

RESCINDED

Office of Thrift Supervision
Department of the Treasury

June 13, 2001

Transmittal TR-252

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Federal Register, Vol. 66, No. 59, pp. 16624-16625

Number TR-252

In the attached joint notice, the Office of Thrift Supervision (OTS) and the other federal banking agencies provide notice that the final Fair Credit Reporting Act (FCRA) regulation will not apply to privacy notices that a financial institution sends out prior to January 1, 2002.

Since publication of the FCRA proposal on October 20, 2000, a number of institutions have been concerned about possible inconsistencies between the requirements of the final FCRA regulation and the Gramm-Leach-Bliley Act (GLBA) privacy provisions. The FCRA permits an institution to communicate consumer information to its affiliates, without incurring the obligations of consumer reporting agencies, as long as the institution provides the consumer with an opt out notice. The GLBA privacy regulation requires an institution to include any applicable FCRA notice within the institution's privacy notice.


The agencies advise institutions to continue processing privacy notices without delay. Those institutions that have already issued privacy notices will not have to re-issue revised notices because of the final FCRA rule. The notice also updates institutions on the FCRA proposal so they will have enough time to plan for and meet the requirements of the privacy regulations.

The update on the joint notice of proposed rulemaking was published in the March 27, 2001, edition of the Federal Register, Vol. 66, No. 59, pp. 16624-16625.

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— Richard M. Riccobono
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Attachment

performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference OMB No. 0581-NEW and the California raisin marketing order, and be sent to USDA in care of the Docket Clerk at the previously mentioned address. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

A 60-day comment period is provided to allow interested persons to respond to this proposal.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is proposed to be amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. In § 989.173, paragraph (d)(1)(iii) is revised, paragraphs (g), (h), and (i) are redesignated as paragraphs (h), (i), and (j), and a new paragraph (g) is added to read as follows:

§ 989.173 Reports.

* * * * *

- (d) * * *
- (1) * * *

(iii) The varietal type of raisin, with organically produced raisins as specified in paragraph (g) of this section separated out, net weight, and condition of the raisins transferred; and

* * * * *

(g) *Organically produced raisins.* For purposes of this section, organically produced raisins means raisins that have been certified by an organic certification organization currently registered with the California

Department of Food and Agriculture. Handlers of such raisins shall submit the following reports to the Committee.

(1) *Inventory report of organically produced raisins.* Each handler shall submit to the Committee by the close of business on July 31 of each crop year, and not later than the following August 6, on an appropriate form provided by the Committee, a report showing, with respect to the organically produced raisins held by such handler:

(i) The quantity of free tonnage raisins, segregated as to locations where they are stored and whether they are natural condition or packed;

(ii) The quantity of reserve tonnage raisins held for the account of the Committee;

(iii) The quantity of off-grade raisins segregated as to those for reconditioning and those for disposition as such.

(2) *Acquisition report of organically produced standard raisins.* Each handler shall submit to the Committee for each week (Sunday through Saturday or such other 7-day period for which the handler has submitted a proposal to and received approval from the Committee) and not later than the following Wednesday, on an appropriate form provided by the Committee, a report showing the following:

(i) The total net weight of the standard raisins acquired during the reporting period, segregated when appropriate, as to free tonnage and reserve tonnage;

(ii) The location of the reserve tonnage; and

(iii) The cumulative totals of such acquisitions (as so segregated) from the beginning of the current crop year.

(iv) Upon request of the Committee, each handler shall provide copies of the organic certificate(s) applicable to the quantity of raisins reported as acquired.

(3) *Disposition report of organically produced raisins.* No later than the seventh day of each month, handlers who are not processors shall submit to the Committee, on an appropriate form provided by the Committee, a report showing the aggregate quantity of free tonnage packed raisins and standard natural condition raisins which were shipped or otherwise disposed of by such handler during the preceding month (exclusive of transfer within the State of California between the plants of any such handler and from such handler to other handlers). Such information shall include:

(i) Domestic outlets (exclusive of Federal government purchases) according to the quantity shipped in consumer cartons, the quantity of bags having a net weight content of 4 pounds or less, and the quantity shipped in bulk

packs (including, but not limited to those in bags having a net weight content of more than 4 pounds);

(ii) Federal government purchases;

(iii) Export outlets according to quantity shipped in consumer cartons, the quantity shipped in bags having a net weight of 4 pounds or less, and the quantity shipped in bulk packs (including, but not limited to, those in bags having a net weight content of more than 4 pounds);

(iv) Export outlets, by countries of destination; and

(v) Each of any other outlets in which the handler disposed of such raisins other than by any transfer which is excluded by the preceding sentence.

* * * * *

Dated: March 21, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01-7528 Filed 3-26-01; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 41

[Docket No. 01-04]

RIN 1557-AB78

FEDERAL RESERVE SYSTEM

12 CFR Part 222

[Regulation V; Docket No. R-1082]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 334

RIN 3064-AC35

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 571

[Docket No. 2001-17]

RIN 1550-AB33

Fair Credit Reporting Regulations on Communication of Consumer Information Among Affiliated Institutions

AGENCIES: Office of the Comptroller of the Currency, Treasury (OCC); Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); and Office of Thrift Supervision, Treasury (OTS).

ACTION: Joint notice of proposed rulemaking; update.

SUMMARY: The OCC, Board, FDIC, and OTS (Agencies) have published for comment proposed regulations implementing the provisions of the Fair Credit Reporting Act (FCRA) that permit institutions to communicate consumer information to their affiliates (affiliate information sharing) without incurring the obligations of consumer reporting agencies. Many of the comments have raised concerns about how this rulemaking would affect compliance with the final regulations implementing the privacy provisions of the Gramm-Leach-Bliley Act (GLBA). The final FCRA rule will not apply to privacy notices that an institution will have sent prior to January 1, 2002, or prior to the effective date of a final FCRA rule, whichever is later. The Agencies advise financial institutions to prepare their privacy notices in accordance with the privacy regulations and the FCRA without delaying compliance until publication of the final FCRA rule, and provide an update on the status of the rulemaking.

FOR FURTHER INFORMATION CONTACT:

OCC: Michael S. Bylsma, Director, Community and Consumer Law Division, (202) 874-5750; or Amy Friend, Assistant Chief Counsel, (202) 874-5200, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Jane J. Gell, Managing Counsel, Division of Consumer and Community Affairs, (202) 452-3667; or Thomas E. Scanlon, Senior Attorney, Legal Division (202) 452-3594, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20051.

FDIC: James K. Baebel, Assistant Director, Compliance Policy, Division of Compliance and Consumer Affairs, (202) 942-3086, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

OTS: Paul Robin, Assistant Chief Counsel, (202) 906-6648; or Christine Harrington, Counsel (Banking and Finance), (202) 906-7957, Regulations and Legislation Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2000, the Agencies jointly published final regulations implementing provisions of the GLBA regarding the privacy of consumer financial information (privacy regulations) (65 FR 35162). The privacy regulations require that financial

institutions deliver initial privacy notices to their existing customers no later than July 1, 2001. To meet the July 1, 2001, deadline, many institutions are currently designing, printing, and preparing to distribute their initial privacy notices.

Since 1997, the FCRA has permitted an institution to disclose certain consumer information to its affiliates, without incurring the obligations of consumer reporting agencies, if it first provides the consumer with a notice regarding the disclosure and an opportunity to opt out. The privacy regulations require an institution to include a FCRA notice, if applicable, within its privacy notice.

On October 20, 2000, the Agencies published for comment proposed regulations implementing the FCRA affiliate information-sharing provisions (October FCRA Proposal) (65 FR 63120). The October FCRA Proposal addressed, among other matters, the form, content, and means of delivery of FCRA opt out notices.

A number of financial institutions have expressed concern that if the FCRA opt out notices included in their initial privacy notices are inconsistent with final FCRA regulations, then they may be required to revise and reissue their privacy notices. As a result, some financial institutions may consider delaying the preparation and delivery of privacy notices until very close to July 1, 2001. Other financial institutions that already have delivered their privacy notices are concerned that they may have to revise and redeliver their notices.

Update

To allow financial institutions to plan for and meet the requirements of the privacy regulations, the Agencies provide this update on the October FCRA Proposal. The Agencies are actively considering all of the comments submitted by the public regarding the October FCRA Proposal. Among other things, the Agencies are considering whether it is appropriate in light of suggestions and new issues raised by commenters to request comment on a revised proposed rule or whether to proceed to issue a final rule. In either event, the Agencies do not contemplate that a final FCRA rule will be adopted in time for institutions to adhere to the rule's requirements and deliver their privacy notices before July 1, 2001. Accordingly, the Agencies encourage institutions to deliver their privacy notices well in advance of the July 1 deadline when possible.

The Agencies will also carefully consider and address the request of

commenters to the October FCRA Proposal that the Agencies delay the effective date of the final FCRA rule to permit financial institutions adequate time to comply with the final rule and the privacy regulations. Under no circumstances, however, will the final FCRA rule apply to privacy notices under the GLBA that an institution will have sent prior to January 1, 2002, or prior to the effective date of a final FCRA rule, whichever is later.

Dated: March 19, 2001.

John D. Hawke, Jr.,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, March 14, 2001.

Jennifer J. Johnson,

Secretary of the Board.

By order of the Board of Directors.
Federal Deposit Insurance Corporation.

Dated at Washington, DC, this 13th day of March, 2001.

Robert E Feldman,

Executive Secretary.

Dated: March 13, 2001.

By the Office of Thrift Supervision.

Ellen Seidman,

Director.

[FR Doc. 01-7442 Filed 3-26-01; 8:45 am]

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THE BROADCASTING BOARD OF GOVERNORS

22 CFR Part 503

Freedom of Information Act Regulations

AGENCY: The Broadcasting Board of Governors.

ACTION: Notice of proposed rulemaking.

SUMMARY: This regulation establishes rules for implementing the Freedom of Information Act (FOIA) for the newly created Broadcasting Board of Governors.

DATES: Comments must be submitted on or before April 16, 2001.

ADDRESSES: Send comments to the FOIA/Privacy Act Office, The Broadcasting Board of Governors (BBG), Office of the General Counsel, 330 Independence Avenue, SW., Washington, DC 20237, Suite 3349; telephone (202) 260-4404.

FOR FURTHER INFORMATION CONTACT: Caroline S. West, Assistant General Counsel at (202) 260-4404.

SUPPLEMENTARY INFORMATION: Public Law 103-236, the United States International Broadcasting Act of 1994, created the Broadcasting Board of