

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****25 CFR Part 293**[201A2100DD/AAKC001030/
A0A501010.999900253G]

RIN 1076-AF54

Change of Address; Office of Indian Gaming for Submission of Tribal-State Class III Gaming Compacts**AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Final rule; technical amendment.**SUMMARY:** This rule updates the address for submission of Tribal-State Class III gaming compacts, amendments, and extensions in the Tribal-State Class III Gaming Compact regulations.**DATES:** Effective June 24, 2020.**FOR FURTHER INFORMATION CONTACT:** Ms. Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, Office of the Assistant Secretary—Indian Affairs, (202) 273-4680, elizabeth.appel@bia.gov.**SUPPLEMENTARY INFORMATION:** The Department previously notified the public of the update to the Mail Stop for the Office of Indian Gaming by publication in the **Federal Register**. See 84 FR 71451 (December 27, 2019). This rule updates the Mail Stop as listed in the Code of Federal Regulations (CFR) at 25 CFR 293.9 to reflect the Office of Indian Gaming's new address for receipt of Tribal-State Class III gaming compacts. This update is necessary to ensure that the regulations provide an accurate Mail Stop for receipt by the Office of Indian Gaming to begin the 45-day timeline under 25 CFR 293.12.**A. Regulatory Planning and Review (E.O. 12866)**

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible,

and consistent with regulatory objectives. 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 have developed this rule in a manner consistent with these requirements.

B. Reducing Regulation and Controlling Regulatory Costs (E.O. 13771)

This action is not an E.O. 13771 regulatory action because this rule is not significant under Executive Order 12866.

C. Regulatory Flexibility ActThe Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It does not change current funding requirements and would not impose any economic effects on small governmental entities.**D. Small Business Regulatory Enforcement Fairness Act**

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act, because this rule does nothing more than update a Federal agency address. This rule:

- (a) Will 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) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises.

E. Unfunded Mandates Reform ActThis 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.**F. 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.

G. 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.

H. 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.

I. Consultation With Indian Tribes (E.O. 13175)

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. We have evaluated this rule under the Department's consultation policy and under the criteria in E.O. 13175 and have determined there are no substantial direct effects on federally recognized Indian Tribes that will result from this rulemaking because the rule is limited to updating an address.

J. Paperwork Reduction Act

OMB Control No. 1076-0172 currently authorizes the collections of information related to approval of Tribal-State Class III gaming compacts, with an expiration of May 31, 2021. This rulemaking does not affect the currently authorized collection. The Department may not conduct or sponsor, and you are not required to respond to, any collection of information unless it displays a currently valid OMB control number.

K. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because this is an administrative and procedural regulation. (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.

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

This rule is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

M. Determination To Issue Final Rule Without the Opportunity for Public Comment and With Immediate Effective Date

BIA is taking this action under its authority, at 5 U.S.C. 552, to publish regulations in the **Federal Register**. Under the Administrative Procedure Act, statutory procedures for agency rulemaking do not apply “when the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(3)(B). BIA finds that the notice and comment procedure are impracticable, unnecessary, or contrary to the public interest, because: (1) These amendments are non-substantive; and (2) the public benefits for timely notification of a change in the official agency address, and further delay is unnecessary and contrary to the public interest. Similarly because this final rule makes no substantive changes and merely reflects a change of address and updates to titles in the existing regulations, this final rule is not subject to the effective date limitation of 5 U.S.C. 553(d).

List of Subjects in 25 CFR Part 293

Gambling, Indians-business and finance.

For the reasons stated in the preamble, the Department of the Interior, Bureau of Indian Affairs, amends part 293 in title 25 of the Code of Federal Regulations to read as follows:

PART 293—CLASS III TRIBAL STATE GAMING COMPACT PROCESS

■ 1. The authority for part 293 continues to read as follows:

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 2710.

■ 2. Revise § 293.9 to read as follows:

§ 293.9 Where should a compact or amendment be submitted for review and approval?

Submit compacts and amendments to the Director, Office of Indian Gaming, U.S. Department of the Interior, 1849 C Street NW, Mail Stop 3543, Main Interior Building, Washington, DC 20240. If this address changes, a notice with the new address will be published

in the **Federal Register** within 5 business days.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

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DEPARTMENT OF JUSTICE

28 CFR Part 16

[CPCLO Order No. 003–2020]

Privacy Act of 1974; Implementation

AGENCY: Federal Bureau of Investigation, United States Department of Justice.

ACTION: Final rule.

SUMMARY: The Federal Bureau of Investigation (FBI), a component of the United States Department of Justice (DOJ or Department), is finalizing without changes its Privacy Act exemption regulations for the system of records titled, “National Crime Information Center (NCIC),” JUSTICE/FBI–001, which were published as a Notice of Proposed Rulemaking (NPRM) on September 18, 2019. Specifically, the Department’s regulations will exempt the records maintained in JUSTICE/FBI–001 from one or more provisions of the Privacy Act. The exemptions are necessary to avoid interference with the FBI’s law enforcement and national security functions and responsibilities. The Department received only one substantive comment on the proposed rule.

DATES: This final rule is effective July 24, 2020.

FOR FURTHER INFORMATION CONTACT: Katherine M. Bond, Assistant General Counsel, Privacy and Civil Liberties Unit, Office of the General Counsel, FBI, Washington, DC, telephone 202–324–3000.

SUPPLEMENTARY INFORMATION: On September 10, 2019, the FBI published in the **Federal Register** a modified System of Records Notice (SORN) for an FBI system of records titled, “National Crime Information Center (NCIC),” JUSTICE/FBI–001, 84 FR 47533. The NCIC is a national criminal justice information system linking criminal (and authorized non-criminal) justice agencies located in the 50 states, the District of Columbia, U.S. territories and possessions, and selected foreign countries to facilitate the cooperative sharing of criminal justice information. The NCIC provides a system to receive and maintain information contributed by participating agencies relating to

criminal justice and national security. Information maintained in the NCIC is readily accessible for authorized criminal justice purposes by authorized users via text-based queries (*i.e.*, using names and other descriptive data).

On September 18, 2019, the FBI published a Notice of Proposed Rulemaking (NPRM) proposing to amend its existing regulations exempting records maintained in JUSTICE/FBI–001 from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552aG) and (k), and inviting public comment on the proposed exemptions. 84 FR 49073. The comment period was open through October 18, 2019. DOJ received only one substantive comment responsive to the proposed exemptions. That comment, from the Electronic Privacy Information Center (EPIC), urged that “[a]ll of these proposals should be withdrawn,” so that the Department claims no Privacy Act exemptions at all for NCIC system of records. EPIC makes a number of claims, among which are the following:

- “The over collection and maintenance of information that is unverified and unaccountable with no system for redress leaves personal data at a risk.”
- “The FBI sets forward no reason that it should be able to maintain records irrelevant or unnecessary to accomplish a purpose of the agency.”
- “[T]he categories of sources of records at minimum are essential in order to keep the government accountable throughout their data collection and law enforcement activities.”
- “The exemptions as currently proposed are needlessly overbroad.”
- “The NCIC has been known to have inaccurate and unreliable records, making it particularly unsuitable for vast exemptions from regulations designed to protect and optimize the accuracy and reliability of information held on people.”

After consideration of the statements in this public comment from EPIC, the Department has determined that, to protect the ability of the FBI to properly engage in its law enforcement and national security functions, the exemptions as proposed in the NPRM are codified in this final rule for the reasons stated below.

Response to Public Comments

As stated above, the one substantive comment the FBI received regarding its NPRM urged the FBI to withdraw its proposed Privacy Act exemptions. While, generically, it might be true that “[t]he over collection and maintenance of information that is unverified and