

**List of Subjects***8 CFR Part 215*

Administrative practice and procedure, Aliens, Travel restrictions.

*8 CFR Part 235*

Aliens, Immigration, Registration, Reporting and recordkeeping requirements.

■ Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

**PART 215—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES**

■ 1. The authority citation for part 215 continues to read as follows:

**Authority:** 8 U.S.C. 1104; 1184; 1185 (pursuant to E.O. 13323, published January 2, 2004), 1365a and note, 1379, 1731–32.

■ 2. Section 215.8 is amended by revising paragraph (a)(1) to read as follows:

**§ 215.8 Requirements for biometric identifiers from aliens on departure from the United States.**

(a)(1) The Secretary of Homeland Security, or his designee, may establish pilot programs at land border ports of entry, and at up to fifteen air or sea ports of entry, designated through notice in the **Federal Register**, through which the Secretary or his delegate may require an alien admitted to or paroled into the United States, other than aliens exempted under paragraph (a)(2) of this section or Canadian citizens under section 101(a)(15)(B) of the Act who were not otherwise required to present a visa or have been issued Form I–94 or Form I–95 upon arrival at the United States, who departs the United States from a designated port of entry, to provide fingerprints, photograph(s) or other specified biometric identifiers, documentation of his or her immigration status in the United States, and such other evidence as may be requested to determine the alien's identity and whether he or she has properly maintained his or her status while in the United States.

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**PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION**

■ 3. The authority citation for part 235 continues to read as follows:

**Authority:** 8 U.S.C. 1101 and note, 1103, 1183, 1185 (pursuant to E.O. 13323 published on January 2, 2004), 1201, 1224, 1225, 1226, 1228, 1365a note, 1379, 1731–32.

■ 4. Section 235.1 is amended by revising paragraph (f)(1)(ii) to read as follows:

**§ 235.1 Scope of examination.**

\* \* \* \* \*

(f) \* \* \*

(1) \* \* \*

(ii) The Secretary of Homeland Security or his designee may require any alien seeking admission to or parole into the United States, other than aliens exempted under paragraph (f)(1)(iv) of this section or Canadian citizens under section 101(a)(15)(B) of the Act who are not otherwise required to present a visa or be issued Form I–94 or Form I–95 for admission or parole into the United States, to provide fingerprints, photograph(s) or other specified biometric identifiers, documentation of his or her immigration status in the United States, and such other evidence as may be requested to determine the alien's identity and whether he or she has properly maintained his or her status while in the United States. The failure of an applicant for admission to comply with any requirement to provide biometric identifiers may result in a determination that the alien is inadmissible under section 212(a) of the Immigration and Nationality Act or any other law.

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**Paul A. Schneider,**

*Deputy Secretary.*

[FR Doc. E8–30095 Filed 12–18–08; 8:45 am]

**BILLING CODE 9111–97–P**

**FEDERAL RESERVE SYSTEM****12 CFR Part 229**

[Regulation CC; Docket No. R–1344]

**Availability of Funds and Collection of Checks**

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Board of Governors (Board) is amending the routing number guide to next-day availability checks and local checks in Regulation CC to delete the reference to the head office of the Federal Reserve Bank of St. Louis and to reassign the Federal Reserve routing symbols currently listed under that office to the head office of the Federal Reserve Bank of Atlanta. These amendments reflect the restructuring of check-processing operations within the Federal Reserve System.

**DATES:** The final rule will become effective on February 21, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey S. H. Yeganeh, Financial Services Manager (202/728–5801), or Joseph P. Baressi, Financial Services Project Leader (202/452–3959), Division of Reserve Bank Operations and Payment Systems; or Sophia H. Allison, Senior Counsel (202/452–3565), Legal Division. For users of Telecommunications Devices for the Deaf (TDD) only, contact 202/263–4869.

**SUPPLEMENTARY INFORMATION:** Regulation CC establishes the maximum period a depository bank may wait between receiving a deposit and making the deposited funds available for withdrawal.<sup>1</sup> A depository bank generally must provide faster availability for funds deposited by a “local check” than by a “nonlocal check.” A check is considered local if it is payable by or at or through a bank located in the same Federal Reserve check-processing region as the depository bank.

Appendix A to Regulation CC contains a routing number guide that assists banks in identifying local and nonlocal banks and thereby determining the maximum permissible hold periods for most deposited checks. The appendix includes a list of each Federal Reserve check-processing office and the first four digits of the routing number, known as the Federal Reserve routing symbol, of each bank that is served by that office for check-processing purposes. Banks whose Federal Reserve routing symbols are grouped under the same office are in the same check-processing region and thus are local to one another.

On February 21, 2009, the Reserve Banks will transfer the check-processing operations of the head office of the Federal Reserve Bank of St. Louis to the head office of the Federal Reserve Bank of Atlanta. As a result of this change, some checks that are drawn on and deposited at banks located in the St. Louis and Atlanta check-processing regions and that currently are nonlocal checks will become local checks subject to faster availability schedules. To assist banks in identifying local and nonlocal checks and making funds availability decisions, the Board is amending the list of routing symbols in appendix A associated with the Federal Reserve Banks of St. Louis and Atlanta to reflect the transfer of check-processing operations from the head office of the

<sup>1</sup> For purposes of Regulation CC, the term “bank” refers to any depository institution, including commercial banks, savings institutions, and credit unions.

Federal Reserve Bank of St. Louis to the head office of the Federal Reserve Bank of Atlanta. To coincide with the effective date of the underlying check-processing changes, the amendments to appendix A are effective February 21, 2009. The Board is providing notice of the amendments at this time to give affected banks ample time to make any needed processing changes. Early notice also will enable affected banks to amend their availability schedules and related disclosures if necessary and provide their customers with notice of these changes.<sup>2</sup>

#### Administrative Procedure Act

The Board has not followed the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of the final rule. The revisions to appendix A are technical in nature and are required by the statutory and regulatory definitions of "check-processing region." Because there is no substantive change on which to seek public input, the Board has determined that the § 553(b) notice and comment procedures are unnecessary. In addition, the underlying consolidation of Federal Reserve Bank check-processing offices involves a matter relating to agency management, which is exempt from notice and comment procedures.

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board has reviewed the final rule under authority delegated to the Board by the Office of Management and Budget. The technical amendment to appendix A of Regulation CC will delete the reference to the head office of the Federal Reserve Bank of St. Louis and reassign the routing symbols listed under that office to the head office of the Federal Reserve Bank of Atlanta. The depository institutions that are located in the affected check-processing regions and that include the routing numbers in their disclosure statements would be required to notify customers of the resulting change in availability under § 229.18(e). However, all paperwork collection procedures associated with Regulation CC already are in place, and the Board accordingly anticipates that no additional burden will be imposed as a result of this rulemaking.

<sup>2</sup> Section 229.18(e) of Regulation CC requires that banks notify account holders who are consumers within 30 days after implementing a change that improves the availability of funds.

#### List of Subjects in 12 CFR Part 229

Banks, Banking, Reporting and recordkeeping requirements.

#### Authority and Issuance

■ For the reasons set forth in the preamble, the Board is amending 12 CFR part 229 to read as follows:

#### PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

■ 1. The authority citation for part 229 continues to read as follows:

**Authority:** 12 U.S.C. 4001–4010, 12 U.S.C. 5001–5018.

■ 2. The Sixth and Eighth Federal Reserve District routing symbol lists in appendix A are amended by removing the headings and listings for the Eighth Federal Reserve District and revising the listings for the Sixth Federal Reserve District to read as follows:

#### Appendix A to Part 229—Routing Number Guide to Next-Day Availability Checks and Local Checks

\* \* \* \* \*

Sixth Federal Reserve District  
(Federal Reserve Bank of Atlanta)  
*Head office*

0610	2610
0611	2611
0612	2612
0613	2613
0620	2620
0621	2621
0622	2622
0630	2630
0631	2631
0632	2632
0640	2640
0641	2641
0642	2642
0650	2650
0651	2651
0652	2652
0653	2653
0654	2654
0655	2655
0660	2660
0670	2670
0810	2810
0812	2812
0815	2815
0819	2819
0820	2820
0829	2829
0840	2840
0841	2841
0842	2842
0843	2843
0865	2865

\* \* \* \* \*

By order of the Board of Governors of the Federal Reserve System, December 15, 2008.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. E8–30085 Filed 12–18–08; 8:45 am]

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#### CONSUMER PRODUCT SAFETY COMMISSION

#### 16 CFR Part 1303

#### Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final rule.

**SUMMARY:** The Consumer Product Safety Commission (CPSC or Commission) is amending its regulations concerning the ban of lead-containing paint and certain consumer products bearing lead-containing paint.

**DATES:** This rule is effective on August 14, 2009.

**FOR FURTHER INFORMATION CONTACT:** Hyun Sun Kim, Office of the General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814, email: [hkim@cpsc.gov](mailto:hkim@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission's regulations at 16 CFR 1303.1 currently define as "banned hazardous products" certain consumer products, including paint and similar surface-coating materials, toys and other articles intended for use by children, and certain furniture articles that are or bear lead-containing paint, that is paint in which the lead content is in excess of 0.06 percent of the weight of the total nonvolatile content of the paint or the weight of the dried paint film. On August 14, 2008, Congress enacted the Consumer Product Safety Improvement Act of 2008 (CPSIA), Public Law 110–314. Section 101(f)(1) of CPSIA mandates that 0.06 percent lead limit of 16 CFR 1303.1 be reduced to 0.009 percent, effective August 14, 2009. Accordingly, the Commission amends 16 CFR 1303.1(a) by substituting "0.009 percent" for "0.06 percent," to become effective on that date. In addition, section 101(g) provides that any ban or rule promulgated under 16 CFR 1303.1 shall be considered a regulation promulgated under or for the enforcement of section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)). Section 1303.1 is amended accordingly.