

mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). In any case, Executive Order 13175 does not apply to this rule since there are no Federally recognized tribes in West Virginia.

This action will not 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant, and it does not make decisions based on environmental health or safety risks that may disproportionately affect children. This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), EPA grants a State’s application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high

and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, because it approves pre-existing State rules that are no less stringent than existing Federal requirements and imposes no additional requirements beyond those imposed by State law. For these reasons, this rule is not subject to Executive Order 12898.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). However, this action will not be effective until November 29, 2024 because it is a direct final rule.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and record keeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

**Adam Ortiz,**

*Regional Administrator, EPA Region 3.*

[FR Doc. 2024–21665 Filed 9–27–24; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Parts 422, 423, and 460

[CMS–4201–F5 and CMS–4205–F4]

RIN 0938–AV24 and 0938–AU96

#### Medicare Program; Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Program for Contract Year 2024—Remaining Provisions and Contract Year 2025 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly (PACE); Correcting Amendment

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This document corrects technical and typographical errors in the final rule that appeared in the April 23, 2024 **Federal Register** titled “Medicare Program; Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Program for Contract Year 2024—Remaining Provisions and Contract Year 2025 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly (PACE).” The effective date of the final rule was June 3, 2024.

**DATES:** This correcting amendment is effective September 30, 2024.

#### FOR FURTHER INFORMATION CONTACT:

Carly Medosch, (410) 786–8633—General Questions.

Naseem Tarmohamed, (410) 786–0814—Part C and Cost Plan Issues.

Lucia Patrone, (410) 786–8621—Part D Issues.

Kelley Ordonio, (410) 786–3453—Parts C and D Payment Issues.

Hunter Coohill, (720) 853–2804—Enforcement Issues.

Lauren Brandow, (410) 786–9765—PACE Issues.

Sara Klotz, (410) 786–1984—D–SNP Issues.

Joe Strazzire, (410) 786–2775—RADV Audit Appeals Issues.

*PartCandDStarRatings@cms.hhs.gov*—Parts C and D Star Ratings Issues.

**SUPPLEMENTARY INFORMATION:**

## I. Background

In FR Doc. 2024–07105 of April 23, 2024 (89 FR 30448), the final rule titled “Medicare Program; Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Program for Contract Year 2024—Remaining Provisions and Contract Year 2025 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly (PACE)”, there were several typographical and technical errors that are identified and corrected in this correcting amendment.

## II. Summary of Errors

We are correcting typographical and grammatical errors in the regulatory text of §§ 422.101(f)(3)(iv)(B)(3), 422.514(h)(2), and 423.346(e)(2), respectively.

We are correcting inadvertent technical and typographical errors in the regulations text of § 423.153.

In § 460.20, we inadvertently revised paragraph (c), when we intended to redesignate paragraphs (c) through (e) as paragraphs (d) through (f) and add a new paragraph (c). Our intent was to finalize the proposed changes to § 460.20 that were included in the proposed rule that appeared in the December 27, 2022 **Federal Register** (87 FR 79452) titled “Medicare Program; Contract Year 2024 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, Medicare Parts A, B, C, and D Overpayment Provisions of the Affordable Care Act and Programs of All-Inclusive Care for the Elderly; Health Information Technology Standards and Implementation Specifications.” We are providing corrected instructions to address this error and redesignate paragraphs (d) and (e) as paragraphs (e) and (f), and to specify that we are adding new paragraph (d).

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

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), the agency is required to publish a notice of the proposed rule in the **Federal Register** before the provisions of a rule take effect. Specifically, 5 U.S.C. 553 requires the agency to publish a notice of the proposed rule in the **Federal Register** that includes a reference to the legal authority under which the rule is proposed, and the terms and substance of the proposed

rule or a description of the subjects and issues involved. Further, 5 U.S.C. 553 requires the agency to give interested parties the opportunity to participate in the rulemaking through public comment on a proposed rule. Similarly, section 1871(b)(1) of the Act requires the Secretary to provide for notice of the proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment for rulemaking to carry out the administration of the Medicare program under title XVIII of the Act. In addition, section 553(d) of the APA, and section 1871(e)(1)(B)(i) of the Social Security Act (the Act) mandate a 30-day delay in effective date after issuance or publication of a rule. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the notice and comment and delay in effective date APA requirements. In cases in which these exceptions apply, sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act, also provide exceptions from the notice and 60-day comment period and delay in effective date requirements of the Act. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal rulemaking requirements for good cause if the agency makes a finding that the notice and comment process are impracticable, unnecessary, or contrary to the public interest. In addition, both section 553(d)(3) of the APA and section 1871(e)(1)(B)(ii) of the Act allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and an agency includes a statement of support.

We believe that this correcting amendment does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements of the APA or section 1871 of the Act. This correcting amendment corrects typographical and technical errors in the regulatory text of the final rule but does not make substantive changes to the policies that were adopted in the final rule. As a result, this correcting amendment is intended to ensure that the information in the final rule accurately reflects the policies adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the regulatory text correction in this document into the final rule or delaying the effective date would be unnecessary, as we are not altering our policies or regulatory

changes, but rather, we are simply implementing the policies and regulatory changes that we previously proposed, requested comment on, and subsequently finalized.

This final rule correcting amendment is intended solely to ensure that the final rule and the Code of Federal Regulations (CFR) accurately reflect policies and regulatory changes that have been adopted through rulemaking. Furthermore, such notice and comment procedures would be contrary to the public interest because it is in the public’s interest to ensure that the final rule accurately reflects our policies and regulatory changes. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

## List of Subjects

### 42 CFR Parts 422 and 423

Administrative practice and procedure, Health facilities, Health maintenance organizations (HMO), Medicare, Penalties, Privacy, Reporting and recordkeeping requirements.

### 42 CFR Part 460

Aged, Citizenship and naturalization, Civil rights, Health, Health care, Health records, Individuals with disabilities, Medicaid, Medicare, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services corrects 42 CFR chapter IV by making the following correcting amendments:

## PART 422—MEDICARE ADVANTAGE PROGRAM

- 1. The authority citation for part 422 continues to read as follows:

**Authority:** 42 U.S.C. 1302, 1306, 1395w–21 through 1395w–28, and 1395hh.

### § 422.101 [Amended]

- 2. Amend § 422.101, in paragraph (f)(3)(iv)(B)(3), by removing the phrase “related SNP operations.” and adding in its place the phrase “related to SNP operations.”.

### § 422.514 [Amended]

- 3. Amend § 422.514, in paragraph (h)(2), by removing the phrase “(or continue to cover individuals)” and adding in its place the phrase “(or continue to cover) individuals”.

**PART 423—VOLUNTARY MEDICARE PRESCRIPTION DRUG BENEFIT**

■ 4. The authority citation for part 423 continues to read as follows:

**Authority:** 42 U.S.C. 1302, 1306, 1395w–101 through 1395w–152, and 1395hh.

**§ 423.153 [Amended]**

- 5. Amend § 423.153 by:
  - a. Revising the section heading;
  - b. In paragraph (a), removing the phrase “an MTMP as described” and adding in its place the phrase “an MTM program as described”;
  - c. In paragraph (d), adding a paragraph heading;
  - d. In paragraph (d)(1)(vi), removing the term “MTMP” and adding in its place the phrase “MTM program”;
  - e. In paragraph (d)(1)(vii) introductory text, removing the term “MTMP” and adding in its place the phrase “MTM program”;
  - f. In paragraph (d)(6), removing the term “MTMP” and adding in its place the phrase “MTM program”; and
  - g. Redesignating paragraphs (g)(i) through (iii) as paragraphs (g)(1)(i) through (iii).

The revision and addition read as follows:

**§ 423.346 Drug utilization management, quality assurance, medication therapy management (MTM) programs, drug management programs, and access to Medicare Parts A and B claims data extracts.**

\* \* \* \* \*

(d) *Medication therapy management (MTM) program*—\* \* \*

\* \* \* \* \*

- 6. Amend § 423.346, in paragraph (e)(2), by removing the phrase “contracts that is” and adding in its place the phrase “contracts that are”.

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

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

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

- 8. Amend § 460.20 by:
  - a. Redesignating paragraphs (d) and (e) as paragraphs (e) and (f); and
  - b. Adding a new paragraph (d).
 The addition reads as follows:

**§ 460.20 Notice of CMS determination.**

\* \* \* \* \*

(d) *Additional information requested.* If CMS determines that an application is not complete because it does not include sufficient information to make a determination, CMS will request

additional information within 90 days, or 45 days for applications set forth in § 460.10(a)(2), after the date of submission of the application.

(1) The time limits in paragraph (a) of this section do not begin until CMS receives all requested information and the application is complete.

(2) If more than 12 months elapse between the date of initial submission of the application and the entity’s response to the CMS request for additional information, the entity must update the application to provide the most current information and materials related to the application.

\* \* \* \* \*

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

[FR Doc. 2024–22203 Filed 9–27–24; 8:45 am]

**BILLING CODE 4120–01–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

**[Docket No. 240514–0138; RTID 0648–XE252]**

**Fisheries of the Northeastern United States; Atlantic Spiny Dogfish Fishery; Extension of 2024 Specifications Emergency Measures**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; emergency action extended.

**SUMMARY:** This emergency action extends the 2024 emergency action specifications for the spiny dogfish fishery through the remainder of the 2024 fishing year and implements an accountability measure consistent with the regulations implementing the Spiny Dogfish Fishery Management Plan. This action is necessary to maintain allowable harvest levels for the spiny dogfish fishery to prevent overfishing while minimizing adverse economic impacts on fishing communities, using the best scientific information available.

**DATES:** Effective November 18, 2024, through April 30, 2025.

**ADDRESSES:** The Mid-Atlantic Fishery Management Council prepared an environmental assessment (EA) for these specifications that describes the action, other considered alternatives, and analyses of the impacts of all alternatives. Copies of the specifications

document, including the EA, are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at <https://www.mafmc.org/action-archive>.

**FOR FURTHER INFORMATION CONTACT:** Laura Deighan, Fishery Policy Analyst, (978) 281–9184, [laura.deighan@noaa.gov](mailto:laura.deighan@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The implementing regulations for the Atlantic Spiny Dogfish Fishery Management Plan (FMP) are found at 50 CFR part 648 subpart L, and require the specification of regulatory harvest limits, including an acceptable biological catch (ABC), annual catch limit (ACL), annual catch target (ACT), total allowable landings (TAL), and a coastwide commercial quota, with each fishing year running from May 1 through April 30. Under the authority of section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), NMFS issued a temporary emergency rule to implement spiny dogfish specifications for the first 6 months of the 2024 fishing year on May 22, 2024 (89 FR 44924), and took public comment on the emergency rule through June 21, 2024. The **Federal Register** notification on the emergency rule (89 FR 44926) indicated that “[a]fter considering public comments on this rule, NMFS may extend the interim measures for one additional period of not more than 186 days to maintain these measures for the remainder of the 2024 fishing year.” The emergency rule set the ABC equal to the overfishing limit (OFL) of 7,818 mt (17.24 million lb), used the Monitoring Committee’s recommended model-based values for discards, and accounted for expected recreational landings, resulting in a commercial quota of 5,140 mt (11.33 million lb).

The Mid-Atlantic and New England Fishery Management Councils (Councils) jointly manage the Atlantic Spiny Dogfish FMP, with the Mid-Atlantic Council acting as the administrative lead. NMFS was unable to approve the Councils’ recommended 2024 specifications because they relied on a discard estimate that violated National Standard 2, which requires management measures to be based on the best available science.

Given significant concerns raised by the fishing industry about the risk to the associated fishing communities if the