

this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 7, 2012.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart F—California**

■ 2. Section 52.220 is amended by adding paragraphs (c)(411)(i)(B)(2) and (3) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

- (c) \* \* \*
- (411) \* \* \*
- (i) \* \* \*
- (B) \* \* \*

(2) Rule 4402, “Crude Oil Production Sumps,” amended on December 15, 2011.

(3) Rule 4625, “Wastewater Separators,” amended on December 15, 2011.

\* \* \* \* \*

[FR Doc. 2012-25810 Filed 10-19-12; 8:45 am]

**BILLING CODE 6560-50-P**

**GENERAL SERVICES ADMINISTRATION**

**41 CFR Parts 300-3, 301-2, 301-10, 301-11, 301-52, 301-70 and 301-71**

**[FTR Amendment 2012-01; FTR Case 2011-301; Docket 2011-0018, Sequence 1]**

**RIN 3090-AJ11**

**Federal Travel Regulation; Per Diem, Miscellaneous Amendments**

**AGENCY:** Office of Government-wide Policy, General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** GSA has adopted as final, an interim rule amending the Federal Travel Regulation (FTR) by changing, updating, and clarifying various provisions regarding temporary duty (TDY) travel. These changes include adjusting the definition of incidental expenses; clarifying necessary deduction amounts from the meals and incidental expense (M&IE) reimbursement on travel days; extending agencies the authority to issue blanket actual expense approval for TDY travel during Presidentially-Declared Disasters; and updating other miscellaneous provisions.

**DATES:** *Effective Date:* October 22, 2012.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Cy Greenidge, Program Analyst, Office of Government-wide Policy, at (202) 219-2349. Please cite FTR Amendment 2011-03; FTR Case 2011-301.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

GSA reviewed the FTR for accuracy and currency and is consequently publishing this amendment to update certain sections in Chapters 300 and 301 that pertain to definitions, web addresses, meal deductions, miscellaneous expenses, and other travel-related clarifications and updates. This amendment also adds a section that permits agencies to issue blanket actual expense authorizations for any employee who performs TDY travel in an area subject to a Presidentially-Declared Disaster.

Accordingly, this final rule amends the FTR by:

1. *Section 300-3.1*—Revising the term “Incidental expenses” under the definition for “Per diem allowance.” These changes permit reimbursement of fees and tips, exclude mailing costs associated with filing travel vouchers and charge card bill payments, and remove the current transportation reimbursement as this expense is reimbursable via separate provisions in FTR part 301-10.

2. *Section 301-2.5*—Referencing the new blanket actual expense authorization pursuant to 301-70.201.

3. *Section 301-10.421*—Updating the heading to include valet parking attendants.

4. *Section 301-11.6*—Updating regulatory references and web address

information in the table pertaining to maximum per diem rates and actual expense rates.

5. *Section 301-11.7*—Changing the term “lodging location” to “lodging facility” in determining maximum per diem reimbursement rates.

6. *Section 301-11.18*—Indicating that for Government-provided meals on travel days, the entire allocated meal amount must be deducted from the decreased 75 percent rate.

7. *Section 301-11.26*—Revising to focus on how to request a review of a location’s per diem rate.

8. *Section 301-11.29*—Updating the web address for state tax exemption information.

9. *Section 301-11.30*—Referencing the new blanket actual expense authorization pursuant to 301-70.201.

10. *Section 301-11.300*—Revising “natural disasters” to read “natural or manmade disasters” and adding Presidentially-Declared Disasters to the list of special events warranting actual expense reimbursement.

11. *Section 301-11.301*—Referencing the new blanket actual expense authorization pursuant to 301-70.201.

12. *Section 301-11.302*—Referencing the new blanket actual expense authorization pursuant to 301-70.201.

13. *Section 301-52.4*—Removing the reference to a “fixed reduced per diem allowance.”

14. *Section 301-70.200*—Referencing the new blanket actual expense authorization pursuant to 301-70.201.

15. *Section 301-70.201*—Adding a new section which gives agencies the authority to issue a blanket authorization for actual expense reimbursement in the event of a Presidentially-Declared Disaster.

16. *Section 301-71.105*—Referencing the new blanket actual expense authorization pursuant to 301-70.201.

**B. Summary of Comments Received**

GSA received no comments on the interim rule published in the **Federal Register** on September 7, 2011 (76 FR 55273).

**C. Executive Order 12866 and Executive Order 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of

harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

#### D. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the revisions are not considered substantive. This final rule is also exempt from the Regulatory Flexibility Act per 5 U.S.C. 553 (a)(2) because it applies to agency management. However, this final rule is being published to provide transparency in the promulgation of Federal policies.

#### E. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FTR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

#### F. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

#### List of Subjects in 41 CFR Parts 300–3, 301–2, 301–10, 301–11, 301–52, 301–70 and 301–71

Government employees, Travel and per diem expenses, Administrative practices and procedures.

Dated: July 5, 2012.

**Dan Tangherlini,**

*Acting Administrator of General Services.*

#### Interim Rule Adopted as Final Without Changes

Accordingly, the interim rule amending 41 CFR Parts 300–3, 301–2, 301–10, 301–11, 301–52, 301–70, and 301–71, which was published in the **Federal Register** at 76 FR 55273 on September 7, 2011, is adopted as a final rule with no changes.

[FR Doc. 2012–25945 Filed 10–19–12; 8:45 am]

**BILLING CODE 6820–14–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1022

[Docket No. EP 716]

#### Civil Monetary Penalty Inflation Adjustment Rule

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (Board) is issuing a final rule to adjust the Board's civil monetary penalties for inflation on a periodic basis pursuant to the Federal Civil Penalties Inflation Act of 1990, as amended by the Debt Collection Improvement Act of 1996. Prior to the issuance of this rule, the Board's penalties have not been adjusted for inflation since they were prescribed in the Interstate Commerce Commission Termination Act of 1995 (ICCTA). As mandated by the Debt Collection Improvement Act, the Board's initial increase of its penalties cannot exceed 10%. The Board is required to review its penalties again at least once every four years thereafter and adjust them as necessary for inflation according to a specified formula.

**DATES:** This rule is effective on October 22, 2012.

**ADDRESSES:** Information or questions regarding this final rule should reference Docket No. EP 716 and be in writing addressed to: Office of Proceedings, Surface Transportation Board, 395 E. Street SW., Washington, DC 20423–0001.

**FOR FURTHER INFORMATION CONTACT:** Marc Lerner, (202) 245–0390. Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.

#### SUPPLEMENTARY INFORMATION:

*Background.* The Debt Collection Improvement Act of 1996 (DCIA), Public Law 104–134, 110 Stat. 1321, amended the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 104 Stat. 890 (codified as amended at 28 U.S.C. 2461 note), to require each federal agency to adopt regulations at least once every four years that adjust for inflation the maximum amount of civil monetary penalties under the statutes administered by the agency.<sup>1</sup> As defined, a civil monetary

penalty is a statutorily prescribed specific amount, or maximum amount, provided by federal law that can be assessed by a federal agency and that can be enforced by the agency pursuant to an administrative proceeding or a civil action in a federal court. Congress passed this legislation on the basis of its findings that: (1) The power to impose civil monetary penalties is important to deterring violations of federal law and furthering the policy goals of federal laws and regulations; and (2) inflation has diminished the impact of these penalties.

Under the DCIA, the inflation adjustment is calculated by increasing the maximum civil monetary penalty amount per violation by the Cost-of-Living Adjustment, which is the percentage (if any) by which the Consumer Price Index for June of the year preceding the adjustment exceeds the Consumer Price Index for June of the year the civil monetary penalty amount was last set or adjusted, multiplied by the statutory maximum amount, rounded to the nearest specified amount using the formula contained in the statute. The DCIA requires agencies to round off the increase of each civil monetary penalty depending on its dollar amount: if the penalty is greater than \$0 and less than or equal to \$100, the increase is to be rounded to the nearest \$10; if the penalty is greater than \$100, but less than or equal to \$1,000, the increase is rounded to the nearest \$100; if the penalty is greater than \$1,000 but less than or equal to \$10,000, the increase is to be rounded to the nearest multiple of \$1,000; if the penalty is greater than \$10,000 but less than or equal to \$100,000, the increase is to be rounded to the nearest multiple of \$5,000; if the penalty is greater than \$100,000 but less than or equal to \$200,000, the increase is to be rounded to the nearest multiple of \$10,000; and lastly, if the penalty is greater than \$200,000, the increase is to be rounded to the nearest \$25,000.

*Discussion.* The statutory definition of civil monetary penalty covers the civil penalty provisions under the Rail Carrier (Part A), Motor and Water Carriers (Part B), and Pipeline Carrier (Part C) provisions of the Interstate Commerce Act (ICA), as amended by ICCTA. The Board's civil (and criminal) penalty authority related to rail transportation appears at 49 U.S.C. 11901–11908. The Board's penalty authority related to motor carriers, water carriers, brokers, and freight forwarders appears at 49 U.S.C. 14901–14915. The Board's penalty authority related to

<sup>1</sup> Agency means an Executive agency as defined under 5 U.S.C. 105. "Executive agency" includes an "independent establishment," which is defined at 5 U.S.C. 104 in relevant part as "an establishment in the executive branch" that is not an "Executive department." For purposes of the requirements of the DCIA, we determine that the Board is a covered agency.