

provided that “[t]he first adjustment of a civil monetary penalty \* \* \* may not exceed 10 percent of such penalty.”

Although there is one penalty for which an initial adjustment is being made, 12 U.S.C. 1820(k)(6)(A)(ii), due to the effect of the rounding rules, the calculated dollar amount increase in the penalty is the same as a 10 percent increase in this case.

#### Public Comment Not Required

This rule is not subject to the provisions of 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, impractical, and contrary to the public interest, pursuant to the Administrative Procedure Act (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).

#### Regulatory Flexibility Act

The Regulatory Flexibility Act applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). See 5 U.S.C. 601(2). Because the Board has determined for good cause that the APA does not require public notice and comment on this final rule, we are not publishing a general notice of proposed rulemaking. Thus, the Regulatory Flexibility Act does not apply to this final rule.

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 35; 5 CFR Part 1320 Appendix A.1), the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

#### 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 to read as follows:

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

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

**Authority:** 5 U.S.C. 504; 12 U.S.C. 248, 324, 504, 505, 1817(j), 1818, 1820(k), 1828(c), 1831o, 1831p-1, 1847(b), 1847(d), 1884(b), 1972(2)(F), 3105, 3107, 3108, 3907, 3909; 15 U.S.C. 21, 78o-4, 78o-5, 78u-2; and 28 U.S.C. 2461 *note*.

■ 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 adjusted maximum penalty amounts for each civil money penalty provided by law within its jurisdiction. The adjusted civil penalty amounts provided in paragraph (b) of this section replace only the amounts published in the statutes authorizing the assessment of penalties and the previously-adjusted amounts adopted as of October 12, 2004, October 12, 2000, and October 24, 1996. The authorizing statutes contain the complete provisions under which the Board may seek a civil money penalty. The increased penalty amounts 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 or misleading reports, *inter alia*—\$2,200.
  - (ii) Other late or misleading reports, *inter alia*—\$32,000.
  - (iii) Knowingly or recklessly false or misleading reports, *inter alia*—\$1,375,000.
- (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—\$1,375,000.
- (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—\$2,200.
  - (ii) Second tier—\$32,000.
  - (iii) Third tier—\$1,375,000.
- (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 \$675,000 for any other person.

(10) 42 U.S.C. 4012a(f)(5):

(i) For each violation—\$385.

(ii) For the total amount of penalties assessed under 42 U.S.C. 4012a(f)(5) against an institution or enterprise during any calendar year—\$135,000.

By order of the Board of Governors of the Federal Reserve System, October 1, 2008.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. E8-23527 Filed 10-3-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-24825; Directorate Identifier 2006-NE-17-AD; Amendment 39-15623; AD 2008-16-05]

RIN 2120-AA64

#### Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (RRD) Dart 528, 529, 532, 535, 542, and 552 Series Turboprop Engines; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting airworthiness directive (AD) 2008-16-05. That AD applies to RRD Dart 528, 529, 532, 535, 542, and 552 Series turboprop engines. We published that AD in the **Federal Register** on July 31, 2008 (73 FR 44630). The superseded AD number in paragraph (b) in the regulatory section is incorrect. This document corrects that superseded AD number. In all other respects, the original document remains the same.

**DATES:** *Effective Date:* Effective October 6, 2008.

**FOR FURTHER INFORMATION CONTACT:** Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: [jason.yang@faa.gov](mailto:jason.yang@faa.gov); telephone (781) 238-7747; fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** On July 31, 2008 (73 FR 44630), we published a final rule AD, FR Doc. E8-17423, in the **Federal Register**. That AD applies to

RRD Dart 528, 529, 532, 535, 542, and 552 Series turboprop engines. We need to make the following correction:

**§ 39.13 [Corrected]**

On page 44631, in the second column, in paragraph (b) of the regulatory section, “2007–02–17” is corrected to read “2007–02–07”.

Issued in Burlington, Massachusetts, on September 29, 2008.

**Thomas A. Boudreau,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. E8–23511 Filed 10–3–08; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Parts 742, 744 and 774**

[Docket No. 080307397–81237–01]

**RIN 0694–AE33**

**Revisions to the Export Administration Regulations Based Upon a Systematic Review of the CCL**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Export Administration Regulations (EAR) to make revisions to the EAR as a result of a systematic review of the Commerce Control List (CCL) that was conducted by the Bureau of Industry and Security (BIS). This rule is the second phase of the regulatory implementation of the results of a review of the CCL that was conducted by BIS starting in 2007. The BIS CCL review benefited from input received from BIS’s Technical Advisory Committees (TACs) and comments that were received from the interested public in response to the publication of a BIS notice of inquiry on July 17, 2007. The revisions in this rule include clarifications to existing controls, eliminating redundant or outdated controls, establishing more focused and rationalized controls, and adding additional controls for clarity or for consistency with international regimes.

**DATES:** *Effective Date:* This rule is effective: October 6, 2008. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

**ADDRESSES:** You may submit comments, identified by RIN 0694–AE33, by any of the following methods:

- *E-mail:* [publiccomments@bis.doc.gov](mailto:publiccomments@bis.doc.gov) Include

“RIN 0694–AE33” in the subject line of the message.

- *Fax:* (202) 482–3355. Please alert the Regulatory Policy Division, by calling (202) 482–2440, if you are faxing comments.

- *Mail or Hand Delivery/Courier:* Timothy Mooney, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, *Attn:* RIN 0694–AE33.

Send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by e-mail to [jseehra@omb.eop.gov](mailto:jseehra@omb.eop.gov), or by fax to (202) 395–7285; and to the U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230.

Comments on this collection of information should be submitted separately from comments on the final rule (i.e. RIN 0694–AE33)—all comments on the latter should be submitted by one of the three methods outlined above.

**FOR FURTHER INFORMATION CONTACT:** Timothy Mooney, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce; by telephone: (202) 482–2440; or by fax: 202–482–3355.

**SUPPLEMENTARY INFORMATION**

**Background**

This rule amends the EAR to make various revisions as a result of a systematic review of the CCL that was conducted by BIS. This rule is the second phase of the regulatory implementation of the results of that systematic review of the CCL that was conducted by BIS beginning in 2007. The CCL review benefited from input received from BIS’s Technical Advisory Committees (TACs) and public comments received in response to a notice of inquiry (July 17, 2007, 72 FR 39052).

On April 18, 2008, BIS published the first phase of the regulatory implementation of the CCL review in a rule titled, “Technical Corrections to the Export Administration Regulations based upon a Systematic Review of the CCL” (73 FR 21035). The first CCL review rule focused on making needed technical corrections and clarifications to the CCL. This rule, the second CCL review rule, makes substantive revisions to the EAR, including the CCL. The revisions to the CCL in this rule are

divided into four types of revisions in this background section of the preamble: (I) *Clarifications to Existing Controls*, (II) *Eliminating Redundant or Outdated Controls*, (III) *Establishing More Focused and Rationalized Controls*, and (IV) *Adding Additional Controls for Clarity or for Consistency with International Regimes*.

As a part of the implementation phase of the CCL review, the agency has also taken other non-regulatory actions to improve the public’s understanding of the CCL. These BIS actions have involved publishing certain advisory opinions and creating new web guidance to provide greater clarity to exporters and reexporters regarding existing provisions of the CCL. BIS has also created a new process whereby it has stated its intention to conduct similar types of systematic reviews of the CCL in the future in order to continuously improve the CCL.

This rule makes the following revisions to the Export Administration Regulations (EAR):

1. In Supplement No. 7 to part 742 (Description of Major Weapons Systems), under paragraph (7)(c) (Missiles and Missile Launchers), this rule adds the phrase “except model airplanes” to clarify that the unmanned aerial vehicles (UAVs) subject to this paragraph do not include model airplanes.

2. In § 744.21 (Restrictions on Certain Military End-Uses in the People’s Republic of China (PRC)), this rule makes two changes under paragraph (a) (General Prohibition) to clarify the intended scope of the items subject to this end-use control. Under the introductory text of paragraph (a), this rule clarifies that the items that are subject to the general prohibition are any items listed in Supplement No. 2 to part 744 that are subject to the EAR. Adding the phrase “subject to the EAR” will clarify that this prohibition does not extend to items that are not subject to the EAR, such as information that is publicly available. This change is needed because the § 772.1 definition of the term “item” does not distinguish between those items that are subject to the EAR and those that are not. Given this broad definition, in this paragraph the term “item” should be qualified with the phrase “subject to the EAR”.

The Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR) is amended by making various substantive revisions to the CCL that are divided below into four types of revisions: (I) *Clarifications to Existing Controls*, (II) *Eliminating Redundant or Outdated Controls*, (III) *Establishing More Focused and Rationalized*