

(v) Multiples of \$10,000 in the case of penalties greater than \$100,000 but less than or equal to \$200,000; and

(vi) Multiples of \$25,000 in the case of penalties greater than \$200,000.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, the initial adjustment for each penalty is capped at 10%.

(c) *Adjustment to penalties.* The civil monetary penalties provided by law within the jurisdiction of DHS, as set forth in this paragraph (c)(1) through (14), are adjusted in accordance with the inflation adjustment procedures prescribed in section 5 of the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101-410, effective for violations occurring on or after January 3, 2012 as follows:

(1) Section 231(g) of the Act, Penalties for non-compliance with arrival and departure manifest requirements for passengers, crewmembers, or occupants transported on commercial vessels or aircraft arriving to or departing from the United States: From \$1,000 to \$1,100.

(2) Section 234 of the Act, Penalties for non-compliance with landing requirements at designated ports of entry for aircraft transporting aliens: From \$2,200 to \$3,200.

(3) Section 240B(d) of the Act, Penalties for failure to depart voluntarily: From \$1,000 minimum/\$5,000 maximum to \$1,100 minimum/\$5,500 maximum.

(4) Section 243(c)(1) of the Act, Penalties for violations of removal orders relating to aliens transported on vessels or aircraft, under section 241(d) of the Act, or for costs associated with removal under section 241(e) of the Act, from \$2,000 to \$2,200; and penalties for failure to remove alien stowaways under section 241(d)(2), from \$5,000 to \$5,500.

(5) Section 251(d) of the Act, Penalties for failure to report an illegal landing or desertion of alien crewmen, and for each alien not reported on arrival or departure manifest and lists in accordance with section 251 of the Act: From \$220 to \$320; and penalties for use of alien crewmen for longshore work in violation of section 251(d) of the Act: From \$5,500 to \$7,500.

(6) Section 254(a) of the Act, Penalties for failure to control alien crewmen: From \$550 minimum/\$3,300 maximum to \$750 minimum/\$4,300 maximum.

(7) Section 255 of the Act, Penalties for employment on passenger vessels of aliens afflicted with certain disabilities: Remains at \$1,100.

(8) Section 256 of the Act, Penalties for discharge of alien crewmen: From \$1,500 minimum/\$3,300 maximum to \$1,500 minimum/\$4,300 maximum.

(9) Section 257 of the Act, Penalties for bringing into the United States alien crewmen with intent to evade immigration laws: From \$11,000 maximum to \$16,000 maximum.

(10) Section 271(a) of the Act, Penalties for failure to prevent the unauthorized landing of aliens: From \$3,300 to \$4,300.

(11) Section 272(a) of the Act, Penalties for bringing to the United States aliens subject to denial of admission on a health-related ground: From \$3,300 to \$4,300.

(12) Section 273(b) of the Act, Penalties for bringing to the United States aliens without required documentation: From \$3,300 to \$4,300.

(13) Section 274D of the Act, Penalties for failure to depart: From \$500 to \$550, for each day the alien is in violation.

(14) Section 275(b) of the Act, Penalties for improper entry: From \$50 minimum/\$250 maximum to \$55 minimum/\$275 maximum, for each entry or attempted entry.

## Department of Justice

### 8 CFR CHAPTER V

For the reasons stated in the preamble, the Attorney General amends part 1280 of title 8 of the Code of Federal Regulations, as set forth below.

#### PART 1280—IMPOSITION AND COLLECTION OF FINES

■ 1. The authority citation for part 1280 is revised to read as follows:

**Authority:** 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221-223, 226, 227, 230; Pub. L. 101-410, 104 Stat. 890, as amended by Pub. L. 104-134, 110 Stat. 1321.

■ 2. Section 1280.1 is revised to read as follows:

#### § 1280.1 Review of fines and civil monetary penalties imposed by DHS.

(a) *Applicable regulations.* The regulations of the Department of Homeland Security (DHS) relating to the imposition of certain fines and civil monetary penalties under provisions of the Immigration and Nationality Act, including sections 231(g), 234, 240B(d), 241(d) and (e), 243(c)(1), 251(d), 254(a), 255, 256, 257, 271(a), 272(a), 273(b), 274D, and 275(b), are contained in 8 CFR part 280.

(b) *Adjudication of civil monetary penalty proceedings.* The Board of Immigration Appeals (Board) has appellate authority to review DHS decisions involving fines and civil monetary penalties imposed under 8 CFR part 280, as provided under 8 CFR part 1003. The regulations in 8 CFR part

280 governing the imposition of certain fines and civil monetary penalties are applicable in such proceedings before the Board.

(c) *Civil monetary penalties under sections 274A, 274B, or 274C.* For regulations relating to civil monetary penalties imposed under sections 274A, 274B, or 274C of the Act, see 8 CFR parts 274a and 1274a and 28 CFR part 68.

■ 3. Sections 1280.2 through 1280.7 are removed.

■ 4. Sections 1280.11 through 1280.15 are removed.

■ 5. Section 1280.21 is removed.

■ 6. Sections 1280.51 through 1280.53 are removed.

Janet Napolitano,  
Secretary.

Eric H. Holder, Jr.,  
Attorney General.

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50 and 52

RIN 3150-A110

[NRC-2008-0122]

#### Making Changes to Emergency Plans for Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a new regulatory guide (RG) 1.219, "Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors." This guide describes a method that the NRC staff considers acceptable to implement the requirements that relate to emergency preparedness and specifically to making changes to emergency response plans.

**DATES:** December 1, 2011.

**ADDRESSES:** You can access publicly available documents related to this regulatory guide using the following methods:

- *NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at

<http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-(800) 397-4209, (301) 415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The regulatory guide is available in ADAMS under Accession Number ML102510626. The regulatory analysis may be found in ADAMS under Accession Number ML102510560.

• **Federal Rulemaking Web Site:** Public comments and supporting materials related to this regulatory guide can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2008-0122.

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**FOR FURTHER INFORMATION CONTACT:** Edward O'Donnell, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: (301) 251-7455, email: [Edward.ODonnell@nrc.gov](mailto:Edward.ODonnell@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The NRC is issuing a new guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

This guide describes a method that the NRC staff considers acceptable to implement the requirements in Title 10, Section 50.54(q), of the *Code of Federal Regulations* (10 CFR) part 50, "Domestic Licensing of Production and Utilization Facilities." Requirements in 10 CFR 50.54(q), "Conditions of Licenses," relate to emergency preparedness and specifically to making changes to emergency response plans.

##### II. Further Information

Draft Guide (DG)-1237 was published in the **Federal Register** on May 18, 2009 (74 FR 23220), for a 60 day public comment period. The public comment period closed on August 3, 2009. Public comments on DG-1237 and the staff responses to the public comments are

available in ADAMS under Accession Number ML102520241.

##### III. Backfitting and Issue Finality

This regulatory guide provides the NRC's first guidance on compliance with the revised provisions of 10 CFR 50.54(q). This regulation was recently published in the **Federal Register** (76 FR 72560; November 23, 2011) and will become effective on December 23, 2011. Licensees must implement the amended 10 CFR 50.54(q) by January 23, 2012. The statement of considerations for the final rule that amended 10 CFR 50.54(q) discussed compliance with applicable backfitting provisions (76 FR 72560; November 23, 2011 at Page 72594). The first issuance of guidance on a new rule does not constitute backfitting, inasmuch as the guidance must be consistent with the regulatory requirements in the new rule and the backfitting considerations applicable to the new rule must, as a matter of logic, also be applicable to this newly-issued guidance. Therefore, issuance of this new regulatory guide does not constitute issuance of "new" guidance within the meaning of the definition of "backfitting" in 10 CFR 50.109(a)(1), nor does the issuance of this new regulatory guide, by itself, constitute an action inconsistent with any of the issue finality provisions in 10 CFR part 52.

Dated at Rockville, Maryland, this 21st day of November 2011.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2011-30902 Filed 11-30-11; 8:45 am]

**BILLING CODE 7590-01-P**

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## FEDERAL RESERVE SYSTEM

### 12 CFR Part 225

[Regulation Y; Docket No. R-1425]

RIN 7100-AD 77

#### Capital Plans

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

**ACTION:** Final rule.

**SUMMARY:** The Board is adopting amendments to Regulation Y to require large bank holding companies to submit capital plans to the Federal Reserve on an annual basis and to require such bank holding companies to obtain approval from the Federal Reserve under certain circumstances before making a capital distribution. This rule applies only to bank holding companies

with \$50 billion or more of total consolidated assets.

**DATES:** The final rule will become effective on December 30, 2011.

**FOR FURTHER INFORMATION CONTACT:** Benjamin W. McDonough, Senior Counsel, (202) 452-2036, April C. Snyder, Senior Counsel, (202) 452-3099, or Christine E. Graham, Senior Attorney, (202) 452-3005, Legal Division; Timothy P. Clark, Senior Advisor, (202) 452-5264, Michael Foley, Senior Associate Director, (202) 452-6420, Anna Lee Hewko, Assistant Director, (202) 530-6260, or Thomas R. Boemio, Manager, (202) 452-2982, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Users of Telecommunication Device for Deaf (TDD) only, call (202) 263-4869.

#### SUPPLEMENTARY INFORMATION:

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##### I. Background

On June 17, 2011, the Board published a proposal in the **Federal Register** to require large bank holding companies to submit capital plans to the Federal Reserve on an annual basis and to require such bank holding companies to provide prior notice to the Federal Reserve under certain circumstances before making a capital distribution (the proposed rule or NPR).<sup>1</sup> The public comment period on the proposed rule closed on August 5, 2011. The Board is adopting the rule in final form with certain modifications that are discussed below (final rule).<sup>2</sup> The final rule

<sup>1</sup> 76 FR 35351 (June 17, 2011).

<sup>2</sup> The amendments to Regulation Y are codified at 12 CFR 225.8. As discussed in section VI of this preamble, the rule also makes conforming changes to section 225.4(b) of Regulation Y (12 CFR 225.4(b)).