

**DEPARTMENT OF THE TREASURY****31 CFR Part 33****DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****42 CFR Parts 435 and 600****Office of the Secretary****45 CFR Parts 153, 155, and 156**

[CMS–9895–F2]

RIN–0938–AV22

**Patient Protection and Affordable Care Act, HHS Notice of Benefit and Payment Parameters for 2025; Updating Section 1332 Waiver Public Notice Procedures; Medicaid; Consumer Operated and Oriented Plan (CO–OP) Program; and Basic Health Program; Correcting Amendment****AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.**ACTION:** Correcting amendment.

**SUMMARY:** This document corrects technical and typographical errors in the final rule that appeared in the April 15, 2024 issue of the **Federal Register** entitled, “Patient Protection and Affordable Care Act, HHS Notice of Benefit and Payment Parameters for 2025; Updating Section 1332 Waiver Public Notice Procedures; Medicaid; Consumer Operated and Oriented Plan (CO–OP) Program; and Basic Health Program.” The effective date of the final rule was June 4, 2024.

**DATES:** Effective October 28, 2024 and applicable beginning June 4, 2024.

**FOR FURTHER INFORMATION CONTACT:** Dolma Tsering, (301) 448–3925.

**SUPPLEMENTARY INFORMATION:****I. Background**

In FR Doc. 2024–07274 of April 15, 2024 (89 FR 26218), the final rule entitled “Patient Protection and Affordable Care Act, HHS Notice of Benefit and Payment Parameters for 2025; Updating Section 1332 Waiver Public Notice Procedures; Medicaid; Consumer Operated and Oriented Plan (CO–OP) Program; and Basic Health Program” (hereinafter referred to as the 2025 Payment Notice), there were technical errors that are identified and corrected in the regulations text of this correcting amendment. The provisions of this correcting amendment are effective October 28, 2024 and are applicable beginning June 4, 2024.

**II. Summary of Errors in the Regulation Text**

On page 26424, in the amendatory instruction for § 156.111, we inadvertently noted changes to paragraph (b)(2) and not specifically paragraphs (b)(2)(i) and (ii). Therefore, paragraphs (b)(2)(iii) through (v) were inadvertently deleted.

**III. Waiver of Proposed Rulemaking and Delay in Effective Date**

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

Our policy on streamlining the process for States to update their Essential Health Benefits (EHB) benchmark plans in the 2025 Payment Notice has previously been subjected to notice and comment procedures. This correcting amendment is consistent with the discussion of this policy in the 2025 Payment Notice and does not make substantive changes to this policy. Instead this correcting amendment merely corrects technical errors, specifically an unintended deletion, in the regulations text caused by an error in the amendatory instructions of the 2025 Payment Notice. As a result, this correcting amendment is intended to ensure that the 2025 Payment Notice accurately reflects the policy adopted in the final rule, which did not otherwise indicate any intention to delete the regulations text that was unintentionally deleted. Therefore, we find that undertaking further notice and comment procedures to incorporate these corrections into the final rule is unnecessary and contrary to the public interest.

For the same reasons, we are also waiving the 30-day delay in effective

date for this correcting amendment. We believe that it is in the public interest to ensure that the regulations text accurately reflects the policy set forth in the 2025 Payment Notice streamlining the process for States to update their EHB-benchmark plans. Thus, delaying the effective date of this correcting amendment would be contrary to the public interest. Therefore, we also find good cause to waive the 30-day delay in effective date.

**List of Subjects in 45 CFR Part 156**

Administrative practice and procedure, Advertising, Advisory committees, Brokers, Conflict of interests, Consumer protection, Grant programs—health, Grants administration, Health care, Health insurance, Health maintenance organization (HMO), Health records, Hospitals, Indians, Individuals with disabilities, Loan programs—health, Medicaid, Organization and functions (Government agencies), Public assistance programs, Reporting and recordkeeping requirements, State and local governments, Sunshine Act, Technical assistance, Women, Youth.

For the reasons set forth in the preamble, HHS corrects 45 CFR part 156 by making the following correcting amendments:

**PART 156—HEALTH INSURANCE ISSUER STANDARDS UNDER THE AFFORDABLE CARE ACT, INCLUDING STANDARDS RELATED TO EXCHANGES**

■ 1. The authority citation for part 156 continues to read as follows:

**Authority:** 42 U.S.C. 18021–18024, 18031–18032, 18041–18042, 18044, 18054, 18061, 18063, 18071, 18082, and 26 U.S.C. 36B.

■ 2. Section 156.111 is amended by adding paragraphs (b)(2)(iii) through (v) to read as follows:

**§ 156.111 State selection of EHB-benchmark plan for plan years beginning on or after January 1, 2020.**

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iii) Not have benefits unduly weighted towards any of the categories of benefits at § 156.110(a);

(iv) Provide benefits for diverse segments of the population, including women, children, persons with disabilities, and other groups; and

(v) Not include discriminatory benefit designs that contravene the non-

discrimination standards defined in § 156.125.

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**Elizabeth J. Gramling,**

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

[FR Doc. 2024–24910 Filed 10–25–24; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2024–0391]

RIN 1625–AA00

#### Safety Zone; Choctawhatchee Bay, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Choctawhatchee Bay where unexploded ordnances were discovered and a moving safety zone around vessels relocating any unexploded ordnance from Choctawhatchee Bay to the disposal location. The safety zones are needed to protect mariners from the hazards associated with unexploded ordnance clearance operations. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Mobile (COTP), or a designated representative.

**DATES:** This rule is effective without actual notice from October 28, 2024 through 11:59 p.m. on December 31, 2024. For the purposes of enforcement, actual notice will be used from 1 p.m. on October 22, 2024, until October 28, 2024.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0391 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this rule, call or email MSTC Stacy Stevenson, Waterways Management Division, U.S. Coast Guard; telephone 251–382–8653, email [Sectormobilewaterways@uscg.mil](mailto:Sectormobilewaterways@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations

DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to public interest. It is impracticable to publish an NPRM because we must establish this safety zone by October 22, 2024, and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. Publishing an NPRM is contrary to public interest because immediate action is needed to protect people and property on the waterway from potential hazards associated with unexploded ordnance operations.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule is contrary to public interest because it would delay the safety measures necessary to respond to potential safety hazards associated with the unexploded ordnance operations.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Mobile (COTP) has determined that the safety zones are necessary for the protection of persons and vessels from potential hazards associated with the unexploded ordnance operations.

##### IV. Discussion of the Rule

The Coast Guard is establishing a temporary safety zone on certain navigable waters of the Choctawhatchee Bay within a 5,000 foot radius of approximate position 30°25′38.1″ N, 86°33′32.5″ W, and a moving safety zone within a 600 yard radius from any vessel involved with relocating the unexploded ordnance upon leaving the area where the ordnance was discovered until it is safely positioned in the disposal location. The safety zones will be enforced from 1 p.m. on October 22,

2024, until 11:59 p.m. on December 31, 2024. The duration of the zone is intended to protect personnel, vessels, and ensure maritime safety and security in these navigable waters during unexploded ordnance clearing operations. No vessel or person will be permitted to enter the safety zones without obtaining permission from the COTP or a designated representative.

##### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

###### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. This stationary safety zone will be enforced for approximately 11 weeks or less and prohibit vessel movement on a portion of the Choctawhatchee Bay and a moving safety zone around relocating unexploded ordnances to the disposal location. Moreover, the Coast Guard will issue on scene actual notice via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

###### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the safety zone may be small entities, for the