

percentage change in the Consumer Price Index (CPI) that was reported on the preceding June 1. 15 U.S.C. 1602(aa)(3) and 12 CFR 226.32(a)(1)(ii). The Board adjusted the \$400 amount to \$583 for the year 2009.

The Bureau of Labor Statistics publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of each month. The Board uses the CPI-U index, which is based on all urban consumers and represents approximately 87 percent of the U.S. population, as the index for adjusting the \$400 dollar figure. The adjustment to the CPI-U index reported by the Bureau of Labor Statistics on May 15, 2009 was the CPI-U index in effect on June 1, and reflects the percentage change from April 2008 to April 2009. The adjustment to the \$400 figure below reflects a 0.74 percent decrease in the CPI-U index for this period and is rounded to whole dollars for ease of compliance.

The fee trigger being adjusted in this **Federal Register** notice pursuant to TILA section 103(aa) is used in determining whether a loan is covered by section 226.32 of Regulation Z. Such loans have generally been known as "HOEPA loans." In July 2008, the Board revised Regulation Z to adopt additional protections for "higher-priced" loans, using its authority under TILA section 129(l)(2). Those revisions define a class of dwelling-secured transactions, described in section 226.35 of Regulation Z, using a threshold based on average market rates that the Board publishes on a regular basis. The adjustment published today does not affect the triggers issued in July 2008 for higher-priced loans.

**II. Adjustment and Commentary Revision**

Effective January 1, 2010, for purposes of determining whether a home mortgage transaction is covered by 12 CFR 226.32 (based on the total points and fees payable by the consumer at or before loan consummation), a loan is covered if the points and fees exceed the greater of \$579 or 8 percent of the total loan amount. Comment 32(a)(1)(ii)-2, which lists the adjustments for each year, is amended to reflect the dollar adjustment for 2010. Because the timing and method of the adjustment is set by statute, the Board finds that notice and public comment on the change are unnecessary.

**III. Regulatory Flexibility Analysis**

The Board certifies that this amendment to Regulation Z will not have a significant economic impact on

a substantial number of small entities. The only change is to lower the threshold for transactions requiring HOEPA disclosures. This change is mandated by statute.

**List of Subjects in 12 CFR Part 226**

Advertising, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements, Truth in lending.

- For the reasons set forth in the preamble, the Board amends Regulation Z, 12 CFR part 226, as set forth below:

**PART 226—TRUTH IN LENDING (REGULATION Z)**

- 1. The authority citation for part 226 continues to read as follows:

**Authority:** 12 U.S.C. 3806; 15 U.S.C. 1604 and 1637(c)(5).

- 2. In Supplement I to Part 226, under *Section 226.32—Requirements for Certain Closed-End Home Mortgages*, under Paragraph 32(a)(1)(ii), paragraph 2. xv. is added.

**Supplement I to Part 226—Official Staff Interpretations**

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**Subpart E—Special Rules for Certain Home Mortgage Transactions**

\* \* \* \* \*

*Section 226.32—Requirements for Certain Closed-End Home Mortgages*

*32(a) Coverage*

\* \* \* \* \*

*Paragraph 32(a)(1)(ii)*

\* \* \* \* \*

*2. Annual adjustment of \$400 amount.*

\* \* \* \* \*

xv. For 2010, \$579, reflecting a 0.74 percent decrease in the CPI-U from June 2008 to June 2009, rounded to the nearest whole dollar.

\* \* \* \* \*

By order of the Board of Governors of the Federal Reserve System, acting through the Director of the Division of Consumer and Community Affairs under delegated authority, August 6, 2009.

**Jennifer J. Johnson,**

*Secretary of the Board.*

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**BILLING CODE 6210-01-P**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**12 CFR Parts 308 and 363**

**RIN 3064-AD21**

**Annual Independent Audits and Reporting Requirements**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Final rule; correction.

**SUMMARY:** On July 20, 2009, the FDIC published in the **Federal Register** a final rule amending part 363 of its regulations concerning annual independent audits and reporting requirements for certain insured depository institutions, which implements section 36 of the Federal Deposit Insurance Act (FDI Act), largely as proposed, but with certain modifications made in response to the comments received and making a technical amendment to its rules and procedures (part 308, subpart U) for the removal, suspension, or debarment of accountants and accounting firms. The publication of the final rule corrected certain errors in the original publication of the final rule, which had been published in the **Federal Register** on July 7, 2009. It has come to the attention of the FDIC that the July 20 republication included one additional error. This correction will rectify that oversight.

**DATES:** *Effective Date:* This correction is effective August 6, 2009.

**FOR FURTHER INFORMATION CONTACT:** Harrison E. Greene, Jr., Senior Policy Analyst (Bank Accounting), Division of Supervision and Consumer Protection, at [hgreene@fdic.gov](mailto:hgreene@fdic.gov) or (202) 898-8905; or Michelle Borzillo, Senior Counsel, Corporate and Legal Operations Section, Legal Division, at [mborzillo@fdic.gov](mailto:mborzillo@fdic.gov) or (202) 898-7400.

**SUPPLEMENTARY INFORMATION:** On July 20, 2009, the FDIC published in the **Federal Register** a final rule amending part 363 of its regulations concerning annual independent audits and reporting requirements for certain insured depository institutions, which implements section 36 of the Federal Deposit Insurance Act (FDI Act), largely as proposed, but with certain modifications made in response to the comments received and making a technical amendment to its rules and procedures (part 308, subpart U) for the removal, suspension, or debarment of accountants and accounting firms. The July 20, 2009, publication of the final rule corrected certain errors in the original publication of the final rule, which had been published in the

**Federal Register** on July 7, 2009. It has come to the attention of the FDIC that the July 20 re-publication failed to include one further correction. This publication will rectify that oversight.

The correction included in this **Federal Register** document corrects an error in the prior publication which caused an apparent inconsistency in the effective date.

In the the final rule, FR Doc. No. 2009-17009 published on July 20, 2009 (74 FR 35726), make the following correction:

On page 35744, the first sentence of the V. Effective and Compliance Dates section is corrected to read:

Except as noted below, the final rule is effective August 6, 2009.

Federal Deposit Insurance Corporation.

**Valerie J. Best,**

*Assistant Executive Secretary.*

[FR Doc. E9-19259 Filed 8-11-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM400; Special Conditions No. 25-388-SC]

#### Special Conditions: Boeing Model 747-8/-8F Airplanes; Interaction of Systems and Structures

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Boeing Model 747-8/-8F airplanes. These airplanes will have a novel or unusual design feature(s) that will affect structural performance. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** *Effective Date:* September 11, 2009.

**FOR FURTHER INFORMATION CONTACT:** Mark Freisthler, FAA, Airframe & Cabin Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1119; facsimile (425) 227-1149.

**SUPPLEMENTARY INFORMATION:**

#### Background

On November 4, 2005, The Boeing Company, PO Box 3707, Seattle, WA 98124, applied for an amendment to Type Certificate Number A20WE to include the new Model 747-8 passenger airplane and the new Model 747-8F freighter airplane. The Model 747-8 and the Model 747-8F are derivatives of the 747-400 and the 747-400F, respectively. Both the Model 747-8 and the Model 747-8F are four-engine jet transport airplanes that will have a maximum takeoff weight of 970,000 pounds and new General Electric GENx-2B67 engines. The Model 747-8 will have two flight crew and the capacity to carry 660 passengers. The Model 747-8F will have two flight crew and a zero passenger capacity, although Boeing has submitted a petition for exemption to allow the carriage of supernumeraries.

#### Type Certification Basis

Under the provisions of Title 14 Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the Model 747-8 and 747-8F airplanes (hereafter referred to as the 747-8/-8F) as changed, continue to meet the applicable provisions of 14 CFR part 25, as amended by Amendments 25-1 through 25-117, except for earlier amendments as agreed upon by the FAA. These regulations will be incorporated into Type Certificate No. A20WE after type certification approval of the 747-8/-8F.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, part 25) do not contain adequate or appropriate safety standards for the 747-8/-8F because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the 747-8/-8F must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

Special conditions, as defined in § 11.19, are issued under § 11.38, and become part of the type certification basis under § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, the special conditions

would also apply to the other model under § 21.101.

#### Novel or Unusual Design Features

The Boeing Model 747-8/-8F is equipped with systems that affect the airplane's structural performance, either directly or as a result of failure or malfunction. That is, the airplane's systems affect how it responds in maneuver and gust conditions, and thereby affect its structural capability. These systems may also affect the aeroelastic stability of the airplane. Such systems represent a novel and unusual feature when compared to the technology envisioned in the current airworthiness standards. A special condition is needed to require consideration of the effects of systems on the structural capability and aeroelastic stability of the airplane, both in the normal and in the failed state.

These special conditions require that the airplane meet the structural requirements of subparts C and D of 14 CFR part 25 when the airplane systems are fully operative. These special conditions also require that the airplane meet these requirements considering failure conditions. In some cases, reduced margins are allowed for failure conditions based on system reliability.

#### Discussion of Comments

Notice of proposed special conditions No. 25-09-03-SC for the Boeing Model 747-8 and 747-8F airplanes was published in the **Federal Register** on April 8, 2009 (74 FR 15888). No comments were received and the special conditions are adopted as proposed.

#### Applicability

As discussed above, these special conditions are applicable to Boeing Model 747-8/-8F airplanes. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design features, the special conditions would apply to that model as well.

#### Conclusion

This action affects only certain novel or unusual design features of the Boeing Model 747-8/-8F airplanes. It is not a rule of general applicability.

#### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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