

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.*

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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.

**List of Subjects in 16 CFR Part 1303**

Consumer protection, Hazardous substances, Infants and children, Labeling, Lead poisoning.

■ Accordingly, 16 CFR part 1303 is amended as follows:

**PART 1303—BAN LEAD-CONTAINING PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD-CONTAINING PAINT**

■ 1. The authority citation for part 1303 is revised to read as follows:

**Authority:** Secs. 8, 9, 86 Stat. 1215–1217, as amended 90 Stat. 506, 122 Stat. 3016, (15 U.S.C. 2057, 2058), Sec. 101, 122 Stat. 3016.

■ 2. Amend § 1303.1 by revising paragraphs (a) introductory text and (c) and adding paragraph (d) to read as follows:

**§ 1303.1 Scope and application.**

(a) In this part 1303, the Consumer Product Safety Commission declares that paint and similar surface-coating materials for consumer use that contain lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 0.06 percent (0.06 percent is reduced to 0.009 percent effective August 14, 2009 as mandated by Congress in section 101(f) of the Consumer Product Safety Improvement Act of 2008, Pub. L. 110–314) of the weight of the total nonvolatile content of the paint or the weight of the dried paint film (which paint and similar surface-coating materials are referred to hereafter as “lead-containing paint”) are banned hazardous products under sections 8 and 9 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2057, 2058. The following consumer products are also declared to be banned hazardous products:

\* \* \* \* \*

(c) The Commission has issued the ban because it has found that there is an unreasonable risk of lead poisoning in children associated with lead content of over 0.06 percent in paints and coatings to which children have access and that no feasible consumer product safety standard under the CPSA would adequately protect the public from this risk. The 0.06 percent is reduced to 0.009 percent effective August 14, 2009 as mandated by Congress in section 101(f) of the Consumer Product Safety Improvement Act of 2008, Public Law 110–314.

(d) Any ban or rule promulgated under 16 CFR 1303.1 shall be considered a regulation of the Commission promulgated under or for the enforcement of section 2(q) of the

Federal Hazardous Substances Act (15 U.S.C. 1261(q)).

■ 3. Amend § 1303.2 by revising paragraph (b)(2) to read as follows:

**§ 1303.2 Definitions.**

\* \* \* \* \*

(b) \* \* \*

(2) *Lead-containing paint* means paint or other similar surface coating materials containing lead or lead compounds and in which the lead content (calculated as lead metal) is in excess of 0.06 percent (0.06 percent is reduced to 0.009 percent effective August 14, 2009) by weight of the total nonvolatile content of the paint or the weight of the dried paint film.

\* \* \* \* \*

Dated: December 15, 2008.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. E8–30238 Filed 12–18–08; 8:45 am]

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**CONSUMER PRODUCT SAFETY COMMISSION****16 CFR Part 1500****Exemption From Classification as Banned Hazardous Substance; Exemption for Boston Billow Nursing Pillow and Substantially Similar Nursing Pillows**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is issuing a rule to exempt the Boston Billow Nursing Pillow and substantially similar nursing pillows from the Commission’s regulations banning infant cushions/pillows set forth in the Commission’s regulations at 16 CFR 1500.18(a)(16)(i).

**DATES:** The rule becomes effective on December 19, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Suad Wanna-Nakamura, Directorate for Health Sciences, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; telephone (301) 504–7252; e-mail [snakamura@cpsc.gov](mailto:snakamura@cpsc.gov).

**SUPPLEMENTARY INFORMATION:****A. Background**

Between 1985 and 1992, there were 35 infant deaths associated with the use of infant cushions/pillows (also known, among other names, as “baby beanbag pillows” and “beanbag cushions”). In almost all of the cases where the infant’s position could be determined, the infant

was in a prone, face down, position. 55 FR 42202. The Commission initiated a rulemaking proceeding to determine whether a ban was necessary to address an unreasonable risk of injury and death associated with these types of infant cushions/pillows. Due to the number of infant deaths associated with these products, the Commission proposed a rule to ban infant cushions/pillows with certain characteristics. 56 FR 32352. On June 23, 1992, the Commission issued a rule codified at 16 CFR 1500.18(a)(16)(i), banning infant cushions/pillows that: (1) Have a flexible fabric covering; (2) are loosely filled with a granular material, including but not limited to, polystyrene beads or pellets; (3) are easily flattened; (4) are capable of conforming to the body or face of an infant; and (5) are intended or promoted for use by children under one year of age. 57 FR 27912.

**B. Petition**

On July 17, 2005, Boston Billows, Inc. (Boston Billows) submitted a petition requesting an amendment to 16 CFR 1500.18(a)(16)(i)(A)–(E) to allow an exception to the ban. The petitioner is the manufacturer of the Boston Billow Nursing Pillow, a granularly filled, C-shaped pillow intended for use by mothers when breastfeeding.

**C. The ANPR**

The Commission issued an advance notice of proposed rulemaking (ANPR) on September 27, 2006, to assess whether a rulemaking was necessary to address any unreasonable risk of injury or death which may be associated with infant cushions/pillows. 71 FR 56418. In addition to the Boston Billow Nursing Pillow, which met the criteria of the ban, there appeared to be a proliferation of other infant cushions/pillows or pillow-like products in the marketplace, including nursing pillows which met some, but not all, of the criteria set forth in the ban. After review of the comments, incident reports and other available information, the Commission determined there was insufficient data or product information on infant cushions or pillow-like products, other than the Boston Billow Nursing Pillow, to proceed with further rulemaking on those products at this time. Accordingly, the Commission issued a notice in the **Federal Register** on September 3, 2008, terminating the rulemaking on infant cushions/pillows or pillow-like products intended for use by infants, other than with respect to the Boston Billow Nursing Pillow and substantially similar nursing pillows. 73 FR 51386.