

information so that the information cannot practicably be read or reconstructed.

(2) Destroying or erasing electronic media containing consumer information so that the information cannot practicably be read or reconstructed.

(c) *Rule of construction.* This section does not:

(1) Require you to maintain or destroy any record pertaining to a consumer that is not imposed under any other law; or

(2) Alter or affect any requirement imposed under any other provision of law to maintain or destroy such a record.

(d) *Definitions.* As used in this section:

(1) *Consumer information* means any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report and that is maintained or otherwise possessed by or on behalf of the credit union for a business purpose. Consumer information also means a compilation of such records. The term does not include any record that does not identify an individual.

(i) *Consumer information* includes:

(A) A consumer report that you obtain;

(B) Information from a consumer report that you obtain from your affiliate after the consumer has been given a notice and has elected not to opt out of that sharing;

(C) Information from a consumer report that you obtain about an individual who applies for but does not receive a loan, including any loan sought by an individual for a business purpose;

(D) Information from a consumer report that you obtain about an individual who guarantees a loan (including a loan to a business entity); or

(E) Information from a consumer report that you obtain about an employee or prospective employee.

(ii) *Consumer information* does not include:

(A) Aggregate information, such as the mean credit score, derived from a group of consumer reports; or

(B) Blind data, such as payment history on accounts that are not personally identifiable, you use for developing credit scoring models or for other purposes.

(2) *Consumer report* has the same meaning as set forth in the Fair Credit Reporting Act, 15 U.S.C. 1681a(d). The meaning of consumer report is broad and subject to various definitions, conditions and exceptions in the Fair Credit Reporting Act. It includes written or oral communications from a

consumer reporting agency to a third party of information used or collected for use in establishing eligibility for credit or insurance used primarily for personal, family or household purposes, and eligibility for employment purposes. Examples include credit reports, bad check lists, and tenant screening reports.

#### **PART 748—SECURITY PROGRAM, REPORT OF CRIME AND CATASTROPHIC ACT AND BANK SECRECY ACT COMPLIANCE**

■ 2. The authority citation for part 748 is revised to read as follows:

**Authority:** 12 U.S.C. 1766(a), 1786(q); 15 U.S.C. 1681s, 1681w, 6801, and 6805(b); 31 U.S.C. 5311 and 5318.

■ 3. Amend § 748.0 by adding paragraph (c) to read as follows:

##### **§ 748.0 Security program.**

\* \* \* \* \*

(c) Each Federal credit union, as part of its information security program, must properly dispose of any consumer information the Federal credit union maintains or otherwise possesses, as required under § 717.83 of this chapter.

■ 4. Amend appendix A to part 748 as follows:

■ a. Add the following sentence at the end of paragraph I.: “These Guidelines also address standards with respect to the proper disposal of consumer information pursuant to sections 621(b) and 628 of the Fair Credit Reporting Act (15 U.S.C. 1681s(b) and 1681w).”;

■ b. Add the following sentence at the end of paragraph I.A.: “These Guidelines also apply to the proper disposal of consumer information by such entities.”;

■ c. Redesignate paragraphs I.B.2.a. through d. as I.B.2.c. through f.;

■ d. Add new paragraphs I.B.2.a. and b., III.C.4., and III.G.3. and III.G.4. to read as set forth below; and

■ e. Amend paragraph II.B. by removing the word “and” after the word “information;” and adding the following phrase after the word “member” at the end of the sentence: “; and ensure the proper disposal of member information and consumer information”.

#### **Appendix A to Part 748—Guidelines for Safeguarding Member Information**

I. \* \* \*

B. \* \* \*

2. \* \* \*

a. *Consumer information* means any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report and that is maintained or otherwise possessed by or on behalf of the credit union for a business purpose. Consumer

information also means a compilation of such records. The term does not include any record that does not identify an individual.

b. *Consumer report* has the same meaning as set forth in the Fair Credit Reporting Act, 15 U.S.C. 1681a(d). The meaning of consumer report is broad and subject to various definitions, conditions and exceptions in the Fair Credit Reporting Act. It includes written or oral communications from a consumer reporting agency to a third party of information used or collected for use in establishing eligibility for credit or insurance used primarily for personal, family or household purposes, and eligibility for employment purposes. Examples include credit reports, bad check lists, and tenant screening reports.

\* \* \* \* \*

III. \* \* \*

C. \* \* \*

4. Develop, implement, and maintain, as part of its information security program, appropriate measures to properly dispose of member information and consumer information in accordance with the provisions in paragraph III.

\* \* \* \* \*

G. \* \* \*

3. *Effective date for measures relating to the disposal of consumer information.* Each Federal credit union must properly dispose of consumer information in a manner consistent with these Guidelines by July 1, 2005.

4. *Exception for existing agreements with service providers relating to the disposal of consumer information.* Notwithstanding the requirement in paragraph III.G.3., a Federal credit union's existing contracts with its service providers with regard to any service involving the disposal of consumer information should implement the objectives of these Guidelines by July 1, 2006.

[FR Doc. 04-25995 Filed 11-26-04; 8:45 am]

BILLING CODE 7535-01-P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. FAA-2004-18606; Directorate Identifier 2004-CE-17-AD; Amendment 39-13877; AD 2004-24-01]

RIN 2120-AA64

#### **Airworthiness Directives; Bombardier Inc. Model (Otter) DHC-3 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA adopts a new airworthiness directive (AD) for all Bombardier Inc. Model (Otter) DHC-3 airplanes that have been modified by 524085 BC, Ltd. Supplemental Type Certificate (STC) Number ST01243NY or SA01243NY. This AD requires you to

replace the existing Viking Air Ltd. elevator servo tab assembly with a redesigned Viking Air Ltd. elevator servo tab assembly. This AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Canada. There has been one failure of the elevator servo tab assembly. We are issuing this AD to prevent the structural failure of the elevator servo tab. This failure could lead to loss of control of the airplane.

**DATES:** This AD becomes effective on December 28, 2004.

As of December 28, 2004, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation.

**ADDRESSES:** To get the service information identified in this AD, contact Bombardier Inc., Regional Aircraft, 123 Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. To review this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html) or call (202) 741-6030.

To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA-2004-18606.

**FOR FURTHER INFORMATION CONTACT:** David Lawson, Aerospace Engineer, ANE-171, New York Aircraft Certification Office, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone: 516-228-7327; facsimile: 516-794-5531.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

*What events have caused this AD?* Transport Canada, which is the airworthiness authority for Canada, notified FAA that an unsafe condition may exist on all Bombardier Inc. Model (Otter) DHC-3 airplanes that incorporate 524085 BC, Ltd. STC Number ST01243NY or SA01243NY. Transport Canada reports one incident of structural failure of the elevator servo tab balance assembly.

*What is the potential impact if FAA took no action?* Vibration may cause structural failure of the elevator servo tab. This failure could lead to loss of control of the airplane.

*Has FAA taken any action to this point?* We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Bombardier Inc. Model (Otter) DHC-3 airplanes that incorporate 524085 BC, Ltd. STC Number ST01243NY or SA01243NY. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on July 29, 2004 (69 FR 45293-95). The NPRM proposed to replace the existing Viking Air Ltd. elevator servo tab assembly with a redesigned Viking Air Ltd. elevator servo tab assembly.

##### **Comments**

*Was the public invited to comment?* We provided the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and FAA's response to each comment:

##### **Comment Issue: Question as to Whether Viking Air Is Authorized for Replacement Parts**

*What is the commenter's concern?* The commenter wants the issuance of the Airworthiness Directive to be delayed until it is determined whether the manufacture of the parts is authorized through a Canadian Parts Design Approval (PDA), a Canadian Approval Limitation Record (ALR), or 14 CFR 21.303(a). The commenter claims that the manufacturing of these parts should be authorized through a Canadian PDA, not an ALR, and that Viking Air is not authorized to manufacture the parts per 14 CFR 21.303(a).

*What is FAA's response to the concern?* The FAA does not agree. Viking Air manufactured the parts that are being removed per the AD for STC SA01243NY under a Canadian ALR. The modification parts being installed per the AD following Viking Air Service Bulletin V3/01 are the same parts as in the latest amendment to STC SA01243NY. Viking Air, under the Canadian ALR, 22-80 manufactured the parts for STC SA01243NY for export to the United States with Transport Canada Civil Aviation (TCCA) Export Certificates of Airworthiness. Per the Implementation Procedures Agreement (IPA) of the U.S./Canadian Bilateral Aviation Safety Agreement (BASA), the FAA accepts TCCA Export Certificates of Airworthiness for replacement and modification parts. Civil Airworthiness Regulations (CAR)/Airworthiness Manual Chapter 561 covers the manufacturing of replacement and modification parts. Regulation 14 CFR 21.303 "Replacement and modification

parts" does not apply to parts manufactured in Canada for export to the United States under the terms of the IPA of the US/Canadian BASA.

Therefore, FAA has determined that Viking Air does have the authority to manufacture parts for the accomplishment of this AD action.

We have made no changes to the final rule based on this comment.

##### **Additional Information**

*Are there any changes from the NPRM?* The STC holder issued a revision to the original type certificate because of a typographical error. Both the original and the revised STC (ST01243NY or SA01243NY) may be used.

##### **Conclusion**

*What is FAA's final determination on this issue?* We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for the changes discussed above and minor editorial corrections. We have determined that these changes and minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

##### **Docket Information**

*Where can I go to view the docket information?* You may view the AD docket that contains information relating to this subject in person at the DMS Docket Offices between 9 a.m. and 5 p.m. (eastern standard time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5227) is located on the plaza level of the Department of Transportation NASSIF Building at the street address stated in **ADDRESSES**. You may also view the AD docket on the Internet at <http://dms.dot.gov>.

##### **Changes to 14 CFR Part 39—Effect on the AD**

*How does the revision to 14 CFR part 39 affect this AD?* On July 10, 2002, the FAA published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

**Costs of Compliance**

*How many airplanes does this AD impact?* We estimate that this AD affects 11 airplanes in the U.S. registry.

*What is the cost impact of this AD on owners/operators of the affected airplanes?* We estimate the following costs to accomplish the modification:

Labor cost	Parts cost	Total cost per airplane	Total cost of U.S. operators
7.5 workhours × \$65 per hour = \$488 .....	\$2,630 (The operator may return the original parts to Viking Air Ltd. for credit.).	\$3,118	\$34,298

**Regulatory Findings**

*Will this AD impact various entities?* We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

*Will this AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**.

Include "Docket No. FAA-2004-18606; Directorate Identifier 2004-CE-17-AD" in your request.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

- 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

- 2. FAA amends § 39.13 by adding a new AD to read as follows:

**2004-24-01 Bombardier Inc.:** Amendment 39-13877; Docket No. FAA-2004-18606; Directorate Identifier 2004-CE-17-AD.

**When Does This AD Become Effective?**

- (a) This AD becomes effective on December 28, 2004.

**What Other ADs Are Affected by This Action?**

- (b) None.

**What Airplanes Are Affected by This AD?**

- (c) This AD affects the following airplane models and serial numbers that are certificated in any category: All Bombardier Inc. Model (Otter) DHC-3 airplanes incorporating 524085 BC, Ltd. Supplemental Type Certificate Number ST01243NY or SA01243NY.

**What Is the Unsafe Condition Presented in This AD?**

- (d) This AD is the result of one incident of structural failure of the elevator servo tab balance assembly. The actions specified in this AD are intended to prevent the structural failure of the elevator servo tab, which could lead to loss of control of the airplane.

**What Must I Do To Address This Problem?**

- (e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Perform the following actions: (i) Remove the existing elevator servo tab assembly, consisting of the following part numbers (P/N): C3TE13-12, VALTOC1136-2, and NAS40-2A-LT; (ii) Install the redesigned elevator servo tab assembly, P/N V3TE1137-1.	Replace the elevator servo tab assembly within 300 hours time-in-service (TIS) after December 28, 2004 (the effective date of this AD).	Follow Viking Air Ltd. Service Bulletin V3/01, dated March 6, 2002.
(2) Balance the servo tab assembly to achieve a nose heavy static moment within the limits set by Viking Air Ltd. Service Bulletin V3/01, dated March 6, 2002.	After installation of the redesigned servo tab assembly, balance prior to further flight.	Follow Viking Air Ltd. Service Bulletin V3/01, dated March 6, 2002.
(3) Do not install any of the following part numbers as part of the servo tab assembly: (i) P/N C3TE13-12; (ii) P/N VALTOC1136-2; (iii) P/N NAS40-2A-LT.	The part numbers should not be installed as of December 28, 2004 (the effective date of this AD).	Not applicable.

**May I Request an Alternative Method of Compliance?**

- (f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise,

send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, New York Aircraft Certification Office (ACO), FAA. For information on any already approved alternative methods of compliance, contact David Lawson,

Aerospace Engineer, ANE-171, New York Aircraft Certification Office, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone: 516-228-7327; facsimile: 516-794-5531.

**Is There Other Information That Relates to This Subject?**

(g) Transport Canada Airworthiness Directive Number CF-2002-48, dated November 21, 2002, and Viking Air Ltd. Service Bulletin Number V3/01, dated March 6, 2002, also address the subject of this AD.

**Does This AD Incorporate Any Material by Reference?**

(h) You must do the actions required by this AD following the instructions in Viking Air Ltd. Service Bulletin Number V3/01, dated March 6, 2002. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact Bombardier Inc., Regional Aircraft, 123 Garratt Boulevard, Downsview, Ontario, Canada M3K 1Y5. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html) or call (202) 741-6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001 or on the Internet at <http://dms.dot.gov>. The docket number is FAA-2004-18606.

Issued in Kansas City, Missouri, on November 15, 2004.

**Scott L. Sedgwick,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 04-25674 Filed 11-26-04; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2004-18562; Directorate Identifier 2003-NM-147-AD; Amendment 39-13883; AD 2004-24-07]

RIN 2120-AA64

**Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes. This AD requires replacing the bracket for the wire bundle of the fuel quantity indicating system (FQIS), performing a general visual inspection of the FQIS wire bundle for damage, and doing corrective actions if necessary. This AD

is prompted by a report of an incorrectly installed FQIS wire bundle. We are issuing this AD to prevent chafing of the FQIS wire(s) in the center fuel tank, which, when combined with a lightning strike or a power wire short to the FQIS wire(s), could result in arcing in the center fuel tank and consequent fuel tank explosion.

**DATES:** This AD becomes effective January 3, 2005.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of January 3, 2005.

**ADDRESSES:** For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. You can examine this information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL-401, on the plaza level of the Nassif Building, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

**Technical information:** Douglas Pegors, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6504; fax (425) 917-6590.

**Plain language information:** Marcia Walters, [marcia.walters@faa.gov](mailto:marcia.walters@faa.gov).

**Examining the Docket**

The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section.

**SUPPLEMENTARY INFORMATION:** The FAA proposed to amend 14 CFR part 39 with an AD for certain Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes. That action, published in the **Federal Register** on July 8, 2004 (69 FR 41207), proposed to require replacing the bracket for the wire bundle of the

fuel quantity indicating system (FQIS), performing a general visual inspection of the FQIS wire bundle for damage, and doing corrective actions if necessary.

**Comments**

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been submitted on the proposed AD.

**Agree With Proposed AD**

Two commenters, the Air Line Pilots Association, on behalf of its members, and the manufacturer, generally agree with the proposed AD.

**Request To Reduce Compliance Time**

One commenter, the Civil Aviation Authority, which is the airworthiness authority for the United Kingdom, requests reducing the compliance time specified in paragraph (f) of the proposed AD. The proposed compliance time is "within 24 months after the effective date of this AD." The commenter notes that Boeing issued Special Attention Service Bulletin 737-28-1190, dated January 16, 2003, over a year and a half ago. The commenter contends that the compliance time in the proposed AD should be reduced to ensure the prevention of a chafed wire in the fuel tank.

We do not agree to reduce the compliance time in the final rule. In developing an appropriate compliance time, we considered the safety implications, parts availability, and maintenance schedules that would allow for timely accomplishment and minimal fuel tank entries. Minimizing fuel tank entries reduces the potential for unintended hazardous conditions. In consideration of all of these factors, we determined that the compliance time, as proposed, represents an appropriate interval in which the required actions can be done in a timely manner within the fleet, while still maintaining an adequate level of safety. Operators are always permitted to accomplish the requirements of an AD at a time earlier than the specified compliance time. If additional data are presented that would justify a shorter compliance time, we may consider further rulemaking on this issue.

**Conclusion**

We have carefully reviewed the available data, including the comments that have been submitted, and determined that air safety and the public interest require adopting the AD as proposed.