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FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R-1382]

Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

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 Atlanta and to reassign the Federal Reserve routing symbols currently listed under that office to the head office of the Federal Reserve Bank of Cleveland. These amendments reflect the restructuring of check-processing operations within the Federal Reserve System. Subsequent to these amendments, there will only be a single check-processing region for purposes of Regulation CC and there will no longer be any checks that are nonlocal.

DATES: The final rule will become effective on February 27, 2010.

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 Dena L. Milligan, Attorney (202/452-3900), 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.¹ 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 27, 2010, the Reserve Banks will transfer the check-processing operations of the head office of the Federal Reserve Bank of Atlanta to the head office of the Federal Reserve Bank of Cleveland. As a result of this change, some checks that are drawn on and deposited at banks located in the Atlanta and Cleveland 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 lists of routing symbols in appendix A associated with the Federal Reserve Banks of Atlanta and Cleveland to reflect the transfer of check-processing operations from the head office of the Federal Reserve Bank of Atlanta to the head office of the Federal Reserve Bank of Cleveland. To coincide with the effective date of the underlying check-processing changes, the amendments to appendix A are effective February 27, 2010. At that time, there will only be a single check-processing region for purposes of Regulation CC and there will no longer be any checks that are nonlocal. 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.²

Administrative Procedure Act

The public comment requirements of section 553(b) of the Administrative Procedure Act do not apply to these amendments to Appendix A of Regulation CC because the amendments involve matters of agency organization. The Monetary Control Act requires cost recovery for Federal Reserve Bank priced services over the long term, which from time to time necessitates changes in the internal organization of Reserve Bank services in order to meet the statutory mandate. The rapid decline in paper check volumes, generally, and the decline in paper checks sent to the Reserve Banks for collection have significantly reduced the need for Federal Reserve check-processing locations and the ability of Reserve Banks to recover the costs of maintaining those locations. In order to achieve the Monetary Control Act requirement of long-run full cost recovery, the Reserve Banks have adjusted their check service infrastructure to reduce the number of check-processing regions. In light of the fact that the Reserve Banks are receiving a high percentage of checks electronically, the consolidation of check-processing centers is required in order to meet the mandate of the Monetary Control Act. As a result of the consolidation of Federal Reserve check-processing offices, amendments to Appendix A are necessary because the statutory and regulatory terms “local” and “nonlocal” are defined in terms of “check-processing regions”—the geographic areas served by a Federal Reserve check-processing office.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR part 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

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

² 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.

amendments to appendix A of	0216	2216	0815	2815
Regulation CC will delete the reference	0219	2219	0819	2819
to the head office of the Federal Reserve	0220	2220	0820	2820
Bank of Atlanta and reassign the routing	0223	2223	0829	2829
symbols listed under that office to the	0260	2260	0830	2830
head office of the Federal Reserve Bank	0280	2280	0839	2839
of Cleveland. The depository	0310	2310	0840	2840
institutions that are located in the	0311	2311	0841	2841
affected check-processing regions and	0312	2312	0842	2842
that include the routing numbers in	0313	2313	0843	2843
their disclosure statements would be	0319	2319	0843	2843
required to notify customers of the	0360	2360	0863	2863
resulting change in availability under	0410	2410	0865	2865
§ 229.18(e). However, all paperwork	0412	2412	0910	2910
collection procedures associated with	0420	2420	0911	2911
Regulation CC already are in place, and	0421	2421	0912	2912
the Board accordingly anticipates that	0422	2422	0913	2913
no additional burden will be imposed as	0423	2423	0914	2914
a result of this rulemaking.	0430	2430	0915	2915
	0432	2432	0918	2918
	0433	2433	0919	2919
	0434	2434	0920	2920
List of Subjects in 12 CFR Part 229	0440	2440	0921	2921
Banks, Banking, Reporting and	0441	2441	0921	2921
recordkeeping requirements.	0442	2442	0929	2929
	0510	2510	0960	2960
Authority and Issuance	0514	2514	1010	3010
	0515	2515	1011	3011
■ For the reasons set forth in the	0519	2519	1012	3012
preamble, the Board is amending 12	0520	2520	1019	3019
CFR part 229 to read as follows:	0521	2521	1020	3020
	0522	2522	1021	3021
	0530	2530	1022	3022
PART 229—AVAILABILITY OF FUNDS	0531	2531	1023	3023
AND COLLECTION OF CHECKS	0532	2532	1030	3030
(REGULATION CC)	0539	2539	1031	3031
	0540	2540	1039	3039
■ 1. The authority citation for part 229	0550	2550	1040	3040
continues to read as follows:	0560	2560	1041	3041
Authority: 12 U.S.C. 4001–4010, 12 U.S.C.	0570	2570	1049	3049
5001–5018.	0610	2610	1070	3070
	0611	2611	1110	3110
■ 2. In appendix A, the Fourth and	0612	2612	1111	3111
Sixth District routing symbol lists are	0613	2613	1113	3113
amended by removing the headings and	0620	2620	1119	3119
listings for the Sixth Federal Reserve	0621	2621	1120	3120
District and revising the listings for the	0622	2622	1122	3122
Fourth Federal Reserve District to read	0630	2630	1123	3123
as follows:	0631	2631	1130	3130
	0632	2632	1131	3131
Appendix A to Part 229—Routing	0640	2640	1140	3140
Number Guide to Next-Day Availability	0641	2641	1149	3149
Checks and Local Checks	0642	2642	1163	3163
* * * * *	0650	2650	1210	3210
	0651	2651	1211	3211
Fourth Federal Reserve District	0652	2652	1212	3212
[Federal Reserve Bank of Cleveland]	0653	2653	1213	3213
	0654	2654	1220	3220
<i>Head Office</i>	0655	2655	1221	3221
	0660	2660	1222	3222
0110 ¹	0670	2670	1223	3223
0111	0710	2710	1224	3224
0112	0711	2711	1230	3230
0113	0712	2712	1231	3231
0114	0719	2719	1232	3232
0115	0720	2720	1233	3233
0116	0724	2724	1240	3240
0117	0730	2730	1241	3241
0118	0739	2739	1242	3242
0119	0740	2740	1243	3243
0210	0749	2749	1250	3250
0211	0750	2750	1251	3251
0212	0759	2759		
0213	0810	2810		
0214	0812	2812		
0215	0813	2813		

1252

3252

¹The first two digits identify the bank's Federal Reserve District. For example, 01 identifies the First Federal Reserve District (Boston), and 12 identifies the Twelfth District (San Francisco). Adding 2 to the first digit denotes a thrift institution. For example, 21 identifies a thrift in the First District, and 32 denotes a thrift in the Twelfth District.

* * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, December 30, 2009.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E9-31254 Filed 1-4-10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-1225; Directorate Identifier 2009-NM-257-AD; Amendment 39-16159; AD 2010-01-03]

RIN 2120-AA64

Airworthiness Directives; Fire Fighting Enterprises Limited Portable Halon 1211 Fire Extinguishers as Installed on Various Transport Airplanes, Small Airplanes, and Rotorcraft

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

The Civil Aviation Authority of the United Kingdom (UK) has informed EASA [European Aviation Safety Agency] that significant quantities of Halon 1211 gas, determined to be outside the required specification, have been supplied to the aviation industry for use in fire extinguishing equipment. * * *

* * * *

* * * This Halon 1211 has subsequently been used to fill certain FFE [Fire Fighting Enterprises] portable cabin and toilet compartment fire extinguishers that are now likely to be installed in or carried on board aircraft.

The contaminated nature of this gas, when used against a fire, may provide reduced fire

suppression, endangering the safety of the aircraft and its occupants. In addition, extinguisher activation may lead to release of toxic fumes, possibly causing injury to aircraft occupants.

* * * *

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective January 20, 2010.

We must receive comments on this AD by February 19, 2010.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2125; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued Emergency Airworthiness Directive 2009-0251-E, dated November 25, 2009, and Airworthiness Directive 2009-0262, dated December 15, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. EASA AD 2009-0251-E states:

The Civil Aviation Authority of the United Kingdom (UK) has informed EASA that significant quantities of Halon 1211 gas, determined to be outside the required specification, have been supplied to the aviation industry for use in fire extinguishing equipment. Halon 1211 (BCF) is used in handheld fire extinguishers, usually fitted or stowed in aircraft cabins.

EASA published Safety Information Bulletin (SIB) 2009-39 on 23 October 2009 to make the aviation community aware of this safety concern.

The results of the ongoing investigation now show that LyonTech Engineering Ltd, a UK-based company, has supplied a quantity of heavily contaminated Halon 1211 (BCF) to Fire Fighting Enterprises (FFE). This Halon 1211 has subsequently been used to fill certain FFE portable fire extinguishers that are now likely to be installed in or carried on board aircraft.

The contaminated nature of this gas, when used against a fire, may lead to release of toxic fumes, possibly causing injury to aircraft occupants.

For the reason described above, this EASA AD requires the identification and removal from service of all affected fire extinguishers and replacement with serviceable units.

EASA AD 2009-0262 adds the following:

* * * On 25 November 2009, EASA Emergency AD 2009-0251E was published to address an earlier batch of extinguishers with contaminated Halon 1211.

The results of the ongoing investigation have now established that LyonTech Engineering Ltd, a UK-based company, has supplied further consignments of Halon 1211 (BCF) to Fire Fighting Enterprises (FFE) that do not meet the required specification. This Halon 1211 has subsequently been used to fill certain FFE portable cabin and toilet compartment fire extinguishers that are now likely to be installed in or carried on board aircraft.

The contaminated nature of this gas, when used against a fire, may provide reduced fire suppression, endangering the safety of the aircraft and its occupants. In addition, extinguisher activation may lead to release of toxic fumes, possibly causing injury to aircraft occupants.

* * * *

You may obtain further information by examining the MCAI in the AD docket.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or