II. Procedural Requirements

A. Determination To Issue Final Rule Effective in Less Than 30 Days

The Department has determined that the public notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b), do not apply to this rulemaking because the changes being made relate solely to matters of agency organization, procedure, and practice. It, therefore, satisfies the exemption from notice and comment rulemaking in 5 U.S.C. 553(b)(A).

Moreover, the Department has determined that there is good cause to waive the requirement of publication 30 days in advance of the rule’s effective date under 5 U.S.C. 553(d). The error in the IBIA’s location could cause misdirection of appeals. Thus, if the changes in this rule were to become effective 30 days after publication, it could cause further delays in processing appeals. Because an earlier effective date benefits the public, there is good cause for making this rule effective in less than 30 days, as permitted by 5 U.S.C. 553(d)(3).

B. Review Under Procedural Statutes and Executive Orders

The Department has reviewed this rule under the following statutes and executive orders governing rulemaking procedures: The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 et seq.; the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.; the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 et seq.; the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.; the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.; Executive Order 12630 (Takings); Executive Order 12866 (Regulatory Planning and Review); Executive Order 12988 (Civil Justice Reform); Executive Order 13132 (Federalism); Executive Order 13175 (Tribal Consultation); and Executive Order 13211 (Energy Impacts). The Department has determined that this rule does not trigger any of the procedural requirements of those statutes and executive orders, since this rule merely changes the street address for the IBIA.

Dated: August 17, 2015.

Robert G. McSwain,
Deputy Director, Indian Health Service.

Approved: October 9, 2015.

Sylvia M. Burwell,
Secretary, Health and Human Services.

For the reasons set forth in the preamble, the Department, through the Indian Health Service amends subpart P of title 42 of the Code of Federal Regulations part 137 to read as follows:

PART 137 [AMENDED]

1. The authority citation for part 137 continues to read as follows:

Authority: 25 U.S.C. 458 et seq.

§ 137.418 [Amended]

2. In § 137.418, revise “4015 Wilson Boulevard, Arlington, VA 22203” to read “801 North Quincy St., Suite 300, Arlington, VA 22203”.

§ 137.423 [Amended]

3. In § 137.423, revise “4015 Wilson Boulevard, Arlington, VA 22203” to read “801 North Quincy St., Suite 300, Arlington, VA 22203”.

§ 137.425 [Amended]

4. In § 137.425, in paragraph (b), revise “4015 Wilson Boulevard, Arlington, VA 22203” to read “801 North Quincy St., Suite 300, Arlington, VA 22203”.

§ 137.440 [Amended]

5. In § 137.440, in paragraph (b), revise “4015 Wilson Boulevard, Arlington, VA 22203” to read “801 North Quincy St., Suite 300, Arlington, VA 22203”.

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