

APPENDIX A—TABLE 2B TO SUBPART E OF PART 59—REACTIVITY FACTORS FOR ALIPHATIC HYDROCARBON SOLVENT MIXTURES—APPLICABLE PRIOR TO JULY 17, 2025—Continued

Bin	Average boiling point* (degrees F)	Criteria	Reactivity factor (g O <sub>3</sub> /g VOC)
20	>460–580	Alkanes (8 to 22% Aromatics)	1.49

\* Average Boiling Point = (Initial Boiling Point + Dry Point)/2(b) Aromatic Hydrocarbon Solvents.

IV. Appendix A—Table 2C Under 40 CFR Part 59, Subpart E

APPENDIX A—TABLE 2C TO SUBPART E OF PART 59—REACTIVITY FACTORS FOR AROMATIC HYDROCARBON SOLVENT MIXTURES—APPLICABLE PRIOR TO JULY 17, 2025

Bin	Boiling range (degrees F)	Criteria	Reactivity factor (g O <sub>3</sub> /g VOC)
21	280–290	Aromatic Content (≥98%)	7.37
22	320–350	Aromatic Content (≥98%)	7.51
23	355–420	Aromatic Content (≥98%)	8.07
24	450–535	Aromatic Content (≥98%)	5.00

V. Appendix A—Table 3 Under 40 CFR Part 59, Subpart E

APPENDIX A—TABLE 3 TO SUBPART E OF PART 59—METHODS—APPLICABLE PRIOR TO JULY 17, 2025

Method name	Description
CARB 310 (2005) or	Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products (May 5, 2005), (incorporated by reference, see § 59.515) or
Method EPA 311	Analysis of Hazardous Air Pollutant Compounds in Paints and Coatings by Direct Injection into a Gas Chromatograph;
SCAQMD Method 318–95	Determination of Weight Percent Elemental Metal in Coatings by X-ray Diffraction, July, 1996, (incorporated by reference, see § 59.515).
ASTM Method D523–89 (Reapproved 1999)	Standard Test Method for Specular Gloss, (incorporated by reference, see § 59.515).

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3160

43 CFR Part 9230

[PO4820000251]

RIN 1004–AF00

Onshore Oil and Gas Operations and Coal Trespass—Annual Civil Penalties Inflation Adjustments

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule adjusts the amounts of civil monetary penalties contained in the Bureau of Land Management’s (BLM) regulations

governing onshore oil and gas operations and coal trespass. This final rule is required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and is consistent with applicable Office of Management and Budget (OMB) guidance. The adjustments made by this final rule constitute the 2025 annual inflation adjustments and account for one year of inflation spanning the period from October 2023 through October 2024.

DATES: This rule is effective on January 17, 2025.

FOR FURTHER INFORMATION CONTACT: For information regarding the BLM’s Fluid Minerals Program, please contact John Ajak, Acting Division Chief, Fluid Minerals Division, telephone: 505–549–9654; email: [jajak@blm.gov](mailto:jajak@blm.gov). For information regarding the BLM’s Solid Minerals Program, please contact Matthew Marsh, Acting Division Chief, Solid Minerals Division, telephone:

307–431–1113; email: [mmarsh@blm.gov](mailto:mmarsh@blm.gov).

For questions relating to the regulatory process, please contact Stephen Pollard, Division of Regulatory Affairs, email: [spollard@blm.gov](mailto:spollard@blm.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Calculation of 2024 Adjustments
- III. Procedural Requirements
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  - B. Regulatory Planning and Review (Executive Orders 12866 and 13563)
  - C. Regulatory Flexibility Act
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  - F. Takings (E.O. 12630)

- G. Federalism (E.O. 13132)
- H. Civil Justice Reform (E.O. 12988)
- I. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)
- J. Paperwork Reduction Act
- K. National Environmental Policy Act
- L. Effects on the Energy Supply (E.O. 13211)

**I. Background**

On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701, Pub. L. 114–74) (the 2015 Act) became law, amending the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410).

On an annual basis, the 2015 Act requires agencies to:

1. Adjust the level of civil monetary penalties for inflation; and
2. Report inflation adjustments in the Agency Financial Reports as directed by OMB Circular A–136, or any successor thereto.

The purpose of these adjustments is to maintain the deterrent effect of civil monetary penalties and promote compliance with the law (see Sec 1, Pub. L. 101–410).

As required by the 2015 Act, on June 28, 2016, the BLM issued an interim final rule that adjusted the level of civil monetary penalties in BLM regulations with the initial “catch-up” adjustment

(RIN 1004–AE46, 81 FR 41860). In subsequent years, the BLM has issued final rules, adjusting the level of civil monetary penalties for inflation, as appropriate for 2017 to 2024.

On December 17, 2024, OMB issued Memorandum M–25–02, which explains agency responsibilities for identifying applicable penalties and calculating the annual adjustment for 2025 in accordance with the 2015 Act.

**II. Calculation of 2024 Adjustments**

In accordance with the 2015 Act and OMB Memorandum M–25–02, the BLM has identified applicable civil monetary penalties in its regulations and calculated the annual adjustments. A civil monetary penalty is any assessment with a dollar amount that is levied for a violation of a Federal civil statute or regulation and is assessed or enforceable through a civil action in Federal court or an administrative proceeding. A civil monetary penalty does not include a penalty levied for violation of a criminal statute, nor does it include fees for services, licenses, permits, or other regulatory review. The calculated annual inflation adjustments are based on the percentage 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 guidance in OMB Memorandum M–25–02, the BLM divided the October 2024 CPI–U by the October 2023 CPI–U to calculate the multiplier. In this case, October 2024 CPI–U (315.66)/October 2023 CPI–U (306.671) = 1.02598. OMB Memorandum M–25–02 confirms that this is the proper multiplier. (OMB Memorandum M–25–02 at 2.)

The 2015 Act requires the BLM to adjust the civil penalty amounts in 43 CFR 3163.2 and 9239.5–3(f)(1). To accomplish this, the BLM multiplied the current penalty amounts in those paragraphs by the multiplier set forth in OMB Memorandum M–25–02 (1.02598) to obtain the adjusted penalty amounts. The 2015 Act requires that the resulting amounts be rounded to the nearest \$1.00 at the end of the calculation process.

The adjusted penalty amounts will take effect immediately upon publication of this rule. Pursuant to the 2015 Act, the adjusted civil penalty amounts apply to civil penalties assessed after the date the increase takes effect, even if the associated violation predates such increase.

This final rule adjusts the following civil penalties:

CFR citation	Description of the penalty	Current penalty	Adjusted penalty
43 CFR 3163.2(b)(1)	Failure to comply	\$1,333	\$1,368
43 CFR 3163.2(b)(2)	If corrective action is not taken	13,343	13,690
43 CFR 3163.2(d)	If transporter fails to permit inspection for documentation.	1,333	1,368
43 CFR 3163.2(e)	Failure to permit inspection, failure to notify	26,685	27,378
43 CFR 3163.2(f)	False or inaccurate documents; unlawful transfer or purchase.	66,712	68,445
43 CFR 9239.5–3(f)(1)	Coal exploration for commercial purposes without an exploration license.	4,995	5,125

**III. Procedural Requirements**

*A. Administrative Procedure Act*

In accordance with the 2015 Act, agencies must adjust civil monetary penalties “notwithstanding Section 553 of the Administrative Procedure Act” (Sec. 4(b)(2), 2015 Act). The BLM is promulgating this 2024 inflation adjustment for civil penalties as a final rule pursuant to the provisions of the 2015 Act and OMB guidance. A proposed rule is not required because the 2015 Act expressly exempts the annual inflation adjustments from the notice and comment requirements of the Administrative Procedure Act. In addition, the 2015 Act does not give the BLM any discretion to vary the amount of the annual inflation adjustment for any given penalty to reflect any views

or suggestions provided by commenters. Accordingly, the BLM will not provide an opportunity for public comment on this rule.

*B. Regulatory Planning and Review (Executive Orders 12866, 14094 and 13563)*

Executive Order (E.O.) 12866, as amended by E.O. 14094, provides that the Office of Information and Regulatory Affairs (OIRA) in the OMB will review all significant rules. OIRA has determined that this rule is not significant. (See OMB Memorandum M–25–02 at 4).

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability and to reduce uncertainty and to use 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 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 that is consistent with these requirements to the extent permitted by the 2015 Act.

*C. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) 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. 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 2015 Act expressly exempts these annual inflation adjustments from the requirement to publish a proposed rule for notice and comment (see sec. 4(b)(2), 2015 Act). Because the final rule in this case does not include publication of a proposed rule, the RFA does not apply to this final rule.

#### D. Congressional Review Act

This rule is not a major rule under the Congressional Review Act. 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.

#### E. Unfunded Mandates Reform Act

This 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. Therefore, 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 takings implications under E.O. 12630. Therefore, 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 federalism implications that warrant the preparation of a federalism summary impact statement. Therefore, 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 and Departmental Policy)

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 that it has no substantial direct effects on federally recognized Indian Tribes and that consultation under the Department's Tribal consultation policy is not required.

#### J. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

#### K. National Environmental Policy Act (NEPA)

This rule does not constitute a major federal action because of the non-discretionary nature of the civil penalty adjustment as required by law (see 40 CFR 1508.1(q)(1)(ii)). The Department of Labor's Consumer Price Index sets the amount of the annual civil penalty adjustment to account for inflation as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. Accordingly, BLM has no discretion in the execution of the civil penalty adjustments. Even if this were a discretionary action, which it is not, a detailed statement under NEPA would also not be required because, as a regulation of an administrative nature, this rule would otherwise be covered by a categorical exclusion. See 43 CFR 46.210(i). BLM has 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. Because this rule is not a major federal action, it is therefore not subject to the requirements of 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. Therefore, a Statement of Energy Effects is not required.

#### List of Subjects

##### 43 CFR Part 3160

Administrative practice and procedure; Government contracts; Indians-lands; Mineral royalties; Oil and gas exploration; Penalties; Public lands-mineral resources; Reporting and recordkeeping requirements.

##### 43 CFR Part 9230

Penalties, Public lands.

For the reasons given in the preamble, the BLM amends Chapter II of Title 43 of the Code of Federal Regulations as follows:

### PART 3160—ONSHORE OIL AND GAS OPERATIONS

- 1. The authority citation for part 3160 continues to read as follows:

**Authority:** 25 U.S.C. 396d and 2107; 30 U.S.C. 189, 306, 359, and 1751; 43 U.S.C. 1732(b), 1733, 1740; and Sec. 701, Pub. L. 114–74, 129 Stat. 599, unless otherwise noted.

#### Subpart 3163—Noncompliance, Assessments, and Penalties

##### § 3163.2 [Amended]

- 2. In § 3163.2:
  - a. In paragraph (b)(1), remove “\$1,333” and add in its place “\$1,368”.
  - b. In paragraph (b)(2), remove “\$13,343” and add in its place “\$13,690”.
  - c. In paragraph (d), remove “\$1,333” and add in its place “\$1,368”.
  - d. In paragraph (e) introductory text, remove “\$26,685” and add in its place “\$27,378”.
  - e. In paragraph (f) introductory text, remove “\$66,712” and add in its place “\$68,445”.

#### Part 9230—TRESPASS

- 3. The authority citation for part 9230 continues to read as follows:

**Authority:** R.S. 2478; 43 U.S.C. 1201

#### Subpart 9239—Kinds of Trespass

##### § 9239.5–3 [Amended]

- 4. In § 9239.5–3(f)(1), remove “\$4,995” and add in its place “\$5,125”.

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.*

[FR Doc. 2025-01073 Filed 1-16-25; 8:45 am]

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## **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

### **45 CFR Part 2522**

**RIN 3045-AA84**

#### **AmeriCorps State and National Updates**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Final rule.

**SUMMARY:** The Corporation for National and Community Service (operating as AmeriCorps) is revising regulations governing the number of terms for which AmeriCorps will fund living allowances and other benefits for AmeriCorps State and National members. Specifically, this rule increases the flexibility of the current rule by providing that AmeriCorps funding may be used for living allowances and other benefits for members for as long as it takes the members to either earn the aggregate value of two full-time Segal Education Awards or four terms, whichever is longer.

**DATES:** This rule is effective January 17, 2025.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Bastress Tahmasebi, Deputy Director, AmeriCorps State and National, at [JBastressTahmasebi@americorps.gov](mailto:JBastressTahmasebi@americorps.gov), (202) 606-6667; or Elizabeth Appel, Associate General Counsel, at [EAppel@americorps.gov](mailto:EAppel@americorps.gov), (202) 967-5070.

#### **SUPPLEMENTARY INFORMATION:**

I. Background

II. Overview of Final Rule (§ 2522.235)

III. Response to Public Comments

A. Comments in Support of Proposed Rule

B. Comments in Opposition to Proposed Rule

C. Comments Requesting Changes to Proposed Rule

IV. Regulatory Analyses

A. Executive Orders 12866 and 13563

B. Regulatory Flexibility Act

C. Small Business Regulatory Enforcement Fairness Act (SBREFA)

D. Unfunded Mandates Reform Act of 1995

E. Paperwork Reduction Act

F. Executive Order 13132, Federalism

G. Takings (Executive Order 12630)

H. Civil Justice Reform (Executive Order 12988)

I. Consultation with Indian Tribes

(Executive Order 13175)

I. Good Cause for Immediate Effective Date

#### **I. Background**

The National and Community Service Act of 1990, as amended, 42 U.S.C. 12501 *et seq.*, aims to encourage United States citizens to engage in national service and to expand education opportunity by rewarding individuals who participate in national service with an increased ability to pursue higher education. Specifically, the Act establishes the National Service Trust and authorizes AmeriCorps to use funds from that Trust to provide education awards to eligible individuals who have fulfilled a term of service in an approved national service position and meet other applicable requirements. The Act also requires AmeriCorps State and National programs to provide living allowances and certain other benefits to full-time national service program participants. Notices of funding opportunity specify that programs may choose to provide living allowances with AmeriCorps funding to members who serve less than full-time.

The “term of service” that members serve in AmeriCorps State and National can be of different lengths, depending on the needs of the program. Full-time service is defined as 1,700 hours of service during a period of not more than one year. *See* 45 CFR 2522.220(a)(1). Part-time service is defined as 900 hours of service during a period of not more than two years. *See* 45 CFR 2522.220(a)(2). Reduced part-time terms of service may include terms at a reduced number of hours for categories of participants in certain approved AmeriCorps programs and on a case-by-case basis. *See* 45 CFR 2522.220(a)(3). Summer program terms are considered part-time programs and members serve less than 1,700 hours. *See* 45 CFR 2522.220(a)(4).

Under 45 CFR 2525.50, AmeriCorps State and National members can earn up to the value of two full-time education awards. Because full-time and less than full-time (*e.g.*, part-time, reduced part-time, summer) terms of service have different hour requirements, each takes a different number of terms to reach the aggregate value of the two full-time education awards. 45 CFR 2522.220; 2525.100.

During the period that AmeriCorps State and National members are serving and earning Segal Education awards, AmeriCorps funds living allowances and other member benefits (*e.g.*, financial benefits during an extended term of disaster-related service, childcare, health care). The current

regulation, which took effect October 1, 2024, allows members to serve as many terms as necessary to earn the value of two full-time education awards, regardless of whether those terms are served on a full-time or less than full-time time basis. The prior regulation allowed AmeriCorps funding to support members’ living allowances and benefits for up to four terms of service.

#### **II. Overview of Final Rule**

Overall, this final rule is intended to increase the flexibility of AmeriCorps State and National regulations that removed the four-term limit on AmeriCorps funding for AmeriCorps State and National members’ living allowances and other benefits. *See* 89 FR 46024 (May 28, 2024).

The final rule, which appears at 45 CFR 2522.235, retains the current provision that allows AmeriCorps funding for living allowances and other member benefits for the number of terms it takes to earn the aggregate value of two full-time education awards and also reinstates the former provision that allowed AmeriCorps funding for up to four terms. Thus, living allowances and other benefits for members who serve less than full time may continue to be funded for however many terms it takes those members to earn the aggregate value of two education awards, while living allowances and other benefits for members who have earned the aggregate value of two full-time education awards in fewer than four terms may continue to be funded up to four terms.

#### **III. Response to Public Comments**

AmeriCorps published a proposed rule on August 28, 2024, at 89 FR 68845 and received 46 public comments in response by the September 27, 2024, comment deadline. Summaries of the points raised in those comments, and AmeriCorps’ responses, are provided here. No changes to the proposed regulatory text were made in response to these comments or otherwise, as explained in the response to comments.

##### *A. Comments in Support of Proposed Rule*

Several commenters stated their general support for providing AmeriCorps funding for members’ living allowances and other benefits for service in AmeriCorps State and National programs for either four terms or as many terms needed to attain the aggregate value of two-full time education awards, whichever is longer. The commenters highlighted that the flexibility in term limits supports members, grantees, and the communities served by, for example: