

Since that time, however, the HOAP has ceased operations. Applications for funds under the HOAP have not been accepted since 1978, *see* 43 FR 14508 (Apr. 6, 1978), and none of the Banks now is involved with the HOAP. There have been no further congressional appropriations for use by the HOAP, and the provisions of section 101 of the EHFA no longer appear in the most recent version of the United States Code. *See* 12 U.S.C. 1430. Absent a statutory authorization and funding mechanism or any ongoing program activity, the HOAP is, effectively, non-existent.

#### B. Part 939

Part 939 of the Board's regulations generally prohibits discrimination on the grounds of race, color, or national origin in connection with any program or activity that receives federal financial assistance from the Board. *See* 12 CFR 939.1. Part 939 initially was promulgated as part 529 of the Bank Board's regulations. When Congress abolished the Bank Board in 1989, part 529 was redesignated as part 939 of the Board's regulations. *See* 54 FR 36759 (Sept. 5, 1989).

The Bank Board initially issued the regulation that is now part 939 to implement the provisions of title VI of the Civil Rights Act of 1964 (title IV). *See* Pub. L. 88-352, tit. VI, secs. 601, 602, 78 Stat. 252 (July 2, 1964). Title VI requires federal agencies that are empowered to extend federal financial assistance to any program or activity to issue rules that ensure that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance. 42 U.S.C. 2000d, 2000d-1.

Part 939 requires applicants for federal financial assistance provided by the Board to furnish assurances that they will comply with the nondiscrimination requirement of part 939. *See id.* § 939.5. Part 939 also sets forth procedures for effecting compliance with the nondiscrimination requirement, including the collection of reports, the conduct of investigations, and the holding of administrative hearings. *See id.* § 939.6-939.10.

Appendix A to part 939 lists the programs and activities to which part 939 applies. *See id.* part 939, Appendix A. The only program or activity listed in appendix A is the HOAP, which, as discussed previously, no longer is in operation. Absent the HOAP, the Board currently is not authorized to extend

federal financial assistance to any program or activity.

#### II. Analysis of the Final Rule

Since the HOAP is no longer an operating program and the Board does not now extend federal financial assistance to any other programs or activities, the Board is not required to maintain either part 937 or part 939 as part of its regulations.

In fact, retaining parts 937 and 939 as Board regulations published in the Code of Federal Regulations may cause confusion to the public, because part 937 incorrectly indicates that the HOAP remains in operation, and part 939 incorrectly implies that the Board extends federal financial assistance to one or more of the programs or activities it administers. Repeal of parts 937 and 939 will avoid any potential confusion.

Repeal of these regulations also will be consistent with the goal of the Vice President's National Performance Review to reduce the total number of regulations of executive agencies. *See* Report of the National Performance Review 32-33 (September 17, 1993); E.O. 12861, 58 FR 48255 (Sept. 14, 1993).

For the foregoing reasons, the Board has decided to repeal parts 937 and 939 of its regulations, pursuant to its general rulemaking authority under section 2B(a)(1) of the Federal Home Loan Bank Act. *See* 12 U.S.C. 1422b(a)(1).

#### III. Notice and Public Participation

Publication of notice of a proposed rulemaking is not required by the Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, because the Board for good cause finds that notice and comment procedure is unnecessary and contrary to the public interest in this instance. *See id.* section 553(b)(3)(B). Compliance with the public notice and comment procedure requirement of APA section 553 is unnecessary because the final rule repeals sections of the Board's regulations that no longer have any effect on the public. Further, the Board believes that it is in the public interest to repeal parts 937 and 939 as soon as possible in order to avoid perpetuating the appearance that these provisions continue to affect the public and the activities of the Board.

#### IV. Effective Date

The Board finds that under APA section 553(d)(3), there is good cause that the final rule be effective upon publication for the reasons stated in part III of the Supplementary Information.

#### V. Regulatory Flexibility Act

This final rule will not impose any regulatory requirements on small entities, because it repeals provisions of the Board's regulations. Therefore, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Board hereby certifies that this final rule, as promulgated, will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects

##### 12 CFR Part 937

Federal home loan banks, Low and moderate income housing, Mortgages, Reporting and recordkeeping requirements.

##### 12 CFR Part 939

Administrative practice and procedure, Civil rights.

Accordingly and under the authority of 12 U.S.C. 1422b(a)(1), chapter IX, title 12, Code of Federal Regulations is hereby amended as follows:

#### PART 937—[REMOVED]

1. Part 937 is removed.

#### PART 939—[REMOVED]

2. Part 939 is removed.

Dated: July 13, 1995.

By the Federal Housing Finance Board.

**Bruce A. Morrison,**  
Chairman.

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#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 25

[Docket No. NM-113; Special Conditions No. 25-ANM-101]

##### Special Conditions: Modified Boeing Company Model 747-100 and 747-200 Airplane; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Boeing Company Model 747-100 and 747-200 modified by B & D Instruments & Avionics, Inc., of Valley Center, Kansas. This airplane will be equipped with a Flat Panel Engine Instrument Display that will perform critical functions. The applicable regulations do not contain

adequate or appropriate safety standards for the protection of the Flat Panel Engine Instrument Display from the effects of high-intensity radiated fields (HIRF). These special conditions provide the additional safety standards that the Administrator considers necessary to ensure that the critical functions performed by this system are maintained when the airplane is exposed to HIRF.

**DATES:** The effective date of these special conditions is September 5, 1995.

**ADDRESSES:** Comments on these final special conditions, request for comments, may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-113, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked "Docket No. NM-113." Comments may be inspected in the Rules Docket weekdays, except Federal holidays between 7:30 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mark Quam, FAA, Standardization Branch, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2145.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-113." The postcard will be date stamped and returned to the commenter.

#### **Background**

On April 7, 1995, B & D Instruments & Avionics, Inc., of Valley Center, Kansas, applied for a supplemental type certificate to replace the existing engine instruments (EPR, FF, N1, N2, EGT) with a Flat Panel Display System in the Boeing Company Model 747-100 and 747-200. The Model 747-100 is a passenger transport category airplane, and is capable of operating to an altitude of 45,100 feet. For all flights, 3 persons (pilot, copilot, flight engineer) are required. The Model 747-200 airplane is an extended range passenger version of the basic 747-100 series aircraft. The airplanes can carry up to 550 passengers depending on the exit and interior configuration. The original equipment installed in these airplanes presented the required engine information in the form of analog displays. The proposed modification would replace the existing engine instruments (EPR, FF, N1, N2, EGT) with a digital Flat Panel Engine Instrument Display System. The installation of the Flat Panel Engine Instrument Display System is potentially vulnerable to high-intensity radiated fields (HIRF) external to the airplane.

#### **Supplemental Type Certification Basis**

Under the provisions of § 21.101 of the Federal Aviation Regulations (FAR), B & D Instruments & Avionics, Inc., must show that the altered Boeing Company Model 747-100 and 747-200 airplanes continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A20WE, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis."

The regulations incorporated by reference in Type Certificate No. A20WE include the following for the Boeing Company Model 747-100 and 747-200 airplanes:

Part 25 of the FAR effective February 1, 1965, Amendments 25-1 through 25-8 plus Amendments 25-15, 25-17, 25-18, 25-20, and 25-39 transmitted by FAA letter dated February 4, 1977, and special conditions summarized for record purposes as enclosed with FAA letter to The Boeing Company dated February 20, 1970. In addition, the airplanes must be shown to meet the noise standards of part 36 of the FAR.

In addition, under § 21.101(b)(1), the following sections of the FAR apply to the Flat Panel Engine Instrument

Display installation: §§ 25.1301(d), 25.1305 and 25.1322, as amended by Amendment 25-38; and §§ 25.1309, 25.1321 (a), (c), (d), and (e), 25.1331, 25.1337, as amended by Amendment 25-40. These special conditions form an additional part of the supplemental type certification basis.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Boeing Company Model 747-100 and 747-200 airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

#### **Discussion**

There is no specific regulation that addresses protection requirements for electrical and electronic systems from high-intensity radiated fields (HIRF). Increased power levels from ground-based radio transmitters, and the growing use of sensitive electrical and electronic systems to command and control airplanes, have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the modified Boeing Model 747-100 and 747-200 airplanes that would require that the Flat Panel Engine Instrument Display System be designed and installed to preclude component damage and interruption of function due to the effects of HIRF.

#### **High-Intensity Radiated Fields (HIRF)**

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems, such as the Flat

Panel Engine Instrument Display System, to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplanes will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF.

Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists which compliance with the HIRF protection special condition is shown with either paragraph 1 or 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated:

| Frequency              | Peak (V/M) | Average (V/M) |
|------------------------|------------|---------------|
| 10 KHz-100 KHz .....   | 50         | 50            |
| 100 KHz-500 KHz .....  | 60         | 60            |
| 500 KHz-2000 KHz ..... | 70         | 70            |
| 2 MHz-30 MHz .....     | 200        | 200           |
| 30 MHz-100 MHz .....   | 30         | 30            |
| 100 MHz-200 MHz .....  | 150        | 33            |
| 200 MHz-400 MHz .....  | 70         | 70            |
| 400 MHz-700 MHz .....  | 4,020      | 935           |
| 700 MHz-1000 MHz ..... | 1,700      | 170           |
| 1 GHz-2 GHz .....      | 5,000      | 990           |
| 2 GHz-4 GHz .....      | 6,680      | 840           |
| 4 GHz-6 GHz .....      | 6,850      | 310           |
| 6 GHz-8 GHz .....      | 3,600      | 670           |
| 8 GHz-12 GHz .....     | 3,500      | 1,270         |
| 12 GHz-18 GHz .....    | 3,500      | 360           |
| 18 GHz-40 GHz .....    | 2,100      | 750           |

As discussed above, these special conditions are applicable to the Boeing Company Model 747-100 and 747-200 airplanes, modified by B & D Instruments & Avionics, Inc. Should B & D Instruments & Avionics, Inc. apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A20WE to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well, under the provisions of § 21.101(a)(1).

**Conclusion**

This action affects only certain unusual or novel design features on Boeing Company Model 747-100 and 747-200 airplanes, modified by B & D Instruments & Avionics, Inc. It is not a

rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on this airplane.

The substance of these special conditions has been subjected to the notice and comment procedure in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions immediately. Therefore, these special conditions are being made effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

**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. app. 1344, 1348(c), 1352 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f-10, 4321 et seq.; E.O. 11514; and 49 U.S.C. 106(g).

**The Special Conditions**

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for the Boeing Company Model 747-100 and 747-200 airplanes, as modified by B & D Instruments & Avionics, Inc:

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated fields external to the airplane.

2. The following definition applies with respect to this special condition: *Critical Function.* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on June 29, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.*

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**14 CFR Part 25**

[Docket No. NM-114; Special Conditions No. 25-ANM-102]

**Special Conditions: Modified McDonnell Douglas Corporation Model DC-10-30 and DC-10-40 Airplane; High Intensity Radiated Fields (HIRF)**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the McDonnell Douglas Corporation Model DC-10-30 and DC-10-40 modified by B & D Instruments & Avionics, Inc., of Valley Center, Kansas. This airplane will be equipped with a Flat Panel Engine Instrument Display that will perform critical functions. The applicable regulations do not contain adequate or appropriate safety standards for the protection of the Flat Panel Engine Instrument Display from the effects of high-intensity radiated fields (HIRF). These special conditions provide the additional safety standards that the Administrator considers necessary to ensure that the critical functions performed by this system are maintained when the airplane is exposed to HIRF.

**DATES:** The effective date of these special conditions is June 29, 1995. Comments must be received on or before September 5, 1995.

**ADDRESSES:** Comments on these final special conditions, request for comments, may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-114, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked "Docket No. NM-114." Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mark Quam, FAA, Standardization Branch, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2145.