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DEPARTMENT OF HEALTH AND HUMAN SERVICES**45 CFR Part 147****Health Insurance Reform Requirements for the Group and Individual Health Insurance Markets***CFR Correction*

■ In Title 45 of the Code of Federal Regulations, Parts 1 to 199, revised as of October 1, 2013, on page 700, in § 147.130, paragraphs (a)(1)(iv)(A) and (B) are removed.

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DEPARTMENT OF TRANSPORTATION**Maritime Administration****46 CFR Part 308****RIN 2133-AB82****Retrospective Review Under E.O. 13563: War Risk Insurance**

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: In accordance with Executive Order 13563, “Improving Regulation and Regulatory Review,” the Maritime Administration (MARAD) is evaluating the continued accuracy of its rules and determining whether they effectively address current issues and provide the regulated public with necessary guidance. As part of this review, MARAD is issuing this final rule to correct numerous citations in accordance with the codification of Title 46 of the United States Code, update relevant agency contact and underwriting agent information, and remove obsolete references to lighter aboard ship barges in Part 308. This rulemaking will have no substantive effect on the regulated public.

DATES: This rule is effective April 30, 2014.

FOR FURTHER INFORMATION CONTACT: You may contact Jeff R. Vogel, Attorney-Advisor, Office of Chief Counsel, at (202) 493-0307. You may send mail to Mr. Vogel at Office of Chief Counsel, MAR-222, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. You may

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SUPPLEMENTARY INFORMATION: On January 18, 2011, President Obama issued Executive Order 13563, which outlined a plan to improve regulation and regulatory review (76 FR 3821, January 21, 2011). Executive Order 13563 reaffirms and builds upon governing principles of contemporary regulatory review, including Executive Order 12866, “Regulatory Planning and Review,” (58 FR 51735, October 4, 1993), by requiring Federal agencies to design cost-effective, evidence-based regulations that are compatible with economic growth, job creation and competitiveness. The President’s plan recognizes that these principles should not only guide the Federal government’s approach to new regulations, but to existing ones as well. To that end, Executive Order 13563 requires agencies to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient or excessively burdensome.

Accordingly, MARAD identified its regulations governing its war risk insurance program for improvement consistent with the President’s order. The regulations were deemed inconsistent with current agency practices and provided out-of-date information for those participating in, or potentially interested in, the war risk insurance program.

As authorized by 46 U.S.C. 53902, and delegated under 46 CFR 1.93, MARAD may provide war risk insurance adequate for the needs of the waterborne commerce of the United States, if such insurance coverage cannot be obtained on reasonable terms and conditions from companies authorized to conduct an insurance business in a State of the United States. MARAD’s authority to issue marine war risk insurance, as provided by 46 U.S.C. 53912, currently expires on December 31, 2020, subject to a further extension of the program by Congress. This U.S. Government war risk insurance program is a standby emergency program and becomes effective simultaneously with the automatic termination of ocean marine commercial war risk insurance policies. This program makes it possible for applicants to obtain war risk insurance from the U.S. Government when such insurance is unavailable on reasonable terms and conditions in the commercial market. The program is mutually-beneficial to the United States and to the shipowner in that it assures continued flow of essential U.S. trade and protection of the shipowner from loss by risks of war.

The war risk insurance statutory provisions were codified at 46 U.S.C. Chapter 539 pursuant to Public Law 109-304 on October 6, 2006. In order to alleviate any confusion caused by the current war risk insurance regulations, all statutory references have been amended to reflect the correct sections of Title 46 of the United States Code. In addition, all contact information contained in 46 CFR Part 308 has been updated to ensure that program participants and the general public have access to all current information. In their current form, the regulations also make repeated reference to the “American War Risk Agency” as MARAD’s underwriter. The American War Risk Agency was operated by the American Hull Insurance Syndicate, as successor to the American Marine Insurance Syndicate “C”, which was created at the insistence of the House Subcommittee on Merchant Marine and Fisheries and was approved by such Committee and the United States Shipping Board on June 28, 1920. The American War Risk Agency served as MARAD’s underwriter until December 2012 when it ceased operation. All references to the American War Risk Agency have been replaced in Part 308, and subsequent underwriters will be contracted for in accordance with the Federal Acquisition Regulations. Finally, this final rule removes references to lighter aboard ship (LASH) barges in sections 308.102 and 308.202. The regulations now make general reference to binder fees for all barges in lieu of specifically referencing LASH barges.

Rulemaking Analysis and Notices

Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review) and DOT Regulatory Policies and Procedures

Under E.O. 12866 (58 FR 51735, October 4, 1993), supplemented by E.O. 13563 (76 FR 3821, January 18, 2011) and DOT policies and procedures, MARAD must determine whether a regulatory action is “significant,” and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines “significant regulatory action” as one likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government or communities. (2) Create