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

rule and, therefore, may not be in full compliance by the April 27, 2009, effective date. Accordingly, in the **Federal Register** of April 9, 2009 (74 FR 16160) (referred to herein as the April 9, 2009, proposal), FDA published a proposal that would delay the effective date of the April 25, 2008, final rule for 60 days and provided a period for public comment on this proposal of 7 days.

II. Comments

The agency received comments from over 400 organizations and individuals on the April 9, 2009, proposal. Many comments were received from state and national cattle producer organizations, as well as from individual cattle producers. A large number of individual consumers also submitted comments. Comments were also received from renderers, meat processors, dairy organizations, and State agriculture agencies.

Those opposed to a delay of the effective date primarily cited a heightened risk of BSE to U.S. consumers and the U.S. cattle herd from imports of live Canadian cattle, particularly those cattle over 30 months of age. Most of these comments also noted that the current U.S. feed ban implemented in 1997 is comparable to the initial Canadian feed ban, also implemented in 1997, which, according to these comments, has proven to be ineffective at preventing the spread of BSE in Canada. This position was echoed in the many comments received from persons concerned with Creutzfeldt-Jakob Disease.

Those in favor of a delay of the effective date cited the need for more time to identify alternative methods of disposal of cattle material prohibited in animal feed (CMPAF) from slaughter and dead stock cattle in areas of the country where rendering services are curtailed or no longer available because of the rule. Some renderers and dead stock haulers commented that they were choosing to discontinue picking up dead cattle due to difficulties complying with the new rule. Many of the comments suggested that the proposed 60-day delay was not adequate with some comments suggesting delays of 6 months to 1 year. Also, a number of comments asked that the effective date be delayed indefinitely until the carcass disposal problem was more fully resolved. Several comments urged FDA to work with other Government agencies to develop a disposal plan for CMPAF and dead stock cattle before implementing the rule.

III. Discussion

FDA continues to believe that the new measures contained in the April 25, 2008, final rule are necessary to further strengthen existing safeguards against BSE. The underlying bases for these new measures were fully considered through the notice and comment rulemaking process. (See the October 6, 2005, proposed rule (70 FR 58570) and the April 25, 2008, final rule).

The April 9, 2009, proposal to delay the effective date was issued solely for the purpose of considering whether a delay should be provided to allow time to address concerns that some entities were not adequately prepared to comply with the April 25, 2008, final rule and that adequate alternative carcass disposal methods had not been developed. Therefore, any delay in the implementation of this rule is intended to help address these concerns and is not intended to signal that the agency is reconsidering the final rule. Based on the significant number of comments that oppose delaying the effective date of the April 25, 2008, final rule due to public and animal health concerns, FDA is confirming the original April 27, 2009, effective date of the final rule. However, although the final rule is effective on April 27, 2009, FDA has decided to establish a compliance date of October 26, 2009, for those who need it, to help address the compliance and implementation concerns.

In its rulemaking, FDA acknowledged that alternative disposal methods for CMPAF and dead stock cattle would be needed for a substantial volume of material that would be diverted from animal feed use by the new requirements. Accordingly, the rule provided a 12–month delayed effective date to allow sufficient time to arrange for alternative disposal. Where services to remove brain and spinal cord will not be available, such arrangements might include composting dead stock cattle, or disposing of dead stock cattle in landfills. To some extent, we believe the rendering, livestock, meat, and animal feed industries have addressed many of the compliance and carcass disposal challenges and are prepared to meet the April 27, 2009, effective date of the final rule.

By affirming the April 27, 2009, effective date, renderers can begin putting the new BSE safeguards into place by removing the prohibited cattle materials from the animal feed chain. However, it is apparent from the comments that a significant number of other stakeholders will not be ready to deal effectively with the new regulation when it goes into effect on April 27, 2009. In particular, smaller entities such as dead stock haulers, small meat processors, and some livestock producers have only recently become aware that their current disposal arrangements will no longer be available, or will be available at increased cost, as a result of the April 25, 2008, final rule. In addition, comments from certain State agencies have indicated that adequate alternative measures have not yet been developed for disposing of animal carcasses, particularly in areas where rendering is limited or may no longer be available. Generally, the disposal of animal carcasses is regulated at the State and local level. For example, State law may dictate whether dead animals can be buried or composted, or whether an incinerator needs to be approved before one is built. Furthermore, some landfill operators have indicated that they do not intend to accept dead animals or CMPAF because they consider it to be hazardous material. FDA has consulted with the Environmental Protection Agency (EPA) on this issue and EPA has recently published a statement on its Web site stating that, under the Resource Conservation and Recovery Act (RCRA), EPA considers CMPAF to be solid waste, not hazardous waste (*http://www.epa.gov/epawaste/nonhaz/municipal/landfill/cattle.htm*). (FDA has verified the Web site address, but FDA is not responsible for any subsequent changes to the Web site after this document publishes in the **Federal Register**.)

Based on a consideration of all comments received in response to the April 9, 2009, proposal, FDA believes the most appropriate action is to confirm the April 27, 2009, effective date, and delay compliance until October 26, 2009. Confirming the April 27, 2009, effective date conveys the agency's clear intent to move forward with the implementation of the new measures. As stated previously, some affected parties are prepared to begin implementation. Providing for a 6–month delay for compliance acknowledges the significant number of affected stakeholders who will require more time to comply with the new regulation or adjust to the loss of rendering service. For renderers, who are directly impacted by this regulation, this means modifying their operations to effectively separate and dispose of CMPAF. For cattle producers, who are also impacted by this regulation, this may mean finding alternative means of disposing of dead stock cattle if rendering services are no longer available to them.

FDA acknowledges that carcass disposal problems exist in certain states or regions and that developing and implementing adequate solutions to these problems is challenging. Furthermore, FDA recognizes that in certain circumstances it may be particularly challenging to address such disposal problems by the October 26, 2009, compliance date. FDA intends to finalize the Draft Small Entities Compliance Guide for Renderers that was issued on November 26, 2008. In addition, FDA intends to engage in further outreach to the rendering industry, pertinent State agencies, and others affected by the rule. FDA is committed to working with all affected parties to the extent possible to assist efforts in mitigating the impacts associated with implementation of the rule.

IV. Conclusion

At this time, the agency is confirming the April 27, 2009, effective date of the final rule published in the **Federal Register** of April 25, 2008, 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 affected persons to comply with the new requirements.

Dated: April 21, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9–9466 Filed 4–22–09; 11:15 am]

BILLING CODE 4160–01–S

DEPARTMENT OF STATE

22 CFR Part 121

[Public Notice 6589]

Amendment to the International Arms Traffic in Arms Regulations: The United States Munitions List; Correction

AGENCY: Department of State.

ACTION: Correcting amendment.

SUMMARY: The Department of State published a final rule in the **Federal Register** on May 21, 2004 (69 FR 29222), revising Category XII(c) of the United States Munitions List. A technical error in that rule resulted in the unintended removal of language in a note after Category XII paragraph (c). This document corrects the final regulations by restoring the language in the note.

DATES: Effective on April 24, 2009.

FOR FURTHER INFORMATION CONTACT: Director Charles B. Shotwell, Office of Defense Trade Controls Policy, Department of State, Telephone (202) 663–2792 or Fax (202) 261–8199; e-mail *DDTCResponseTeam@state.gov.* ATTN: Regulatory Change, Category XII.

SUPPLEMENTARY INFORMATION: The Department of State published a final rule (Public Notice 4723) in the **Federal Register** of May 21, 2004, amending Category XII of the United States Munitions List. This document restores the language in the note after Category XII(c).

List of Subjects in 22 CFR Part 121

Arms and munitions, Exports, U.S. Munitions List.

■ Accordingly, 22 CFR part 121 is corrected by making the following correcting amendment:

PART 121—THE UNITED STATES MUNITIONS LIST

■ 1. The authority citation for part 121 continues to read as follows:

Authority: Secs. 2, 38, and 71, Public Law 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); E.O. 11958, 42 FR 4311; 3 CFR, 1977 Comp. p. 79; 22 U.S.C. 2651a; Public Law 105–261, 112 Stat. 1920.

■ 2. In § 121.1(c), Category XII, amend after paragraph (c) by adding a note to read as follows:

§ 121.1 General. The United States Munitions List.

(c) * * *

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Category XII—Fire Control, Range Finder, Optical and Guidance and Control Equipment

* * * * *

(c) * * *

Note: *Special Definition.* For purposes of this subparagraph, *second and third generation image intensification tubes* are defined as having:

A peak response within the 0.4 to 1.05 micron wavelength range and incorporating a microchannel plate for electron image amplification having a hold pitch (center-to-center spacing) of less than 25 microns and having either:

(a) An S–20, S–25 or multialkali photocathode; or

(b) A GaAs, GaInAs, or other compound semiconductor photocathode.

* * * * *

Dated: April 13, 2009.

Frank J. Ruggiero,

Acting Assistant Secretary for Political Military Affairs, Department of State.

[FR Doc. E9–9291 Filed 4–23–09; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2009–0132]

RIN 1625–AA09

Drawbridge Operation Regulation; Keweenaw Waterway, Houghton, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Commander, Ninth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the U.S. 41 (Sheldon Avenue) Lift Bridge, at Mile 16.0, across the Keweenaw Waterway, in Houghton, MI. Under this temporary deviation, the U.S. 41 (Sheldon Avenue) Lift Bridge will be allowed to remain in the closed-to-navigation position during specific dates and times. The deviation is necessary to perform reconstruction to the city streets that access the U.S. 41 (Sheldon Avenue) Lift Bridge.

DATES: This temporary final rule is effective from 6 a.m. on April 15, 2009, to 6 p.m. on November 15, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket USCG–2009–0132 and are available online by going to *http://www.regulations.gov*, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0132 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at two locations: the 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Blair Stanifer, Bridge Management Specialist, Ninth Coast Guard District, at (216) 902–6086, e-mail *William.B.Stanifer@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment