

F. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in expenditures by State, local, or Tribal governments, in the aggregate, or by the private sector, of \$100 million, adjusted for inflation, or more in any one year. ACL and CMS have determined that this rule does not result in the expenditure by State, local, and Tribal government in the aggregate or by the private sector of more than \$100 million in any one year.

G. Congressional Review

This rule is not a major rule as defined in 5 U.S.C. Section 804(2).

H. Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a policy or regulation may affect family wellbeing. If the agency's conclusion is affirmative, then the agency must prepare an impact assessment addressing seven criteria specified in the law. These regulations do not have an impact on family wellbeing as defined in the legislation.

I. Executive Order 13132

Executive Order 13132 on "federalism" was signed August 4, 1999. The purposes of the Order are: ". . . to guarantee the division of governmental responsibilities between the national government and the States that was intended by the Framers of the Constitution, to ensure that the principles of federalism established by the Framers guide the executive departments and agencies in the formulation and implementation of policies, and to further the policies of the Unfunded Mandates Reform Act . . ." Executive Order 13132 applies to actions with federalism implications, which are actions that have substantial direct effect on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. For actions that have federalism implications and preempt state law or have federalism implications and impose substantial compliance costs on states and local governments, the agency must consult with state and local officials before publishing the rule and include a federalism statement in the preamble.

The Department certifies that this rule does not have a substantial direct effect on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government.

ACL and CMS are not aware of any specific state laws that would be preempted by the adoption of the regulation.

List of Subjects

42 CFR Part 403

Grant programs, Health insurance, Medicare, Reporting and recordkeeping requirements.

45 CFR Part 1331

Grant programs, health insurance, Medicare, reporting and recordkeeping requirements.

Accordingly, the interim final rule amending 42 CFR part 403 and adding 45 CFR part 1331 that published on February 4, 2016 (81 FR 5917), is adopted as a final rule without change.

Dated: April 29, 2016.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

Dated: May 12, 2016.

Kathy Greenlee,

Administrator, Administration for Community Living.

Approved: May 26, 2016.

Sylvia M. Burwell,

Secretary, U.S. Department of Health and Human Services.

[FR Doc. 2016-13136 Filed 6-2-16; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Parts 1385, 1386, 1387, and 1388

Administration for Community Living

45 CFR Parts 1321, 1322, 1323, 1324, 1325, 1326, 1327, and 1328

Administration for Community Living—Regulatory Consolidation

AGENCY: Administration for Community Living (ACL), Department of Health and Human Services (HHS).

ACTION: Final rule; technical amendments.

SUMMARY: The Administration for Community Living (ACL) is amending its regulations to reflect the creation of ACL in 2012 and consolidate all of its regulations under a single subchapter.

No substantive changes to the text of the regulations are being made by this rule.

DATES: This final rule is effective on July 1, 2016.

FOR FURTHER INFORMATION CONTACT: Greg Pugh, Administration for Community Living, telephone (202) 795-7422 (Voice). This is not a toll-free number. This document will be made available in alternative formats upon request. Written correspondence can be sent to Administration for Community Living, U.S. Department of Health and Human Services, 330 C St. SW., Washington, DC 20201.

SUPPLEMENTARY INFORMATION: The Administration for Community Living (ACL) was created in 2012 by merging the HHS Administration on Aging (AoA), Administration on Intellectual and Developmental Disabilities (AIDD), and the Office of Disability (Statement of Organization Functions, and Delegations of Authority; Administration for Community Living, 77 FR 23250 (Apr. 28 2012)). This consolidation reflected these organizations' shared mission to maximize the independence, well-being, and health of older adults, people with disabilities across the lifespan, and their families and caregivers. Since the creation of ACL, a number of synergistic programs have been transferred under its purview, including the State Health Insurance Assistance Programs (SHIPs) from the Centers for Medicare and Medicaid Services (CMS) (Department of Health and Human Services Appropriations Act, 2014, Public Law 113-76 (Jan 17, 2014)) and the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) and the Independent Living Administration from the Department of Education in 2014 (Workforce Investment and Opportunity Act of 2014, Public Law 113-128 (July 22, 2014)).

Many of ACL's component programs and organizations had existing regulations prior to their transfer. ACL is consolidating these regulations in a single place to streamline administration and increase access and transparency. This rule renames the Administration on Aging's subchapter C of chapter XIII, subtitle B, title 45 from "The Administration on Aging, Older Americans Programs" to "The Administration for Community Living." It then rearranges the existing AoA rules sequentially. This rule also transfers the existing AIDD rules from subchapter I to ACL's subchapter C. Conforming edits are made throughout in order to correct internal citations.

Publication of this document constitutes final action on this change under the Administrative Procedures Act (5 U.S.C. 553). ACL has found that notice and public comment procedures are unnecessary because ACL is making

a technical change merely updating the location and order of existing content.

This Final Rule will be effective July 1, 2016, in order to allow the Long Term Care Ombudsman final rule, one of the sections being renumbered within ACL's subchapter, to take effect.

Although this Final Rule contains no changes to programmatic or reporting requirements, we include the following table summarizing the changes made in order to simplify public understanding of the Final Rule:

Previous part	Previous heading	New part	New heading
45 CFR chapter XIII, subchapter C.	The Administration on Aging	No change ...	The Administration for Community Living.
45 CFR part 1321.	Grants to State and Community Programs on Aging	No change ...	No change.
45 CFR part 1326.	Grants to Indian Tribes for Support and Nutrition Services	1322	No change.
45 CFR part 1327.	Allotments for Vulnerable Elder Rights Protection Activities	1324	No change.
45 CFR part 1328.	Grants for Supportive and Nutritional Services for Older Hawaiian Natives.	1323	No change.
45 CFR part 1385.	Requirements Applicable to the Developmental Disabilities Program	1325	No change.
45 CFR part 1386.	Formula Grant Programs	1326	Developmental Disabilities Formula Grant Programs.
45 CFR part 1387.	Projects of National Significance	1327	Developmental Disabilities Projects of National Significance.
45 CFR part 1388.	National Network of University Centers For Excellence In Developmental Disabilities Education, Research, and Service.	1328	No change.

List of Subjects in 45 CFR Parts 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1385, 1386, 1387, and 1388

Administrative practice and procedures, Aged, Colleges and universities, Disabled, Grant programs—education, Grant programs—Indians, Grant programs—social programs, Indians, Individuals with disabilities, Legal services, Long-term care, Nutrition, Research, Reporting and recordkeeping requirements.

Dated: May 4, 2016.

Kathy Greenlee,
Administrator, Administration for Community Living.

Dated: May 26, 2016.

Sylvia M. Burwell
Secretary, U.S. Department of Health and Human Services.

For the reasons discussed in the preamble, under the authority at 5 U.S.C. 301, 42 U.S.C. 3001 *et seq.*, and 42 U.S.C. 15001 *et seq.*, the Department of Health and Human Services, the

Administration for Community Living, and the Administration for Children and Families amend title 45, chapter XIII, subchapter C, and title 45, chapter XIII, subchapter I, respectively, as follows:

Subchapter C—The Administration for Community Living

■ 1. The heading for 45 CFR chapter XIII, subchapter C, is revised to read as set forth above.

PARTS 1326, 1327, 1328, 1385, 1386, 1387, and 1388 [REDESIGNATED AS PARTS 1322, 1324, 1323, 1325, 1326, 1327, and 1328]

■ 2. Parts 1326, 1327, 1328, 1385, 1386, 1387, and 1388 are redesignated as parts 1322, 1324, 1323, 1325, 1326, 1327, and 1328, respectively.

PART 1321—GRANTS TO STATE AND COMMUNITY PROGRAMS ON AGING

■ 3. The authority citation for part 1321 continues to read as follows:

Authority: 42 U.S.C. 3001 *et seq.*; title III of the Older Americans Act as amended.

§ 1321.11 [Amended]

■ 4. In § 1321.11, amend paragraph (b) by removing the reference “§ 1327.11(e)(3)” and adding in its place the reference “§ 1324.11(e)(3)”.

PART 1322—GRANTS TO INDIAN TRIBES FOR SUPPORT AND NUTRITION SERVICES

■ 5. The authority citation for newly redesignated part 1322 continues to read as follows:

Authority: 42 U.S.C. 3001; Title VI, Part A of the Older Americans Act.

§§ 1322.3 and 1322.19 [Amended]

■ 6. In the table below, for each section and paragraph indicated in the first two columns, remove the reference indicated in the third column and add the reference indicated in the fourth column:

Newly redesignated section	Paragraph(s)	Remove	Add
§ 1322.3	Definition of “Budgeting period”	§ 1326.19 of this part	§ 1322.19.
§ 1322.3	Definition of “Project period”	§ 1326.19 of this part	§ 1322.19.
§ 1322.3	Definition of “Service area”	§ 1326.9(b)	§ 1322.9(b).
§ 1322.3	Definition of “Tribal organization”	§ 1326.7	§ 1322.7.
§ 1322.19	(d)(5)	§§ 1326.7 through 1326.17	§§ 1322.7 through 1322.17.

PART 1323—GRANTS FOR SUPPORTIVE AND NUTRITIONAL SERVICES FOR OLDER HAWAIIAN NATIVES

Authority: 42 U.S.C. 3001; Title VI Part B of the Older Americans Act.

the reference indicated in the fourth column:

§§ 1323.3 and 1323.19 [Amended]

■ 7. The authority citation for newly redesignated part 1323 continues to read as follows:

■ 8. In the table below, for each section and paragraph indicated in the first two columns, remove the reference indicated in the third column and add

Newly redesignated section	Paragraph(s)	Remove	Add
§ 1323.3	Definition of “Budgeting period”	§ 1328.19 of this part	§ 1323.19.
§ 1323.3	Definition of “Project period”	§ 1328.19 of this part	§ 1323.19.
§ 1323.3	Definition of “Service area”	§ 1328.9(b)	§ 1323.9(b).
§ 1323.19	(d)(5)	§§ 1328.7 through 1328.17	§§ 1323.7 through 1323.17.

PART 1324—ALLOTMENTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

Authority: 42 U.S.C. 3001 *et seq.*

indicated in the third column and add the reference indicated in the fourth column:

§§ 1324.1, 1324.11, 1324.13, 1324.15, and 1324.19 [Amended]

■ 9. The authority citation for newly redesignated part 1324 is revised to read as follows:

■ 10. In the table below, for each section and paragraph indicated in the first two columns, remove the reference

Newly redesignated section	Paragraph(s)	Remove	Add
§ 1324.1	Definition of “Representatives of the Office of the State Long-Term Care Ombudsman”.	§ 1327.19(a)	§ 1324.19(a).
§ 1324.1	Definition of “State Long-Term Care Ombudsman, or Ombudsman”.	§§ 1327.13 and 1327.19	§§ 1324.13 and 1324.19.
§ 1324.1	Definition of “Willful interference”	§ 1327.13	§ 1324.13.
§ 1324.1	Definition of “Willful interference”	§ 1327.19	§ 1324.19.
§ 1324.11	(a)	§ 1327.13	§ 1324.13.
§ 1324.11	(a)	§ 1327.19	§ 1324.19.
§ 1324.11	(c) introductory text	§§ 1327.13 and 1327.19	§§ 1324.13 and 1324.19.
§ 1324.11	(e)(1)(i)	§ 1327.13	§ 1324.13.
§ 1324.11	(e)(2)(ii) and (iii)	§§ 1327.13 and 1327.19	§§ 1324.13 and 1324.19.
§ 1324.11	(e)(3)(i)	§ 1327.13(e)	§ 1324.13(e).
§ 1324.11	(e)(3)(ii) introductory text	§ 1327.19(b)(5) through (8)	§ 1324.19(b)(5) through (8).
§ 1324.11	(e)(3)(iv)	§ 1327.19(b)(5) through (8)	§ 1324.19(b)(5) through (8).
§ 1324.11	(e)(4) introductory text and (e)(6)(i)	§ 1327.21	§ 1324.21.
§ 1324.13	(b)(1)	§ 1327.11(e)	§ 1324.11(e).
§ 1324.13	(b)(2)	§ 1327.19	§ 1324.19.
§ 1324.13	(c) introductory text	§ 1327.11(e)(6)	§ 1324.11(e)(6).
§ 1324.13	(c)(3) introductory text	§ 1327.19	§ 1324.19.
§ 1324.15	(b)	§ 1327.11(e)(2)	§ 1324.11(e)(2).
§ 1324.15	(e)	§§ 1327.13 and 1327.19	§§ 1324.13 and 1324.19.
§ 1324.15	(f)	§§ 1327.11(e)(3) and 1327.13(e).	§§ 1324.11(e)(3) and 1324.13(e).
§ 1324.15	(h)	§ 1327.13(h)	§ 1324.13(h).
§ 1324.15	(i)(1)(ii)	§§ 1327.13 and 1327.19	§§ 1324.13 and 1324.19.
§ 1324.15	(k)(1)	§ 1327.13(g)	§ 1324.13(g).
§ 1324.15	(k)(4)	§ 1327.13(c)(2)	§ 1324.13(c)(2).
§ 1324.15	(k)(5)	§ 1327.13(h)	§ 1324.13(h).
§ 1324.19	(b)(3) introductory text, (b)(6) introductory text, (b)(7) introductory text, and (b)(8) introductory text.	§ 1327.11(e)(3)	§ 1324.11(e)(3).
§ 1324.21	(d)(1)	§ 1327.11(e)(4)	§ 1324.11(e)(4).
§ 1324.21	(d)(1)	§ 1327.21(c)	§ 1324.21(c).

PART 1325—REQUIREMENTS APPLICABLE TO THE DEVELOPMENTAL DISABILITIES PROGRAMAuthority: 42 U.S.C. 15001 *et seq.*

the reference indicated in the fourth column:

§§ 1325.1, 1325.3, 1325.6, and 1325.9 [Amended]

■ 11. The authority citation for newly redesignated part 1325 continues to read as follows:

■ 12. In the table below, for each section and paragraph indicated in the first two columns, remove the reference indicated in the third column and add

Newly redesignated section	Paragraph(s)	Remove	Add
§ 1325.1	Introductory text	§ 1385.4	§ 1325.4.
§ 1325.3	Introductory text	parts 1385 through 1388	parts 1325 through 1328.
§ 1325.3	Definition of “Required planning documents”	§ 1386.30	§ 1326.30.
§ 1325.3	Definition of “Required planning documents”	§ 1386.22(c)	§ 1326.22(c).
§ 1325.3	Definition of “Required planning documents”	§ 1388.7	§ 1328.7.
§ 1325.6	Last sentence of paragraph	subpart E of 45 CFR part 1386.	subpart E of 45 CFR part 1326.
§ 1325.9	(a) introductory text	parts 1386 and 1388	parts 1326 and 1328.

PART 1326—DEVELOPMENTAL DISABILITIES FORMULA GRANT PROGRAMS

■ 14. The part heading for newly redesignated part 1326 is revised to read as set forth above.

columns, remove the reference indicated in the third column and add the reference indicated in the fourth column:

■ 13. The authority citation for newly redesignated part 1326 continues to read as follows:

Authority: 42 U.S.C. 15001 *et seq.***§§ 1326.21, 1326.26, 1326.93, and 1326.94 [Amended]**

■ 15. In the table below, for each section and paragraph indicated in the first two

Newly redesignated section	Paragraph(s)	Remove	Add
§ 1326.21	(c)	§ 1386.23(c)	§ 1326.23(c).
§ 1326.26	First sentence of paragraph	§ 1386.25	§ 1326.25.
§ 1326.93	(e)	§ 1386.90	§ 1326.90.
§ 1326.94	(b)(2) introductory text	§ 1386.85(b)	§ 1326.85(b).

PART 1327—DEVELOPMENTAL DISABILITIES PROJECTS OF NATIONAL SIGNIFICANCE

■ 16. The authority citation for newly redesignated part 1327 continues to read as follows:

Authority: 42 U.S.C. 15001 *et seq.*

■ 17. The part heading for newly redesignated part 1327 is revised to read as set forth above.

PART 1328—THE NATIONAL NETWORK OF UNIVERSITY CENTERS FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES, EDUCATION, RESEARCH, AND SERVICE

■ 18. The authority citation for newly redesignated part 1328 continues to read as follows:

Authority: 42 U.S.C. 15001 *et seq.***§§ 1328.2, 1328.3, and 1328.5 [Amended]**

■ 19. In the table below, for each section and paragraph indicated in the first two columns, remove the reference indicated in the third column and add the reference indicated in the fourth column:

Newly redesignated section	Paragraph(s)	Remove	Add
§ 1328.2	(a)(2)	§ 1388.3	§ 1328.3.
§ 1328.2	(a)(2)	§ 1385.3	§ 1325.3.
§ 1328.2	(b)	§ 1388.4	§ 1328.4.
§ 1328.3	Introductory text	§ 1388.2	§ 1328.2.
§ 1328.5	(a)	§ 1388.2	§ 1328.2.
§ 1328.5	(b)(1)	§ 1385.3	§ 1325.3.
§ 1328.5	(c)(3)	§ 1388.2(a)(1) and (2)	§ 1328.2(a)(1) and (2).

Subchapter I [Removed and Reserved]

■ 20. 45 CFR chapter XIII, subchapter I, is removed and reserved.

[FR Doc. 2016–13138 Filed 6–2–16; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****46 CFR Part 10**

[Docket No. USCG–2016–0029]

Change-2 to Navigation and Vessel Inspection Circular 04–08: Medical Certification Standards, Medications, and Medical Review Process

AGENCY: Coast Guard, DHS.

ACTION: Notice of policy; availability.

SUMMARY: The Coast Guard announces the availability of Change-2 to Navigation and Vessel Inspection Circular (NVIC) 04–08, “Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials” (NVIC 04–08). Change-2 to NVIC 04–08 contains revisions to Enclosure (1) Medical Certification Standards, Enclosure (4) Medications, and Enclosure (6) Medical Review Process. The revisions to Enclosures (1) and (6) reflect process and procedural changes related to centralization of the evaluation of credential applications at the National Maritime Center and implementation of the final rule that aligned Coast Guard regulations with amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and made changes to national endorsements. The revisions to Enclosure (4) provide more detailed guidance on medications that are subject to further review, and address comments received in response to a notice published in the **Federal Register** on January 28, 2015 seeking input from the public on this issue.

DATES: Change-2 to NVIC 04–08 is in effect on June 3, 2016.

ADDRESSES: Submit comments online at <http://www.regulations.gov> in accordance with Web site instructions.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email LCDR Ian Bird, Office of Commercial Vessel Compliance (CG–CVC), 202–372–1255, email MMCPolicy@uscg.mil.

SUPPLEMENTARY INFORMATION:**Viewing Documents**

Navigation and Vessel Inspection Circular (NVIC) 04–08 is available on the Internet at: <http://www.uscg.mil/hq/cg5/nvic/pdf/2008/NVIC%2004-08%20CH%201%20with%20Enclosures%2020130607.pdf>. It can also be viewed on the Coast Guard’s Web site at: www.uscg.mil/nmc.

Background

Coast Guard regulations contained in 46 CFR part 10, subpart C, contain the medical and physical standards that merchant mariner applicants must meet prior to being issued a merchant mariner medical certificate. NVIC 04–08 provides guidance to the regulated community on how to comply with the regulations pertaining to medical and physical qualifications for merchant mariners.

On December 24, 2013, the Coast Guard published a final rule in the **Federal Register** (78 FR 77796) entitled “Implementation of the Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and Changes to National Endorsements.” It amended 46 CFR parts 1, 10, 11, 12, 13, and 15 to implement the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW Convention), including the 2010 amendments to the STCW Convention, and the Seafarers’ Training, Certification and Watchkeeping Code, as well as updating requirements for national endorsements. The final rule also established the merchant mariner medical certificate as a document issued independently of the merchant mariner credential. Merchant mariner credentials issued after January 24, 2014, and that require a general medical examination are not valid for service unless accompanied by a valid medical certificate. Enclosures (1) and (6) of NVIC 04–08 required revision to reflect changes implemented with the final rule and a reorganization of the mariner credentialing function.

Guidance on medication use contained in Enclosure (4) to NVIC 04–08 prior to Change-2 noted that use of certain medications was considered disqualifying for issuance of credentials. The guidance did not provide details on the types of medications that might lead to denial of a medical certificate, nor did it provide discussion of the information and criteria that the Coast Guard considers in determining whether to issue a waiver for certain medications.

In developing this policy, the Coast Guard sought recommendations from

the Merchant Mariner Medical Advisory Committee (MEDMAC) on waiver considerations for mariner applicants whose conditions require the use of potentially impairing medications while operating under the authority of the credential. In response to Coast Guard Task Statement 14–09, Medical Evaluation of Merchant Mariners Treated with Potentially Impairing Medications, MEDMAC recommended that medications with central nervous depressant effects, such as opioid, benzodiazepine, or non-benzodiazepine medications, be considered disqualifying and generally not waivable. They also recommended that the following medications be determined disqualifying: medications that impair vision, anticoagulants, anti-metabolites and cancer treatments, sedating anti-histamines, antipsychotics, opioid-like analgesics, anti-seizure medications, and stimulant medications, such as amphetamine and methylphenidate. MEDMAC’s recommendations did not include specific criteria for waiver consideration for mariners whose conditions require the use of potentially impairing medication while operating under the authority of the credential.

On January 28, 2015, the Coast Guard published a notice in the **Federal Register** requesting public comments on a proposed revision to Enclosure (4) that would provide more in-depth guidance on these issues (80 FR 4582).

We summarize the policy contained in Change-2 to NVIC 04–08 and address the public comments received on the proposed revision to Enclosure (4) below.

Discussion

Enclosure (1) and Enclosure (6). The revised Enclosure (1) *Medical Certification Standards* summarizes the medical and physical requirements for mariner endorsements and provides additional guidance regarding the medical certificate. The revision to Enclosure (6) provides guidance on the medical review process used to determine if a mariner meets the medical and physical standards for issuance of a medical certificate.

Enclosure (4)—Medications. The revision to Enclosure (4) provides guidance to the regulated community on medications that may be deemed disqualifying for issuance of a medical certificate due to risks of impairment or other safety concerns. The new guidance also clarifies the extenuating circumstances related to the use of potentially impairing medications that the Coast Guard weighs in evaluating risks to public and maritime safety, and