

acquisitions. The policy is administrative (how DOI chooses to own real property), financial (how much DOI expends for real property), and legal (how different property interests serve legal needs on individual reservoir projects). The type of realty interest DOI owns for reservoir inundation will not alter the effects resulting from inundation, which are subject to project specific NEPA analysis. While this rule could theoretically have negligible causally removed socioeconomic effects related to different opportunities available to owners of inundated parcels subject to flowage easements versus landowners who have relinquished title in a fee simple acquisition, any such potential effects are so intertwined with site specific conditions as to be too broad, speculative, and conjectural to support meaningful analysis. Those effects, if any, would be considered in project specific NEPA analysis in situations where this rule could apply.

Effects on the Energy Supply (Executive Order 13211)

This rule is not a significant energy action under the definition in Executive Order 13211 and does not require a Statement of Energy Effects.

List of Subjects in 43 CFR Part 8

Reservoir project lands, Acquisition of easements.

Promulgation of Direct Final Rule

For the reasons stated in the preamble, DOI is amending part 8 of title 43 of the CFR as set forth below:

PART 8—JOINT POLICIES OF THE DEPARTMENTS OF THE INTERIOR AND OF THE ARMY RELATIVE TO RESERVOIR PROJECT LANDS

- 1. The authority citation for part 8 continues to read as follows:

Authority: Sec. 7, 32 Stat. 389; sec. 14, 53 Stat. 1197; 43 U.S.C. 421, 389.

- 2. Add § 8.7 to read as follows:

§ 8.7 Interior deviations.

On Department of the Interior projects, a bureau director or secretarial officer may authorize acquisition of easements in lieu of fee title to property to allow reservoir inundation of lands if the acquisition meets a combined total of at least five conditions listed in § 8.3 and in this section:

- (a) The reservoir was originally constructed before February 21, 1962.
- (b) The current reservoir has utilized more than de minimis acquisition of easements for inundation.

(c) The acquisition of less than fee title is in the best interests of the United States.

Joan M. Mooney,

Principal Deputy Assistant Secretary Exercising the Delegated Authority of the Assistant Secretary—Policy, Management, and Budget.

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DEPARTMENT OF THE INTERIOR

Office of the Secretary of the Interior

43 CFR Part 10

[NPS–WASO–NAGPRA–NPS0039273; PPWOVPADU0/PPMPRL1Y.Y00000]

RIN 1024–AE94

Civil Penalties Inflation Adjustments

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This rule revises U.S. Department of the Interior (DOI) regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA) 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 statute. This rule also updates the mailing address for the NAGPRA Program.

DATES: This rule is effective on January 16, 2025.

FOR FURTHER INFORMATION CONTACT: Melanie O'Brien, Manager, National NAGPRA Program, (202) 354–2204, National Park Service, 1849 C Street NW, Washington, DC 20240. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

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 annually for inflation no later than January 15 of each year.

II. Calculation of Annual Adjustments

The Office of Management and Budget (OMB) recently issued guidance to assist Federal agencies in implementing the annual adjustments required by the Act which agencies must complete by January 15, 2025. See December 17, 2024, Memorandum for the Heads of Executive Departments and Agencies, from Shalanda D. Young, Director, Office of Management and Budget, re: *Implementation of Penalty Inflation Adjustments for 2025, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (M–25–02)*. The guidance states that the cost-of-living adjustment multiplier for 2025, based on the Consumer Price Index (CPI–U) for the month of October 2024, not seasonally adjusted, is 1.02598.

Annual inflation adjustments are based on the percent change between each published October’s CPI–U. In this case, October 2024 CPI–U (315.664)/ October 2023 CPI–U (307.671) = 1.02598. The guidance instructs agencies to complete the 2025 annual adjustment by multiplying each applicable penalty by the amount, 1.02598, and rounding to the nearest dollar.

The annual adjustment applies to all civil monetary penalties with a dollar amount that are subject to the Act. 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. This final rule adjusts the following civil monetary penalties contained in the DOI regulations implementing NAGPRA for 2025 by multiplying 1.02598 by each penalty amount as updated by the adjustment made in 2024:

¹ When DOI last updated the NAGPRA regulations to adjust the civil penalties on February 15, 2024 (89 FR 11740), it adjusted the daily civil penalty amounts in one of the two locations where they appear in 43 CFR 10.11. In order to accurately adjust the daily civil penalty amount in 43 CFR 10.11(m)(1) that was not updated in 2024, DOI is multiplying 1.02598 by the penalty amount that should be in the CFR had it been updated in 2024. The calculation therefore is \$1,664 multiplied by 1.02598 = \$1,707.

CFR citation	Description of the penalty	2024 Penalty	Annual adjustment (multiplier)	2025 Adjusted penalty
43 CFR 10.11(c)(1)	Failure of Museum to Comply	\$8,315	1.02598	\$8,531
43 CFR 10.11(g)(4)	Continued Failure to Comply Per Day	1,664	1.02598	1,707
43 CFR 10.11(m)(1)	Continued Failure to Comply Per Day	1,496	1.02598	1,707

Consistent with the Act, the adjusted penalty levels for 2025 will take effect immediately upon the effective date of the adjustment. The adjusted penalty levels for 2025 will apply to penalties assessed after that date including, if consistent with agency policy, assessments associated with violations that occurred on or after November 2, 2015. The Act does not, however, change previously assessed penalties that the Department is collecting or has collected. Nor does the Act change an agency’s existing statutory authorities to adjust penalties.

In addition to adjusting the amount of civil penalties, this rule updates the NAGPRA regulations at 43 CFR 10.1(e)(2) to reflect the new address of the NAGPRA Program. This change is needed to provide the public with accurate information about where communications to the NAGPRA Program Manager may be sent if electronic submission is not possible.

III. Procedural Requirements

A. Compliance With Other Laws, Executive Orders, and Department Policy. Regulatory Planning and Review (Executive Orders 12866 and 13563 and 14094)

Executive Order (E.O.) 14094 amends E.O. 12866 and reaffirms the principles of E.O. 12866 and E.O. 13563 and states that regulatory analysis should facilitate agency efforts to develop regulations that serve the public interest, advance statutory objectives, and are consistent with E.O. 12866 and E.O. 13563. Regulatory analysis, as practicable and appropriate, shall recognize distributive impacts and equity, to the extent permitted by law. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We developed this rule in a manner consistent with these requirements.

E.O. 12866, as reaffirmed by E.O. 13563 and amended and reaffirmed by E.O. 14094, provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) will review all significant rules. OIRA determined that this final rule is not significant.

B. Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. See 5 U.S.C. 603(a) and 604(a). The RFA does not apply to this final rule because the Office of the Secretary is not required to publish a proposed rule for the reasons explained below in section III.L.

C. Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2), the Congressional Review Act. This rule:

- (a) Does not have an annual effect on the economy of \$100 million or more.
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 et seq.) is not required.

E. Takings (E.O. 12630)

This rule does not effect a taking of private property or otherwise have taking implications under E.O. 12630. A takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary

impact statement. A federalism summary impact statement is not required.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. The Department has evaluated this rule under its consultation policy and under the criteria in E.O. 13175 and has determined that the rule has no substantial direct effects on federally recognized Indian Tribes and that consultation under the Department’s Tribal consultation policy is not required.

I. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

J. National Environmental Policy Act (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required because the rule is covered by a categorical exclusion. This rule is excluded from the requirement to prepare a detailed statement because it is a regulation of an administrative

nature. (For further information see 43 CFR 46.210(i).) We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

K. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211; the rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and the rule has not otherwise been designated by the OIRA Administrator as a significant energy action. A statement of energy effects is not required.

L. Administrative Procedure Act

The Act requires agencies to publish annual inflation adjustments by no later than January 15 of each year, notwithstanding section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553). OMB has interpreted this direction to mean that the usual procedure for rulemaking under the APA—which includes public notice of a proposed rule, an opportunity for public comment, and a delay in the effective date of a final rule—is not required when agencies issue regulations to implement the annual adjustments to civil penalties that the Act requires. Accordingly, we are issuing the 2025 annual adjustments as a final rule without prior notice or an opportunity for comment and with an effective date immediately upon publication in the **Federal Register**. Providing an opportunity for public comment and a delay in the effective date for changing the regulations to reflect the current mailing address of the NAGPRA Program Manager would be unnecessary and contrary to the public interest.

List of Subjects in 43 CFR Part 10

Administrative practice and procedure, Alaska, Cemeteries, Citizenship and naturalization, Colleges and universities, Hawaiian Natives, Historic preservation, Human remains, Indians, Indians—claims, Indians—law, Indians—lands, Museums, Penalties, Public lands, Reporting and recordkeeping requirements, Treaties.

For the reasons given in the preamble, the Office of the Secretary amends 43 CFR part 10 as follows:

PART 10—NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION REGULATIONS

■ 1. The authority citation for part 10 continues to read as follows:

Authority: 25 U.S.C. 3001 *et seq.* and 25 U.S.C. 9.

§ 10.1 [Amended]

■ 2. In § 10.1, remove “7360” and add in its place “2343” in paragraph (e)(2).

§ 10.11 [Amended]

■ 3. In § 10.11:

- a. Remove “\$8,315” and add in its place “\$8,531” in paragraph (c)(1);
- b. Remove “\$1,664” and add in its place “\$1,707” in paragraph (g)(4); and
- c. Remove “\$1,496” and add in its place “\$1,707” in paragraph (m)(1).

Shannon Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2025–00976 Filed 1–15–25; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 5b

[Docket Number NIH–2022–0002]

RIN 0925–AA69

Privacy Act; Implementation

AGENCY: National Institutes of Health (NIH), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services (HHS or Department) is issuing this final rule to make effective the exemptions that were previously proposed for a new Privacy Act system of records, “NIH Police Records,” maintained by the National Institutes of Health (NIH), from certain requirements of the Act. The new system of records covers criminal and non-criminal law enforcement investigatory material maintained by the NIH Division of Police, a component of NIH which performs criminal law enforcement as its principal function. The exemptions are necessary and appropriate to protect the integrity of law enforcement proceedings and records compiled during the course of NIH Division of Police activities, prevent disclosure of investigative techniques, and protect the identity of confidential sources involved in those activities.

DATES: This final rule is effective February 18, 2025.

FOR FURTHER INFORMATION CONTACT: Dustin Close, Office of Management Assessment, National Institutes of Health, 6705 Rockledge Drive, Suite 601, Bethesda, Maryland 20892, telephone 301–402–6469, email privacy@mail.nih.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

HHS/NIH published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on June 7, 2024 (89 FR 48536), seeking notice and comment concerning proposed exemptions for a new system of records with respect to certain materials maintained by the NIH Division of Police. These proposals were made in accordance with the Privacy Act of 1974 (Privacy Act) and the Office of Management and Budget (OMB) Circular A–108, Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act. This new system of records was described in a System of Records Notice (SORN) that was published in the **Federal Register** (89 FR 48654) on the same day for notice and comment. A 60-day comment period was provided for both the NPRM and the SORN. The public comment period for both the NPRM and the SORN expired on August 6, 2024. One comment was received in response to the NPRM, and no comments were received in response to the SORN. The comment received in response to the NPRM supported the rulemaking action. HHS/NIH made no changes to the exemptions that were proposed in the NPRM or to the SORN in response to the public comment received. The NPRM, as published on June 7, 2024 (89 FR 48654), provided for the SORN to be effective upon publication of this final rule. Therefore, the SORN, as published on June 7, 2024 (89 FR 48654), is now effective.

II. Background on the NIH Police Division and New System of Records 09–25–0224

The NIH Division of Police, organizationally located within the Office of Research Services (ORS), Office of the Director, NIH, was established in 1968 to provide an immediate and primary law enforcement program for the NIH and derives its authority from Memorandum from the Assistant Secretary for Administration, Office of the Secretary (OS), to the Director, NIH, June 13, 1968, entitled: Delegation of Authority to Assist in Controlling Violations of Law at Certain HEW [Department of Health, Education, and Welfare] Facilities Located in Montgomery County, Maryland; 40 U.S.C. 1315 (Law enforcement authority of Secretary of Homeland Security for protection of public property; a Department of Homeland Security (DHS) delegation of authority to HHS/NIH; and an NIH delegation of authority to the NIH Division of Police); General