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DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

30 CFR Part 250

[Docket ID: BSEE–2025–0001; EEEE500000–256E1700D2–ET1SF0000.EAQ000]

RIN 1014–AA62

Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Civil Penalty Inflation Adjustment

AGENCY: Bureau of Safety and Environmental Enforcement, Department of the Interior.

ACTION: Final rule.

SUMMARY: This final rule adjusts the maximum daily civil monetary penalty amount contained in the Bureau of Safety and Environmental Enforcement (BSEE) regulations for violations of the Outer Continental Shelf Lands Act (OCSLA), in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget (OMB) guidance. The civil penalty inflation adjustment, using a 1.02598 multiplier, accounts for 1 year of inflation based on the Consumer Price Index (CPI–U) from October 2023 to October 2024.

DATES: This rule is effective on September 12, 2025.

FOR FURTHER INFORMATION CONTACT: Janine Marie Tobias, Safety and Enforcement Division, Bureau of Safety and Environmental Enforcement, (202) 208–4657 or by email: *regs@bsee.gov*.

SUPPLEMENTARY INFORMATION:

I. Background and Legal Authority

The OCSLA, at 43 U.S.C. 1350(b)(1), directs the Secretary of the Interior (Secretary) to adjust the OCSLA maximum daily civil penalty amount at least once every 3 years to reflect any increase in the Consumer Price Index (CPI) to account for inflation.

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (sec. 701 of Pub. L. 114–74) (FCPIA of 2015). The FCPIA of 2015 requires Federal agencies to adjust the amount of civil monetary penalties found in their regulations with an initial ''catch-up'' adjustment through rulemaking, if warranted, and then to make subsequent annual adjustments for inflation. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes. Agencies were required to publish the first annual inflation adjustments in the **Federal Register** no later than January 15, 2017, and to publish annual inflation adjustments no later than January 15 of each subsequent year.

BSEE last updated the maximum daily civil penalty amounts in BSEE's regulations for OCSLA violations by a final rule published and effective on March 14, 2024. (*See* 89 FR 18540). Consistent with OMB guidance, BSEE's final rule implemented the inflation adjustments required by the FCPIA of 2015 through October 2023.

The 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;'' (available at *https://www.whitehouse.gov/wp-content/uploads/2024/12/M-25-02.pdf*) explains agency responsibilities for: identifying applicable penalties and performing the annual adjustment; publishing revisions to regulations to implement the adjustment in the **Federal Register***;* applying adjusted penalty levels; and performing agency oversight of inflation adjustments.

BSEE is promulgating this final rule for the 2025 inflation adjustment of OCSLA maximum daily civil penalties pursuant to the provisions of the FCPIA of 2015 and OMB's guidance. A proposed rule is not required because the FCPIA of 2015 expressly exempted the annual inflation adjustments implemented pursuant to the FCPIA of 2015 from notice and comment rulemaking under the Administrative Procedure Act, 5 U.S.C. 553. Specifically, the FCPIA of 2015 states that agencies ''shall adjust civil monetary penalties . . . notwithstanding Section 553 of the Administrative Procedure Act.'' (FCPIA of 2015 at sec. 4(b)(2)). OMB Memorandum M–25–02 reinforces this exemption from notice and comment rulemaking: ''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.'' M–25–02 at p. 4.

II. Calculation of Adjustments

In accordance with the FCPIA of 2015 and the guidance provided in OMB Memorandum M–25–02, BSEE has calculated the necessary inflation adjustment for the maximum daily civil monetary penalty amount in 30 CFR 250.1403 for violations of OCSLA. The previous OCSLA civil penalty inflation adjustment accounted for inflation through October 2023. The required annual civil penalty inflation adjustment promulgated through this rule accounts for inflation through October 2024.

Annual inflation adjustments are 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 the guidance in OMB Memorandum M–25–02, BSEE divided the October 2024 CPI–U by the October 2023 CPI–U to calculate the multiplying factor. In this case, the October 2024 CPI–U (315.664) divided by the October 2023 CPI–U (307.671) is 1.02598. OMB Memorandum M–25–02 confirms that this is the proper multiplier. (OMB Memorandum M–25–02 at 2, n.4).

The FCPIA of 2015 requires that BSEE adjust the OCSLA maximum daily civil penalty amount for inflation using the applicable 2025 multiplier (1.02598). Accordingly, BSEE multiplied the existing OCSLA maximum daily civil penalty amount ($54,352) by 1.02598 to arrive at the new maximum daily civil penalty amount ($55,764.07). The FCPIA of 2015 requires that the resulting amount be rounded to the nearest $1.00. Accordingly, the adjusted OCSLA maximum daily civil penalty for 2025 is $55,764.

The adjusted penalty amount takes effect immediately upon publication of this rule. Pursuant to the FCPIA of 2015, the increase in the OCSLA maximum daily civil penalty amount applies to

civil penalties assessed after the date the increase takes effect, even when the associated violation(s) predates such increase. Consistent with the provisions of OCSLA and the FCPIA of 2015, this rule adjusts the following maximum civil monetary penalty per day per violation as follows:

CFR citation	Description of the penalty	Current maximum penalty	Multiplier	Adjusted maximum penalty
30 CFR 250.1403	Failure to comply per-day, per-violation	$54,352	1.02598	$55,764

This rulemaking does not address any updates to the maximum civil penalty amount for Federal Oil and Gas Royalty Management Act (FOGRMA) violations. As stated in 30 CFR 250.1453, the maximum civil penalty amount for each day of uncorrected FOGRMA violations is specified in 30 CFR 1241.52. Please refer to 30 CFR 1241.52 for the current FOGRMA maximum civil penalty amounts.

II. Procedural Requirements

A. Regulatory Planning and Review (E.O. 12866, 14094, and 13563)

Executive Order (E.O.) 12866 provides that the OMB Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant. (*See* OMB Memorandum M–25–02 at 3–4).

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, 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 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. We have developed this rule in a manner consistent with these requirements, to the extent permitted by statute.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for 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 FCPIA of 2015 expressly exempts these annual inflation adjustments from the requirement to publish a proposed rule for notice and comment. (*See* FCPIA of 2015 at § 4(b)(2); OMB Memorandum M–25–02 at 4). Thus, the RFA does not apply to this rulemaking.

C. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(1) Does not have an annual effect on the economy of $100 million or more;

(2) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(3) Does 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.

D. 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.

E. Takings (E.O. 12630)

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

F. 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. To the extent that State and local governments have a role in Outer Continental Shelf activities, this rule will not affect that role. Therefore, a federalism summary impact statement is not required.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(1) 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

(2) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

H. 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 of the Interior's consultation policy, under Departmental Manual part 512 chapters 4 and 5, and under the criteria in E.O. 13175. We have determined that it has no substantial direct effects on federally recognized Indian Tribes or Alaska Native Claims Settlement Act (ANCSA) Corporations. Consequently, consultation under the Department of the Interior's Tribal and ANCSA consultation policies is not required.

I. Paperwork Reduction Act

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

J. National Environmental Policy Act

BSEE is not required to prepare an environmental document under the National Environmental Policy Act (NEPA) because of the non-discretionary nature of the civil penalty adjustment required by law. 42 U.S.C. 4336(a)(4). The Department of Labor's CPI sets the annual civil penalty adjustment as required by the FCPIA of 2015. BSEE has no discretion in the execution of the civil penalty adjustments; therefore, this rule is not subject to the requirements

of NEPA. A detailed statement under NEPA is not required.

K. 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 in 30 CFR Part 250

Administrative practice and procedure, Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Oil and gas exploration, Penalties, Pipelines, Continental Shelf—mineral resources, Continental Shelf—rights-of-way, Reporting and recordkeeping requirements, Sulfur.

For the reasons stated in the preamble, BSEE amends 30 CFR part 250 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 $55,764 per day per violation.

Adam G. Suess,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. 2025–17607 Filed 9–11–25; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0800]

RIN 1625–AA00

Safety Zone, Black River Bay, Sackets Harbor NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Black River Bay in Sackets Harbor, NY listed below. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by an Army HELOCAST Exercise where personnel will be jumping from a helicopter into the water. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Eastern Great Lakes.

DATES: This rule is effective daily from 9 a.m. until 2 p.m., on September 17, 2025 through September 19, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://regulations.gov,* type USCG–2025–0800 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email MST1 Shawn Keeman, Marine Safety Unit Thousand Islands, U.S. Coast Guard; telephone 315–322–8168, email *Shawn.R.Keeman@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 under the authority in 5 U.S.C. 553(b)(B). This statutory 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.'' The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the U.S. Army did not have an approved location from the village of Sackets Harbor until August 12, 2025. The Coast Guard lacks sufficient time to provide for a comment period and then consider those comments before issuing the rule since this rule is needed by September 17, 2025. It would be contrary to the public interest because immediate action is necessary to protect the safety of the public, and vessels transiting the waters of the Black River Bay in Sackets Harbor, NY.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule is impracticable because prompt action is needed to respond to the potential safety hazards associated with the Army HELOCAST Exercise.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Eastern Greats Lakes (COTP) has determined that potential hazards associated with Army HELOCAST Exercise starting September 17, 2024, will be a safety concern for anyone within a defined boundary off the shore of Black River Bay in Sackets Harbor, NY. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the exercise occurs.

IV. Discussion of the Rule

This rule establishes a safety zone from 9 a.m. until 2 p.m. from September 17, 2025, through September 19, 2025. The safety zone will cover all navigable waters from 43°57′1.4″ N, 76°07′32.7″ W then along the shoreline to 43°57′1.8″ N, 76°07′15.9″ W then north to 43°57′7.2″ N, 76°07′17″ W then west to 43°57′7.1″ N, 76°07′33.4″ W then south to the beginning point. These coordinates are based on the 1984 World Geodetic System (WGS 84). The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the exercise occurs. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules not subject to notice and comment. As the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in