

Executive Order 13132, “Federalism”

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This interim final rule will not have a substantial effect on State and local governments.

List of Subjects in 32 CFR Part 269

Administrative practice and procedure, Penalties.

Accordingly, 32 CFR part 269 is amended as follows:

PART 269—[AMENDED]

■ 1. The authority citation for 32 CFR part 269 is revised to read as follows:

Authority: 28 U.S.C. 2461 note.

■ 2. Revise § 269.1 to read as follows:

§ 269.1 Scope and purpose.

The purpose of this part is to establish a mechanism for the regular adjustment for inflation of civil monetary penalties under the jurisdiction of the Department of Defense. Applicable civil monetary penalties must be adjusted in conformity with the Federal Civil Penalties Inflation Adjustment Act of

1990, 28 U.S.C. 2461 note, as amended by the Debt Collection Improvement Act of 1996, Public Law 104–134, April 26, 1996, and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, November 2, 2015, in order to improve the deterrent effect of civil monetary penalties and to promote compliance with the law.

§ 269.2 [Amended]

■ 3. Amend § 269.2 by adding “and” after the semicolon in paragraph (b)(1)(ii).

■ 4. Amend § 269.3 by:

■ a. Revising the introductory text.

■ b. In paragraph (a):

■ i. Removing “By regulation adjustment” and adding in its place “By regulation, adjust.”

■ ii. Removing “the Department of Defense” and adding in its place “the Department.”

The revision reads as follows:

§ 269.3 Civil monetary penalty inflation adjustment.

The Department must, not later than July 1, 2016 and not later than January 15 of every year thereafter—

* * * * *

■ 5. Revise § 269.4 to read as follows:

§ 269.4 Cost of living adjustments of civil monetary penalties.

(a) The inflation adjustment under § 269.3 must be determined by increasing the maximum civil monetary penalty or the range of minimum and maximum civil monetary penalties, as applicable, for each civil monetary penalty by the cost-of-living adjustment. Any increase determined under this subsection shall be rounded to the nearest multiple of \$1.

(b) For purposes of paragraph (a) of this section, the term “cost-of-living adjustment” means the percentage (if any) for each civil monetary penalty by which the Consumer Price Index for the month of October preceding the date of the adjustment (January 15), exceeds the Consumer Price Index for the month of October in the previous calendar year. For example, if the Consumer Price Index for October 2016 is 1.0 and the Consumer Price Index for October 2015 was 0.75, then all applicable penalties will need to be positively adjusted by 0.25 by January 15, 2017.

(c) *Limitation on initial adjustment.* The initial adjustment of civil monetary penalty pursuant to § 269.3 may not exceed 150 percent of such penalty.

(d) *Inflation adjustment.* Maximum civil monetary penalties within the jurisdiction of the Department are adjusted for inflation as follows:

United States Code	Civil monetary penalty description	Maximum penalty amount as of 10/23/96	New adjusted maximum penalty amount
National Defense Authorization Act for FY 2005, 10 U.S.C 113, note.	Unauthorized Activities Directed at or Possession of Sunken Military Craft.	Not Applicable ¹	\$124,588
10 U.S.C. 1094(c)(1)	Unlawful Provision of Health Care	\$5,500	10,940
10 U.S.C. 1102(k)	Wrongful Disclosure—Medical Records:		
	First Offense	3,300	6,469
	Subsequent Offense	22,000	43,126
10 U.S.C. 2674(c)(2)	Violation of the Pentagon Reservation Operation and Parking of Motor Vehicles Rules and Regulations.	Not Applicable ¹	1,782
31 U.S.C. 3802(a)(1)	Violation Involving False Claim	5,500	10,781
31 U.S.C. 3802(a)(2)	Violation Involving False Statement	5,500	10,781

¹ Penalties were not identified in the 1996 publication of this chart and/or were not established by statute or regulation in 1996.

§ 269.5 [Amended]

■ 6. Amend § 269.5 by removing “shall apply only to violations which occur after the date the increase takes effect” and adding in its place “must apply only to civil monetary penalties, including those whose associated violation predated such increase, which are assessed after the date the increase takes effect (i.e., July 1, 2016).”

Dated: May 20, 2016.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2016–12365 Filed 5–25–16; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117**

[Docket No. USCG–2016–0360]

Drawbridge Operation Regulation; York River, Yorktown, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Coleman Memorial Bridge (US 17) across the York River, mile 7.0, Yorktown, VA. The deviation is necessary to perform bridge maintenance. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective without actual notice from May 26, 2016 to 7 p.m. on July 17, 2016. For the purposes of enforcement, actual notice will be used from 7 a.m. on May 22, 2016, until May 26, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0360] is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mrs. Traci Whitfield, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6629, email Traci.G.Whitfield@uscg.mil.

SUPPLEMENTARY INFORMATION: Virginia Department of Transportation (VDOT), the owner of the Coleman Memorial Bridge (US 17), has requested a temporary deviation from the current operating regulation to perform repairs. VDOT needs to perform mechanical work that cannot be accomplished when the bridge is moveable. The bridge must be in the closed-to-navigation position to perform the maintenance. The bridge is a single bascule span and has a vertical clearance in the closed position of seven feet above mean high water. The York River is used by a variety of vessels including deep draft ocean-going vessels, U. S. government vessels, Small commercial fishing vessels, recreational vessels and tug and barge traffic. The Coast Guard has carefully coordinated the restrictions with U. S. government and commercial waterway users.

Under this temporary deviation, the bridge will remain in the closed-to-navigation position from 7 a.m. to 7 p.m. as follows: Sunday, May 22, 2016; Sunday, June 5, 2016 with an inclement weather date on Sunday, June 12, 2016; Sunday, June 19, 2016 with an inclement weather date on Sunday, June 26, 2016; and Sunday, July 10, 2016 with an inclement weather date on Sunday, July 17, 2016. At all other times, the bridge will operate in accordance with the operating regulations set out in 33 CFR 117.1025.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will not be able

to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 19, 2016.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2016–12405 Filed 5–25–16; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2016–0202]

RIN 1625–AA00

Safety Zone; Monongahela River Mile 97.5 to Mile 100.5, Morgantown, WV

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Monongahela River from mile 97.5 to mile 100.5. The safety zone is needed to protect spectators, participants, and personnel involved in the West Virginia Triathlon. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Pittsburgh.

DATES: This rule is effective from 6 a.m. until 10 a.m. on June 19, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2016–0202 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST1 Jennifer Haggins, Marine Safety Unit Pittsburgh, U.S. Coast Guard, at telephone 412–221–0807, email Jennifer.L.Haggins@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard received notice on March 1, 2016, that this event would take place. After receiving and fully reviewing the event information, circumstances and exact location, the Coast Guard determined that a safety zone is necessary to protect spectators, participants, and the personnel involved in the West Virginia Triathlon. It would be impracticable to complete the full NPRM process for this safety zone because it needs to be established by June, 19, 2016. The triathlon event has been advertised and the local community has prepared for the event. For the same reasons, under 5 U.S.C. 553(d)(3), we find good cause for making this rule effective less than 30 days after publication.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Pittsburgh (COTP) has determined that a safety zone is needed on June 19, 2016. This rule is needed to protect personnel, spectators, and participants in navigable waters during the swimming portion of the West Virginia Triathlon.

IV. Discussion of the Rule

This rule establishes a safety zone on June 19, 2016, from 6 a.m. until 10 a.m. The safety zone will cover all navigable waters on the Monongahela River from mile 97.5 to mile 100.5. The duration of the safety zone is intended to protect personnel, spectators, and participants while the swimming portion of the West Virginia Triathlon takes place. No vessel or person will be permitted to enter the