrollment fees that occur on or after the effective date of this final rule.

The exemption will apply only to the beneficiaries in the two categories specified above and only if they enroll in TRICARE Prime. If a beneficiary in one of the categories does not enroll in TRICARE Prime, but later elects to enroll, their rate will be frozen at the rate in effect at the time of enrollment. If a beneficiary dis-enrolls from TRICARE Prime and later re-enrolls, their rate will be frozen at the rate in effect at re-enrollment. The fee charged for a dependent of a Medically Retired Uniformed Services Member will not change if the dependent was later re-classified a Survivor and remained enrolled in Prime.

*B. Public Comments*

We received two online comments. Both supported the rule change to allow Survivors of Active Duty Deceased Sponsors and Medically Retired Uniformed Services Members and their Dependents, who are enrolled in Prime, to be exempt from future increases in TRICARE Prime enrollment fees.

**Regulatory Procedures**

Executive Order 12866 requires certain regulatory assessments for any significant regulatory action that would result in an annual effect on the economy of \$100 million or more, or have other substantial impacts. The Congressional Review Act establishes certain procedures for major rules, defined as those with similar major 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 that would have significant impact on a substantial number of small

entities. This final rule will have none of those effects. Nor does it establish information collection requirements under the Paperwork Reduction Act. Nor for purposes of Executive Order 13132, does it have federalism implications affecting States.

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

Claims, Handicapped, Health insurance, and 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 199.18 is amended by adding at the end of paragraph (c)(1) a new sentence to read as follows:

#### § 199.18 Uniform HMO Benefit.

\* \* \* \* \*

(c) *Enrollment fee under the uniform HMO benefit.* (1) \* \* \* As an exception to the requirement for uniformity within the group of retirees and their dependents, the Assistant Secretary of Defense (Health Affairs) may exempt Survivors of Active Duty Deceased Sponsors and Medically Retired Uniformed Services Members and their Dependents from future increases in enrollment fees.

\* \* \* \* \*

Dated: September 24, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–23065 Filed 9–29–14; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 80

[Docket No. USCG–2014–0410]

RIN 1625–AC13

#### Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments

**AGENCY:** Coast Guard, DHS.

**ACTION:** Correcting amendment.

**SUMMARY:** The Coast Guard published a final rule in the *Federal Register* on July 7, 2014, making non-substantive corrections throughout Title 33 of the Code of Federal Regulations. In that

final rule, the Coast Guard revised a paragraph because it duplicated the substance of another paragraph within the same section of an existing regulation. In correcting that error, the Coast Guard inadvertently removed four paragraphs from its regulations. This correction resolves that error by replacing the four paragraphs that we inadvertently removed.

**DATES:** This correction is effective on September 30, 2014.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this final rule, call or email Paul Crissy, Office of Standards Evaluation and Development, Coast Guard; telephone 202–372–1093, email [Paul.H.Crissy@uscg.mil](mailto:Paul.H.Crissy@uscg.mil). If you have questions on viewing material on the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** To view the original final rule document, visit [https://www.federalregister.gov/articles/2014/07/07/2014-14897/navigation-and-navigable-waters-technical-organizational-and-conforming-amendments?utm\\_campaign=subscription+mailing+list&utm\\_medium=email&utm\\_source=federalregister.gov](https://www.federalregister.gov/articles/2014/07/07/2014-14897/navigation-and-navigable-waters-technical-organizational-and-conforming-amendments?utm_campaign=subscription+mailing+list&utm_medium=email&utm_source=federalregister.gov).

#### Background

On July 7, 2014, the Coast Guard published its annual technical amendment to make non-substantive changes to Title 33 of the Code of Federal Regulations. 79 FR 38422.

#### Need for Correction

The Coast Guard published a final rule in the *Federal Register* that created the need for this correction. In that final rule, the Coast Guard revised 33 CFR 80.712 because paragraphs (a) and (b) described the same demarcation line for Stono Inlet. The Coast Guard corrected § 80.712 by redesignating paragraph (a) as paragraph (b), and revising paragraph (a) to reflect the latitude and longitude coordinates for the demarcation line across Lighthouse Inlet. Our amendatory instruction, however, resulted in the inadvertent removal of paragraphs (c) through (f) in § 80.712. This correction restores the original paragraphs (c) through (f) in § 80.712.

#### List of Subjects in 33 CFR Part 80

Navigation (water), Treaties, Waterways.

Accordingly, 33 CFR part 80 is amended by making the following correcting amendment:

## PART 80—COLREGS DEMARCATION LINES

- 1. The authority citation for part 80 continues to read as follows:

**Authority:** 14 U.S.C. 2; 14 U.S.C. 633; 33 U.S.C. 151(a).

- 2. Revise § 80.712 to read as follows:

#### § 80.712 Morris Island, SC to Hilton Head Island, SC.

(a) A line drawn from the easternmost tip of Folly Island to 32°41'37" N., 079°53'03" W. (abandoned lighthouse tower) on the northside of Lighthouse Inlet; thence west to the shoreline of Morris Island.

(b) A line drawn from the seaward tangent of Folly Island across Stono River to the shoreline of Sandy Point.

(c) A line drawn from the southernmost extremity of Seabrook Island 257° true across the North Edisto River Entrance to the shore of Botany Bay Island.

(d) A line drawn from the microwave antenna tower on Edisto Beach charted in approximate position latitude 32°28.3' N. longitude 80°19.2' W. across St. Helena Sound to the abandoned lighthouse tower on Hunting Island.

(e) A line formed by the centerline of the highway bridge between Hunting Island and Fripp Island.

(f) A line drawn from the westernmost extremity of Bull Point on Capers Island to Port Royal Sound Channel Range Rear Light, latitude 32°13.7' N., longitude 80°36.0' W.; thence 259° true to the easternmost extremity of Hilton Head at latitude 32°13.0' N., longitude 80°40.1' W.

Dated: September 23, 2014,

Katia Cervoni,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2014–23251 Filed 9–29–14; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2014–0845]

#### Drawbridge Operation Regulation; Trent River, New Bern, NC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the US 70/Alfred