by the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1101 *et seq.* (''INA''), and as delegated to the Assistant Secretary for Employment and Training, 75 FR 66268, and the Administrator of the Wage and Hour Division, 75 FR 55352, we are affirming and ratifying a prior action by Martin J. Walsh, Secretary of Labor. On October 12, 2022, the Employment and Training Administration and the Wage and Hour Division published in the FR the Final Rule codifying amendments to the Department's regulations regarding the certification of temporary employment of nonimmigrant workers employed in temporary or seasonal agricultural employment and the enforcement of the obligations applicable to employers of such nonimmigrant workers. 87 FR 61660 (Oct. 12, 2022).

The Final Rule was signed by Secretary Walsh. We have full and complete knowledge of the Final Rule action taken by former Secretary Walsh. Subsequent to the Secretary of Homeland Security's documented approval of the Final Rule dated November 7, 2024, in consultation with the Secretary of Labor and Secretary of Agriculture, and out of an abundance of caution and to avoid any doubt as to its validity, we have independently evaluated the Final Rule and the basis for adopting it. We have determined that the amendments to the regulations in the Final Rule are consistent with the Secretary of Labor's statutory responsibility to certify that there are insufficient able, willing, and qualified U.S. workers available to perform the needed work and that the employment of H–2A workers will not adversely affect the wages and working conditions of workers in the United States similarly employed. We have also determined that the changes adopted in the Final Rule strike an appropriate balance between the statute's competing goals of providing employers with an adequate supply of legal agricultural labor and protecting the wages of workers in the United States similarly employed by strengthening protections for workers, modernizing and simplifying the H–2A application and temporary labor certification process, and easing regulatory burdens on employers. We also agree with the Department's certification that the Final Rule does not have a significant economic impact on a substantial number of small entities. *See* 87 FR 61660, 61787.

Therefore, pursuant to our authorities as the Assistant Secretary for Employment and Training and the Administrator of the Wage and Hour Division, and based on our independent review of the action and the reasons for taking it, we hereby affirm and ratify the Final Rule, as of January 7, 2025, including all regulatory analysis certifications contained therein. This action is taken without prejudice to any right to litigate the validity of the Final Rule as approved and published on October 12, 2022. Nothing in this action is intended to suggest any legal defect or infirmity in the approval or publication of the Final Rule.

**José Javier Rodríguez,**

*Assistant Secretary, Employment and Training Administration, Labor.*

**Jessica Looman,**

*Administrator, Wage and Hour Division, Labor.*

[FR Doc. 2025–00526 Filed 1–8–25; 4:15 pm]

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## DEPARTMENT OF THE INTERIOR

## Bureau of Ocean Energy Management

## 30 CFR Parts 550 and 553

**[Docket ID: BOEM–2025–0001]**

**RIN 1010–AE22**

# 2025 Civil Penalties Inflation Adjustments for Oil, Gas, and Sulfur Operations in the Outer Continental Shelf

**AGENCY:** Bureau of Ocean Energy Management, Interior.

**ACTION:** Final rule.

**SUMMARY:** This final rule implements the 2025 inflation adjustments to the maximum daily civil monetary penalties in the Bureau of Ocean Energy Management's (BOEM) regulations for violations of the Outer Continental Shelf Lands Act (OCSLA) and the Oil Pollution Act of 1990 (OPA). These inflation adjustments are made pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Improvements Act) and Office of Management and Budget (OMB) memorandum M–25–02. The 2025 adjustment multiplier of 1.02598 accounts for 1 year of inflation from October 2023 through October 2024.

**DATES:** This rule is effective on January 13, 2025.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding the inflation adjustment methodology or amount should be directed to Jayson Pollock, Economics Division, BOEM, at *jayson.pollock@boem.gov* or at (703) 787–1537. Questions regarding the timing of this adjustment or the applicability of the regulations should be directed to Karen Thundiyil, Director, Office of Regulatory Affairs, BOEM at *karen.thundiyil@boem.gov* or at (202) 742–0970.

**SUPPLEMENTARY INFORMATION:**

I. Legal Authority
II. Background and Purpose
III. Calculation of the 2025 Adjustments
IV. Statutory and Executive Order Reviews
A. Statutes
1. National Environmental Policy Act
2. Regulatory Flexibility Act
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5. Small Business Regulatory Enforcement Fairness Act
6. Congressional Review Act
B. Executive Orders (E.O.)
1. Governmental Actions and Interference With Constitutionally Protected Property Rights (E.O. 12630)
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3. Civil Justice Reform (E.O. 12988)
4. Federalism (E.O. 13132)
5. Consultation and Coordination With Indian Tribal Governments (E.O. 13175)
6. Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (E.O. 13211)

## I. Legal Authority

OCSLA authorizes the Secretary of the Interior (the Secretary) to impose a daily civil monetary penalty for a violation of OCSLA or its implementing regulations, leases, permits, or orders. It also directs the Secretary to adjust the maximum penalty at least every 3 years to reflect any inflation increase in the Consumer Price Index. 43 U.S.C. 1350(b)(1). Similarly, OPA authorizes civil monetary penalties for failure to comply with OPA's financial responsibility provisions or its implementing regulations. 33 U.S.C. 2716a(a). OPA does not include a maximum daily civil penalty inflation adjustment provision, but such adjustment is authorized by the Improvements Act. *See* 28 U.S.C. 2461 note.

The Improvements Act [1] requires that Federal agencies publish inflation adjustments to their civil monetary penalties in the **Federal Register** not later than January 15 annually.[2] The purposes of these inflation adjustments are to maintain the deterrent effect of civil penalties and to further the policy

[1] The Improvements Act amended the Federal Civil Penalties Inflation Adjustment Act of 1990. *See* Public Law 101–410 (codified at 28 U.S.C. 2461 note).

[2] Under the Improvements Act, Federal agencies were required to adjust their civil monetary penalties for inflation with an initial ''catch-up'' adjustment through an interim final rulemaking in 2016 and must make subsequent inflation adjustments not later than January 15 annually, beginning in 2017. Public Law 114–74, sec. 701(b)(1).

goals of the underlying statutes. Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, sec. 2 (codified at 28 U.S.C. 2461 note).

## II. Background and Purpose

BOEM implemented the 2024 inflation adjustment for its civil monetary penalties through a final rule entitled, ''2024 Civil Penalties Inflation Adjustments for Oil, Gas, and Sulfur Operations in the Outer Continental Shelf,'' which was published in the **Federal Register** on January 25, 2024 at 89 FR 4815. That rule accounted for inflation for the 12-month period between October 2022 and October 2023.

OMB memorandum M–25–02 [3] reiterates agency responsibilities under the Improvements Act. Such responsibilities include identifying applicable penalties and performing the annual adjustment; publishing revisions to regulations to implement the adjustment in the **Federal Register**; applying adjusted penalty dollar amounts; and performing agency oversight of inflation adjustments.

Pursuant to the Improvements Act and OMB M–25–02, this final rule implements BOEM's 2025 inflation adjustments to OCSLA and OPA maximum daily civil monetary penalties. A proposed rule is unnecessary as the Improvements Act expressly exempts annual civil penalty inflation adjustments from the Administrative Procedure Act's (APA) notice of proposed rulemaking, public comment, and standard effective date provisions. Improvements Act, Public Law 114–74, sec. 701(b)(1)(D); APA, 5 U.S.C. 553.[4]

On July 22, 2021, BOEM issued a final rule entitled, ''Maximum Daily Civil Penalty Amounts for Violations of the Federal Oil and Gas Royalty Management Act'' (86 FR 38557). The rule amended BOEM's regulations that set maximum daily civil penalty (MDCP) amounts for violations of the Federal Oil and Gas Royalty Management Act (FOGRMA). The amendment cross-referenced BOEM's regulations to the Office of Natural Resources Revenue (ONRR) regulations that also set MDCP amounts for FOGRMA violations. This cross-reference ensured consistency between BOEM's FOGRMA MDCP amounts and ONRR's FOGRMA MDCP amounts. Because ONRR annually adjusts its MDCP for inflation, the cross-referencing rule also ensured consistent compliance with the Improvements Act and related OMB guidance while reducing possible confusion among regulated parties and unnecessary duplication of effort and costs to the Federal Government. The cross-reference to ONRR's regulations relieves BOEM of the necessity to adjust its FOGRMA MDCP.

## III. Calculation of the 2025 Adjustments

In accordance with the Improvements Act, BOEM determined that OCSLA and OPA maximum daily civil monetary penalties require annual inflation adjustments. BOEM issues this final rule adjusting those penalty amounts for inflation through October 2024. The annual inflation adjustment is based on the percent change between the Consumer Price Index for All Urban Consumers (CPI–U) for the October preceding the date of the adjustment and the prior year's October CPI–U. Consistent with OMB M–25–02, the 2025 inflation adjustment multiplier can be calculated by dividing the October 2024 CPI–U by the October 2023 CPI–U. In this case, October 2024 CPI–U (315.664)/October 2023 CPI–U (307.671) = 1.02598.

For 2025, BOEM multiplied the current OCSLA maximum daily civil monetary penalty of $54,352 by the multiplier 1.02598, which equals $55,764.06. The Improvements Act requires that the resulting amount be rounded to the nearest dollar. Accordingly, the 2025 adjusted OCSLA maximum daily civil monetary penalty is $55,764.

For 2025, BOEM multiplied the current OPA maximum daily civil penalty amount of $57,617 by the multiplier 1.02598, which equals $59,113.89. The Improvements Act requires that the resulting amount be rounded to the nearest dollar. Accordingly, the 2025 adjusted OPA maximum daily civil monetary penalty is $59,114.

The adjusted penalty amounts take effect immediately upon publication of this rule. Under the Improvements Act, the adjusted amounts apply to civil penalties assessed after the date the increase takes effect, even if the associated violation predates the increase.

Table 1 summarizes BOEM's 2025 maximum daily civil monetary penalties for each OCSLA and OPA violation.

TABLE 1—BOEM CIVIL PENALTIES ADJUSTMENTS

| CFR citation | Description of the penalty | Current maximum penalty | Multiplier | 2025 maximum penalty |
|---|---|---|---|---|
| 30 CFR 550.1403 (OCSLA) | Failure to comply per day per violation | $54,352 | 1.02598 | $55,764 |
| 30 CFR 553.51(a) (OPA) | Failure to comply per day per violation | 57,617 | 1.02598 | 59,114 |

## IV. Statutory and Executive Order Reviews

*A. Statutes*

1. National Environmental Policy Act

This rule does not constitute a major Federal action under the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) because the civil penalty adjustments are required by law and the Bureau has no control or responsibility for the action other than ministerial (*see* 43 CFR 46.100(a); *see also* 40 CFR 1508.1(w)(2)). The Improvements Act requires BOEM to annually adjust the amounts of its civil penalties to account for inflation as measured by the Department of Labor's Consumer Price Index. Accordingly, BOEM has no discretion in the execution of the civil penalty adjustments reflected in this final rule. Because this rule is not a major Federal

[3] OMB Memorandum M–25–02 ''Implementation of Penalty Inflation Adjustments for 2025, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015'' is available at *https://www.whitehouse.gov/wp-content/uploads/2024/12/M-25-02.pdf.*

[4] Specifically, Congress directed that agencies adjust civil monetary penalties ''notwithstanding section 553 of title 5, United States Code [Administrative Procedure Act (APA)],'' which generally requires prior notice of proposed rulemaking, opportunity for public comment on proposed rulemaking, and publication of a final rule at least 30 days before its effective date. Improvements Act, sec. 701(b)(1)(D); APA, 5 U.S.C. 553. OMB confirmed this interpretation of the Improvements Act. OMB M–25–02 at 4 (''This means that the notice and comment process the APA generally requires—*i.e.,* notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.'').

action, it is therefore not subject to the requirements of NEPA. Even if this were a discretionary action subject to NEPA, which it is not, a detailed statement under NEPA would not be required because, as a regulation of an administrative nature, this rule would be covered by a categorical exclusion (*see* 43 CFR 46.210(i)). Moreover, BOEM determined that the rule does not implicate any of the extraordinary circumstances listed in 43 CFR 46.215 that would prevent reliance on the categorical exclusion. Therefore, a detailed statement under NEPA is not required.

2. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. However, the RFA applies only to rules for which an agency is required to first publish a proposed rule. *See* 5 U.S.C. 603(a) and 604(a). The Improvements Act expressly exempts these annual inflation adjustments from the requirement to publish a proposed rule for notice and comment. Improvements Act, Public Law 114–74, sec. 701(b)(1)(D); OMB M–25–02 at 3–4. Thus, the RFA does not apply to this rulemaking.

3. Paperwork Reduction Act

This rule does not contain information collection requirements, and, therefore, a submission to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

4. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. The rule does not have a significant or unique effect on State, local, or Tribal governments, or on the private sector. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

5. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2). 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; and

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

6. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*) and OMB guidance,[5] this rule is not a major rule, as defined by that act. 5 U.S.C. 804(2).

*B. Executive Orders (E.O.)*

1. Governmental Actions and Interference With Constitutionally Protected Property Rights (E.O. 12630)

This rule does not effect a taking of private property or otherwise have takings implications under E.O. 12630. Therefore, a takings implication assessment is not required.

2. Regulatory Planning and Review (E.O. 12866); Modernizing Regulatory Review (E.O. 14094); Improving Regulation and Regulatory Review (E.O. 13563)

E.O. 12866, as amended by E.O. 14094, provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA determined that annual civil penalty inflation adjustment rules are not significant if they exclusively implement the annual inflation adjustment consistent with OMB guidance and have an annual impact of less than $200 million. *See* OMB Memorandum M–25–02 at 3–4. This rule meets those conditions and, thus, is not a significant rule.

E.O. 13563 reaffirms the principles of E.O. 12866, as amended by E.O. 14094, while calling for improvements in the Nation's regulatory system to reduce uncertainty and to promote predictability and for the use of the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 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 further emphasizes 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. However, BOEM is using neither science nor public participation in this rulemaking. Congress directed agencies to adjust the maximum daily civil penalty amounts using a particular equation without public participation. BOEM does not have discretion to use any other factor in the adjustment. BOEM has developed this rule in a manner consistent with the requirements in E.O. 13563 to the extent relevant and feasible given the limited discretion provided to agencies under the Improvements Act.

3. 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.

4. 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. This rule merely adjusts the dollar amount of civil monetary penalties that BOEM may impose on oil and gas lessees, grant holders, and operators on the Outer Continental Shelf and has no effects on any actions of State or local governments. Therefore, a federalism summary impact statement is not required.

5. Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

The Department of the Interior and BOEM strive to strengthen their government-to-government relationships with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of the Tribes' right to self-governance and Tribal sovereignty. BOEM evaluated this rule under the Department of the Interior's consultation policy, Departmental Manual part 512, chapters 4 and 5, and E.O. 13175. BOEM determined that this rule has no substantial direct effects on federally recognized Indian Tribes or Alaska Native Claims Settlement Act Corporations and that consultation under existing Department and BOEM policies is not required.

[5] *See* Office of Mgmt. & Budget, Exec. Office of the President, OMB M–19–14, Guidance on Compliance with the Congressional Review Act (2019), available at *https://www.whitehouse.gov/wp-content/uploads/2019/04/M-19-14.pdf;* OMB Memorandum M–25–02 at 3–4.

6. Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (E.O. 13211)

This rule is not a ''significant energy action'' under the definition of that term found in E.O. 13211. Therefore, a statement of energy effects is not required.

**List of Subjects**

*30 CFR Part 550*

Administrative practice and procedure, Continental shelf, Environmental impact statements, Environmental protection, Federal lands, Government contracts, Investigations, Mineral resources, Oil and gas exploration, Outer continental shelf, Penalties, Pipelines, Reporting and recordkeeping requirements, Rights-of-way, Sulfur.

*30 CFR Part 553*

Administrative practice and procedure, Continental shelf, Financial responsibility, Liability, Limit of liability, Oil and gas exploration, Oil pollution, Outer continental shelf, Penalties, Pipelines, Reporting and recordkeeping requirements, Rights-of-way, Surety bonds, Treasury securities.

This action by the Principal Deputy Assistant Secretary is taken pursuant to an existing delegation of authority.

**Steven H. Feldgus,**

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

For the reasons stated in the preamble, BOEM amends 30 CFR parts 550 and 553 as follows:

## PART 550—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 1. The authority citation for part 550 is revised to read as follows:

**Authority:** 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334.

■ 2. Revise § 550.1403 to read as follows:

**§ 550.1403 What is the maximum civil penalty?**

The maximum civil penalty is $55,764 per day per violation.

## PART 553—OIL SPILL FINANCIAL RESPONSIBILITY FOR OFFSHORE FACILITIES

■ 3. The authority citation for part 553 continues to read as follows:

**Authority:** 33 U.S.C. 2704, 2716; 2716a; E.O. 12777, as amended.

■ 4. Revise § 553.51(a) to read as follows:

**§ 553.51 What are the penalties for not complying with this part?**

(a) If you fail to comply with the financial responsibility requirements of OPA at 33 U.S.C. 2716 or with the requirements of this part, then you may be liable for a civil penalty of up to $59,114 per COF per day of violation (that is, each day a COF is operated without acceptable evidence of OSFR).

* * * * *

[FR Doc. 2025–00257 Filed 1–10–25; 8:45 am]

**BILLING CODE 4340–98–P**

## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Part 950

**[SATS No. WY–049–FOR; Docket No. OSM–2021–0003; S1D1S SS08011000 SX064A000 245S180110; S1D1S SS08011000 SX064A000 24XS501520]**

## Wyoming Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are approving an amendment to the Wyoming regulatory program (hereinafter, the Wyoming Program or Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). On its own initiative, the Wyoming Land Quality Division (LQD), in response to State legislative changes enacted in 2020, proposed rules to its Program that facilitate the disposal of inert decommissioned wind turbine blades and towers as backfill in end walls or the final pit voids in surface coal mining operations. In addition, Wyoming has updated Chapter 2 of its Coal Rules, titled ''Permit Application Requirements for Surface Coal Mining Operations,'' to provide consistency with the Wyoming Secretary of State's Rules on Rules, as well as correct grammatical errors.

**DATES:** Effective February 12, 2025.

**FOR FURTHER INFORMATION CONTACT:** Attn: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Casper, Wyoming 82602, Telephone: (307) 261–6550, Email: *jfleischman@osmre.gov*.

**SUPPLEMENTARY INFORMATION:**

I. Background on the Wyoming Program
II. Submission of the Amendment
III. OSMRE's Findings
IV. Summary and Disposition of Comments
V. OSMRE's Decision
VI. Statutory and Executive Order Reviews

### I. Background on the Wyoming Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. *See* 30 U.S.C. 1253(a)(1) and (7).

On the basis of these criteria, the Secretary of the Interior conditionally approved the Wyoming program on November 26, 1980. You can find background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and conditions of approval in the November 26, 1980, **Federal Register** (45 FR 78637). You can also find later actions concerning Wyoming's program and program amendments at 30 CFR 950.11, 950.12, 950.15, 950.16, and 950.20.

### II. Submission of the Amendment

By letter dated June 4, 2021 (Administrative Record No. WY–49–01), Wyoming LQD sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Wyoming submitted the amendment in response to legislative changes made through Wyoming House Bill HB0129 during the 2020 legislative session, to Wyoming Statute (W.S.) § 35–11–402(a)(xiii). These changes outlined rules regarding how noncoal, non-mining waste, in the form of inert decommissioned wind turbine blades and towers, could be used as backfill in open surface coal mine pits in order to facilitate disposal of those materials. The proposed revisions to Chapter 2 of the Program allow for inert wind turbine blades and towers to be placed in the final pit voids or end walls of surface coal mining operations during reclamation. In addition, Wyoming has proposed grammatical changes to Chapter 2 as well as minor edits to provide consistency with the Wyoming Secretary of State's Rules on Rules.

Wyoming stated in its submission that the Wyoming Legislature tasked LDQ with developing rules and regulations about the disposal of noncoal, non-mining-generated solid wastes at surface coal mining and reclamation operations because of the large volume of decommissioned wind turbine blades and towers, a lack of scalable recycling