

**Colorado (1)**

Trinidad State Junior College

**Florida (4)**

Florida International University  
Miami Dade College  
Nova Southeastern University  
Saint Thomas University

**Illinois (2)**

City Colleges of Chicago-Harold Washington  
College  
Triton College

**New Mexico (8)**

Central New Mexico Community College  
Eastern New Mexico University-Main  
Campus  
New Mexico Highlands University  
New Mexico Institute of Mining and  
Technology  
Northern New Mexico College  
Santa Fe Community College  
University of New Mexico-Main Campus  
Western New Mexico University

**New York (4)**

CUNY Bronx Community College  
CUNY City College  
CUNY LaGuardia Community College  
Mercy College

**Puerto Rico (15)**

Bayamon Central University  
Institute Tecnologico de Puerto Rico-Manati  
Inter American University of Puerto Rico-  
Aguadilla  
Inter American University of Puerto Rico-  
Bayamon  
Inter American University of Puerto Rico-  
Metro  
Inter American University of Puerto Rico-  
Ponce  
Inter American University of Puerto Rico-San  
German  
Pontifical Catholic University of Puerto Rico-  
Ponce  
Universidad Del Turabo  
Universidad Metropolitana  
University of Puerto Rico-Arecibo  
University of Puerto Rico-Humacao  
University of Puerto Rico-Medical Sciences  
Campus  
University of Puerto Rico-Rio Piedras  
Campus  
University of Puerto Rico-Utuado

**Texas (16)**

Houston Community College  
Lee College  
Midland College  
Palo Alto College  
South Plains College  
Southwest Texas Junior College  
Texas A&M International University  
Texas A&M University-Corpus Christi  
Texas A&M University-Kingsville  
Texas State Technical College-Harlingen  
University of Texas at Brownsville  
University of Texas at El Paso  
University of Texas at San Antonio  
University of Texas—Pan American  
University of Houston  
University of the Incarnate Word

**Washington (1)**

Wenatchee Valley College

Done in Washington, DC, this 26th day of  
October, 2012.

**Sonny Ramaswamy,**

*Director, National Institute of Food and  
Agriculture.*

[FR Doc. 2012-27739 Filed 11-15-12; 8:45 am]

**BILLING CODE 3410-22-P****FEDERAL RESERVE SYSTEM****12 CFR Part 263****[Docket No. R-1451]****Rules of Practice for Hearings**

**AGENCY:** Board of Governors of the  
Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the  
Federal Reserve System (the Board) is  
amending its rules of practice and  
procedure to adjust the amount of each  
civil money penalty (CMP) provided by  
law within its jurisdiction to account for  
inflation. This action is required under  
the Federal Civil Penalties Inflation  
Adjustment Act of 1990, as amended by  
the Debt Collection Improvement Act of  
1996.

**DATES:** This rule is effective November  
16, 2012.

**FOR FURTHER INFORMATION CONTACT:**  
Katherine H. Wheatley, Associate  
General Counsel (202) 452-3779, or  
Mehrnoush Bigloo, Attorney (202) 475-  
6361, Legal Division, Board of  
Governors of the Federal Reserve  
System, 20th and C Streets NW.,  
Washington, DC 20551. For users of  
Telecommunication Device for the Deaf  
(TDD) only, contact (202) 263-4869.

**SUPPLEMENTARY INFORMATION:****Federal Civil Penalties Inflation  
Adjustment Act**

The Federal Civil Penalties Inflation  
Adjustment Act of 1990, 28 U.S.C. 2461  
*note* (“FCPIA Act” or the “Act”), as  
amended by the Debt Collection  
Improvement Act of 1996, requires  
Federal agencies to adjust, by  
regulation, the CMPs within their  
jurisdiction by a prescribed inflation  
adjustment at least once every four  
years. The Board made its last  
adjustment to its CMPs on October 6,  
2008, *see* 73 FR 58,032, and on  
September 13, 2011, it incorporated into  
its regulation the penalties applicable to  
savings and loan holding companies  
over which it obtained supervisory  
authority pursuant to section 312 of the  
Dodd-Frank Wall Street Reform and  
Consumer Protection Act, *see* 76 FR  
56,604. The Board is issuing this final  
rule pursuant to the FCPIA Act to set

forth the newly-adjusted CMPs which  
will apply to violations that occur after  
the rule’s effective date.

The FCPIA Act defines the inflation  
adjustment as a cost-of-living  
adjustment based on the percentage  
change in the Consumer Price Index  
between June of the calendar year in  
which the particular CMP was last set  
or adjusted and June of the calendar  
year preceding the current adjustment  
(in this case, June 2011). The Act  
specifies the use of the Consumer Price  
Index for All Urban Consumers (CPI-U)  
published by the Department of Labor.  
Accordingly, to obtain the percent  
inflation adjustment for each CMP  
within the Board’s jurisdiction, we  
calculated the percent change in the  
CPI-U between June of the year in  
which the CMP was last adjusted and  
June 2011.<sup>1</sup> Then, using the relevant  
percent inflation adjustment, we  
calculated the inflation increase for each  
CMP.<sup>2</sup> The Act requires the rounding of  
any calculated increase pursuant to the  
method prescribed in Section 5(a) of the  
Act.<sup>3</sup> In the case of the majority of the  
Board’s CMPs, the calculated increase  
was rounded down to zero, resulting in  
no adjustment to the CMP. These  
unadjusted penalties include the  
penalty for certain late, false or  
misleading reports under 12 U.S.C. 324,  
the first and second tier penalties under  
12 U.S.C. 504, 505, 1817(j)(16),  
1818(i)(2), and 1972(2)(F), the penalties  
under 12 U.S.C. 1820(k)(6)(A)(ii),  
1832(c), 1847(b), 3110(a), 334, 374a,  
1884, 3909(d), 1467a(i)(2), 1467a(i)(3),  
and 1467a(r)(2), the second tier  
penalties under 12 U.S.C. 1847(d) and  
3110(c), the penalties under 15 U.S.C.

<sup>1</sup> This resulted in a 3.2 percent inflation  
adjustment for penalties that were last adjusted in  
2008, a 19 percent inflation adjustment for penalties  
that were last adjusted in 2004, a 30.9 percent  
inflation adjustment for penalties that were last  
adjusted in 2000, and a 44 percent inflation  
adjustment for penalties that were last adjusted in  
1996.

<sup>2</sup> Because the Biggert-Waters Flood Insurance  
Reform Act of 2012, Public Law 112-141, 126 Stat.  
405, amended 42 U.S.C. 4012a(f)(5) by increasing  
the CMP for each violation under 42 U.S.C. 4012a(f)  
to \$2,000, the Board did not calculate an inflation  
adjustment for this CMP. It should also be noted  
that the amendment to 42 U.S.C. 4012a(f)(5)  
removed the \$100,000 calendar-year limit on  
penalties assessed against any regulated lending  
institution or enterprise.

<sup>3</sup> Section 5(a) of the Act requires that any  
calculated increase be rounded to the nearest  
multiple of: \$10 in the case of penalties less than  
or equal to \$100; \$100 in the case of penalties  
greater than \$100 but less than or equal to \$1,000;  
\$1,000 in the case of penalties greater than \$1,000  
but less than or equal to \$10,000; \$5,000 in the case  
of penalties greater than \$10,000 but less than or  
equal to \$100,000; \$10,000 in the case of penalties  
greater than \$100,000 but less than or equal to  
\$200,000; and \$25,000 in the case of penalties  
greater than \$200,000. 28 U.S.C. 2461 *note*, Sec.  
5(a).

78u-2(b)(1) and (2), and the penalty for a natural person under 15 U.S.C. 78u-2(b)(3). The penalties that are not adjusted at this time because of this rounding formula will be subject to adjustment at the next adjustment cycle to take account of the entire period since their last adjustment.

The following is an example of the methodology for adjusting CMPs, using the penalty for a first tier violation of 12 U.S.C. 1847(d). First, because that CMP was last adjusted in 2000, we calculated the percent increase between the CPI-U for June 2000 (172.4) and the CPI-U for June 2011 (225.72). We then took that percentage (30.9%) and multiplied it by the current CMP amount of \$2,200 to obtain an inflation increase of \$679.80. Because the current CMP amount is greater than \$1,000 but less than \$10,000, the Act requires us to round the inflation increase to the nearest multiple of \$1,000. Rounding \$679.80 to the nearest multiple of \$1,000 yields \$1,000. Accordingly, the increase to the \$2,200 penalty for a first tier violation of 12 U.S.C. 1847(d) is \$1,000, resulting in an adjusted CMP of \$3,200.

#### Administrative Procedure Act

This rule is not subject to the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553, requiring notice, public participation, and deferred effective date. The FCPIA Act provides Federal agencies with no discretion in the adjustment of CMPs to the rate of inflation, and it also requires that adjustments be made at least every four years. Moreover, this regulation is ministerial and technical. For these reasons, the Board finds good cause to determine that public notice and comment for this new regulation is unnecessary, impracticable, and contrary to the public interest, pursuant to the APA, 5 U.S.C. 553(b)(3)(B). These same reasons also provide the Board with good cause to adopt an effective date for this regulation that is less than 30 days after the date of publication in the **Federal Register**, pursuant to the APA, 5 U.S.C. 553(d)(3).

#### Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, applies only to rules for which an agency publishes a general notice of proposed rulemaking. Because the Board has determined for good cause that a notice of proposed rulemaking for this rule is unnecessary, the Regulatory Flexibility Act does not apply to this final rule.

#### Paperwork Reduction Act

There is no collection of information required by this final rule that would be

subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

#### List of Subjects in 12 CFR Part 263

Administrative practice and procedure, Claims, Crime, Equal Access to Justice, Lawyers, Penalties.

#### Authority and Issuance

For the reasons set forth in the preamble, the Board of Governors amends 12 CFR part 263 as follows:

#### PART 263—RULES OF PRACTICE FOR HEARINGS

■ 1. The authority citation for part 263 continues to read as follows:

**Authority:** 5 U.S.C. 504, 554–557; 12 U.S.C. 248, 324, 504, 505, 1464, 1467, 1467a, 1468, 1817(j), 1818, 1820(k), 1828(c), 1829(e), 1831o, 1831p–1, 1847(b), 1847(d), 1884(b), 1972(2)(F), 3105, 3107, 3108, 3349, 3907, 3909, 4717; 15 U.S.C. 21, 78(1), 78o–4, 78o–5, 78u–2; 28 U.S.C. 2461 *note*; 31 U.S.C. 5321; and 42 U.S.C. 4012a.

■ 2. Section 263.65 is revised to read as follows:

#### § 263.65 Civil penalty inflation adjustments.

(a) *Inflation Adjustments.* In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 *note*, the Board has set forth in paragraph (b) of this section the adjusted maximum amounts for each civil money penalty provided by law within the Board's jurisdiction. The authorizing statutes contain the complete provisions under which the Board may seek a civil money penalty. The adjusted civil money penalties apply only to violations occurring after the effective date of this rule.

(b) *Maximum civil money penalties.* The maximum civil money penalties as set forth in the referenced statutory sections are as follows:

- (1) 12 U.S.C. 324:
  - (i) Inadvertently late, false or misleading reports, *inter alia*—\$3,200.
  - (ii) Other late, false or misleading reports, *inter alia*—\$32,000.
  - (iii) Knowingly or recklessly false or misleading reports, *inter alia*—\$1,425,000.
- (2) 12 U.S.C. 504, 505, 1817(j)(16), 1818(i)(2) and 1972(2)(F):
  - (i) First tier—\$7,500.
  - (ii) Second tier—\$37,500.
  - (iii) Third tier—\$1,425,000.
- (3) 12 U.S.C. 1820(k)(6)(A)(ii)—\$275,000.
- (4) 12 U.S.C. 1832(c)—\$1,100.
- (5) 12 U.S.C. 1847(b), 3110(a)—\$37,500.
- (6) 12 U.S.C. 1847(d), 3110(c):
  - (i) First tier—\$3,200.
  - (ii) Second tier—\$32,000.

- (iii) Third tier—\$1,425,000.
- (7) 12 U.S.C. 334, 374a, 1884—\$110.
- (8) 12 U.S.C. 3909(d)—\$1,100.
- (9) 15 U.S.C. 78u–2:
  - (i) 15 U.S.C. 78u–2(b)(1)—\$7,500 for a natural person and \$70,000 for any other person.
  - (ii) 15 U.S.C. 78u–2(b)(2)—\$70,000 for a natural person and \$350,000 for any other person.
  - (iii) 15 U.S.C. 78u–2(b)(3)—\$140,000 for a natural person and \$700,000 for any other person.
- (10) 42 U.S.C. 4012a(f)(5)—\$2,000.
- (11) 12 U.S.C. 1467a(i):
  - (i) 12 U.S.C. 1467a(i)(2)—\$32,500.
  - (ii) 12 U.S.C. 1467a(i)(3)—\$32,500.
- (12) 12 U.S.C. 1467a(r):
  - (i) 12 U.S.C. 1467a(r)(1)—\$3,200.
  - (ii) 12 U.S.C. 1467a(r)(2)—\$32,500.
  - (iii) 12 U.S.C. 1467a(r)(3)—\$1,425,000.

By order of the Board of Governors of the Federal Reserve System, November 9, 2012.

**Robert deV. Frierson,**  
*Secretary of the Board.*

[FR Doc. 2012–27857 Filed 11–15–12; 8:45 am]

**BILLING CODE 6210–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2012–0652; Airspace Docket No. 12–ACE–4]

#### Amendment of Class E Airspace; Anthony, KS

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace at Anthony, KS. Additional controlled airspace is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Anthony Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

**DATES:** *Effective date:* 0901 UTC, January 10, 2013. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7716.