

Government personnel and agencies under § 740.11(b)(2)(ii) of the EAR, or an item-specific license exception identified in Supplement No. 5 to part 774 particular to an item covered under ECCN 0E521. The list of technologies determined to be classified under ECCN 0E521 controls is published in Supplement No. 5 to part 774. The license requirements and licensing policy relating to ECCN 0E521 are set forth in § 742.6(a)(7) of the EAR.

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■ 14. Add and reserve Supplement No. 4 to part 774 to read as follows:

**SUPPLEMENT NO. 4 TO PART 774—
[RESERVED]**

■ 15. Add Supplement No. 5 to part 774 to read as follows:

**SUPPLEMENT NO. 5 TO PART 774—
ITEMS CLASSIFIED UNDER ECCNS
0A521, 0B521, 0C521, 0D521 AND
0E521**

The following table lists items subject to the EAR that are not listed elsewhere in the CCL, but which the Department

of Commerce, with the concurrence of the Departments of Defense and State, has identified warrant control for export or reexport because the items provide at least a significant military or intelligence advantage to the United States or for foreign policy reasons.

Item descriptor. <i>Note:</i> The description must match by model number or a broader descriptor that does not necessarily need to be company specific. 1. [Reserved] 2. [Reserved]	Date of initial or subsequent BIS classification.	Date when the item will be designated EAR99, unless reclassified in another ECCN or the 0Y521 classification is reissued.	Item-specific license exception eligibility.

Dated: April 9, 2012.

Kevin J. Wolf,

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¹ Public Law 111–203, 124 Stat. 1376 (2010).
² 15 U.S.C. 1692–1692p.
³ 12 U.S.C. 1831t(c)-(f).
⁴ Public Law 111–8, section 626, 123 Stat. 524 (Mar. 11, 2009).

(“FCRA”) (collectively, “the Acts”),⁵ on July 21, 2011.⁶

As a result, the Commission is rescinding the following nine rules issued under the Acts, which have been republished by the CFPB:

- Disclosure Requirements for Depository Institutions Lacking Federal Deposit Insurance, 16 CFR Part 320 (republished by the CFPB at 12 CFR part 1009);
- Mortgage Acts and Practices—Advertising Rule, 16 CFR part 321 (republished by the CFPB at 12 CFR part 1014);
- Mortgage Assistance Relief Services Rule, 16 CFR part 322 (republished by the CFPB at 12 CFR part 1015);
- [Identity Theft] Definitions, 16 CFR Part 603 (republished by the CFPB at 12 CFR 1022.3);
- Free Annual File Disclosures Rule, 16 CFR Part 610 (republished by the CFPB at 12 CFR 1022.130);
- Prohibition Against Circumventing Treatment as a Nationwide Consumer Reporting Agency, 16 CFR Part 611 (republished by the CFPB at 12 CFR 1022.140);
- Duration of Active Duty Alerts, 16 CFR part 613 (republished by the CFPB at 12 CFR 1022.121);
- Appropriate Proof of Identity, 16 CFR part 614 (republished by the CFPB at 12 CFR 1022.123); and
- Procedures for State Application for Exemption from the Provisions of the [Fair Debt Collection Practices] Act, 16 CFR part 901 (republished by the CFPB at 12 CFR part 1006).

The CFPB republished these rules on an interim final basis and the CFPB rules became effective on December 30, 2011.⁷ Accordingly, the FTC is

rescinding its version of these rules effective immediately.

The FTC will retain rulemaking authority for other rules promulgated under the Acts to the extent the rules apply to motor vehicle dealers described in section 1029(a) of the Dodd-Frank Act that are predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.⁸ These seven rules are:

- Privacy of Consumer Financial Information Privacy Rule, 16 CFR part 313;
- Duties of Creditors Regarding Risk-Based Pricing, 16 CFR part 640;
- Duties of Users of Consumer Reports Regarding Address Discrepancies, 16 CFR part 641;
- Prescreen Opt-Out Notice, 16 CFR part 642;
- Duties of Furnishers of Information to Consumer Reporting Agencies, 16 CFR part 660;
- Affiliate Marketing, 16 CFR part 680; and
- Model Forms and Disclosures, 16 CFR part 698.

The Commission is authorized to maintain these rules pursuant to section 1029(c) of the Dodd-Frank Act and section 504(a) of the Gramm-Leach-Bliley Act.⁹ These rules remain in effect to the extent that they apply to motor vehicle dealers and will remain in Title 16 of the Code of Federal Regulations.

Under the Dodd-Frank Act, the FTC also retains its authority to bring law enforcement actions to enforce the Acts and FTC and CFPB rules issued under the Acts.

The FCRA governs the collection, assembly, and use of consumer report information and provides the framework for the credit reporting system in the United States.¹⁰ Since enactment of the FCRA in 1970, the FTC has played a key role in its implementation, oversight, enforcement, and interpretation.

On July 21, 2011, the Dodd-Frank Act transferred to the CFPB most of the Commission’s rulemaking authority under the FCRA.¹¹ As a result, the Commission is rescinding the rules discussed below, which the CFPB republished on an interim final basis on December 21, 2011. The republished rules became effective on December 30, 2011.¹²

⁸ Dodd-Frank Act, § 1029(a), (c).

⁹ 15 U.S.C. 6804(a).

¹⁰ 15 U.S.C. 1681 note 5.

¹¹ Dodd-Frank Act, § 1029(a), (c).

¹² 76 FR 79308 (Dec. 21, 2011); 12 CFR part 1022.

1. 16 CFR Part 603: [Identity Theft] Definitions

The Fair and Accurate Credit Transactions Act of 2003 (“FACT Act”) amended the FCRA and included requirements for consumer reporting agencies, creditors, and others to help remedy identity theft. The FTC issued final rules to define the terms “identity theft” and “identity theft report.”¹³

2. 16 CFR Part 610: Free Annual File Disclosures Rule

The FACT Act required consumer reporting agencies to provide consumers with one free copy of their file disclosure annually. (These free annual file disclosures are commonly known as “free credit reports.”) As required by the FACT Act, the FTC issued a rule requiring the establishment of a centralized source through which consumers may request these free annual file disclosures from each nationwide consumer reporting agency; a standardized form for such requests; and a streamlined process for consumers to request free annual file disclosures from nationwide specialty consumer reporting agencies.¹⁴ Pursuant to the Credit Card Accountability Responsibility and Disclosure Act of 2009 (“Credit CARD Act”),¹⁵ the FTC amended the rule to require that certain advertisements for “free credit reports” include prominent disclosures, and to prohibit other practices that may interfere with the free annual file disclosure process.¹⁶

3. 16 CFR Part 611: Prohibition Against Circumventing Treatment as a Nationwide Consumer Reporting Agency

The FCRA imposes certain specific requirements on “nationwide consumer reporting agencies.” As required by the FACT Act, the FTC promulgated an interim final rule prohibiting consumer reporting agencies from avoiding treatment as nationwide consumer reporting agencies through any means, including corporate structuring or technological methods.¹⁷

4. 16 CFR Part 613: Duration of Active Duty Alerts

Active Duty Alerts help service members who are deployed and may find it difficult to monitor their financial accounts. These service members can place alerts on their credit reports, which require that users of such

¹³ 69 FR 63922 (Nov. 3, 2004).

¹⁴ 69 FR 35468 (June 24, 2004).

¹⁵ Public Law 111–24, 123 Stat. 1734.

¹⁶ 75 FR 9726 (Mar. 3, 2010).

¹⁷ 69 FR 29061 (May 20, 2004).

⁵ 15 U.S.C. 1681 note 5. The Dodd-Frank Act does not transfer to the CFPB rulemaking authority for FCRA sections 615(e) (“Red Flag Guidelines and Regulations Required”) and 628 (“Disposal of Records”). 15 U.S.C. 1681s(e); Public Law 111–203, section 1088(a)(10)(E). Accordingly, the Commission retains rulemaking authority for its “Identity Theft Rules,” 16 CFR part 681, and its rules governing “Disposal of Consumer Report Information and Records,” 16 CFR part 682. 15 U.S.C. 1681m, 1681w. In addition, the Commission retains rulemaking authority under FCRA over any motor vehicle dealer described in Section 1029(a) of the Dodd-Frank Act that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both. Dodd-Frank Act, § 1029(a), (c).

⁶ Dodd-Frank Act, § 1061. This date is the “designated transfer date” established by the Treasury Department under the Dodd-Frank Act. Dep’t of the Treasury, Dodd-Frank Act, § 1061.

⁷ 76 FR 57252, 57253 (Sept. 20, 2010); Dodd-Frank Act, § 1062.

⁸ 76 FR 78121 (Dec. 16, 2011); 76 FR 78126 (Dec. 16, 2011); 76 FR 78130 (Dec. 16, 2011); 76 FR 79308 (Dec. 21, 2011).

¹⁸ 69 FR 63922 (Nov. 3, 2004).

¹⁹ .

²⁰ Omnibus Appropriations Act, 2009, Public Law 111-8, 123 Stat. 524.

²¹ Credit Card Act § 511(a)(1)(B).

²² 76 FR 78130 (Dec. 16, 2011); *see* 12 CFR parts 1014 and 1015.

²³ 76 FR 43826 (July 22, 2011); *see* 16 CFR part 321.

²⁴ 75 FR 75092 (Dec. 1, 2010); *see* 16 CFR part 322.

²⁵ *see* Public Law 102-242, 105 Stat. 2236.

²⁶ 16 CFR part 320; *see* 75 FR 31682 (June 4, 2010). These disclosure requirements do not apply to depository institutions that do not receive initial deposits of less than the standard maximum insurance amount for federal deposit insurance. That amount is currently \$250,000.

²⁷ *see* 76 FR 78126 (Dec. 16, 2011); *see* 12 CFR part 1009.

²⁸ FDICPA, § 817, 15 U.S.C. 1692o.

²⁹ 16 CFR part 901; *see* 44 FR 21005 (Apr. 9, 1979).

restriction" from FTC requirements.³⁶ The 30-day notice requirement does not apply under these circumstances, in which the Dodd-Frank Act transferred authority to issue these rules to the CFPB as of the designated transfer date. Therefore, affected persons do not need time to prepare for or take any action with regard to the rescission.³⁷

III. Paperwork Reduction Act

The Free Annual File Disclosures Rule and the mortgage rules contain information requirements that have been approved by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act of 1995 ("PRA").³⁸ Because the FTC and CFPB share enforcement authority for these rules, the CFPB has assumed half of the FTC's previously cleared burden estimates for these rules and OMB has approved the CFPB's request for emergency clearance. In turn, the FTC has submitted associated adjustment requests to OMB to reduce by half the FTC's previously cleared estimates under the PRA assigned to these rules.

IV. Regulatory Flexibility Act

Because the Commission has determined that it may remove these regulations without public comment, the Commission is also not required to publish any initial or final regulatory flexibility analysis under the Regulatory Flexibility Act as part of such action.³⁹

List of Subjects

16 P 320

Credit unions, Depository institutions, and Federal deposit insurance.

16 P 321

Advertising, Communications, Consumer protection, Credit, Mortgages, Trade practices.

16 P 322

Consumer protection, Trade practices, Telemarketing.

16 P 603

Fair Credit Reporting Act, Consumer reports, Consumer reporting agencies, Credit, Information furnishers, Identity theft, Trade practices.

16 P 610

Fair Credit Reporting Act, Consumer reports, Consumer reporting agencies, Credit, Trade practices.

16 P 611

Consumer reports, Consumer reporting agencies, Credit, Information furnishers, Identity theft, Trade practices.

16 P 613

Fair Credit Reporting Act, Consumer reports, Consumer reporting agencies, Credit, Information furnishers, Identity theft, Trade practices.

16 P 614

Fair Credit Reporting Act, Consumer reports, Consumer reporting agencies, Credit, Information furnishers, Identity theft, Trade practices.

16 P 901

Administrative practice and procedure, Consumer protection, Credit, Intergovernmental relations.

Accordingly, for the reasons set forth above, the Commission amends Chapter I of Title 16, Code of Federal Regulations, as follows:

- 1. Revise part 320 to read as follows:

PART 320—DISCLOSURE REQUIREMENTS FOR DEPOSITORY INSTITUTIONS LACKING FEDERAL DEPOSIT INSURANCE

Authority: 12 U.S.C. 1831t; 15 U.S.C. 41

§ 320.1 Cross-reference.

The rules formerly at 16 CFR part 320 have been republished by the Consumer Financial Protection Bureau at 12 CFR part 1009, "Disclosure Requirements for Depository Institutions Lacking Federal Deposit Insurance (Regulation I)."

- 2. Revise part 321 to read as follows:

PART 321—MORTGAGE ACTS AND PRACTICES—ADVERTISING

Authority: Pub. L. 111–8, section 626, 123 Stat. 524, as amended by Pub. L. 111–24, section 511, 123 Stat. 1734.

§ 321.1 Cross-reference.

The rules formerly at 16 CFR part 321 have been republished by the Consumer Financial Protection Bureau at 12 CFR part 1014, "Mortgage Acts and Practices Advertising (Regulation N)."

- 3. Revise part 322 to read as follows:

PART 322—MORTGAGE ASSISTANCE RELIEF SERVICES

Authority: Pub. L. 111–8, section 626, 123 Stat. 524, as amended by Pub. L. 111–24, section 511, 123 Stat. 1734.

§ 322.1 Cross-reference.

The rules formerly at 16 CFR part 322 have been republished by the Consumer Financial Protection Bureau at 12 CFR part 1015, "Mortgage Assistance Relief Services (Regulation O)."

- 4. Revise part 603 to read as follows:

PART 603—DEFINITIONS

Authority: Pub. L. 108–159, sec. 111; 15 U.S.C. 1681a.

§ 603.1 Cross-reference.

The rules formerly at 16 CFR part 603 have been republished by the Consumer Financial Protection Bureau at 12 CFR 1022.3, "Fair Credit Reporting (Regulation V)."

- 5. Revise part 610 to read as follows:

PART 610—FREE ANNUAL FILE DISCLOSURES

Authority: 15 U.S.C. 1681a, g, and h; sec. 211(a) and (d), Pub. L. 108–159, 117 Stat. 1968 and 1972 (15 U.S.C. 1681j); Pub. L. 111–24.

§ 610.1 Cross-reference.

The rules formerly at 16 CFR part 610 have been republished by the Consumer Financial Protection Bureau at 12 CFR 1022.130, "Fair Credit Reporting (Regulation V)."

- 6. Revise part 611 to read as follows:

PART 611—PROHIBITION AGAINST CIRCUMVENTING TREATMENT AS A NATIONWIDE CONSUMER REPORTING AGENCY

Authority: Pub. L. 108–159, sec. 211(b); 15 U.S.C. 1681x.

§ 611.1 Cross-reference.

The rules formerly at 16 CFR part 611 have been republished by the Consumer Financial Protection Bureau at 12 CFR 1022.140, "Fair Credit Reporting (Regulation V)."

- 7. Revise part 613 to read as follows:

PART 613—DURATION OF ACTIVE DUTY ALERTS

Authority: Pub. L. 108–159, sec. 112(a); 15 U.S.C. 1681c–1.

§ 613.1 Cross-reference.

The rules formerly at 16 CFR part 613 have been republished by the Consumer Financial Protection Bureau at 12 CFR

³⁶ 5 U.S.C. 553(d)(1); *see*, e.g., *Chrysler v. OMB*, 884 F.2d 587, 591 (DC Cir. 1989).

³⁷ *See*, e.g., *Chrysler v. OMB*, 884 F.2d 587, 591 (DC Cir. 1989). ("The purpose of the 30-day notice requirement in § 553(d) is to 'afford persons affected a reasonable time to prepare for the effective date of a rule or rules or to take any other action which the issuance of rules may prompt.' Administrative Procedure Act Legislative History, 79th Cong., 2d Sess. 201 (1946)").

³⁸ 44 U.S.C. 3501.

³⁹ 5 U.S.C. 603(a), 604(b).

1022.121, "Fair Credit Reporting (Regulation V)."

■ 8. Revise part 614 to read as follows:

PART 614—APPROPRIATE PROOF OF IDENTITY

Authority: Pub. L. 108–159, sec. 112(b).

§ 614.1 Cross-reference.

The rules formerly at 16 CFR part 614 have been republished by the Consumer Financial Protection Bureau at 12 CFR 1022.123, "Fair Credit Reporting (Regulation V)."

■ 9. Revise part 901 to read as follows:

PART 901—PROCEDURES FOR STATE APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE ACT

Authority: Pub. L. 95–109, 91 Stat. 874, 15 U.S.C. 1692o; 5 U.S.C. 552.

§ 901.1 Cross-reference.

The rules formerly at 16 CFR part 901 have been republished by the Consumer Financial Protection Bureau at 12 CFR part 1006, "Fair Debt Collection Practices Act (Regulation F)."

By direction of the Commission.

Donald S. Clark,

Commissioner.

[FR Doc. 2012–8748 Filed 4–12–12; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 15

Employment and Training Administration

20 CFR Parts 638 and 670

RIN 1290–AA25

Administrative Claims Under the Federal Tort Claims Act and Related Statutes

AGENCY: Office of the Secretary, Employment and Training Administration, Labor.

ACTION: Direct final rule.

SUMMARY: This amendment revises the Department of Labor's (DOL) regulations governing administrative claims submitted to DOL pursuant to the Federal Tort Claims Act (FTCA), the Military Personnel and Civilian Employees' Claims Act (MPCECA), and for payment of claims arising out of the operation of the Job Corps. The regulations governing such claims were

last revised in 1995. MPCECA has since been amended to allow payment of up to \$100,000 if the claim arose from an emergency or extraordinary circumstance. Further, the implementing authority for the Job Corps was changed to the Workforce Investment Act (WIA) since the last time the regulations were updated. These regulations are being amended to reflect those changes, improve the clarity and ease of use of the regulations, and to harmonize the regulations governing these claims between those regulations in titles 20 and 29 of the CFR, which includes deleting the references to these claims in 20 CFR part 638 as these revisions have rendered those sections unnecessary. Finally, the regulations in title 20 have also been updated to reflect the recently revised regulations regarding claims of Job Corps students under the Federal Employees' Compensation Act (FECA).

DATES: This direct final rule is effective July 12, 2012 without further action, unless adverse comment is received by June 12, 2012. If an adverse comment is received, DOL will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments on the direct final rule, identified by Regulatory Information Number (RIN) 1290–AA25, by one of the following methods: 1290-AA25@docket.eplanning.ad.gov; www.regulations.gov; or by mail to: The Internet address to submit comments on the rule is www.regulations.gov. Follow the Web site instructions for submitting comments.

Submit written comments to Catherine P. Carter, Counsel for Claims and Compensation, Office of the Solicitor, U.S. Department of Labor, Room S–4325, 200 Constitution Avenue NW., Washington, DC 20210. Because of security measures, mail directed to Washington, DC is sometimes delayed. We will only consider comments postmarked by the U.S. Postal Service or other delivery service on or before the deadline for comments.

All comments must include the RIN 1290–AA25 for this rulemaking. Receipt of any comments, whether by mail or Internet, will not be acknowledged. Because DOL continues to experience delays in receiving postal mail in the Washington, DC area, commenters are encouraged to submit any comments by mail early.

Comments on the direct final rule will be available for public inspection during normal business hours at the address listed above for mailed comments. Persons who need assistance to review the comments will be provided with

appropriate aids such as readers or print magnifiers. Copies of this direct final rule may be obtained in alternative formats (e.g., large print, audiotape or disk) upon request. To schedule an appointment to review the comments and/or to obtain the direct final rule in an alternative format, contact DOL at 202–693–5320 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Catherine P. Carter, Counsel for Claims and Compensation, Office of the Solicitor, U.S. Department of Labor, Room S–4325, 200 Constitution Avenue NW., Washington, DC 20210, Telephone: 202–693–5320 (this is not a toll-free number).

Individuals with hearing or speech impairments may access this telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Direct Final Rule and Concurrent, Identical Proposed Rule

Since this rule is not controversial and primarily concerns agency procedures, we have determined that the subject of this rulemaking is suitable for a direct final rule. No significant adverse comments are anticipated. However, concurrent with this direct final rule, a separate, identical proposed rule is published in today's issue of the **Federal Register**. The duplicate proposed rule will expedite rulemaking in the event we receive significant adverse comments and we withdraw this direct final rule. All interested parties should comment at this time because we will not initiate an additional comment period. If no significant adverse comments to the accompanying proposed rule are received on or before June 12, 2012, this direct final rule will become effective July 12, 2012 without further notice.

If significant adverse comments are received, we will publish a timely notice in the **Federal Register** withdrawing this direct final rule, and will then proceed with the rulemaking by addressing the comments and developing a final rule from the proposed rule published elsewhere in today's issue of the **Federal Register**. For purposes of withdrawing this direct final rule, a significant adverse comment is one that explains (1) why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a significant adverse comment