

Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the regulations of the Council on Environmental Quality (40 CFR part 1500), and DHS Management Directive 023-01, Environmental Planning Program of April 19, 2006.

NPS prepared an environmental assessment (EA) that examines the effects on the natural and human environment associated with the proposed construction and operation of a visitor station and establishment of a Class B port of entry on the Rio Grande between the United States and Mexico within Big Bend National Park. The NPS EA encompasses all components of the Boquillas border crossing, including CBP operations of the port of entry. On June 28, 2011, NPS issued a Finding of No Significant Impact (FONSI) concluding that the proposed activities would not result in a significant impact to the human and natural environment.

In accordance with NEPA, CBP has carefully reviewed the EA developed by NPS and has determined that it considers all potential impacts of the project accurately. Therefore, CBP is adopting the EA developed by NPS and is issuing a FONSI. These documents will be posted on the CBP Web site at www.cbp.gov and in the docket for this rulemaking at <http://www.regulations.gov>.

Signing Authority

The signing authority for amending title 19 of the Code of Federal Regulations falls under 19 CFR 0.2(a), because the establishment of this Customs station is not within the bounds of those regulations for which the Secretary of the Treasury has retained sole authority. Accordingly, this final rule may be signed by the Secretary of Homeland Security (or her delegate).

List of Subjects

8 CFR Part 100

Organization and functions (Government agencies).

19 CFR Part 101

Customs duties and inspection, Harbors, Organization and functions (Government agencies), Seals and insignia, Vessels.

Amendments to the Regulations

For the reasons stated in the preamble, we amend 8 CFR part 100 and 19 CFR part 101 as set forth below.

**Title 8—Aliens and Nationality
CHAPTER I—DEPARTMENT OF
HOMELAND SECURITY**

**PART 100—STATEMENT OF
ORGANIZATION**

■ 1. Revise the authority citation for part 100 to read as follows:

Authority: 8 U.S.C. 1103; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108-458); 8 CFR part 2.

■ 2. Amend § 100.4(a) as follows:

■ a. Revise the fifth sentence of § 100.4(a) to read as set forth below.

■ b. Under the heading “District No. 15—El Paso, Texas,” add the subheading, “Class B” and add “Boquillas, TX” under the new “Class B” heading.

§ 100.4 Field offices.

(a) * * * Class B means that the port is a designated Port-of-Entry for aliens who at the time of applying for admission are exempt from document requirements by § 212.1(c)(5) of this chapter or who are lawfully in possession of valid Permanent Resident Cards, and nonimmigrant aliens who are citizens of Canada or Bermuda or nationals of Mexico and who at the time of applying for admission are lawfully in possession of all valid documents required for admission as set forth in §§ 212.1(a) and (c) and 235.1(d) and (e) of this chapter and are admissible without further arrival documentation or immigration processing. * * *

Title 19—Customs Duties

**CHAPTER I—U.S. CUSTOMS AND
BORDER PROTECTION,
DEPARTMENT OF HOMELAND
SECURITY; DEPARTMENT OF THE
TREASURY**

PART 101—GENERAL PROVISIONS

■ 3. The authority citation for part 101, and the sectional authority for §§ 101.3 and 101.4, continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1623, 1624, 1646a. Section 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b; * * * * *

§ 101.4 [Amended]

4. In § 101.4(c), under the state of Texas, add “Boquillas” in alphabetical order to the Customs station column and add “Presidio.” to the

corresponding Supervisory port of entry column.

Janet Napolitano,
Secretary.

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**DEPARTMENT OF HOMELAND
SECURITY**

8 CFR Part 208

**Procedures for Asylum and
Withholding of Removal**

CFR Correction

In Title 8 of the Code of Federal Regulations, revised as of January 1, 2012, in § 208.24, on page 167, reinstate paragraph (a) introductory text at the beginning of the section and on page 168, reinstate paragraph (b) introductory text before paragraph (1) to read as follows:

**§ 208.24 Termination of asylum or
withholding of removal or deportation.**

(a) *Termination of asylum by USCIS.* Except as provided in paragraph (f) of this section, an asylum officer may terminate a grant of asylum made under the jurisdiction of USCIS if, following an interview, the asylum officer determines that:

* * * * *

(b) *Termination of withholding of deportation or removal by USCIS.* Except as provided in paragraph (e) of this section, an asylum officer may terminate a grant of withholding of deportation or removal made under the jurisdiction of USCIS if the asylum officer determines, following an interview, that:

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**DEPARTMENT OF HOMELAND
SECURITY**

8 CFR Part 209

**Adjustment of Status of Refugees and
Aliens Granted Asylum**

CFR Correction

In Title 8 of the Code of Federal Regulations, revised as of January 1, 2012, on page 175, in § 209.2, reinstate paragraphs (b) through (f) to read as follows:

**§ 209.2 Adjustment of status of alien
granted asylum.**

* * * * *

(b) *Inadmissible alien.* An applicant who is not admissible to the United States as described in 8 CFR 209.2(a)(1)(v), may, under section 209(c) of the Act, have the grounds of inadmissibility waived by USCIS except for those grounds under sections 212(a)(2)(C) and 212(a)(3)(A), (B), (C), or (E) of the Act for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest. An application for the waiver may be requested with the application for adjustment, in accordance with the form instructions. An applicant for adjustment under this part who has had the status of an exchange alien nonimmigrant under section 101(a)(15)(J) of the Act, and who is subject to the foreign resident requirement of section 212(e) of the Act, shall be eligible for adjustment without regard to the foreign residence requirement if otherwise eligible for adjustment.

(c) *Application.* An application for the benefits of section 209(b) of the Act may be filed in accordance with the form instructions. If an alien has been placed in removal, deportation, or exclusion proceedings, the application can be filed and considered only in proceedings under section 240 of the Act.

(d) *Medical examination.* For an alien seeking adjustment of status under section 209(b) of the Act, the alien shall submit a medical examination to determine whether any grounds of inadmissibility described under section 212(a)(1)(A) of the Act apply. The asylee is also required to establish compliance with the vaccination requirements described under section 212(a)(1)(A)(ii) of the Act.

(e) *Interview.* USCIS will determine, on a case-by-case basis, whether an interview by an immigration officer is necessary to determine the applicant's admissibility for permanent resident status under this part.

(f) *Decision.* USCIS will notify the applicant in writing of the decision on his or her application. There is no appeal of a denial, but USCIS will notify an applicant of the right to renew the request in removal proceedings under section 240 of the Act. If the application is approved, USCIS will record the alien's admission for lawful permanent residence as of the date one year before the date of the approval of the application, but not earlier than the date of the approval for asylum in the case of an applicant approved under paragraph (a)(2) of this section.

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DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 214

Nonimmigrant Classes

CFR Correction

In Title 8 of the Code of Federal Regulations, revised as of January 1, 2012, in § 214.2, make the following corrections:

a. On page 289, reinstate paragraph (h)(2)(v);

b. On page 310, following paragraph (h)(9)(i)(B), reinstate paragraphs (h)(9)(ii)(A) and (B); and

c. On page 311, revise the third sentence of paragraph (h)(11)(i)(A).

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) * * *

(2) * * *

(v) *H-2A Petitions.* Special criteria for admission, extension, and maintenance of status apply to H-2A petitions and are specified in paragraph (h)(5) of this section. The other provisions of § 214.2(h) apply to H-2A only to the extent that they do not conflict with the special agricultural provisions in paragraph (h)(5) of this section.

* * * * *

(9) * * *

* * * * *

(ii) *Recording the validity of petitions.* Procedures for recording the validity period of petitions are:

(A) If a new H petition is approved before the date the petitioner indicates that the services or training will begin, the approved petition and approval notice shall show the actual dates requested by the petitioner as the validity period, not to exceed the limits specified by paragraph (h)(9)(iii) of this section or other Service policy.

(B) If a new H petition is approved after the date the petitioner indicates that the services or training will begin, the approved petition and approval notice shall show a validity period commencing with the date of approval and ending with the date requested by the petitioner, as long as that date does not exceed either the limits specified by paragraph (h)(9)(iii) of this section or other Service policy.

* * * * *

(11) * * *

(i) * * *

(A) * * * If the petitioner no longer employs the beneficiary, the petitioner shall send a letter explaining the

change(s) to the director who approved the petition. * * *

* * * * *

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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1074

[Docket No. CFPB-2012-0051]

Procedure Relating to Rulemaking

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is adopting a procedural rule (Final Rule) that specifies how the Bureau issues rules and when rules are considered issued.

DATES: The Final Rule is effective on December 28, 2012.

FOR FURTHER INFORMATION CONTACT: Lea Mosena and Martha Fulford, Attorneys, Legal Division, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, at (202) 435-7152.

SUPPLEMENTARY INFORMATION:

I. Background and Summary

The Final Rule specifies how the Bureau issues rules and when rules are considered issued. In the future, the Bureau may issue further rules on procedures for rulemaking.

Part 1074.1 establishes that the Bureau's rules are deemed issued upon the earlier of: (1) When the final rule is posted on the Bureau's Web site, or (2) when the final rule is published in the **Federal Register**. The Bureau's Web site is www.consumerfinance.gov.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act)¹ and other statutes authorize the Bureau to issue rules. Ordinarily, a rule may be considered issued at least when the rulemaking document containing the final rule has been placed on public inspection by the Office of the Federal Register or published in the **Federal Register**. However, an agency may treat other events as constituting the issuance of a rule.² The key prerequisite for issuing a

¹ Public Law 111-203.

² See *Nat'l Grain & Feed Ass'n v. OSHA*, 845 F.2d 345, 346 (D.C. Cir. 1988); *United Techs. Corp. v. OSHA*, 836 F.2d 52, 53 (2d Cir. 1987); *Indus. Union Dep't, AFL-CIO v. Bingham*, 570 F.2d 965, 970 (D.C. Cir. 1977) (Leventhal, J., concurring).