

rights-of-way, Reporting and recordkeeping requirements, and Sulfur.

**Laura Daniel-Davis,**

*Principal Deputy Assistant Secretary, Land and Minerals Management.*

For the reasons given in the preamble, the BSEE amends Title 30, Chapter II, Subchapter B, part 250 of the Code of Federal Regulations as follows.

## **PART 250—OIL AND GAS AND SULFUR OPERATIONS IN THE OUTER CONTINENTAL SHELF**

■ 1. The authority citation for 30 CFR part 250 continues to read as follows:

**Authority:** 30 U.S.C. 1751, 31 U.S.C. 9701, 33 U.S.C. 1321(j)(1)(C), 43 U.S.C. 1334.

■ 2. Revise § 250.1403 to read as follows:

### **§ 250.1403 What is the maximum civil penalty?**

The maximum civil penalty is \$48,862 per day per violation.

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**BILLING CODE 4310-VH-P**

## **DEPARTMENT OF THE TREASURY**

### **31 CFR Part 16**

#### **Program Fraud Civil Remedies**

**AGENCY:** Departmental Offices, Treasury.

**ACTION:** Final rule.

**SUMMARY:** This final rule updates the definition of “investigating official” in the Department’s Program Fraud regulations. The definition is revised to include inspectors general that have been established since the Program Fraud regulations were implemented. This final rule adopts a November 23, 2021 proposed rule without change.

**DATES:** Effective March 28, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Brian Sonfield, Assistant General Counsel for General Law, Ethics & Regulation at (202) 622-9804.

**SUPPLEMENTARY INFORMATION:**

#### **Background and Proposed Rule**

The Department promulgated implementing regulations for the Program Fraud Civil Remedies Act of 1986 (Act) (31 U.S.C. 3801 through 3812) on September 17, 1987 (52 FR 35071). The Act generally provides that any person who knowingly submits a false claim or statement to the Federal Government may be liable for an administrative civil penalty for each false claim or statement, and, in certain cases, to an assessment equal to double the amount falsely claimed.

The Act vests authority to investigate allegations of liability under its provisions in an agency’s investigating official. Based upon the results of an investigation, the agency reviewing official determines, with the concurrence of the Attorney General, whether to refer the matter to a presiding officer for an administrative hearing. Any penalty or assessment imposed under the Act may be collected by the Attorney General, through the filing of a civil action, or by offsetting amounts other than tax refunds, owed the particular party by the federal government.

The Act grants agency investigating officials authority to require by subpoena the production of documentary evidence which is “not otherwise reasonably available.” If the case proceeds to hearing, the presiding officer may require the attendance and testimony of witnesses as well as the production of documentary evidence.

The Department of the Treasury adopted implementing regulations at 31 CFR part 16, which designated the Department’s Assistant Secretary for Management as the authority head, designated the Department’s Inspector General as the investigating official, and assigned the role of reviewing official to the General Counsel or designee.

On November 23, 2021 (86 FR 66497), the Department issued a proposed rule that would revise the definition of investigating official in § 16.2. Since the regulations were promulgated in 1987, three inspectors general have been established including the Treasury Inspector General for Tax Administration (See Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105-206, 112 Stat. 685), the Special Inspector General for the Troubled Asset Relief Program (See Emergency Economic Stabilization Act of 2008, Pub. L. 110-343, 122 Stat. 3765), and the Special Inspector General for Pandemic Recovery (See Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136, 134 Stat. 281). The proposed revision would define investigating official as any Inspector General, including any Special Inspector General, with investigatory authority over programs of the Department of the Treasury.

#### **This Final Rule**

The public comment period on the proposed rule closed on January 6, 2022. One comment was received that supported the proposal. The Department appreciates the commenter’s input.

For the reasons discussed in the proposed rule and this preamble, the

Department adopts the proposed rule without change.

#### **Regulatory Flexibility Act**

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires agencies to prepare an initial regulatory flexibility analysis (IRFA) to determine the economic impact of the rule on small entities. A small entity is defined as either a small business, a small organization, or a small governmental jurisdiction; an individual is not a small entity. Section 605(b) of the RFA allows an agency to prepare a certification in lieu of an IRFA if the rule will not have a significant economic impact on a substantial number of small entities. Pursuant to 5 U.S.C. 605(b), it is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. The rule is limited to updating the definition of investigating official for program fraud investigations in order to reflect current law. Accordingly, this rule will have no direct impacts on small entities.

#### **Regulatory Planning and Review**

Executive Orders 13563 and 12866 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a “significant regulatory action” under Executive Order 12866.

#### **Unfunded Mandates Reform Act**

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a rule that includes any federal mandate that may result in expenditures in any one year by a state, local, or tribal government, in the aggregate, or by the private sector, of \$100 million in 1995 dollars, updated annually for inflation. This regulation does not include any federal mandate that may result in expenditures by state, local, or tribal governments, or by the private sector in excess of that threshold.

#### **Federalism**

Executive Order 13132 (titled Federalism) prohibits an agency from publishing any rule that has federalism

implications if the rule either imposes substantial, direct compliance costs on state and local governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law, within the meaning of the Executive order.

#### List of Subjects in 31 CFR Part 16

Administrative practice and procedure, Fraud, Investigations, Organizations and functions (Government agencies), Penalties.

For the reasons stated in the preamble, the Department of the Treasury amends 31 CFR part 16 as follows:

#### PART 16—REGULATIONS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

■ 1. The authority citation for part 16 continues to read as follows:

**Authority:** 31 U.S.C. 3801–3812.

■ 2. In § 16.2, revise the definition of “Investigating official” to read as follows:

##### § 16.2 Definitions.

\* \* \* \* \*

*Investigating official* means any Inspector General, including any Special Inspector General, with investigatory authority over programs of the Department of the Treasury, as applicable.

\* \* \* \* \*

Laurie Schaffer,

*Acting General Counsel.*

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#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2021–0778]

RIN 1625–AA09

#### Drawbridge Operation Regulation; Willamette River, Portland, OR

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily modifying the operating

schedule that governs the Morrison Bridge across the Willamette River, mile 12.8, at Portland, OR. Multnomah County, Oregon, the bridge owner, is requesting to change the current regulation to allow painting and preservation of the Morrison Bridge including the double bascule span. The modified rule would change normal bridge operations from a full span opening to a single leaf, or half span opening.

**DATES:** This rule is effective from 7 p.m. on April 1, 2022, through 7 p.m. on May 31, 2023.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Type USCG–2021–0778 in the “SEARCH” box and click “SEARCH.” In the Document Type column, select “Supporting & Related Material.”

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary final rule, call or email Steven M. Fischer, Bridge Administrator, Thirteenth Coast Guard District Bridge Program Office, telephone 206–220–7282; email [d13-smb-d13-bridges@uscg.mil](mailto:d13-smb-d13-bridges@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
TFR Temporary Final Rule  
NPRM Notice of proposed rulemaking  
Pub. L. Public Law  
§ Section  
U.S.C. United States Code  
County Multnomah County, Oregon Bridge Owner

##### II. Background Information and Regulatory History

On November 24, 2021, the Coast Guard published a notice of proposed rulemaking entitled “Drawbridge Operation Regulation; Willamette River, Portland, OR” in the **Federal Register** (86 FR 66988). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this temporary rule modification. During the comment period that ended December 27, 2021, we received no comments for this final rule.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 499. The Morrison Bridge across the Willamette River, mile 12.8, at Portland, OR, is a double bascule draw bridge. The subject bridge provides a vertical clearance of

69 feet, at center, and 48 feet on the sides in the closed-to-navigation position. The vertical clearance is unlimited when the draw is in the open-to-navigation position. All clearances are based on the Columbia River Datum 0.0. Marine traffic on this section of the Willamette River consists of vessels ranging from small pleasure craft up to large commercial vessels and barges. The Morrison Bridge operates in accordance with 33 CFR 117.897(c)(3)(iv). The county will be painting and preserving the Morrison Bridge including the double bascule span. The modified rule will change bridge operations from a full span opening to a single leaf, or half span opening. The purpose of this rule is to ensure safety of vessels and the navigable waters below the bridge.

##### IV. Discussion of Comments, Changes and the Rule

The Coast Guard provided a comment period of 30 days due to the fact the County had also performed an outreach to the waterway stakeholders before contacting the Coast Guard for this temporary rule request. As noted above, we received no comments on our NPRM published November 24, 2021. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a temporary change to 33 CFR 117.897(c)(3)(iv) to be in effect from 7 p.m. on April 1, 2022, through 7 p.m. on May 31, 2023. This rule temporarily suspends the current regulatory cite regarding the Morrison Bridge, and adds a temporary 33 CFR 117.897(c)(3)(vi) which amends the operating schedule of the Morrison Bridge by requiring a two-hour notice, or four-hour notice with tug assist, for all drawbridge vessel openings. By operating in single leaf opening mode the horizontal clearance of the bridge draw will be reduced by half that of a double leaf opening (dimensions are described below). The temporary rule is necessary to accommodate preservation and painting of the Morrison Bridge.

This bridge provides a vertical clearance approximately 69 feet, at the center, above Columbia River Datum 0.0 when in the closed-to-navigation position. One half of the bascule bridge will have a containment system installed on the non-opening half of the span, which will reduce the vertical clearance by 5 feet to 64 feet center and 43 feet on the sides. A tug will be available for assists to mariners as needed when a request is given with a notice of four hours for an opening. The horizontal clearance with a full opening is 185 feet, therefore, in single leaf