

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