

information or explanation that he or she may wish to the PDP.

(iv) *Documentation.* The PDP sponsor—

(A) Must document the enrollee’s behavior, its own efforts to resolve any problems, as described in paragraph (d)(2)(iii) of this section, and any extenuating circumstances;

(B) May request from CMS the ability to decline future enrollment by the individual; and

(C) Must submit the following:

(1) The information specified in paragraph (d)(2)(iv)(A) of this section.

(2) Any documentation received by the individual to CMS.

(3) Dated copies of the notices required in paragraph (d)(2)(viii) of this section.

(v) *CMS review of the proposed disenrollment.* CMS reviews the information submitted by the PDP sponsor and any information submitted by the individual (which the PDP sponsor has submitted to CMS) to determine if the PDP sponsor has fulfilled the requirements to request disenrollment for disruptive behavior. If the PDP sponsor has fulfilled the necessary requirements, CMS reviews the information and make a decision to approve or deny the request for disenrollment, including conditions on future enrollment, within 20 working days. During the review, CMS ensures that staff with appropriate clinical or medical expertise reviews the case before making a final decision. The PDP sponsor is required to provide a reasonable accommodation, as determined by CMS, for the individual in exceptional circumstances that CMS deems necessary. CMS notifies the PDP sponsor within 5 working days after making its decision.

(vi) *Exception for fallback prescription drug plans.* CMS reserves the right to deny a request from a fallback prescription drug plan as defined in § 423.855 to disenroll an individual for disruptive behavior.

(vii) *Effective date of disenrollment.* If CMS permits a PDP to disenroll an individual for disruptive behavior, the termination is effective the first day of the calendar month after the month in which the PDP gives the individual written notice of the disenrollment that meets the requirements set forth in paragraph (c) of this section.

(viii) *Required notices.* The PDP sponsor must provide the individual two notices prior to submitting the request for disenrollment to CMS.

(A) The first notice, the advance notice, informs the member that continued disruptive behavior could lead to involuntary disenrollment and

provides the individual an opportunity to cease the behavior in order to avoid the disenrollment action.

(1) If the disruptive behavior ceases after the member receives the advance notice and then later resumes, the sponsor must begin the process again.

(2) The sponsor must wait at least 30 days after sending the advance notice before sending the second notice, during which 30-day period the individual has the opportunity to cease their behavior.

(B) The second notice, the notice of intent to request CMS permission to disenroll the member, notifies the member that the PDP sponsor requests CMS permission to involuntarily disenroll the member.

(1) This notice must be provided prior to submission of the request to CMS.

(2) These notices are in addition to the disenrollment submission notice required under § 423.44(c).

* * * * *

■ 9. Section 423.100 is amended by revising the definition of “Affected enrollee” to read as follows:

§ 423.100 Definitions.

* * * * *

Affected enrollee, as used in this subpart, means a Part D enrollee who is currently taking a covered Part D drug that is subject to a negative formulary change that affects the Part D enrollee’s access to the drug during the current plan year.

* * * * *

§ 423.501 [Amended]

■ 10. Section 423.501 is amended in the definition of “Final settlement process” by—

■ a. Removing paragraph (4);

■ b. Redesignating paragraph (5) as (paragraph (4);

■ c. In newly redesignated paragraph (4), removing the phrase “Takes final actions” and adding in its place the phrase “Takes action”.

§ 423.522 [Amended]

■ 11. Section 423.522 is amended by—

■ a. Removing paragraphs (c) and (d); and

■ b. Redesignating paragraphs (e) and (f) as paragraphs (c) and (d).

§ 423.584 [Amended]

■ 12. Section 423.584 is amended by—

■ a. In paragraph (b) introductory text, removing the phrase “request for redetermination” and adding in its place the phrase “request for a redetermination”.

■ b. In paragraph (b)(4), removing the phrase “specified the Part D” and adding in its place the phrase “specified in the Part D”.

PART 460—PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

■ 13. The authority citation for part 460 continues to read as follows:

Authority: 42 U.S.C. 1302, 1395, 1395eee(f), and 1396u–4(f).

■ 14. Section 460.12 is amended by adding paragraph (b)(3) to read as follows:

§ 460.12 Application requirements.

* * * * *

(b) * * *

(3) Any PACE application that does not include a signed and dated State assurances document that includes accurate service area information and the physical address of the PACE center, as applicable, is considered incomplete and invalid and will not be evaluated by CMS.

* * * * *

§ 460.120 [Amended]

■ 15. Section 460.120 is amended in paragraph (h)(4) by removing the phrase “for paragraphs (h)(1) through (3) of this section.” and adding in its place the phrase “for complying with all other requirements of this section.”

Elizabeth J. Gramling,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2024–17024 Filed 8–5–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 2

[DOI–2023–0027;DS65100000
DWSN00000.000000 24XD4523WS
DP.65102]

RIN 1090–AB28

Privacy Act Regulations; Exemption for the Law Enforcement Records Management System

AGENCY: Office of the Secretary, Interior.
ACTION: Final rule.

SUMMARY: The Department of the Interior (DOI) is issuing a final rule to amend its regulations to exempt certain records in the INTERIOR/DOI–10, DOI Law Enforcement Records Management System (LE RMS), system of records from one or more provisions of the Privacy Act of 1974 because of criminal, civil, and administrative law enforcement requirements.

DATES: The final rule is effective August 6, 2024.

FOR FURTHER INFORMATION CONTACT: Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240, *DOI_Privacy@ios.doi.gov* or (202) 208-1605.

SUPPLEMENTARY INFORMATION:

Background

DOI published a system of records notice (SORN) in the **Federal Register** at 89 FR 1594 (January 10, 2024) to update the title of the modified system of records to INTERIOR/DOI-10, DOI Law Enforcement Records Management System (LE RMS), propose new and modified routine uses, and reflect the expanded scope of the Department-wide law enforcement system of records. A notice of proposed rulemaking (NPRM) was also published in the **Federal Register** at 89 FR 1505 (January 10, 2024) to propose amendments to DOI's Privacy Act exemptions at 43 CFR 2.254 to update subsections (a) and (c) to reflect the new title of the system and to add new paragraphs under subsections (b), (d), (e), and (f) to claim additional exemptions pursuant to 5 U.S.C. 552a(k)(1), (k)(3), (k)(5), and (k)(6). The Department proposed these changes because this system of records contains material that support law enforcement activities and investigations. Comments were invited on both the INTERIOR/DOI-10, DOI Law Enforcement Records Management System (LE RMS) SORN and NPRM. DOI received no comments on the SORN and NPRM; therefore, the NPRM will be implemented as proposed.

Procedural Requirements

1. Regulatory Planning and Review
(*Executive Orders 12866, 14094 and 13563*)

Executive Order 14094 reaffirms the principles of E.O. 12866 and E.O. 13563 and states that regulatory analysis should facilitate agency efforts to develop regulations that serve the public interest, advance statutory objectives, and are consistent with E.O. 12866, E.O. 13563, and the Presidential Memorandum of January 20, 2021 (Modernizing Regulatory Review). Regulatory analysis, as practicable and appropriate, shall recognize distributive impacts and equity, to the extent permitted by law. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this final rule in a manner consistent with these requirements.

E.O. 12866, as reaffirmed by E.O. 13563 and E.O. 14094, provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

2. Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121)). This rule does not impose a requirement for small businesses to report or keep records on any of the requirements contained in this rule. The exemptions to the Privacy Act apply to individuals, and individuals are not covered entities under the Regulatory Flexibility Act.

3. Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2). This rule:

(a) Does not have an annual effect on the economy of \$100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

4. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments in the aggregate, or on the private sector, of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This rule makes only minor changes to 43 CFR part 2. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) is not required.

5. Takings (E.O. 12630)

In accordance with Executive Order 12630, this rule will not have significant takings implications. This rule makes only minor changes to 43 CFR part 2. A takings implication assessment is not required.

6. Federalism (E.O. 13132)

In accordance with Executive Order 13132, this rule does not have any

federalism implications to warrant the preparation of a Federalism Assessment. The rule is not associated with, nor will it 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. A federalism assessment is not required.

7. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Does not unduly burden the Federal judicial system.

(b) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(c) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

8. Consultation With Indian Tribes (E.O. 13175)

In accordance with Executive Order 13175, the Department of the Interior has evaluated this rule and determined that it would have no substantial effects on federally recognized Indian Tribes.

9. Paperwork Reduction Act

This rule does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*) is not required.

10. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality for the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, is not required because the rule is covered by a categorical exclusion. We have determined the rule is categorically excluded under 43 CFR 46.210(i) because it is administrative, legal, and technical in nature. We also have determined the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

11. Effects on Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

12. Clarity of This Regulation

We are required by Executive Order 12866 and 12988, the Plain Writing Act

of 2010 (Pub. L. 111–274), and the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means each rule we publish must:

- Be logically organized;
- Use the active voice to address readers directly;
- Use clear language rather than jargon;
- Be divided into short sections and sentences; and
- Use lists and table wherever possible.

List of Subjects in 43 CFR Part 2

Administrative practice and procedure, Confidential information, Courts, Freedom of Information Act, Privacy Act.

For the reasons stated in the preamble, the Department of the Interior is amending 43 CFR part 2 as follows:

PART 2—FREEDOM OF INFORMATION ACT; RECORDS AND TESTIMONY

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 31 U.S.C. 3717; 43 U.S.C. 1460, 1461, the Social Security Number Fraud Prevention Act of 2017, Pub. L. 115–59, September 15, 2017.

■ 2. Amend § 2.254 by:

- a. Revising paragraph (a)(5);
- b. Adding paragraph (b)(4);
- c. Revising paragraph (c)(15); and
- d. Adding paragraphs (d)(4), (e)(9), and (f)(2).

The additions and revisions read as follows:

§ 2.254 Exemptions.

* * * * *

- (a) * * *
- (5) INTERIOR/DOI–10, DOI Law Enforcement Records Management System (LE RMS).
- (b) * * *
- (4) INTERIOR/DOI–10, DOI Law Enforcement Records Management System (LE RMS).
- (c) * * *
- (15) INTERIOR/DOI–10, DOI Law Enforcement Records Management System (LE RMS).
- (d) * * *
- (4) INTERIOR/DOI–10, DOI Law Enforcement Records Management System (LE RMS).
- (e) * * *
- (9) INTERIOR/DOI–10, DOI Law Enforcement Records Management System (LE RMS).
- (f) * * *

(2) INTERIOR/DOI–10, DOI Law Enforcement Records Management System (LE RMS).

* * * * *

Teri Barnett.

Departmental Privacy Officer, U.S. Department of the Interior.

[FR Doc. 2024–17240 Filed 8–5–24; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 10

[Docket No. USCG–2021–0288]

RIN 1625–AC83

Exemption for Active-Duty Uniformed Service Members From Merchant Mariner Credentialing Fees

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is exempting certain members of the uniformed services from Merchant Mariner Credential (MMC) fees for the evaluation of an MMC application, the administration of an examination required for an MMC endorsement, and the issuance of an MMC. This final rule is in response to Executive Order 13860—Supporting the Transition of Active Duty Service Members and Military Veterans Into the Merchant Marine, and the National Defense Authorization Act for Fiscal Year 2020.

DATES: This final rule is effective November 4, 2024.

ADDRESSES: To view documents mentioned in this final rule as being available in the docket, go to www.regulations.gov, type USCG–2021–0288 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email Mr. James Cavo, U.S. Coast Guard Office of Merchant Mariner Credentialing; telephone 202–372–1205, email james.d.cavo@uscg.mil.

SUPPLEMENTARY INFORMATION:

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I. Abbreviations

- CATEX Categorical exclusion
- CFR Code of Federal Regulations
- CG–MMC Coast Guard Office of Merchant Mariner Credentialing
- CPI Consumer Price Index
- DHS Department of Homeland Security
- GS General Schedule
- MMC Merchant Mariner Credential
- NDAA 2020 National Defense Authorization Act for Fiscal Year 2020
- NOAA National Oceanic and Atmospheric Administration
- NMC National Maritime Center
- NPRM Notice of Proposed Rulemaking
- OMB Office of Management and Budget
- RA Regulatory analysis
- § Section
- STCW International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
- USPHS U.S. Public Health Service
- U.S.C. United States Code

II. Background

As mandated by Title 46 of the United States Code (U.S.C.), section 2110, and in accordance with 31 U.S.C. 9701, the Coast Guard has established fees associated with Merchant Mariner Credential (MMC) applications, which are codified in table 1 to § 10.219(a) of Title 46 of the Code of Federal Regulations (CFR). There are three types of credentialing fees: an evaluation fee, an examination fee, and an issuance fee. The amount of the fee varies based on the individual credential transaction an applicant seeks.

Evaluation fees for MMCs range from \$50 to \$100, and the applicant must pay the fee at the time an application is submitted to the Coast Guard. Examination fees range from \$45 to \$140, depending on the endorsement sought, and must be paid before the professional examination for an endorsement is taken.¹ If an applicant applies for an MMC with both a rating and an officer endorsement, the higher evaluation fee is charged. Issuance fees

¹ An *endorsement* is a “statement of a mariner’s qualifications.” 46 CFR 10.107(b). The particular endorsement(s) on each mariner’s MMC indicate what capacities they may serve in, such as a “Barge Supervisor” or a “Lifeboatman.” See *id.*; 46 CFR 10.109(a) through (b).