

Board may be included in a complaint file. Accordingly, § 268.207(e) of the Rules has been amended to provide that the time period for completing an investigation may be unilaterally extended by the Board only where classified national security information must be sanitized. This amendment conforms the Rules to the corresponding provision in the complaint processing regulation of the Commission.

In addition, a new paragraph (§ 268.207(e)(2)) has been added to § 268.207(e) of the Board's Rules that expressly authorizes the placement by the investigator, the EEO Programs Director, or another appropriate officer of the Board of relevant confidential information in the investigative file that is provided to a complainant and to his or her personal representative.

The new paragraph contains a provision making clear that those who have access to an investigative file, such as the complainant and the complainant's personal representative, containing any confidential information are subject to all applicable restrictions in existing law governing the disclosure of such information, in particular, the Board's Rules Regarding Availability of Information (12 CFR Part 261) and, where applicable, the Privacy Act. This means that confidential information in an investigatory file may be disclosed further only to the extent permitted by such restrictions.

The Board notes, in this regard, that its restrictions on unauthorized disclosure of confidential information by persons in possession of such information bind all such persons, not merely those who are employees of the Board. 12 CFR 261.8(c), 261.13(e), 261.14.

The Board's Rules Regarding Availability of Information (12 CFR 261 subpart C) provide a mechanism by which a person having confidential information of the Board may request permission to disclose further such information, however. Accordingly, application may be made to the Board's General Counsel under 12 CFR 261.13 for approval of further production or disclosure by a complainant or personal representative of confidential information.

In addition, aside from confidential supervisory information, a particular investigatory file may include information that is subject to the Privacy Act. Such information also may not be disclosed to or by the complainant unless disclosure is authorized consistent with the requirements and/or prohibitions of the Privacy Act (5 U.S.C.

552a).<sup>1</sup> Information subject to Executive Order 12356 may not at any point be included in the investigatory file and would not be made available to the complainant or to his/her personal representative.

In addition, the Board has made a technical correction to § 268.304(a)(3)(i)(A) by substituting a reference to Executive Order No. 12356, dealing with national security classified information, for the former reference (Executive Order No. 10450). The Board has determined that this technical correction is not subject to provisions of the Administrative Procedure Act regarding notice and public comment because good cause exists to support the conclusion that notice and public procedure thereon are unnecessary. 5 U.S.C. 553(b)(B) and (d).

#### List of Subjects in 12 CFR Part 268

Administrative practice and procedure, Aged, Civil rights, Equal employment opportunity, Federal buildings and facilities, Federal Reserve System, Government employees, Individuals with disabilities, Religious discrimination, Sex discrimination, Wages.

For the reasons set forth in the preamble, the Board amends 12 CFR part 268 as set forth below:

#### **PART 268—RULES REGARDING EQUAL OPPORTUNITY**

1. The authority citation for part 268 continues to read as follows:

Authority: 12 U.S.C. 244 and 248(i), (k) and (l).

2. In § 268.207, paragraph (e) is revised to read as follows:

#### **§ 268.207 Investigation of complaints.**

\* \* \* \* \*

(e)(1) The Board shall complete its investigation within 180 days of the date of the filing of an individual complaint or within the time period contained in the determination of the Commission on review of a dismissal pursuant to § 268.206 of this part. By written agreement within those time periods, the complainant and the Board may voluntarily extend the time period for not more than an additional 90 days. The Board may unilaterally extend the time period or any period of extension

<sup>1</sup> Information subject to the Privacy Act may thereafter be disclosed when necessary in accordance with the routine use provision. 12 CFR 261a.10(b)(3). See Board System of Records, BGFRS-5, *Federal Reserve Regulatory Service* ¶ 8-338. A federal criminal statute regarding the unauthorized conversion of Board property may restrict disclosure of confidential Board information in certain cases unless authorization has been specifically given. 18 U.S.C. 641.

for not more than 30 days where it must sanitize an investigative file that may contain information classified pursuant to Executive Order No. 12356, or successor orders, as secret in the interest of national defense or foreign policy, provided the Board notifies the complainant of the extension.

(2) Confidential supervisory information, as defined in 12 CFR 261.2(b), and other confidential information of the Board may be included in the investigative file by the investigator, the EEO Programs Director, or another appropriate officer of the Board, where such information is relevant to the complaint. Neither the complainant nor the complainant's personal representative may make further disclosure of such information, however, except in compliance with the Board's Rules Regarding Availability of Information, 12 CFR part 261, and where applicable, the Board's Rules Regarding Access to and Review of Personal Information in Systems of Records, 12 CFR part 261a.

\* \* \* \* \*

#### **§ 268.304 [Amended]**

3. In § 268.304(a)(3)(i)(A), remove the words "Executive Order No. 10450 (3 CFR, 1949-1953 Comp., P. 936)" and add in their place, the words "Executive Order No. 12356 (3 CFR, 1982 Comp.; p. 166)".

By order of the Board of Governors of the Federal Reserve System, December 28, 1995.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96-90 Filed 1-3-96; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 23**

[Docket No. 26344; Amendment No. 23-43]

RIN 2120-AD30

#### **Small Airplane Airworthiness Review Program Amendment No. 3; Correction**

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

**ACTION:** Correction; final rule with request for comments.

**SUMMARY:** This final rule contains corrections to the final regulation (Amendment 23-43), which was published April 9, 1993 (58 FR 18958). The regulation amended the powerplant and equipment airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. This

amendment replaces two paragraphs that were inadvertently deleted by Amendment No. 23-43.

**DATES:** This final rule becomes effective January 4, 1996. Comments must be submitted on or before April 3, 1996.

**ADDRESSES:** Comments should be submitted in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-200), Docket No. 26344, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 26344. Comments may be inspected in Room 915G weekdays between 8:30 a.m. and 5:00 p.m., except on Federal holidays.

In addition, the FAA is maintaining a duplicate information docket of comments in the Office of the Assistant Chief Counsel, ACE-7, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106. Comments in the duplicate information docket may be inspected in the Office of the Assistant Chief Counsel weekdays, except Federal holidays, between the hours of 7:30 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Norman Vetter, ACE-111, Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426-5688.

**SUPPLEMENTARY INFORMATION:**

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments,

in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this rule will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 26344." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

Availability

Any person may obtain a copy of this amendment by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-200, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the amendment number.

Persons interested in being placed on the mailing list for future NPRM's and rules should request, from the above office, a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

The final regulations that are the subject of this amendment, Amendment 23-43 (58 FR 18958, April 9, 1993), inadvertently removed paragraphs

§ 23.965 (b)(4) and (b)(5). These paragraphs were never intended to be removed and their removal was not proposed in the NPRM for Amendment 23-43.

Need for Correction

As published, the final regulations contain inadvertently deleted paragraphs 23.965 (b)(4) and (b)(5), which contain substantive requirements that were not intended to be removed and are considered essential to aviation safety.

Discussion of Amendments

*Section 23.965*

The FAA proposed to amend paragraphs (b)(1) through (b)(3) of § 23.965 in Amendment 23-43. However, the amendatory language removed paragraphs (b)(4) and (b)(5). This amendment corrects the error by reinserting those paragraphs into the regulations.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The Amendments

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 23 to read as follows:

**PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES**

1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 40113 and 44701; 49 U.S.C. 106(g).

2. Section 23.965, paragraph (b), is amended by adding paragraphs (b)(4) and (b)(5) to read as follows:

**§ 23.965 Fuel tank tests.**

(b) \* \* \*

(4) Under paragraph (b)(3) (ii) and (iii) of this section, the time of test must be adjusted to accomplish the same number of vibration cycles that would be accomplished in 25 hours at the frequency specified in paragraph (b)(3)(i) of this section.

(5) During the test, the tank assembly must be rocked at a rate of 16 to 20 complete cycles per minute, through an angle of 15° on either side of the horizontal (30° total), about an axis parallel to the axis of the fuselage, for 25 hours.

Issued in Washington, DC, on December 28, 1995.  
Michael Gallagher,  
*Acting Director, Aircraft Certification Service.*  
[FR Doc. 96-135 Filed 1-3-96; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 35

[Docket No. 94-ANE-61; Special Condition No. 35-ANE-03]

#### Special Conditions; Hamilton Standard Model 568F Propeller

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for Hamilton Standard Model 568F propeller. This propeller is constructed using all composite blades, a novel and unusual design feature. Part 35 of the Federal Aviation Regulations (FAR's) currently does not address the airworthiness considerations associated with propellers constructed using all composite blades. These special conditions contain additional safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established by the airworthiness standards of part 35 of the FAR's.

**EFFECTIVE DATE:** February 5, 1996.

**FOR FURTHER INFORMATION CONTACT:** Martin Buckman, Engine and Propeller Standards Staff, ANE-110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5229; telephone (617) 238-7112, fax (617) 238-7199.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 26, 1994, Hamilton Standard applied for type certification for a new Model 568F propeller. This propeller is constructed using all composite blades, a novel and unusual design feature. A Notice of Proposed Special Conditions was published in the Federal Register on January 20, 1995 (60 FR 4116) for the Hamilton Standard Model 568F propeller constructed with composite material. Propellers constructed entirely of composite material have additional airworthiness considerations not currently addressed by part 35 of the Federal Aviation Regulations (FAR). Those additional airworthiness considerations associated with propellers constructed using all composite blades are propeller integrity following a bird strike, propeller

integrity following a lightning strike, and propeller fatigue strength when exposed to the deteriorating effects of in-service use and the environment.

##### Type Certificate Basis

Under the provisions of § 21.17 of the FAR's, Hamilton Standard must show that the Model 568F propeller meets the requirements of the applicable regulations in effect on the date of the application. Those FAR's are § 21.21 and part 35, effective February 1, 1965, as amended.

The Administrator finds that the applicable airworthiness regulations in part 35, as amended, do not contain adequate or appropriate safety standards for the Model 568F propeller because it is constructed using composite material. Therefore, the Administrator prescribes special conditions under the provisions of § 21.16 of the FAR's 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's after public notice and opportunity for comment, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.101(b)(2).

##### Novel or Unusual Design Features

Hamilton Standard Model 568F propeller incorporates propeller blades constructed using composite material. This material has fibers that are woven or aligned in specific directions to give the material directional strength properties. These properties depend on the type of fiber, the orientation and concentration of fiber, and matrix material. Composite materials could exhibit multiple modes of failure. Propellers constructed of composite material must demonstrate airworthiness when considering these novel design features.

The requirements of part 35 of the FAR's were established to address the airworthiness considerations associated with wood and metal propellers used primarily on reciprocating engines. Propeller blades of this type are generally thicker than composite blades, and have demonstrated good service experience following a bird strike. Propeller blades constructed using composite material are generally thinner when used on turbine engines, and are typically installed on high performance aircraft. High performance aircraft generally fly at high airspeeds with correspondingly high impact forces associated with a bird strike. Thus, composite propellers must demonstrate propeller integrity following a bird strike.

In addition, part 35 of the FAR's do not currently require a demonstration of propeller integrity following a lightning strike. No safety considerations arise from lightning strikes on propellers constructed of metal because the electrical current is safely conducted through the metal blade without damage to the propeller. Fixed pitched, wooden propellers are generally used on engines installed on small, general aviation aircraft that typically do not encounter flying conditions conducive to lightning strikes. Composite propeller blades, however, may be used on turbine engines and high performance aircraft which have an increased risk of lightning strikes. Composite blades may not safely conduct or dissipate the electrical current from a lightning strike. Severe damage can result if the propellers are not properly protected. Therefore, composite blades must demonstrate propeller integrity following a lightning strike. Information on testing for lightning protection is set out in SAE Report AE4L, entitled, "Lightning Test Waveforms and Techniques for Aerospace Vehicles and Hardware," dated June 20, 1978.

Lastly, the current certification requirements address fatigue evaluation only of metal propeller blades or hubs, and those metal components of non-metallic blade assemblies. Allowable design stress limits for composite blades must consider the deteriorating effects of the environment and in-service use, particularly those effects from temperature, moisture, erosion and chemical attack. Composite blades also present new and different considerations for retention of the blades in the propeller hub.

##### Discussion of Comments

Interested persons have been afforded the opportunity to participate in the making of these special conditions. Due consideration has been given to comments received.

One commenter is concerned that the terms "reasonable and foreseeable" in paragraph (3) FATIGUE EVALUATION of the special condition is a vague interpretation, and will result in large variation in how this requirement is applied.

The FAA disagrees. The special conditions are written with the accepted terminology from § 35.37, Fatigue limit tests, of the FAR's, which states that "The fatigue evaluation must include consideration of all reasonably foreseeable vibration load patterns." This terminology has been established because each propeller installation presents a unique set of operating conditions that must be incorporated