Regulated Entities) from OFHEO and the FHFB to the FHFA. The Regulated Entities continue to operate under regulations promulgated by OFHEO and the FHFB until such time as the existing regulations are supplanted by regulations promulgated by the FHFA.

On January 15, 2009, the FHFA published a final rule to implement the FOIA. *See* 74 FR 2342 (Jan. 15, 2009). The FHFA's FOIA implementation rule is codified at 12 CFR part 1202. Because the FHFA FOIA rule now is effective, the agency is removing the FOIA rules of its predecessor agencies, the FHFB and OFHEO, codified respectively at 12 CFR parts 910 and 1703, subparts A through D. This rulemaking also deletes now obsolete references to the FHFA and OFHEO in section 1202.3 concerning the location of the FOIA Reading Room.

II. Notice and Public Participation

The notice and comment procedure required by the Administrative Procedure Act is inapplicable to this final rule because the rule is procedural and makes only technical changes. *See* 5 U.S.C. 553(b)(3)(A).

III. Paperwork Reduction Act

The final regulation does not contain any information collection requirement that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

IV. Regulatory Flexibility Act

The FHFA is adopting this regulation in the form of a final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility Act do not apply. *See* 5 U.S.C. 601(2) and 603(a).

List of Subjects

12 CFR Part 910

Confidential business information, Freedom of information, Reporting and recordkeeping requirements.

12 CFR Part 1202

Appeals, Confidential commercial information, Disclosure, Exemptions, Fees, Final action, Freedom of information, Judicial review, Records, Requests.

12 CFR Part 1703

Administrative practice and procedure, Confidential business information, Freedom of information.

For the reasons stated in the preamble, under the authority of 12 U.S.C. 4526__, the FHFA is amending 12 CFR chapters IX, XII, and XVII as follows:

CHAPTER IX—Federal Housing Finance Board

PART 910—[REMOVED]

■ 1. Remove part 910.

CHAPTER XII—Federal Housing Finance Agency

PART 1202—FREEDOM OF INFORMATION ACT

■ 2. The authority citation for part 1202 continues to read as follows:

Authority: Pub. L. 110–289, 122 Stat. 2654; 5 U.S.C. 301, 552; 12 U.S.C. 4526; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; E.O. 13392, 70 FR 75373–75377, 3 CFR, 2006 Comp., p. 216–200.

■ 3. Revise § 1202.3(c) to read as follows:

§ 1202.3 What information can I obtain through FOIA?

* * * * *

(c) *Reading rooms.* (1) FHFA maintains electronic and physical reading rooms. The physical reading room is located at 1700 G Street, NW., Fourth Floor, Washington, DC 20552, and is open to the public by appointment from 9 a.m. to 3 p.m. each business day. For an appointment, contact the FOIA Officer by calling 202–414–6425 or by e-mail at *foia@fhfa.gov.* The electronic reading room is part of the FHFA Web site at *http://www.fhfa.gov.*

(2) Each reading room has the following records created by FHFA or its predecessor agencies after November 1, 1996, and current indices to all of the following records created by FHFA or its predecessor agencies before or after November 1, 1996:

(i) Final opinions or orders issued in adjudication;

(ii) Statements of policy and interpretation that are not published in the **Federal Register**;

(iii) Administrative staff manuals and instructions to staff that affect a member of the public, and are not exempt from disclosure under FOIA; and

(iv) Copies of records released under FOIA that FHFA determines have become or are likely to become the subject of subsequent requests for substantially the same records.

CHAPTER XVII—Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development

PART 1703—RELEASE OF INFORMATION

■ 4. The authority citation for part 1703 continues to read as follows:

Authority: Pub. L. 110–289, 122 Stat. 2654; 5 U.S.C. 301, 552; 12 U.S.C. 4526; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; E.O. 13392, 70 FR 75373–75377, 3 CFR, 2006 Comp., p. 216–200.

Subparts A–D [Removed and Reserved]

■ 5. Remove and reserve subparts A through D.

Dated: April 15, 2009.

James B. Lockhart III,

Director, Federal Housing Finance Agency.

[FR Doc. E9–9424 Filed 4–23–09; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. NE129; Special Conditions No. 33–007–SC]

Special Conditions: General Electric Company GEnx–2B Model Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for General Electric Company (GE) GEnx–2B67 and GEnx–2B69 model turbofan engines. The fan blades of these engines will have novel or unusual design features when compared to the state of technology envisioned in the part 33 airworthiness standards. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the added safety standards the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is May 26, 2009.

FOR FURTHER INFORMATION CONTACT: Kevin Donovan, ANE–111, Rulemaking and Policy Branch, Engine and Propeller Directorate Standards Staff, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803–5299; telephone (781) 238–7743; facsimile (781) 238–7199; e-mail *kevin.donovan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On February 28, 2006, the General Electric Company (GE) applied to the FAA to amend the GEnx model type certificate to add GEnx–2B engine model series. Currently, the GEnx type

certificate consists of the GEnx–1B turbofan engine models GEnx–B54, GEnx–1B58, GEnx–1B64, GEnx–1B67, and GEnx–1B70. GE is requesting to add the GEnx–2B67 and GEnx–2B69 engine model series to the type certificate.

The GEnx–2B engine model series is a close derivative of the GEnx–1B engine models, and will utilize a significant number of common parts and systems. Some GEnx–2B engine model components, which differ from those on the GEnx–1B engine models, include a smaller diameter fan operating at a slightly higher speed, a lower guide vane count, fewer booster stages, lower bypass ratio, fewer low pressure turbine stages, lighter accessories gearbox, and a modified turbine rear frame. Those components do not introduce any unique materials, design concepts, or manufacturing processes.

The GEnx–2B engine models will also incorporate fan blades manufactured using carbon graphite composite material, with a bonded metal tip cap, and metal leading and trailing edge laminates. The design and manufacture of these fan blades are similar to those used on the GE90–76B, –77B, –85B, –90B, –94B baseline engines, the GE90–110B1, –113B, and –115B derivative engine model series, and the GEnx–1B engine model series. This novel and unusual design feature results in the fan blades having significant differences in material property characteristics when compared to conventionally designed fan blades using only metallic materials.

GE submitted data and analysis during the GE90 baseline and GE90–11 SB derivative engine model certification programs, and again during the recent GEnx–1B certification program. GE was able to show that the likelihood of these carbon graphite composite fan blades failing below the inner annulus flow path line is highly improbable. GE questioned the appropriateness of the requirement contained in § 33.94(a)(1) to show containment after a failure of the fan blade at the outermost retention feature.

The FAA responded during the GE90 baseline by reviewing the historical basis for the § 33.94(a)(1) test requirements, and determined that they are based on metallic blade characteristics and service history, and therefore were not appropriate for the unusual design features of the composite fan blade design planned for that engine model. The FAA determined that a more realistic blade retention test for the novel and unusual design characteristics of these carbon fiber composite fan blades would be achieved with a blade failure at the inner annulus flow path line (the complete airfoil only), instead of at the outermost blade retention feature as currently required by § 33.94(a)(1).

The FAA also determined that the composite fan blade design and construction characteristics present factors, other than the expected location of a blade failure, which must be considered. Consequently, the FAA required that tests and analyses must account for the anticipated effects of in-service deterioration and handling damage, manufacturing and materials variations in, and environmental effects on, the composite material. The FAA also required that tests and analyses must show that a lightning strike on a composite fan blade would not result in a hazardous condition to the aircraft, and that the engine would continue meet the requirements of § 33.75.

Therefore, the FAA issued special conditions SC–33–ANE–08 on February 1, 1995, for the GE90–75B, –76B, and –85B baseline engine models. These special conditions defined additional safety standards for the carbon graphite composite fan blades that were appropriate for the unusual design features of those fan blades, and that were determined to be necessary to establish a level of safety equivalent to that established by the airworthiness standards of § 33.94(a)(1). The FAA determined that these special conditions were also appropriate for the derivative GE90–77B and –90B engine models, the GE90–94B engine model, and the GE90 –110B1, –113B, and –115B engine models, which were added to the TCDS in July 1996, June 2000, and July 2003, respectively. Engine model series GE90–75B was deleted from the GE90 TCDS in February 1995.

The FAA later determined that, due to the similarity of the carbon fiber composite fan blade design and construction methods to the GE90 blades, these same special conditions continued to be appropriate for the recent GEnx–1B model series certification program. The FAA issued special conditions 33–006–SC on January 12, 2007, for the GEnx–1B engine model series, which retained the essential requirements of the previous GE90 engine model series special conditions. These special conditions were successfully applied during the GEnx–1B certification program.

Due to that success, GE now proposes to use a similar approach to demonstrate a level of safety equivalent to that established by the airworthiness standards of § 33.94(a)(1) for the GEnx–2B certification program. In lieu of direct compliance to § 33.94(a)(1) using an engine test, GE notified the FAA that it plans to utilize an analytical method that will be validated by data from the GEnx–1B § 33.94(a)(1) engine test, GEnx–1B fan blade rig tests, GEnx–2B fan blade rig tests, and other engine and component tests as needed.

Due to the similarity of the GEnx–2B model series fan blade design and manufacturing methods to the previously certified GE90 and GEnx–1B engine model series fan blades, the FAA is proposing to issue similar special conditions as part of the type certification basis for the GEnx–2B engine models in lieu of requiring direct compliance to § 33.94(a)(1) using an engine test. These special conditions define the additional requirements the Administrator considers necessary to establish a level of safety equivalent to direct compliance to the airworthiness standards of § 33.94(a)(1).

Type Certification Basis

14 CFR 21.17 requires GE to show the derivative GEnx–2B series turbofan engine models meet the requirements of the applicable provisions of 21.21 and part 33. The FAA has determined that the applicable airworthiness regulations in part 33 do not contain adequate or appropriate safety standards for the GEnx–2B series turbofan engine models because of its novel and unusual fan blade design features. Therefore, these special conditions are prescribed under the provisions of 14 CFR 11.19 and 14 CFR 21.16, and will become part of the type certification basis of the GEnx–2B engine in accordance with § 21.17(a)(2).

These special conditions apply only to the GEnx–2B series turbofan engine models. If the type certificate for those models is amended later to include any other models that incorporate the same novel or unusual design features, these special conditions also apply to the other models under the provisions of 14 CFR 21.101(a)(1).

Novel or Unusual Design Features

The GEnx–2B engine models will incorporate carbon graphite composite fan blades that will contain a bonded metal tip cap, and metal leading and trailing edge laminates. These design features are considered to be novel and unusual relative to the part 33 airworthiness standards.

Discussion of Comments

Notice of proposed special conditions No. 33–08–01–SC for the GEnx–2B engine models was published on November 24, 2008 (73 FR 70926). No comments were received, and the special conditions are adopted as proposed.

Applicability

These special conditions will apply only to the GEnx–2B series turbofan engine models. If GE applies later for a change to the type certificate to include another model incorporating the same novel or unusual fan blade design features, these special conditions may also become part of the type certification basis of that engine model series as well.

Conclusion

This action affects only the carbon fiber composite fan blade design features on the GEnx–2B series turbofan engine models. It is not a rule of general applicability, and it affects only the General Electric Company which has applied to the FAA for certification of these fan blade design features.

List of Subjects in 14 CFR Part 33

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the derivative GEnx–2B series turbofan engines.

1. In lieu of the fan blade containment test with the fan blade failing at the outermost retention groove as specified in § 33.94(a)(1), complete the following requirements:

(a) Conduct a fan blade containment test that is acceptable to the Administrator, with the fan blade failing at the inner annulus flow path line.

(b) Substantiate by test and analyses, or other methods acceptable to the Administrator, that the engine is capable of containing damage without catching fire and without failure of its mounting attachments when operated for at least 15 seconds, unless the resulting engine damage induces a self shutdown that initiates within 15 seconds of the fan blade failure.

(c) Substantiate by test and analyses, or other methods acceptable to the Administrator, that a minimum material properties fan disk and fan blade retention system can withstand without failure a centrifugal load equal to two times the maximum load which the retention system could experience within approved engine operating limitations.

(d) Using a procedure approved by the Administrator, establish an operating limitation that specifies the maximum allowable number of start-stop stress cycles for the fan blade retention system. The life evaluation shall include the combined effects of high cycle and low cycle fatigue. If the operating limitation is less than 100,000 cycles, that limitation must be specified in Chapter 05 of the Engine Manual Airworthiness Limitation Section. The fan blade retention system includes the portion of the fan blade from the inner annulus flow path line inward to the blade dovetail, the blade retention components, and the fan disk and fan blade attachment features.

(e) Substantiate that, during the service life of the engine, the total probability of the occurrence of a hazardous engine effect defined in § 33.75 due to an individual blade retention system failure resulting from all possible causes will be extremely improbable, with a cumulative calculated probability of failure of less than 10 per engine flight hour.

(f) Substantiate by test or analysis acceptable to the Administrator that not only will the engine continue to meet the requirements of § 33.75 following a lightning strike on the composite fan blade structure, but the lightning strike will also not cause damage to the fan blades that would prevent continued safe operation of the affected engine.

(g) Account for the effects of in-service deterioration, manufacturing variations, minimum material properties, and environmental effects during the tests and analyses required by paragraphs (a), (b), (c), (d), (e), and (f) of these special conditions.

(h) Propose fleet leader monitoring and field sampling programs for the GEnx–2B engine fan blades that will monitor the effects of usage on fan blade and retention system integrity. The sampling program should use the experience gained on current GE90 and GEnx–1B engine model series monitoring programs, and must be approved by the FAA prior to certification of the GEnx–2B engine models.

Issued in Burlington, Massachusetts, on April 13, 2009.

Peter A. White,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E9–9262 Filed 4–23–09; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 589

[Docket No. FDA–2002–N–0031] (formerly Docket No. 2002N–0273)

RIN 0910–AF46

Substances Prohibited From Use in Animal Food or Feed; Confirmation of Effective Date of Final Rule

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of April 27, 2009, for the final rule that published in the **Federal Register** of April 25, 2008 (73 FR 22720), entitled ''Substances Prohibited From Use in Animal Food or Feed.'' The agency is also establishing a compliance date of October 26, 2009, for this rule in order to allow additional time for renderers to comply with the new requirements. This additional time will also give other affected persons, including cattle producers and packers, more time to identify appropriate methods for disposing of material prohibited from use in animal feed by this rule.

DATES: *Effective Date*: The effective date of the final rule published in the **Federal Register** of April 25, 2008 (73 FR 22720), is April 27, 2009.

Compliance Date: The compliance date is October 26, 2009.

FOR FURTHER INFORMATION CONTACT: Burt Pritchett, Center for Veterinary Medicine (HFV–222), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6860, e-mail: *burt.pritchett@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of April 25, 2008, FDA published a final rule entitled ''Substances Prohibited From Use in Animal Food or Feed'' (referred to herein as the April 25, 2008, final rule), that would become effective 1 year after the April 27, 2009, date of publication. These measures were established to further strengthen existing safeguards against bovine spongiform encephalopathy (BSE). FDA recently became aware that some affected persons are experiencing difficulties modifying their operations to comply with the new requirements contained in the April 25, 2008, final