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 no 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 reclassified 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 no 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 reclassified a Survivor.

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
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. If you have questions on viewing material on the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.


**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:

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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 has issued a temporary deviation from the operating schedule that governs the US 70/Alfred