

■ 2. Amend § 21.21 by revising paragraphs (a) and (b) to read as follows:

**§ 21.21 Procedures for monitoring Bank Secrecy Act (BSA) compliance.**

(a) *Purpose.* This subpart is issued to assure that all national banks establish and maintain procedures reasonably designed to assure and monitor their compliance with the requirements of subchapter II of chapter 53 of title 31, United States Code, and the implementing regulations promulgated thereunder by the Department of the Treasury at 31 CFR Chapter X.

(b) *Establishment of a BSA compliance program—(1) Program requirement.* Each bank shall develop and provide for the continued administration of a program reasonably designed to assure and monitor compliance with the recordkeeping and reporting requirements set forth in subchapter II of chapter 53 of title 31, United States Code and the implementing regulations issued by the Department of the Treasury at 31 CFR Chapter X. The compliance program must be written, approved by the bank's board of directors, and reflected in the minutes of the bank.

(2) *Customer identification program.* Each bank is subject to the requirements of 31 U.S.C. 5318(l) and the implementing regulations jointly promulgated by the OCC and the Department of the Treasury at 31 CFR 1020.220, which require a customer identification program to be implemented as part of the BSA compliance program required under this section.

\* \* \* \* \*

**PART 41—FAIR CREDIT REPORTING**

■ 3. The authority citation for Part 41 continues to read as follows:

**Authority:** 12 U.S.C. 1 *et seq.*, 24 (Seventh), 93a, 481, 484, and 1818; 15 U.S.C. 1681a, 1681b, 1681c, 1681m, 1681s, 1681s–2, 1681s–3, 1681t, 1681w, Sec. 214, Pub. L. 108–159, 117 Stat. 1952.

■ 4. Amend § 41.82 by revising paragraph (c)(2)(i)(A) to read as follows:

**§ 41.82 Duties of users regarding address discrepancies.**

\* \* \* \* \*

- (c) \* \* \*
- (2) \* \* \*
- (i) \* \* \*

(A) Obtains and uses to verify the consumer's identity in accordance with the requirements of the Customer Identification Program (CIP) rules implementing 31 U.S.C. 5318(l) (31 CFR 1020.220);

\* \* \* \* \*

■ 5. In Appendix J to Part 41, revise Section III, paragraph (a) to read as follows:

**APPENDIX J TO PART 41— INTERAGENCY GUIDELINES ON IDENTITY THEFT DETECTION, PREVENTION, AND MITIGATION**

\* \* \* \* \*

**III. Detecting Red Flags**

\* \* \* \* \*

(a) Obtaining identifying information about, and verifying the identity of, a person opening a covered account, for example, using the policies and procedures regarding identification and verification set forth in the Customer Identification Program rules implementing 31 U.S.C. 5318(l) (31 CFR 1020.220); and

\* \* \* \* \*

Dated: January 25, 2011.

**Julie L. Williams,**

*First Senior Deputy Comptroller and Chief Counsel.*

[FR Doc. 2011–2747 Filed 2–7–11; 8:45 am]

**BILLING CODE 4810–33–P**

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Customs and Border Protection**

**19 CFR Parts 123, 142 and 178**

**[Docket No. USCBP–2006–0132; CBP Dec. No. 11–04]**

**RIN 1651–AA68**

**Land Border Carrier Initiative Program**

**AGENCY:** U.S. Customs and Border Protection, DHS.

**ACTION:** Final rule.

**SUMMARY:** This document amends U.S. Customs and Border Protection (CBP) regulations by removing the provisions pertaining to the Land Border Carrier Initiative Program (LBCIP). The LBCIP was established as a voluntary industry partnership program under which participating land and rail commercial carriers would agree to enhance the security of their facilities and conveyances to prevent controlled substances from being smuggled into the United States. Because CBP has developed a more comprehensive voluntary industry partnership program known as the Customs-Trade Partnership Against Terrorism (C-TPAT), CBP is terminating the LBCIP and will focus its partnership efforts on the further development of C-TPAT. C-TPAT builds upon the best practices of the LBCIP, while providing greater border and supply chain security with

expanded benefits to approved participants.

**DATES:** *Effective Date:* March 10, 2011.

**FOR FURTHER INFORMATION CONTACT:** Glenn Woodley, Jr., Office of Field Operations, (202) 344–2725.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Land Border Carrier Initiative Program (LBCIP) was established as a CBP-industry partnership regulatory program enlisting the voluntary cooperation of commercial conveyance entities as part of an effort to prevent the smuggling of controlled substances into the United States.

Under the LBCIP regulations set forth in title 19 of the Code of Federal Regulations (19 CFR 123.71–76), land and rail commercial carrier participants may enter into a written agreement with CBP that specifies methods by which the carrier will enhance the security of its facilities and conveyances. In exchange for this cooperation, CBP would provide training to carrier personnel in the areas of cargo and personnel security, document review techniques, drug awareness, and conveyance searches. Additionally, only LBCIP participants could be approved for Line Release entry processing at certain high-risk border locations as set forth in 19 CFR 142.41.<sup>1</sup>

In 2001, CBP introduced the Customs-Trade Partnership Against Terrorism (C-TPAT) program. C-TPAT is a voluntary industry partnership initiative that meets the objectives of the LBCIP while providing a more comprehensive approach to border and supply chain security. The program entails CBP's ongoing participation in a joint effort with importers, carriers, brokers, warehouse operators, manufacturers, and other industry sectors to develop a seamless security-conscious environment from manufacturing through transportation and importation to ultimate distribution. In addition to providing greater security for both government and business, C-TPAT provides its members with the same privileges accorded to LBCIP participants, as well as additional benefits such as priority processing for CBP inspections, reduced number of CBP inspections, assignment of a C-TPAT Supply Chain Security Specialist who will work with the company to validate and enhance security throughout the company's international supply chain, and eligibility to attend

<sup>1</sup> Line Release provides for advance cargo screening and expedited release at land border ports.

C-TPAT supply chain security training seminars. (For a detailed explanation of C-TPAT benefits, visit [www.cbp.gov](http://www.cbp.gov), and click on the link to C-TPAT).

In light of the development of C-TPAT as a more comprehensive CBP industry partnership program, CBP published a proposal in the **Federal Register** (74 FR 66933) on December 17, 2009, to amend title 19 of the Code of Federal Regulations by removing provisions pertaining to the LBCIP and changing certain references to the LBCIP to "CBP-approved industry partnership program." CBP also proposed replacing the word "Customs" with "CBP" where it appeared in the regulations affected by these changes. Interested parties were given until February 16, 2010 to comment on the proposed changes. CBP received no comments in response to the notice. Accordingly, CBP has determined to adopt as final, the proposed rule published in the **Federal Register**, which eliminates LBCIP as a CBP program. In addition, CBP is removing the reference in 19 CFR 178.2 to the information collection pertaining to the LBCIP.

C-TPAT builds upon the best practices of existing CBP-industry partnership programs and offers more comprehensive supply chain security measures for both government and industry than does LBCIP. CBP encourages any former LBCIP participants to apply for C-TPAT membership. Information on the C-TPAT application process is available on the CBP Web site (<http://www.cbp.gov>).

#### Explanation of Amendments

For the reasons set forth above, CBP removes §§ 123.71, 123.72, 123.73, 123.74, 123.75, and 123.76 from 19 CFR, and amends 19 CFR 142.41, 142.47 and 178.2.

#### Executive Order 12866

Executive Order 12866 requires Federal agencies to conduct economic analyses of significant regulatory actions as a means to improve regulatory decision making. Significant regulatory actions include those that may "(1) [h]ave an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) [c]reate a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) [m]aterially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of

recipients thereof; or (4) [r]aise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order."

CBP incorporated the best practices and security principles of LBCIP and other industry partnership programs when developing C-TPAT, a comprehensive border and supply chain security partnership. The termination of LBCIP does not eliminate benefits previously conferred to land and rail carrier participants because former LBCIP participants may elect to, and are encouraged to, apply to participate in C-TPAT, which confers all of the privileges of LBCIP along with additional benefits discussed previously. As such, this rule does not meet the criteria for a "significant regulatory action" under Executive Order 12866. The Office of Management and Budget (OMB) has not reviewed this rule under that order.

#### Regulatory Flexibility Act

In Treasury Decision (T.D.) 99-2 (64 FR 27, January 4, 1999), it was certified that pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the LBCIP regulations set forth at 19 CFR 123.71-76 would not have a significant economic impact on a substantial number of small entities, because the LBCIP is a voluntary partnership program that confers benefits to the trade community. Accordingly, the LBCIP regulations were not subject to regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Similarly, this rule removes the voluntary LBCIP from the regulations and does not impose any direct costs on small entities. Additionally, CBP encourages any existing LBCIP members to continue their partnership endeavors and benefits by applying for membership in C-TPAT. CBP solicited comments regarding the impact on small entities of the proposal published in the **Federal Register** on December 17, 2009 (74 FR 66933). As no comments were received challenging these findings, it is certified that pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), this rule does not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

The collections of information pertaining to the LBCIP were approved by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507)

under control number 1651-0077. This information collection is referenced in 19 CFR 178.2 under section 123.73.

With the adoption of this final rule removing the LBCIP from the CBP regulations, 19 CFR 178.2 is being amended to delete the reference to this information collection.

#### Signing Authority

This document is being issued in accordance with 19 CFR 0.2(a), which provides that the authority of the Secretary of the Treasury with respect to CBP regulations that are not related to customs revenue functions was transferred to the Secretary of Homeland Security pursuant to section 403(1) of the Homeland Security Act of 2002 and that such regulations are signed by the Secretary of Homeland Security.

#### List of Subjects

##### 19 CFR Part 123

Administrative Practice and Procedure, Canada, Common carriers, Customs duties and inspection, Entry of merchandise, Freight, Imports, International traffic, Mexico, Motor carriers, Penalties, Railroads, Reporting and recordkeeping requirements, Vehicles.

##### 19 CFR Part 142

Administrative Practice and Procedure, Canada, Computer technology (Line release), Common carriers (Carrier initiative program), Customs duties and inspection, Entry of merchandise (Line release), Forms, Reporting and recordkeeping requirements.

##### 19 CFR Part 178

Reporting and recordkeeping requirements.

#### Amendments to the Regulations

For the reasons stated above, CBP amends parts 123, 142 and 178 of title 19 of the CFR as set forth below:

#### PART 123—CBP RELATIONS WITH CANADA AND MEXICO

- 1. The heading to part 123 is revised to read as set forth above.
- 2. The general authority citation for part 123 continues to read as follows, and the specific authority citation for §§ 123.71-123.76 is removed:

**Authority:** 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1431, 1433, 1436, 1448, 1624, 2071 note.

\* \* \* \* \*

- 3. Remove and reserve subpart H of part 123.

**PART 142—ENTRY PROCESS**

■ 4. The authority citation for part 142 continues to read as follows:

**Authority:** 19 U.S.C. 66, 1448, 1484, 1624.

■ 5. Section 142.41 is amended by removing the word “Customs” wherever it appears and adding in each place the term “CBP” and, in the last sentence, by removing the language, “the Land Border Carrier Initiative Program (*see*, subpart H of part 123 of this chapter)” and adding in its place the language, “a CBP-approved industry partnership program”.

■ 6. In § 142.47:

■ (a) Paragraph (a) is amended by removing the word “Customs” wherever it appears and adding in each place the term “CBP”; and

■ (b) Paragraph (b) is amended by removing the word “Customs” wherever it appears and adding in each place the term “CBP”, by removing the language “the Land Border Carrier Initiative Program (LBCIP)” in the first sentence and adding in its place the language “a CBP-approved industry partnership program” and, in the second sentence, by removing the word “shall” and adding in its place the word “must”.

**PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS**

■ 7. The general authority citation for part 178 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 1624; 44 U.S.C. 3501 *et seq.*

■ 8. Amend § 178.2 by removing the listing for § 123.73.

**Janet Napolitano,**  
*Secretary.*

[FR Doc. 2011-2694 Filed 2-7-11; 8:45 am]

**BILLING CODE 9111-14-P**

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****23 CFR Part 470**

[FHWA Docket No. FHWA-2011-0003]

RIN 2125-AF35

**Highway Systems; Technical Correction**

**AGENCIES:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This rule makes a technical correction to the regulations that govern

the designation of routes on the National Highway System and the Dwight D. Eisenhower System of Interstate and Defense Highways. The amendments contained herein make no substantive changes to FHWA regulations, policies, or procedures. The current regulation references a section of Title 23 of the United States Code that was later repealed by section 1106(c)(2)(A) of the Transportation Efficiency Act for the 21st Century (Pub. L. 105-178). This rule also corrects outdated and incorrect directions for obtaining publications referenced in the regulatory text. This rule also corrects to 25 years the time period that routes designated by agreement as future Interstate routes must be constructed to meet Interstate Highway System standards. Finally, this rule corrects references to FHWA offices that are involved in reviewing and approving Interstate designation requests, due to Agency reorganizations.

**DATES:** This rule is effective March 10, 2011.

**FOR FURTHER INFORMATION CONTACT:** Stefan Natzke, National Systems and Economic Development Team, (202) 366-5010; or Robert Black, Office of the Chief Counsel, (202) 366-1359; Both are located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours for FHWA are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:****Electronic Access**

An electronic copy of this document may be downloaded by accessing the Office of the Federal Register's home page at: <http://www.archives.gov> or the Government Printing Office's Web page at: <http://www.gpoaccess.gov/nara>.

**Background**

This rulemaking makes technical corrections to the regulations that govern policies and procedures relating to the designation of routes on the Interstate Highway System found at 23 CFR 470. In its final rule published in the **Federal Register** on June 19, 1997, at 62 FR 33355, the FHWA referenced 23 U.S.C. 139, which at that time governed “Additions to the Interstate.” Section 1106(c)(2)(A) of the Transportation Equity Act for the 21st Century, enacted in 1998, repealed that section and inserted revised language governing Interstate additions at 23 U.S.C. 103(c). Furthermore, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59) inserted provisions related to efficient

environmental reviews at 23 U.S.C. 139. As such, references in 23 CFR 470 to section 139 causes confusion. These amendments will direct readers of this section to the proper section of the U.S. Code. This rule also corrects outdated and incorrect directions for obtaining publications referenced in the regulatory text. It also extends to 25 years the time period that routes designated by agreement as future Interstate routes must be constructed to meet Interstate Highway System standards as provided by 23 U.S.C. 103(c)(4)(B)(ii). Section 1106(a) of SAFETEA-LU (Pub. L. 109-59), enacted in 2005, extended the construction deadline from 12 to 25 years. The amended rule will reflect this statutory extension. Finally, this rule corrects references to FHWA offices that are involved in reviewing and approving Interstate designation requests, due to Agency reorganizations.

**Rulemaking Analyses and Notice**

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. The FHWA finds that notice and comment for this rule is unnecessary and contrary to the public interest because it will have no substantive impact, is technical in nature, and relates only to management, organization, procedure, and practice. The amendments to the rule are based upon the explicit language of statutes that were enacted subsequent to the promulgation of the rule. The FHWA does not anticipate receiving meaningful comments on it. States, local governments, transit agencies, and their consultants rely upon the environmental regulations corrected by this action. These corrections will reduce confusion for these entities and should not be unnecessarily delayed. Accordingly, for the reasons listed above, the agencies find good cause under 5 U.S.C. 553(b)(3)(B) to waive notice and opportunity for comment.

**Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures**

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of DOT regulatory policies and procedures. It is anticipated that the economic impact of this rulemaking will be minimal. This rule only entails minor corrections that will not in any way alter the regulatory effect of 23 CFR part