

of January 14, 2020 (85 FR 2022) is confirmed: March 16, 2020.

#### ADDRESSES:

*Federal Register Publications:* Access rulemaking documents electronically at <https://www.msha.gov/regulations/rulemaking> or <http://www.regulations.gov> [Docket Number: MSHA-2019-0007].

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#### FOR FURTHER INFORMATION CONTACT:

Sheila A. McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at [mcconnell.sheila.a@dol.gov](mailto:mcconnell.sheila.a@dol.gov) (email), 202-693-9440 (voice), or 202-693-9441 (fax). These are not toll-free numbers.

#### SUPPLEMENTARY INFORMATION:

##### Effective Date

On January 14, 2020, MSHA published in the **Federal Register** a direct final rule to revise certain safety standards for explosives at metal and nonmetal mines (85 FR 2022). In the same issue of the **Federal Register**, MSHA published a companion proposed rule (85 FR 2064) for notice and comment rulemaking to provide a procedural framework to finalize the rule in the event that the Agency received significant adverse comments and had to withdraw the direct final rule. After reviewing all the comments received during the public comment period, MSHA has determined that these comments are not adverse to the direct final rule. Therefore, the direct final rule took effect on March 16, 2020.

**Authority:** 30 U.S.C. 811

**David G. Zatezalo,**

*Assistant Secretary of Labor for Mine Safety and Health Administration.*

[FR Doc. 2020-06649 Filed 4-6-20; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 172

[Docket ID: DOD-2018-OS-0044]

RIN 0790-AK30

#### Disposition of Proceeds From DoD Sales of Surplus Personal Property

**AGENCY:** Office of the Under Secretary of Defense (Comptroller), DoD.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes DoD's regulation that provides instructions to DoD Components on the collection and disposition of cash and cash equivalents received for the sale of DoD surplus personal property. Proceeds from the sale of surplus personal property shall be deposited by the collecting DoD Component promptly to a U.S. Treasury account. Process instructions are conveyed directly to potential buyers and bidders when invitation for bids are distributed or published. Therefore, this rule is unnecessary and can be removed from the CFR.

**DATES:** This rule is effective on April 7, 2020.

#### FOR FURTHER INFORMATION CONTACT:

Kellie Allison at 703-614-0410.

**SUPPLEMENTARY INFORMATION:** It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD guidance that is not required to be codified and is publicly available on the Department's website. DoD guidance will continue to be published in DoD 7000.14-R, Financial Management Regulation, Volume 11A, Chapter 5, "Disposition of Proceeds from DoD Sales of Surplus Personal Property" available at [http://comptroller.defense.gov/Portals/45/documents/fmr/current/11a/11a\\_05.pdf](http://comptroller.defense.gov/Portals/45/documents/fmr/current/11a/11a_05.pdf).

This rule is not significant under Executive Order (E.O.) 12866, "Regulatory Planning and Review." Therefore, E.O. 13771, "Reducing Regulation and Controlling Regulatory Costs," does not apply.

#### List of Subjects in 32 CFR Part 172

Personal property, Recyclable material, Surplus Government property.

#### PART 172—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 172 is removed.

Dated: March 27, 2020.

**Aaron T. Siegel,**

*Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2020-06773 Filed 4-6-20; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 45 CFR Parts 160 and 164

#### Enforcement Discretion Under HIPAA To Allow Uses and Disclosures of Protected Health Information by Business Associates for Public Health and Health Oversight Activities in Response to COVID-19

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notification of enforcement discretion.

**SUMMARY:** This notification is to inform the public that the Department of Health and Human Services (HHS) is exercising its discretion in how it applies the Privacy Rule under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Current regulations allow a HIPAA business associate to use and disclose protected health information for public health and health oversight purposes only if expressly permitted by its business associate agreement with a HIPAA covered entity. As a matter of enforcement discretion, effective immediately, the HHS Office for Civil Rights (OCR) will exercise its enforcement discretion and will not impose potential penalties for violations of certain provisions of the HIPAA Privacy Rule against covered health care providers or their business associates for uses and disclosures of protected health information by business associates for public health and health oversight activities during the COVID-19 nationwide public health emergency.

**DATES:** The Notification of Enforcement Discretion will remain in effect until the Secretary of HHS declares that the public health emergency no longer exists, or upon the expiration date of the declared public health emergency (as determined by 42 U.S.C. 247d), whichever occurs first.

#### FOR FURTHER INFORMATION CONTACT:

Rachel Seeger at (202) 619-0403 or (800) 537-7697 (TDD).

**SUPPLEMENTARY INFORMATION:** HHS is informing the public that it is exercising its discretion in how it applies the Privacy Rule under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).<sup>1</sup>

<sup>1</sup> Due to the public health emergency posed by COVID-19, the HHS Office for Civil Rights (OCR) is exercising its enforcement discretion under the conditions outlined herein. We believe that this guidance is a statement of agency policy not subject to the notice and comment requirements of the Administrative Procedure Act (APA). 5 U.S.C. 553(b)(A). OCR additionally finds that, even if this guidance were subject to the public participation provisions of the APA, prior notice and comment for this guidance is impracticable, and there is good