

card issuer has established pursuant to § 681.1 of this part.

(d) *Alternative timing of address validation.* A card issuer may satisfy the requirements of paragraph (c) of this section if it validates an address pursuant to the methods in paragraph (c)(1) or (c)(2) of this section when it receives an address change notification, before it receives a request for an additional or replacement card.

(e) *Form of notice.* Any written or electronic notice that the card issuer provides under this paragraph must be clear and conspicuous and provided separately from its regular correspondence with the cardholder.

§ 681.3 [Removed]

- 31. Remove § 681.3.

Appendix A to Part 681 [Amended]

■ 32. Appendix A to Part 681 is amended by:

- a. Revising the introduction;
■ b. Removing in sections VI(a)(2) and VI(b)(1) the term “§ 681.2,” and adding in its place the term “§ 681.1”;
■ c. Removing, in Supplement A to Appendix A, in paragraph 3, the term “§ 681.1(b)” and adding in its place the term “§ 641.1(b)”;
■ d. Removing, in Supplement A to Appendix A, in paragraph 15, the phrase “account number” and adding in its place the word “address”;
■ e. Removing, in Supplement A to Appendix A, in paragraph 15, the phrase “other customers” and adding in its place the phrase “by other customers”; and
■ f. Removing, in Supplement A to Appendix A, in paragraph 20, the phrase “patterns of fraud patterns” and adding in its place the phrase “patterns of fraud”.

The revision reads as follows:

Appendix A to Part 681—Interagency Guidelines on Identity Theft Detection, Prevention, and Mitigation

Section 681.1 of this part requires each financial institution and creditor that offers or maintains one or more covered accounts, as defined in § 681.1(b)(3) of this part, to develop and provide for the continued administration of a written Program to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or any existing covered account. These guidelines are intended to assist financial institutions and creditors in the formulation and maintenance of a Program that satisfies the requirements of § 681.1 of this part.

\* \* \* \* \*

PART 698—MODEL FORMS AND DISCLOSURES

■ 33. The authority citation for part 698 continues to read as follows:

Authority: 15 U.S.C. 1681e, 1681g, 1681j, 1681m, 1681s, and 1681s-3; sections 211(d) and 214(b), Public Law 108-159, 117 Stat.1952.

■ 34. Appendix C to Part 698 is amended by:

- a. Redesignating Model Form C-5 as Model Form C-6; and
■ b. Adding new paragraph B.10 and new Model Form C-5 to read as follows:

Appendix C to Part 698—Model Forms for Opt-Out Notices

\* \* \* \* \*

B. \* \* \*

10. Adding disclosures regarding the treatment of opt-outs by joint consumers to comply with § 680.23(a)(2) of part 680.

\* \* \* \* \*

C-5—Model Form for Voluntary “No Marketing” Notice

Your Choice To Stop Marketing

- [Name of Affiliate] is providing this notice.
• You may choose to stop all marketing from us and our affiliates.
• [Your choice to stop marketing from us and our affiliates will apply until you tell us to change your choice.]

To stop all marketing, contact us [include all that apply]:

- By telephone: 1-877-###-####
• On the Web: www.—.com
• By mail: Check the box and complete the form below, and send the form to:

[Company name]
[Company address]
Do not market to me.

\* \* \* \* \*

Appendix C to Part 698 [Amended]

■ 35. Effective January 1, 2010, newly redesignated Model Form C-6 is removed.

By order of the Board of Governors of the Federal Reserve System, April 27, 2009.

Jennifer J. Johnson, Secretary of the Board.

By the Office of the Comptroller of the Currency.

Julie L. Williams, First Senior Deputy Comptroller and Chief Counsel.

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

Robert E. Feldman, Executive Secretary.

By the Office of Thrift Supervision, John E. Bowman, Acting Director.

By order of the National Credit Union Administration Board.

Mary F. Rupp, Secretary of the Board.

By direction of the Commission.

Donald S. Clark, Secretary.

[FR Doc. E9-10009 Filed 5-13-09; 8:45 am]

BILLING CODE 4810-33-P, 6210-01-P, 6714-01-P, 6720-01-P, 7535-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-0448; Directorate Identifier 2009-NM-052-AD; Amendment 39-15906; AD 2009-10-10]

RIN 2120-AA64

Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

During testing, it was discovered that when the outflow valve (OFV) manual mode connector is not connected, the manual mode motor and altitude limitation are not properly tested. Consequently, a disconnect

of the OFV manual mode and/or a related wiring failure could potentially result in a dormant loss of several CPC [cabin pressure control] backup/safety functions, including OFV manual control, altitude limitation, emergency depressurization and smoke clearance. \* \* \*

\* \* \* \* \*

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** This AD becomes effective May 29, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of May 29, 2009.

We must receive comments on this AD by June 15, 2009.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

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

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

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7303; fax (516) 794-5531.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

The Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF-2009-08, dated March 9, 2009 (referred to after this as “the MCAI”), to correct an unsafe

condition for the specified products. The MCAI states:

During testing, it was discovered that when the outflow valve (OFV) manual mode connector is not connected, the manual mode motor and altitude limitation are not properly tested. Consequently, a disconnect of the OFV manual mode and/or a related wiring failure could potentially result in a dormant loss of several CPC [cabin pressure control] backup/safety functions, including OFV manual control, altitude limitation, emergency depressurization and smoke clearance. This deficiency is applicable to CPC units, Part Number (P/N) GG670-98002-3 and -5, and CPCP [cabin pressure control panel], Part Number GG670-98001-5, -7 and -9.

This [Canadian] directive mandates an interim repetitive check of the OFV manual mode motor and altitude limitation functions, followed by modification (software update) of the CPC units and the CPCP.

The corrective action for findings of improper OFV manual mode motor or altitude limitation functions is replacing the valve with a new or serviceable valve. You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

Bombardier has issued Alert Service Bulletin A670BA-21-022, dated August 3, 2006. Bombardier has also issued Tasks 21-32-01-000-801 and 21-32-01-400-801 of the Bombardier CRJ Regional Jet Series Aircraft Maintenance Manual, CSP B-001, Part 2, Volume 1, Revision 28, dated January 20, 2009. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA’s Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between the AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S.

operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the AD.

#### FAA’s Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of possible latent failure of several CPC backup/safety functions, including OFV manual control, altitude limitation, emergency depressurization, and smoke clearance, which could result in altitude limitation, emergency depressurization, and smoke clearance issues. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2009-0448; Directorate Identifier 2009-NM-052-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. “Subtitle VII: Aviation Programs,” describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We 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.

*For the reasons discussed above, I certify 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 regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

### 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 FAA amends 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. The FAA amends § 39.13 by adding the following new AD:

**2009–10–10 Bombardier Inc. (Formerly Canadair):** Amendment 39–15906. Docket No. FAA–2009–0448; Directorate Identifier 2009–NM–052–AD.

### Effective Date

(a) This airworthiness directive (AD) becomes effective May 29, 2009.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, certificated in any category, serial numbers 10003 through 10260 inclusive; Model CL–600–2D15 (Regional Jet Series 705) airplanes and Model CL–600–2D24 (Regional Jet Series 900) airplanes, certificated in any category, serial numbers 15001 through 15095 inclusive.

### Subject

(d) Air Transport Association (ATA) of America Code 21: Air Conditioning.

### Reason

(e) The mandatory continued airworthiness information (MCAI) states:

During testing, it was discovered that when the outflow valve (OFV) manual mode connector is not connected, the manual mode motor and altitude limitation are not properly tested. Consequently, a disconnect of the OFV manual mode and/or a related wiring failure could potentially result in a dormant loss of several CPC [cabin pressure control] backup/safety functions, including OFV manual control, altitude limitation, emergency depressurization and smoke clearance. This deficiency is applicable to CPC units, Part Number (P/N) GG670–98002–3 and –5, and CPCP [cabin pressure control panel], Part Number GG670–98001–5, –7 and –9.

This [Canadian] directive mandates an interim repetitive check of the OFV manual mode motor and altitude limitation functions, followed by modification (software update) of the CPC units and the CPCP.

The corrective action for findings of improper OFV manual mode motor and altitude limitation functions is replacing the valve with a new or serviceable valve.

### Actions and Compliance

(f) Unless already done, do the following actions.

(1) Within 450 flight hours after the effective date of this AD, inspect the OFV for proper operation of the manual mode motor and altitude limitation functions, in accordance with Part A of the Accomplishment Instructions of Bombardier Alert Service Bulletin A670BA–21–022, dated August 3, 2006 (“the service bulletin”). If the OFV manual mode motor or altitude limitation functions do not operate properly, before further flight, do the actions specified in paragraphs (f)(1)(i) and (f)(1)(ii) of this AD. Repeat the inspection thereafter at intervals not to exceed 450 flight hours. Accomplishing the actions specified in paragraph (f)(3) of this AD terminates the requirements of this paragraph.

(i) Make sure that the electrical connectors, MPE23P1 and MPE23P2, are connected to the OFV.

(ii) Repeat the inspection of the OFV for proper operation of the manual mode motor

and altitude limitation functions, in accordance with Part A of the service bulletin. If the OFV manual mode motor or altitude limitation functions do not operate properly, before further flight, replace the OFV with a new or serviceable valve in accordance with Tasks 21–32–01–000–801 and 21–32–01–400–801 of the Bombardier CRJ Regional Jet Series Aircraft Maintenance Manual, CSP B–001, Part 2, Volume 1, Revision 28, dated January 20, 2009, and do the inspection of the OFV specified in paragraph (f)(1) of this AD.

(2) Prior to accomplishing paragraph (f)(3) of this AD: Install modified CPC units, Part Number GG670–98002–7, in accordance with Part B of the Accomplishment Instructions of Bombardier Alert Service Bulletin A670BA–21–022, dated August 3, 2006.

(3) Installing modified CPCPs, Part Number GG670–98001–11, in accordance with Part C of the Accomplishment Instructions of Bombardier Alert Service Bulletin A670BA–21–022, dated August 3, 2006, terminates the requirements of paragraph (f)(1) of this AD.

### FAA AD Differences

**Note 1:** This AD differs from the MCAI and/or service information as follows:

(1) The MCAI and Bombardier Alert Service Bulletin A670BA–21–022, dated August 3, 2006, do not describe corrective actions for findings of improper OFV manual mode motor and altitude limitation functions. This AD requires the actions in paragraphs (f)(1)(i) and (f)(1)(ii) of this AD, which includes replacing the valve if the OFV manual mode motor or altitude limitation functions do not operate properly.

(2) This AD does not require the software update of the CPC units specified in Part 2 of the MCAI, and the software update of the CPCP specified in Part 3 of the MCAI. The planned compliance times for those actions would allow enough time to provide notice and opportunity for prior public comment on the merits of those actions. Therefore, we are considering further rulemaking to address this issue.

### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7303; fax (516) 794–5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective

actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) **Reporting Requirements:** For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) Refer to MCAI Canadian Airworthiness Directive CF-2009-08, dated March 9, 2009;

Bombardier Alert Service Bulletin A670BA-21-022, dated August 3, 2006; and Tasks 21-32-01-000-801 and 21-32-01-400-801 of the Bombardier CRJ Regional Jet Series Aircraft Maintenance Manual, CSP B-001, Part 2, Volume 1, Revision 28, dated January 20, 2009; for related information.

#### Material Incorporated by Reference

(i) You must use Bombardier Alert Service Bulletin A670BA-21-022, dated August 3, 2006; Task 21-32-01-000-801 of the Bombardier CRJ Regional Jet Series Aircraft Maintenance Manual, CSP B-001, Part 2, Volume 1, Revision 28, dated January 20, 2009; and Task 21-32-01-400-801, of the

Bombardier CRJ Regional Jet Series Aircraft Maintenance Manual, CSP B-001, Part 2, Volume 1, Revision 28, dated January 20, 2009; as applicable; to do the actions required by this AD, unless the AD specifies otherwise. The optional terminating actions, if done, must be done in accordance with Bombardier Alert Service Bulletin A670BA-21-022, dated August 3, 2006. Bombardier CRJ Regional Jet Series Aircraft Maintenance Manual, CSP B-001, Part 2, Volume 1, Revision 28, dated January 20, 2009, contains the following effective pages:

#### LIST OF EFFECTIVE PAGES

| Page title/description                   | Page number(s)   | Revision number   | Date shown on page(s) |
|--|------------------|-------------------|-----------------------|
| Title Page .....                         | None shown ..... | 28 .....          | January 20, 2009.     |
| List of Chapters .....                   | 1-2 .....        | 28 .....          | January 20, 2009.     |
| Chapter 21 List of Effective Pages ..... | 1-39 .....       | None shown* ..... | January 20, 2009.     |
| Task 21-32-01-000-801 .....              | 401-403 .....    | None shown* ..... | July 20, 2008.        |
| Task 21-32-01-400-801 .....              | 408-411 .....    | None shown* ..... | July 20, 2008.        |

(\* The revision level is specified only on the title page and List of Chapters pages of this document.)

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; e-mail [thd.crj@aero.bombardier.com](mailto:thd.crj@aero.bombardier.com); Internet <http://www.bombardier.com>.

(3) You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221 or 425-227-1152.

(4) You may also review copies of the service information that is incorporated by reference 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).

Issued in Renton, Washington, on May 6, 2009.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9-11139 Filed 5-13-09; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 61, 63, 65, 91, 120, 121, 135

**[Docket No. FAA-2008-0937; Amendment Nos. 61-122, 63-37, 65-53, 91-307, 120-0, 121-343, 135-117]**

**RIN 2120-AJ37**

#### Drug and Alcohol Testing Program

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

**ACTION:** Final rule.

**SUMMARY:** This action amends the FAA's drug and alcohol regulations to place them in a new part. The FAA is not making any substantive changes to the drug and alcohol regulations in this rulemaking.

**DATES:** *Effective Date:* July 13, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Rafael Ramos, Office of Aerospace Medicine, Drug Abatement Division, AAM-800, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8442; facsimile (202) 267-5200; e-mail [drugabatement@faa.gov](mailto:drugabatement@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Authority for Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of United States Code. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII,

Aviation Programs, describes in more detail the scope of the FAA's authority.

These rules were originally promulgated under the authority described in Subtitle VII, Part A Chapter 451—Alcohol and Controlled Substances Testing. Under section 45102, the FAA is charged with prescribing regulations for air carriers and foreign air carriers to establish and to conduct preemployment, reasonable suspicion, random, and post-accident drug and alcohol testing. Some of these rules, for example those dealing with contract air traffic controllers, were promulgated under the FAA's general rulemaking authority in 49 U.S.C. 44701(a)(5).

This rule is intended to reorganize the requirements for drug and alcohol testing into a single part. It also clarifies the rules by, for example, replacing references to appendices I and J with references to part 120. It is expected that this rule will simplify locating specific provisions and changes to those provisions for individuals and entities required to comply with the FAA's drug and alcohol testing requirements. For this reason, the changes are within the scope of our authority and are a reasonable and necessary exercise of our statutory obligations.

##### Background

The regulations governing FAA-required drug and alcohol testing requirements currently are scattered throughout Chapter I of Title 14, Code of Federal Regulations. Requirements for affected certificated airmen are located in parts 61, 63, 65, and 67.