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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

7 CFR Part 3434

RIN 0524-AA39

Hispanic-Serving Agricultural Colleges and Universities (HSACU)

AGENCIES: National Institute of Food and Agriculture, USDA.

ACTION: Final rule.

SUMMARY: This rule updates our regulations to show a list of institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2012 and ending September 30, 2013.

DATES: This rule is effective November 16, 2012 and applicable October 1, 2012.

FOR FURTHER INFORMATION CONTACT: Matthew Lockhart; Senior Policy Specialist; National Institute of Food and Agriculture; U.S. Department of Agriculture; STOP 2299; 1400 Independence Avenue SW.; Washington, DC 20250-2299; Voice: 202-559-5088; Fax: 202-401-7752; Email: mlockhart@nifa.usda.gov.

SUPPLEMENTARY INFORMATION:

HSACU Institutions for Fiscal Year 2013

This rule makes changes to the existing list of institutions in Appendix B of 7 CFR part 3434. The list of institutions is amended to reflect the institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2012, and ending September 30, 2013.

Certification Process

As stated in 7 CFR part 3434, an institution must meet the following

criteria to receive HSACU certification: (1) Be a Hispanic-Serving Institution (HSI), (2) offer agriculture-related degrees, and (3) award at least 15% of agriculture-related degrees to Hispanic students over the two most recent academic years.

NIFA obtained the latest report from the U.S. Department of Education's National Center for Education Statistics that lists all HSIs and the degrees conferred by these institutions (completions data) during the 2010-11 academic year. NIFA used this report to identify HSIs that conferred a degree in an instructional program that appears in Appendix A of 7 CFR part 3434 and to confirm that over the 2009-10 and 2010-11 academic years at least 15% of the degrees in agriculture-related fields were awarded to Hispanic students.

The updated list of HSACUs is based on (1) completions data from 2009-10 and 2010-11, and (2) enrollment data from Fall 2011. NIFA identified 80 institutions that will meet the eligibility criteria and receive HSACU certification for FY 2013 (October 1, 2012 to September 30, 2013).

Appeal Process

NIFA will permit HSIs that are not granted HSACU certification to submit an appeal within 30 days of the publication of this notice. The appellant must submit a request for review to the NIFA official specified in this notice with details on the nature of the disagreement and include supporting documents.

Classification

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.*, or the Congressional Review Act, 5 U.S.C. 801 *et seq.*, and thus is exempt from the provisions of those Acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 3434

Administrative practice and procedure; Agricultural research, education, extension; Hispanic-Serving Institutions; Federal assistance.

Title 7, part 3434 of the Code of Federal Regulations is amended accordingly as set forth below:

PART 3434—HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES CERTIFICATION PROCESS

■ 1. The authority citation for Part 3434 continues to read as follows:

Authority: 7 U.S.C. 3103.

■ 2. Revise Appendix B to part 3434 to read as follows:

Appendix B to Part 3434—List of HSACU institutions, 2012-2013.

The institutions listed in this appendix are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2012, and ending September 30, 2013. Institutions are listed alphabetically under the state of the school's location, with the campus indicated where applicable.

Arizona (3)

Central Arizona College
Phoenix College
Pima Community College

California (26)

Allan Hancock College
Bakersfield College
California State Polytechnic University-Pomona
California State University-Bakersfield
California State University-Fresno
California State University-Fullerton
California State University-Long Beach
California State University-Monterey Bay
California State University-San Bernardino
College of the Sequoias
Fullerton College
Golden West College
Hartnell College
Imperial Valley College
MiraCosta College
Modesto Junior College
Monterey Peninsula College
Mt. San Antonio College
Porterville College
Reedley College
San Diego Mesa College
San Joaquin Delta College
Santa Ana College
Southwestern College
West Hills College Coalinga
Whittier College

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 2011.¹ Then, using the relevant
percent inflation adjustment, we
calculated the inflation increase for each
CMP.² The Act requires the rounding of
any calculated increase pursuant to the
method prescribed in Section 5(a) of the
Act.³ 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.

¹ 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.

² 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.

³ 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).