

comment on this delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

This notice does not impact the Supplemental Notice of Proposed Rulemaking (SNPRM) also entitled Confidentiality of Substance Use Disorder Patient Records and issued on January 18, 2017 (82 FR 5485). The SNPRM proposes for public comment additional provisions beyond those in the final rule to clarify the scope of permissible disclosures to contractors, subcontractors, and legal representatives. The SNPRM comment period will remain unchanged and will close on February 17, 2017.

Dated: February 10, 2017.

Kana Enomoto,

Acting Deputy Assistant Secretary for Mental Health and Substance Use.

Approved:

Thomas E. Price, M.D.,

Secretary, Department of Health and Human Services.

[FR Doc. 2017-03185 Filed 2-15-17; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Docket No. CDC-2015-0045]

42 CFR Part 73

RIN 0920-AA59

Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review and Enhanced Biosafety Requirements; Delay of Effective Date

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS)

ACTION: Final rule; delay of effective date.

SUMMARY: The Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) announces a delay in the effective date of the final rule titled "Possession, Use, and Transfer of Select Agents and Toxins, Biennial Review and Enhanced Biosafety Requirements" that published on January 19, 2017. In a companion document published in this issue of the **Federal Register**, the U.S. Department of Agriculture (USDA) is making a parallel change in the effective date of their final rule. This action is undertaken in accordance with the memorandum of January 20, 2017 from the Assistant to the President and Chief of Staff entitled "Regulatory Freeze Pending Review."

DATES: The effective date for the final rule published January 19, 2017, at 82 FR 6278, is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Dr. Samuel S. Edwin, Director, Division of Select Agents and Toxins, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS A-46, Atlanta, Georgia, 30329. Telephone: 404-718-2000.

SUPPLEMENTARY INFORMATION: On January 19, 2017, HHS/CDC published a final rule titled "Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review and Enhanced Biosafety Requirements" (82 FR 6278) with an effective date of February 21, 2017. With this document, HHS/CDC announces a new effective date of March 21, 2017 for this final rule. In a companion document published in this issue of the **Federal Register**, the U.S. Department of Agriculture (USDA) is making a parallel change in the effective date of their final rule.

HHS/CDC bases this action on the memorandum of January 20, 2017 from the Assistant to the President and Chief of Staff entitled "Regulatory Freeze Pending Review." This memorandum directed the heads of Executive Departments and Agencies to temporarily postpone for sixty days from the date of the memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect.

Dated: February 9, 2017.

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

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DEPARTMENT OF THE INTERIOR

Office of the Secretary of the Interior

43 CFR Part 10

[NPS-WASO-NAGPRA-22726; GPO Deposit Acct. 4311H2]

RIN 1024-AE37

Civil Penalties Inflation Adjustments

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This rule revises U.S. Department of the Interior regulations implementing the Native American Graves Protection and Repatriation Act to provide for annual adjustments of civil penalties to account for inflation

under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget guidance. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes.

DATES: This rule is effective on February 16, 2017.

FOR FURTHER INFORMATION CONTACT: Melanie O'Brien, Manager, National NAGPRA Program, National Park Service, 1849 C Street NW., Washington, DC 20240.

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114-74) ("the Act"). The Act requires Federal agencies to adjust the level of civil monetary penalties with an initial "catch-up" adjustment through rulemaking and then make subsequent annual adjustments for inflation no later than January 15 of each year.

The Office of Management and Budget (OMB) issued guidance for Federal agencies on calculating the catch-up adjustment. See February 24, 2016, Memorandum for the Heads of Executive Departments and Agencies, from Shaun Donovan, Director, Office of Management and Budget, re: *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (M-16-06). Under the guidance, the U.S. Department of the Interior (Department) identified applicable civil monetary penalties and calculated the catch-up adjustment. A civil monetary penalty is any assessment with a dollar amount that is levied for a violation of a Federal civil statute or regulation, and is assessed or enforceable through a civil action in Federal court or an administrative proceeding. A civil monetary penalty does not include a penalty levied for violation of a criminal statute, or fees for services, licenses, permits, or other regulatory review. The calculated catch-up adjustment was based on the percent change between the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October in the year of the previous adjustment (or in the year of establishment, if no adjustment has been made) and the October 2015 CPI-U.

The Department issued an interim final rule providing for calculated catch-up adjustments to civil monetary penalties contained in regulations