

to debit the designated bank account identified to pay for postage through the Postal Service account of its choice. The agreement must have at least the following elements: Company Name (if applicable), Name and Title and Address of the person entering into the agreement, Contact Information (Phone Number, Fax Number and eMail Address as applicable), Date and Signature (or appropriate electronic signature evidence) of Agreement, Customer's Bank Name, Bank Routing Number, Account Number and Account Type (Checking or Savings, Business or Personal) being agreed to transact upon, an Attestation that the person submitting the form is authorized to act on behalf of the account, and Termination Date of the Agreement (if applicable). A revision period until August 31, 2024, will be provided to update agreement forms to include the minimum data elements listed. The agreement must be stored for at least two years after termination of the agreement, must be easily reproducible, and must be provided electronically to the Postal Service within three business days of electronic written request by the Postal Service in a format that can be easily and readily used for all NACHA and ACH related purposes including, without limitation, audit and defense of claims. The Postal Service will provide specific written guidance separately if requested. Failure to comply may result in revocation of access to applicable Postal Service ACH programs.

(4) *Credit cards.* Unless otherwise established in a written agreement between the Postal Service and the provider, the provider is fully responsible for its own credit card compliance.

\* \* \* \* \*

- (i) \* \* \*
(5) \* \* \*
(ii) \* \* \*

(C) Authorizes the PC Postage provider to disclose the customer's personal information to the Postal Service, and such other information retained by the PC Postage provider that may enable the Postal Service to collect debts owed to it, and has the proper authority to disclose such information;

\* \* \* \* \*

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2024-03079 Filed 2-23-24; 8:45 am]

BILLING CODE 7710-12-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3160 and 9230

[BLM\_HQ\_FRN\_MO4500177329]

RIN 1004-AE94

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 consistent with applicable Office of Management and Budget (OMB) guidance. The adjustments made by this final rule constitute the 2024 annual inflation adjustments and account for one year of inflation spanning the period from October 2022 through October 2023.

DATES: This rule is effective on February 26, 2024.

FOR FURTHER INFORMATION CONTACT: For information regarding the BLM's Fluid Minerals Program, please contact Yvette Fields, Division Chief, Fluid Minerals Division, telephone: 204-712-8358; email: yfields@blm.gov. For information regarding the BLM's Solid Minerals Program, please contact Rebecca Good, Acting Division Chief, Solid Minerals Division, telephone: 307-251-3487; email: rgood@blm.gov.

For questions relating to regulatory process issues, please contact Stephen Pollard, Division of Regulatory Affairs, email: 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
A. Administrative Procedure Act
B. Regulatory Planning and Review (Executive Orders 12866 and 13563)
C. Regulatory Flexibility Act

- D. Congressional Review Act
E. Unfunded Mandates Reform Act
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 2023.

OMB issued Memorandum M-24-07 on December 19, 2023, entitled, Implementation of Penalty Inflation Adjustments for 2024, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which explains agency responsibilities for identifying applicable penalties and calculating the annual adjustment for 2024 in accordance with the 2015 Act.

II. Calculation of 2024 Adjustments

In accordance with the 2015 Act and OMB Memorandum M-24-07, 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-24-07, the BLM divided the October 2023 CPI-U by the October 2022 CPI-U to calculate the multiplier. In this case, October 2023

CPI-U (307.671)/October 2022 CPI-U (298.012) = 1.03241. OMB Memorandum M-24-07 confirms that this is the proper multiplier. (OMB Memorandum M-24-07 at 1.) 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-24-07 (1.03241) 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	\$1,291	\$1,333
43 CFR 3163.2(b)(2)	If corrective action is not taken	12,924	13,343
43 CFR 3163.2(d)	If transporter fails to permit inspection for documentation	1,291	1,333
43 CFR 3163.2(e)	Failure to permit inspection, failure to notify	25,847	26,685
43 CFR 3163.2(f)	False or inaccurate documents; unlawful transfer or purchase	64,618	66,712
43 CFR 9239.5-3(f)(1)	Coal exploration for commercial purposes without an exploration license	4,838	4,995

**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-24-07 at 3).

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. 107, 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 paragraphs (b)(1) and (d), remove “\$1,291” and add in its place “\$1,333”.

■ b. In paragraph (b)(2), remove “\$12,924” and add in its place “\$13,343”.

■ c. In paragraph (e) introductory text, remove “\$25,847” and add in its place “\$26,685”.

■ d. In paragraph (f) introductory text, remove “\$64,618” and add in its place “\$66,712”.

**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 “\$4,838” and add in its place “\$4,995”.

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. 2024–03842 Filed 2–23–24; 8:45 am]

**BILLING CODE 4331–29–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

**49 CFR Part 372**

[Docket No. FMCSA–2023–0007]

**RIN 2126–AC57**

**Exemption From Operating Authority Regulations for Providers of Recreational Activities**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** FMCSA amends its regulations to implement the statutory exemption from its operating authority registration requirements for providers of recreational activities. The exemption applies to motor carriers operating a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached to the transport vehicle, if the motor vehicle is operated by a person that provides recreational activities within a 150 air-mile radius of the location at which passengers initially boarded the motor vehicle at the beginning of the trip. FMCSA also defines *recreational activities* to clarify the exemption, adopting, in response to a comment, a definition modified from that proposed in the notice of proposed rulemaking (NPRM).

**DATES:** This final rule is effective April 26, 2024.

Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than March 27, 2024.

**FOR FURTHER INFORMATION CONTACT:** Mr. Antonio Harris, Registration, Licensing and Insurance Division, Office of Research and Registration, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–2964; [antonio.harris@dot.gov](mailto:antonio.harris@dot.gov). If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.