

**§ 318.8 Effective date.**

This part shall apply to breaches of security that are discovered on or after September 18, 2009.

**§ 318.9 Sunset.**

If new legislation is enacted establishing requirements for notification in the case of a breach of security that apply to entities covered by this part, the provisions of this part shall not apply to breaches of security discovered on or after the effective date of regulations implementing such legislation.

By direction of the Commission.

**Donald S. Clark,**  
Secretary.

[FR Doc. E9-8882 Filed 4-17-09; 8:45 am]

[BILLING CODE 6750-01-S]

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 248

[Release Nos. 34-59769, IA-2866, IC-28697;  
File No. S7-09-07]

RIN 3235-AJ06

#### Interagency Proposal for Model Privacy Form Under the Gramm-Leach- Bliley Act

**AGENCY:** Securities and Exchange  
Commission.

**ACTION:** Proposed rule; reopening of  
comment period.

**SUMMARY:** The Securities and Exchange Commission (“Commission”) is reopening the period for public comment on proposed amendments to Regulation S-P, which implements the privacy provisions of the Gramm-Leach-Bliley Act (“GLB Act”), originally published in the **Federal Register** on March 29, 2007. The proposed amendments would, if adopted, create a safe harbor for a model form that financial institutions may use to provide disclosures in initial and annual privacy notices required under Regulation S-P.

**DATES:** Comments should be received on or before May 20, 2009.

**ADDRESSES:** Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission’s Internet comment form (<http://www.sec.gov/rules/proposed.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number S7-09-07 on the subject line; or

- Use the Federal eRulemaking Portal (<http://www.regulations.gov>). Follow the instructions for submitting comments.

#### Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number S7-09-07. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s Internet Web site (<http://www.sec.gov/rules/proposed.shtml>). Comments are also 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

#### FOR FURTHER INFORMATION CONTACT:

Paula Jenson, Deputy Chief Counsel, or Brice Prince, Special Counsel, Office of Chief Counsel, Division of Trading and Markets, (202) 551-5550; or 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:** The Commission is reopening the period for public comment on proposed rule amendments,<sup>1</sup> which were proposed pursuant to the Financial Services Regulatory Relief Act of 2006 (the “Act”), enacted on October 13, 2006.<sup>2</sup> The proposal was published on March 29, 2007, and the comment period closed on May 29, 2007. Section 728 of the Act added subsection (e) to section 503 of the GLB Act, which directs the Commission, together with seven other federal agencies<sup>3</sup> (collectively the

<sup>1</sup> See Interagency Proposal for Model Privacy Form Under the Gramm-Leach-Bliley Act, Securities Exchange Act Release No. 55497, Investment Company Act Release No. 27755 (Mar. 20, 2007) [72 FR 14940 (Mar. 29, 2007)] (“Interagency Proposal”) and [72 FR 16875 (Apr. 5, 2007)] (correction notice).

<sup>2</sup> Public Law 109-351 (Oct. 13, 2006), 120 Stat. 1966.

<sup>3</sup> The seven other agencies are the: Commodity Futures Trading Commission (“CFTC”), Federal Deposit Insurance Corporation (“FDIC”), Board of

“Agencies”) responsible for implementing Title V, Subtitle A of the GLB Act, to “jointly develop a model form which may be used, at the option of the financial institution, for the provision of disclosures under this section.”<sup>4</sup> The proposed amendments would, if adopted, create a safe harbor for a model privacy notice form that financial institutions may use to provide disclosures required under the privacy rules<sup>5</sup> adopted by the Agencies pursuant to section 504 of the GLB Act.<sup>6</sup>

In connection with the development of the model form, an outside consultant, Macro International (“Macro”) was retained to conduct quantitative testing to evaluate the effectiveness of four different types of privacy notices, including a slightly revised version of the proposed model privacy notice form.<sup>7</sup> Macro tested the notices on approximately 1,000 consumers at five retail shopping mall locations around the country. Each of the four notices used for testing was printed in a double-sided format, using the front and back sides of an 8½ x 11-inch piece of white paper. We have placed in the comment file for the proposed rule (available at <http://www.sec.gov/comments/s7-09-07/s70907.shtml> and at [http://www.ftc.gov/privacy/privacyinitiatives/financial\\_rule\\_inrp.html](http://www.ftc.gov/privacy/privacyinitiatives/financial_rule_inrp.html)) the following documents from the testing: (i) The test data collected and provided by Macro together with the codebook that relates to the data; (ii) the report provided by Macro, which includes a summary of the methodology used in collecting the data, the interview protocol, and the four test notices; and (iii) a report describing the results of the test data prepared by Dr. Alan Levy and Dr. Manoj Hastak.<sup>8</sup>

We are reopening the comment period before final action is taken on the proposal in order to provide all persons who are interested in this matter an opportunity to comment on these

Governors of the Federal Reserve System (“Board”), Federal Trade Commission (“FTC”), National Credit Union Administration (“NCUA”), Office of the Comptroller of the Currency (“OCC”), and Office of Thrift Supervision (“OTS”).

<sup>4</sup> See *supra* note 2, adding 15 U.S.C. 6803(e). The Act stipulates that the model form shall be a safe harbor for financial institutions that elect to use it.

<sup>5</sup> For the Agencies’ privacy rules see 12 CFR Part 40 (OCC); 12 CFR Part 216 (Board); 12 CFR Part 332 (FDIC); 12 CFR Part 573 (OTS); 12 CFR Part 716 (NCUA); 16 CFR Part 313 (FTC); 17 CFR part 160 (CFTC); 17 CFR Part 248 (Commission).

<sup>6</sup> Codified at 15 U.S.C. 6804.

<sup>7</sup> As described in the Interagency Proposal, the consumer research project on privacy notices was launched in 2004. Interagency Proposal *supra* note 1, at Section I.B.

<sup>8</sup> Dr. Levy and Dr. Hastak are consultants to the model privacy notice research project.

additional quantitative testing documents. Accordingly, we are reopening the comment period until May 20, 2009.

Dated: April 15, 2009.

By the Commission.

**Elizabeth M. Murphy,**  
*Secretary.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2009-0103]

RIN 1625-AA00

#### Safety Zone; Sea World 4th of July Fireworks Display; Mission Bay, San Diego, CA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes establishing a safety zone on the navigable waters of Mission Bay in support of the Sea World 4th of July Fireworks Display. This safety zone is necessary to provide for the safety of crew, spectators, and other users and vessels of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative.

**DATES:** Comments and related material must be received by the Coast Guard on or before May 20, 2009.

**ADDRESSES:** You may submit comments identified by docket number USCG-2009-0103 using any one of the following methods:

(1) *Federal eRulemaking Portal:*  
<http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section

below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call Petty Officer Shane Jackson, USCG, Waterways Management, U.S. Coast Guard Sector San Diego at (619) 278-7262. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

##### Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2009-0103), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via [www.regulations.gov](http://www.regulations.gov), it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand delivery, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, select the Advanced Docket Search option on the right side of the screen, insert "USCG-2009-0103" in the Docket ID box, press Enter, and then click on the balloon shape in the Actions column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or

envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

##### Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, select the Advanced Docket Search option on the right side of the screen, insert USCG-2009-0103 in the Docket ID box, press Enter, and then click on the item in the Docket ID column. You may also visit either the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays; or the U.S. Coast Guard Sector San Diego, 2710 N. Harbor Dr., San Diego, CA 92101 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

##### Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

##### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

##### Background and Purpose

Fireworks & Stage FX Inc. is sponsoring the Sea World 4th of July Fireworks Display, which will include a fireworks presentation originating from a land based firing site located at approximately 32°46'17.20" N, 117°13'24.72" W. The safety zone will encompass all navigable waters within 800 feet of the firing site. This safety zone is necessary to provide for the safety of the crew, spectators, and other users and vessels of the waterway.