

Fort Hood/Killeen, TX, Robert Gray AAF, RNAV (GPS) RWY 15, Amdt 1
 Fort Hood/Killeen, TX, Robert Gray AAF, RNAV (GPS) RWY 33, Amdt 1
 Fort Hood/Killeen, TX, Robert Gray AAF, VOR-A, Amdt 2
 Fort Hood/Killeen, TX, Robert Gray AAF, VOR/DME RWY 15, Amdt 3
 Georgetown, TX, Georgetown Muni, GPS RWY 11, Orig, CANCELLED
 Georgetown, TX, Georgetown Muni, GPS RWY 18, Orig, CANCELLED
 Georgetown, TX, Georgetown Muni, GPS RWY 29, Orig, CANCELLED
 Georgetown, TX, Georgetown Muni, GPS RWY 36, Orig, CANCELLED
 Georgetown, TX, Georgetown Muni, RNAV (GPS) RWY 11, Orig
 Georgetown, TX, Georgetown Muni, RNAV (GPS) RWY 18, Orig
 Georgetown, TX, Georgetown Muni, RNAV (GPS) RWY 29, Orig
 Georgetown, TX, Georgetown Muni, RNAV (GPS) RWY 36, Orig
 Georgetown, TX, Georgetown Muni, Takeoff Minimums and Obstacle DP, Orig
 Killeen, TX, Skylark Field, ILS OR LOC RWY 1, Amdt 3
 Killeen, TX, Skylark Field, RNAV (GPS) RWY 1, Orig
 Killeen, TX, Skylark Field, VOR-A, Amdt 4
 Lampasas, TX, Lampasas, RNAV (GPS) RWY 34, Orig
 Lampasas, TX, Lampasas, VOR-A, Amdt 4
 Lampasas, TX, Lampasas, Takeoff Minimums and Obstacle DP, Orig
 Llano, TX, Llano Muni, GPS RWY 17, Amdt 1, CANCELLED
 Llano, TX, Llano Muni, GPS RWY 35, Amdt 1A, CANCELLED
 Llano, TX, Llano Muni, RNAV (GPS) RWY 17, Orig
 Llano, TX, Llano Muni, RNAV (GPS) RWY 35, Orig
 Llano, TX, Llano Muni, Takeoff Minimums and Obstacle DP, Orig
 Odessa, TX, Odessa-Schlemeyer Field, Takeoff Minimums and Obstacle DP, Amdt 2
 Renton, WA, Renton Muni, NDB RWY 16, Amdt 6
 Renton, WA, Renton Muni, RNAV (GPS) Y RWY 16, Amdt 3
 Renton, WA, Renton Muni, RNAV (GPS) Z RWY 16, Amdt 1
 Renton, WA, Renton Muni, Takeoff Minimums and Obstacle DP, Amdt 7
 Wenatchee, WA, Pangborn Memorial, VOR/DME-A, Amdt 8
 Wenatchee, WA, Pangborn Memorial, VOR/DME-C, Amdt 4
 Wenatchee, WA, Pangborn Memorial, VOR OR GPS-B, Amdt 4, CANCELLED
 Sheboygan, WI, Sheboygan County Memorial, Takeoff Minimums and Obstacle DP, Amdt 1
 Pinedale, WY, Pinedale/Ralph Wenz Field, RNAV (GPS) RWY 11, Amdt 1
 Pinedale, WY, Pinedale/Ralph Wenz Field, RNAV (GPS) RWY 29, Amdt 1

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 248

[Release Nos. 34-60946; IA-2946; IC-28990; File No. S7-29-04]

RIN 3235-AJ24

Regulation S-AM: Limitations on Affiliate Marketing; Extension of Compliance Date

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; extension of compliance date.

SUMMARY: The Securities and Exchange Commission is extending the compliance date for Regulation S-AM (74 FR 40398 (Aug. 11, 2009)), which limits a person's use of certain information received from an affiliate to solicit a consumer for marketing purposes unless the consumer has been given notice and a reasonable opportunity and a reasonable and simple method to opt out of such solicitations.

DATES: The effective date for Regulation S-AM (17 CFR 248.101 through 248.128) remains September 10, 2009. The compliance date for Regulation S-AM is extended from January 1, 2010 to June 1, 2010.

FOR FURTHER INFORMATION CONTACT: For information regarding the regulation as it relates to brokers, dealers, or transfer agents, contact Brice Prince, Special Counsel, or Ignacio Sandoval, Attorney, Office of Chief Counsel, Division of Trading and Markets, (202) 551-5550, or regarding the regulation as it relates to investment companies or investment advisers, contact Penelope Saltzman, Assistant Director, or Thoreau Bartmann, Senior Counsel, Office of Regulatory Policy, Division of Investment Management, (202) 551-6792, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: On August 9, 2009, the Commission adopted Regulation S-AM to implement Section 624 of the Fair Credit Reporting Act, as amended by Section 214 of the Fair and Accurate Credit Transactions Act of 2003 ("FACT Act").¹ Section 624 required the Commission and other federal agencies to adopt rules implementing limitations on a person's use of certain information received from an affiliate to solicit a consumer for

marketing purposes, unless the consumer has been given notice and a reasonable opportunity and a reasonable and simple method to opt out of such solicitations. Regulation S-AM implements the requirements of Section 624 with respect to investment advisers and transfer agents registered with the Commission, as well as brokers, dealers, and investment companies (collectively "Covered Persons"). The release adopting Regulation S-AM established an effective date of September 10, 2009, and a compliance date of January 1, 2010.²

Two associations representing institutions that are subject to Regulation S-AM have expressed, on behalf of their members, concerns regarding the difficulties that their members are facing in complying with the regulation.³ Specifically, the associations assert that the period for compliance does not provide enough time to design, implement and test the system changes that will be necessary to accommodate, monitor and maintain opt out requests.

While we have some concerns about the effect of an extension in delaying the anticipated benefits of the regulation, the Commission is persuaded that a limited extension of the compliance date for Regulation S-AM is appropriate. Our judgment is based on the representations made by the associations (whose members are required to comply with the regulation and thus are in a position to assess the level of difficulty and time involved in such compliance) and our experience in overseeing the industry. We also believe that the additional period for compliance would allow more Covered Persons to combine or coordinate notices required under Regulation S-AM with privacy notices required under the Gramm-Leach-Bliley Act and Regulation S-P, which is specifically permitted under Section 624 of the FCRA Act.⁴ Accordingly, the Commission believes it is appropriate to extend the compliance date for Regulation S-AM to June 1, 2010. The

² *Id.*

³ See Comment Letters from the Investment Adviser Association (Sept. 24, 2009) and the Investment Company Institute (Sept. 8, 2009). The comment letters are available for public inspection and copying in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. (File No. S7-29-04), and also are available on the Commission's Internet Web site: <http://www.sec.gov/rules/proposed/s72904.shtml>.

⁴ See 15 U.S.C. 1681s-3(b). See also 15 U.S.C. 6801-6809 (Gramm-Leach-Bliley Act privacy provisions); 17 CFR Part 248 (Regulation S-P).

¹ Regulation S-AM: Limitations on Affiliate Marketing, Securities Exchange Act Release No. 60423 (Aug. 9, 2009) [74 FR 40398 (Aug. 11, 2009)].

regulation's effective date of September 10, 2009 remains unchanged.

The Commission finds that, for good cause and the reasons cited above, including the brief length of the extension we are granting, notice and solicitation of comment regarding the extension of the compliance date for Regulation S-AM are impracticable, unnecessary, or contrary to the public interest.⁵ In this regard, the Commission also notes that Covered Persons need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

By the Commission.

Dated: November 5, 2009.

Elizabeth M. Murphy,
Secretary.

[FR Doc. E9-27126 Filed 11-10-09; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 528

New Animal Drugs in Genetically Engineered Animals

CFR Correction

In Title 21 of the Code of Federal Regulations, Parts 500–599, revised as of April 1, 2009, on page 359, the heading for part 528 is corrected to read “NEW ANIMAL DRUGS IN GENETICALLY ENGINEERED ANIMALS”.

[FR Doc. E9-27305 Filed 11-10-09; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD-2006-OS-0033; RIN 0790-AI26]

32 CFR Part 311

Office of the Secretary of Defense and Joint Staff Privacy Program

AGENCY: Department of Defense.

ACTION: Final rule; amendment.

SUMMARY: On October 30, 2009 (74 FR 56114), the Department of Defense published a final rule revising 32 CFR part 311 to update Office of the Secretary of Defense (OSD) and Joint Staff (JS) policy, assign responsibilities, and prescribe procedures for the effective administration of the Privacy Act (PA) Program in OSD and JS. In the published rule, the section on procedures for exemptions was inadvertently dropped. This rule amendment is being published to add this section back to 32 CFR part 311.

DATES: *Effective Date:* This rule is effective November 30, 2009.

FOR FURTHER INFORMATION CONTACT: Cindy Allard, 703-588-6830.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, “Regulatory Planning and Review”

It has been certified that 32 CFR part 311 does not:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order 12866, as amended by Executive Order 13422.

Section 202, Public Law 104-4, “Unfunded Mandates Reform Act”

It has been certified that 32 CFR part 311 does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

Public Law 96-354, “Regulatory Flexibility Act” (5 U.S.C. 601)

It has been certified that 32 CFR part 311 is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. The rule implements the procedures for the effective administration of the Privacy Act Program in OSD and the JS.

Public Law 96-511, “Paperwork Reduction Act” (44 U.S.C. Chapter 35)

It has been certified that 32 CFR part 311 does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Executive Order 13132, “Federalism”

It has been certified that 32 CFR part 311 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of Government.

List of Subjects in 32 CFR Part 311 Privacy Act.

■ Accordingly, 32 CFR part 311 is amended as follows:

PART 311—[AMENDED]

■ 1. The authority citation for part 311 continues to read as follows:

Authority: 5 U.S.C. 552a.

■ 2. Section 311.8 is added to read as follows:

§ 311.8 Procedures for exemptions.

(a) *General information.* The Secretary of Defense designates those Office of the Secretary of Defense (OSD) systems of records which will be exempt from certain provisions of the Privacy Act. There are two types of exemptions, general and specific. The general exemption authorizes the exemption of a system of records from all but a few requirements of the Act. The specific exemption authorizes exemption of a system of records or portion thereof, from only a few specific requirements. If an OSD Component originates a new system of records for which it proposes an exemption, or if it proposes an additional or new exemption for an existing system of records, it shall submit the recommended exemption with the records system notice as outlined in § 311.6. No exemption of a system of records shall be considered automatic for all records in the system. The systems manager shall review each requested record and apply the exemptions only when this will serve significant and legitimate Government purpose.

(b) *General exemptions.* The general exemption provided by 5 U.S.C. 552a(j)(2) may be invoked for protection of systems of records maintained by law enforcement activities. Certain functional records of such activities are

⁵ See Section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) (“APA”) (an agency may dispense with prior notice and comment when it finds, for good cause, that notice and comment are “impracticable, unnecessary, or contrary to the public interest”). The change to the compliance date is effective upon publication in the *Federal Register*. This date is less than 30 days after publication in the *Federal Register*, in accordance with the APA, which allows effectiveness in less than 30 days after publication for “a substantive rule which grants or recognizes an exemption or relieves a restriction.” See 5 U.S.C. 553(d)(1).