on the relationship between the states, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects in 12 CFR Part 708a

Bank deposit insurance, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on September 16, 1994.

Becky Baker,

Secretary of the Board.

For the reasons set forth in the Preamble, pursuant to authority granted in Section 205(b)(1) of the Federal Credit Union Act (12 U.S.C. 1785(b)(1)), the Board is adding a new regulation in 12 CFR part 708a.

1. Part 708a is added to read as follows:

PART 708a—MERGERS OR CONVERSIONS OF FEDERALLY-INSURED CREDIT UNIONS: NCUA APPROVAL

Sec.

708a.1 NCUA Board approved.

708a.2 Notice to Members.

Authority: 12 U.S.C. 1766, 12 U.S.C. 1785.

§ 708a.1 NCUA Board approval.

Pursuant to Section 205(b)(1) of the Federal Credit Union Act, NCUA Board approval is required in advance of any merger, consolidation, insurance conversion, transfer of liabilities or other transaction whereby a federally-insured credit union transfers all or any part of its members' accounts to any institution that is not NCUSIF-insured or assumes responsibility for all or any portion of accounts of an institution that is not NCUSIF-insured. In transactions involving federally-insured state chartered credit unions, the Board will coordinate with the appropriate state regulatory authority.

§ 708a.2 Notice to members.

All notices to members will be preapproved by the NCUA Board. Procedures and forms for the transactions where the remaining institution continues to be a credit union—mergers involving both federally-insured credit unions and non federally-insured credit unions and conversion from federal insurance to nonfederal insurance—are set forth in Part 708b, Subparts A, B and C.

Part 708 [Redesignated as Part 708b]

2. Part 708 is redesignated as part 708b.

[FR Doc. 94-23546 Filed 9-22-94; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 29

[Docket No. 94-ASW-2; Special Condition 29-ASW-14]

Special Condition: Eurocopter Deutschland Model MBB-BK 117 C-1 Helicopter, Electronic Flight Instrument System

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special condition; request for comments.

SUMMARY: This special condition is issued for the Eurocopter Deutschland Model MBB-BK 117 C-1 helicopter modified by Omniflight Helicopter. This helicopter will have a novel or unusual design feature associated with the Electronic Flight Instrument System. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of these critical function systems from the effects of external high intensity radiated fields (HIRF). This special condition contains additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

DATES: The effective date of this special condition is September 23, 1994. Comments must be received on or before November 22, 1994.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attn: Rules Docket No. 94-ASW-2, Fort Worth, Texas 76193-0007, or delivered in duplicate to the Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments must be marked Docket No. 94-ASW-2. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 9 a.m. and 3 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McCallister, FAA, Rotorcraft Directorate, Policy and Procedures Group, Fort Worth, Texas 76193-0112; telephone (817) 222-5121.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delay delivery of the affected helicopter. These notice and comment procedures are also considered unnecessary since the public has been previously provided with a substantial number of opportunities to comment on substantially identical special conditions, and their comments have been fully considered. Therefore, good cause exists for making this special condition effective upon issuance.

Comments Invited

Although this final special condition was not subject to notice and opportunity for prior public comment, comments are invited on this final special condition. Interested persons are invited to comment on this final special condition by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered. This special condition may be changed in light of comments received. All comments received 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 notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 94-ASW-2." The postcard will be date and time stamped and returned to the commenter.

Background

On May 6, 1994, Omniflight Helicopter, Dallas, Texas, applied for a Supplemental Type Certificate for installation of an Electronic Flight Instrument System in a Eurocopter Deutschland Model MBB-BK 117 C-1 helicopter. This is a 7 (10 with approved kit) passenger, twin engine, 7,385 pound transport category helicopter.

Type Certification Basis

The certification basis established for the Eurocopter Deutschland Model MBB-BK 117 C-1 helicopter includes: 14 CFR 21.29 and 14 CFR part 29 effective February 1, 1965, Amendments 29-1 through 29-16; in addition, the Airworthiness Criteria for helicopter instrument flight rules (IFR) certification dated December 15, 1978, and Equivalent Safety Findings for Federal Aviation Regulations (FAR)

§§ 29.175(b), 29.811(h)(i), and 29.1151(b).

If the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for this helicopter because of a novel or unusual design feature, special conditions are prescribed under the provisions of 14 CFR 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with 14 CFR 11.49 and become part of the type certification basis in accordance with 14 CFR 21.101(b)(2). Provision is made for the public comment period in 14 CFR 11.28.

Discussion

The Eurocopter Deutschland Model MBB–BK 117 C–1 helicopter, at the time of the application for modification by OmniFlight Helicopter, was identified as having modifications that incorporate one and possibly more electrical, electronic, or combination of electrical and electronic (electrical/electronic) systems that will perform functions critical to the continued safe flight and landing of the helicopters. The electronic flight instrument system performs the attitude display function. The display of attitude, altitude, and airspeed is critical to the continued safe flight and landing of the helicopters for IFR operations in instrument meteorological conditions. After the design is finalized, Eurocopter Deutschland will provide the FAA with a preliminary hazard analysis that will identify any other critical functions performed by the electrical/electronic systems that are critical to the continued safe flight and landing of the helicopters.

Recent advances in technology have prompted the design of aircraft that include advanced electrical and electronic systems that perform functions required for continued safe flight and landing. However, these advanced systems respond to the transient effects of induced electrical current and voltage caused by the high intensity radiated fields (HIRF) incident on the external surface of the helicopters. These induced transient currents and voltages can degrade the performance of the electrical/electronic systems by damaging the components or by upsetting the systems' functions.

Furthermore, the electromagnetic environment has undergone a transformation not envisioned by the current application of FAR § 29.1309(a). Higher energy levels radiate from operational transmitters currently used for radar, radio, and television; and the number of transmitters has increased significantly.

Existing aircraft certification requirements are inappropriate in view of these technological advances. In addition, the FAA has received reports of some significant safety incidents and accidents involving military aircraft equipped with advanced electrical/electronic systems when they were exposed to electromagnetic radiation.

The combined effects of technological advances in helicopter design and the changing environment have resulted in an increased level of vulnerability of the electrical and electronic systems required for the continued safe flight and landing of the helicopters. Effective measures to protect these helicopters against the adverse effects of exposure to HIRF will be provided by the design and installation of these systems. The following primary factors contributed to the current conditions: (1) Increased use of sensitive electronics that perform critical functions, (2) reduced electromagnetic shielding afforded helicopter systems by advanced technology airframe materials, (3) adverse service experience of military aircraft using these technologies, and (4) an increase in the number and power of radio frequency emitters and the expected increase in the future.

The FAA recognizes the need for aircraft certification standards to keep pace with technological developments and a changing environment and in 1986 initiated a high priority program to: (1) Determine and define electromagnetic energy levels; (2) develop guidance material for design, test, and analysis; and (3) prescribe and promulgate regulatory standards.

The FAA participated with industry and airworthiness authorities of other countries to develop internationally recognized standards for certification.

The FAA and airworthiness authorities of other countries have identified a level of HIRF environment that a helicopter could be exposed to during IFR operations. While the HIRF requirements are being finalized, the FAA is adopting a special condition for the certification of aircraft that employ electrical/electronic systems that perform critical functions. The accepted maximum energy levels that civilian helicopter system installations must withstand for safe operation are based on surveys and analysis of existing radio frequency emitters. This special condition will require the helicopters' electrical/electronic systems and associated wiring to be protected from these energy levels. These external threat levels are believed to represent the worst-case exposure for a helicopter operating under IFR.

The HIRF environment specified in this special condition is based on many critical assumptions. With the exception of takeoff and landing at an airport, one of these assumptions is that the aircraft would be not less than 500 feet above ground level (AGL). Helicopters operating under visual flight rules (VFR) routinely operate at less than 500 feet AGL and perform takeoffs and landings at locations other than controlled airports. Therefore, it would be expected that the HIRF environment experienced by a helicopter operating VFR may exceed the defined environment by 100 percent or more.

This special condition will require the systems that perform critical functions, as installed in the aircraft, to meet certain standards based on either a defined HIRF environment or a fixed value using laboratory tests.

The applicant may demonstrate that the operation and operational capabilities of the installed electrical/electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the defined HIRF environment. The FAA has determined that the environment defined in Table 1 is acceptable for critical functions in helicopters operating at or above 500 feet AGL. For critical functions of helicopters operating at less than 500 feet AGL, additional factors must be considered.

The applicant may also demonstrate by a laboratory test that the electrical/electronic systems that perform critical functions can withstand a peak electromagnetic field strength in a frequency range of 10 KH_z to 18 GH_z. If a laboratory test is used to show compliance with the defined HIRF environment, no credit will be given for signal attenuation due to installation. A level of 100 volts per meter (v/m) and other considerations, such as an alternate technology backup that is immune to HIRF, are appropriate for critical functions during IFR operations. A level of 200 v/m and further considerations, such as an alternate technology backup that is immune to HIRF, are more appropriate for critical functions during VFR operations. Applicants must perform a preliminary hazard analysis to identify electrical/electronic systems that perform critical functions. The term "critical" means those functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the helicopters. The systems identified by the hazard analysis as performing

critical functions are required to have HIRF protection.

A system may perform both critical and noncritical functions. Primary electronic flight display systems and their associated components perform critical functions such as attitude, altitude, and airspeed indications. HIRF requirements would apply only to the systems that perform critical functions.

Compliance with HIRF requirements will be demonstrated by tests, analysis, models, similarity with existing systems, or a combination of these methods. The two basic options of either testing the rotorcraft to the defined environment or laboratory testing may not be combined. The laboratory test allows some frequency areas to be under tested and requires other areas to have some safety margin when compared to the defined environment. The areas required to have some safety margin are those shown, by past testing, to exhibit greater susceptibility to adverse effects from HIRF; and laboratory tests, in general, do not accurately represent the aircraft installation. Service experience alone will not be acceptable since such experience in normal flight operations may not include an exposure to HIRF. Reliance on a system with similar design features for redundancy, as a means of protection against the effects of external HIRF, is generally insufficient because all elements of a redundant system are likely to be concurrently exposed to the radiated fields.

The modulation that represents the signal most likely to disrupt the operation of the system under test, based on its design characteristics, should be selected. For example, flight control systems may be susceptible to 3 H_z square wave modulation while the video signals for electronic display systems may be susceptible to 400 H_z sinusoidal modulation. If the worst-case modulation is unknown or cannot be determined, default modulations may be used. Suggested default values are a 1 KH_z sine wave with 80 percent depth of modulation in the frequency range from 10 KH_z to 400 MH_z and 1 KH_z square wave with greater than 90 percent depth of modulation from 400 MH_z to 18 GH_z. For frequencies where the unmodulated signal would cause deviations from normal operation, several different modulating signals with various waveforms and frequencies should be applied.

Acceptable system performance would be attained by demonstrating that the critical function components of the system under consideration continue to perform their intended function during and after exposure to required electromagnetic fields. Deviations from system specifications may be acceptable but must be independently assessed by the FAA on a case-by-case basis.

TABLE 1.—FIELD STRENGTH VOLTS METER

Frequency	Peak	Average
10–100 KH_z	50	50
100–500	60	60
500–2000	70	70
2–30 MH_z	200	200
30–100	30	30
100–200	150	33
200–400	70	70
400–700	4020	935
700–1000	1700	170
1–2 GH_z	5000	990
2–4	6680	840
4–6	6850	310
6–8	3600	670
8–12	3500	1270
12–18	3500	360
18–40	2100	750

Conclusion

This action affects only certain unusual or novel design features on one model of helicopter. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the affected helicopter.

The substance of this special condition for similar installations in a variety of helicopters has been subjected to the notice and comment procedure and has been finalized without substantive change. 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 helicopter, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impractical, and good cause exists for adopting this special condition immediately. Therefore, this special condition is 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 prior opportunities for comment.

List of Subjects in 14 CFR Part 29

Aircraft, Air transportation, Aviation safety, Rotorcraft, Safety.

The authority citations for this special condition are as follows:

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

The Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special condition is issued as part of the type certification basis for the Eurocopter Deutschland Model MBB–BK 117 C–1 helicopter:

Protection for Electrical and Electronic Systems From High Intensity Radiated Fields.

Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these critical functions are not adversely affected when the helicopter is exposed to high intensity radiated fields external to the helicopter.

Issued in Fort Worth, Texas, on September 13, 1994.

A.J. Merrill,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 94–23568 Filed 9–22–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 94–SW–07–AD; Amendment 39–9031; AD 94–20–03]

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 206A, 206B, 206B–1, 206L, 206L–1, 206L–3, and 206L–4 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) applicable to Bell Helicopter Textron, Inc. (BHTI) Model 206A, 206B, 206B–1, 206L, 206L–1, 206L–3, and 206L–4 helicopters, that currently requires an inspection of the main rotor hub trunnion (trunnion) for a mislocated master spline and replacement of any trunnion that has a mislocated master spline. This amendment is prompted by a report that certain main rotor hub trunnions (trunnions) were manufactured with a mislocated master spline. The actions specified by this AD are intended to identify and require replacement of any trunnion with a mislocated master spline to prevent pitch link misalignment, altered cyclic stick control position, loss of the main rotor system, and subsequent loss of control of the helicopter.

DATES: Effective October 11, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director

of the Federal Register as of October 11, 1994.

Comments for inclusion in the Rules Docket must be received on or before November 7, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–SW–07–AD, 2601 Meacham Boulevard, Room 663, Fort Worth, Texas 76137–4298.

The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Boulevard, Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Sharon Miles, Aerospace Engineer, Rotorcraft Certification Office, FAA, Southwest Region, Rotorcraft Directorate, 2601 Meacham Boulevard, Fort Worth, Texas 76137–4298, telephone (817) 222–5172, fax (817) 222–5959.

SUPPLEMENTARY INFORMATION: On November 18, 1993, the FAA issued Priority Letter AD 93–22–11, applicable to Bell Helicopter Textron, Inc. (BHTI) Model 206A, 206B, 206B–1, 206L, 206L–1, 206L–3, and 206L–4 helicopters, to require an inspection of the main rotor hub trunnion (trunnion), part number (P/N) 206–011–113–103 and P/N 206–011–120–103, for proper positioning of the trunnion master spline and replacement of any trunnion that had a mislocated master spline. That action was prompted by a manufacturer's report that certain trunnions were manufactured with a mislocated master spline. The manufacturer's data showed that when the trunnion master spline is mislocated, the main rotor mast does not align properly, so the operator's input to the cyclic stick does not produce the desired result in the main rotor system. After reviewing the manufacturer's data, the FAA determined that any mislocated trunnion master spline creates an unsafe condition. This condition, if not corrected, could result in pitch link misalignment, altered cyclic stick control position, loss of the main rotor system, and subsequent loss of control of the helicopter.

Since the issuance of that AD, BHTI has issued a revised Alert Service Bulletin (ASB) for Model 206L, 206L–1, 206L–3, and 206L–4 helicopters. ASB 206L–93–90, Revision A, dated November 9, 1993, changed Figure 3 to show that the center line of the trunnion should go through the crown rather than the inset of the master spline. ASB 206–93–75, dated October 19, 1993, which is applicable to Model 206A, 206B, and 206B–1 helicopters, has a correct Figure 3 showing that the center line of the trunnion should go through the inset rather than the crown of the master spline.

Since an unsafe condition has been identified that is likely to exist or develop on other BHTI Model 206 helicopters of this same type design, this AD supersedes Priority Letter AD 93–22–11 to require, within the next 50 hours time-in-service (TIS) or 90 calendar days after the effective date of this AD, whichever occurs first, an inspection of the trunnion for proper positioning of the trunnion master spline, and replacement of any trunnion that has a mislocated master spline. The actions are required to be accomplished in accordance with the BHTI ASB 206–93–75, dated October 19, 1993, for Model 206A, 206B, and 206B–1 helicopters, and BHTI ASB 206L–93–90, Revision A, dated November 9, 1993, for Model 206L, 206L–1, 206L–3, and 206L–4 helicopters, described previously. Due to the criticalness of correct alignment of the trunnion master spline and a compliance time that is short for some operators of frequently-used helicopters, this rule must be issued immediately to correct an unsafe condition in aircraft.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public 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 under the caption **ADDRESSES.** 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 evaluating the effectiveness of the AD action and 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 AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94–SW–07–AD." 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 that must be issued immediately to correct an unsafe condition in aircraft, and that it 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. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the

Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD), Amendment 39–9031, to read as follows:

AD 94–20–03 Bell Helicopter Textron, Inc., (BHTI): Amendment 39–9031. Docket Number 94–SW–07–AD. Supersedes Priority Letter AD 93–22–11, issued November 18, 1993.

Applicability: Model 206A, 206B, 206B–1, 206L, 206L–1, 206L–3, and 206L–4 helicopters, equipped with main rotor hub trunnion (trunnion), part number (P/N) 206–011–113–103 or P/N 206–011–120–103, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent pitch link misalignment, altered cyclic stick control position, loss of the main rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) or 90 calendar days after the effective date of this airworthiness directive (AD), whichever occurs first, inspect the trunnion master spline for proper positioning in accordance with Parts I and II of the Accomplishment Instructions contained in BHTI Alert Service Bulletin 206–93–75, dated October 19, 1993, for Model 206A, 206B, and 206B–1 helicopters, and BHTI Alert Service Bulletin 206L–93–90, Revision A, dated November 9, 1993, for Model 206L, 206L–1, 206L–3, and 206L–4 helicopters.

(b) If the master spline is not in the proper position, before further flight remove and replace the trunnion with an airworthy trunnion in accordance with the provisions of the applicable maintenance manual.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Rotorcraft Certification Office, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished provided there is no interference between the pitch link clevices and the swashplate outer ring or pitch horn lugs, through full motion of the cyclic and collective controls.

(e) The inspection and replacement, if necessary, shall be done in accordance with BHTI Alert Service Bulletin No. 206–93–75, dated October 19, 1993, and Alert Service Bulletin No. 206L–93–90, Revision A, dated November 9, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Boulevard, Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on October 11, 1994.

Issued in Fort Worth, Texas, on September 16, 1994.

Larry M. Kelly,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 94–23441 Filed 9–22–94; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by publishing new ranges of comparability to be used on required labels for storage-type water heaters and on required labels and in required fact sheets (or directories) for furnaces and boilers.

EFFECTIVE DATE: December 28, 1994.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580 (202–326–3035).

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA)[1] requires the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances. Storage-type water heaters, furnaces, and boilers are included in those categories. The statute also requires the Department of Energy ("DOE") to develop test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule covering seven of the thirteen appliance categories that were then covered by DOE test procedures: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces (this category includes boilers).[2] The Commission has extended the coverage of the Appliance Labeling Rule ("Rule") four times since it originally issued the Rule: in 1987 (central air conditioners, heat pumps, and pulse combustion and condensing furnaces);[3] 1989 (fluorescent lamp ballasts);[4] and, 1993 (certain plumbing products[5] and certain lighting products[6]). On July 1, 1994, the Commission amended the Rule to make certain improvements, including making the label format more "user-friendly," changing the energy usage descriptors required on labels, and adopting new product sub-categories for ranges of comparability purposes.[7]

Section 305.8(b) of the Rule requires manufacturers, after filing an initial report, to report annually by specified dates for each product type.[8] These reports, which are to assist the Commission in preparing the ranges of comparability, contain the estimated annual energy consumption or energy efficiency rating for the appliances derived from tests performed pursuant to the DOE test procedures. Because manufacturers regularly add new models to their lines, improve existing models and drop others, the data base from which the ranges of comparability are calculated is constantly changing. To keep the required information in line with these changes, the Commission is empowered, under Section 305.10 of the Rule, to publish new ranges (but not more than annually) if an analysis of the

[1] Pub. L. 94–163, 89 Stat. 871, 42 U.S.C. 6294 (Dec. 22, 1975).

[2] 44 FR 66466, 16 CFR Part 305 (Nov. 19, 1979). The Statement of Basis and Purpose for the final Rule describes the reasons the Commission declined to cover the other categories of covered products. *Id.* at 66467–69.

[3] 52 FR 46888 (Dec. 10, 1987).

[4] 54 FR 28031 (July 5, 1989).

[5] 58 FR 54955 (Oct. 25, 1993).

[6] 59 FR 25176 (May 13, 1993).

[7] 59 FR 34014.

[8] Reports for storage-type water heaters, furnaces, and boilers are due May 1.

new information indicates that the upper or lower limits of the ranges have changed by more than 15%. Otherwise, the Commission must publish a statement that the prior ranges remain in effect for the next year.

The annual submissions of data for storage-type water heaters, furnaces, and boilers have been made and have been analyzed by the Commission. These submissions of data were made by the affected manufacturers, in conjunction with the Gas Appliance Manufacturers Association (an industry trade association), in voluntary compliance with the requirements for new energy usage descriptors and sub-categories that were contained in the amendments published on July 1, 1994. These ranges will supersede the current ranges for these product categories, which were published on September 13, 1991 (storage-type water heaters)[9] and March 1, 1990 (furnaces and boilers).[10]

In consideration of the foregoing, the Commission revises Appendices D1–D3 and G1–G8 of its Appliance Labeling Rule by publishing the following ranges of comparability for use in required disclosures (including labeling) for storage-type water heaters, furnaces, and boilers manufactured on or after December 28, 1994.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR Part 305 is amended as follows:

PART 305—[AMENDED]

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendices D1–D3 to Part 305 are revised to read as follows:

Appendix D1 to Part 305—Storage-Type Water Heater—Gas

Range Information:

Capacity	Range of estimated annual energy consumption (therms/yr. and gallons/yr.)			
	Natural gas therms/yr.		Propane gallons/yr.	
First hour rating	Low	High	Low	High
Less than 21	(*)	(*)	(*)	(*)
21 to 24	(*)	(*)	(*)	(*)
25 to 29	(*)	(*)	(*)	(*)
30 to 34	(*)	(*)	(*)	(*)
35 to 40	(*)	(*)	(*)	(*)
41 to 47	242	263	265	284
48 to 55	235	278	257	304
56 to 64	238	273	262	299
65 to 74	215	283	249	310
75 to 86	220	288	266	317
87 to 99	255	295	279	310
100 to 114	268	300	294	329
115 to 131	288	288	317	336
Over 131	288	349	317	383

* No data submitted.

Appendix D2 to Part 305—Storage-Type Water Heater—Electric

Range Information:

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
First hour rating	Low	High
Less than 21	4672	4672
21 to 24	4769	4769
25 to 29	4879	4879
30 to 34	4672	4939
35 to 40	4575	4939
41 to 47	4575	5109
48 to 55	4624	5109
56 to 64	4624	5109
65 to 74	4624	5231
75 to 86	4624	5352
87 to 99	4624	5352
100 to 114	4672	5631
115 to 131	5109	5704
Over 131	(*)	(*)

* No data submitted.

Appendix D3 to Part 305—Storage-Type Water Heater—Oil

Range Information.

Capacity	Range of estimated annual energy consumption (gallons/yr.)	
First hour rating	Low	High
Less than 65	(*)	(*)
65 to 74	(*)	(*)
75 to 86	(*)	(*)
87 to 99	(*)	(*)
100 to 114	177	200
115 to 131	171	212
Over 131	180	180

* No data submitted.

3. Appendix G1 to part 305 is amended by revising the first table to read as follows:

Appendix G1 to Part 305—Furnaces—Gas

1. Range Information:

[9] 56 FR 46524.

[10] 55 FR 7302.

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities	78	96.6

* * * * *

4. Appendix G2 to part 305 is amended by revising the first table to read as follows:

Appendix G2 to Part 305—Furnaces—Electric

1. Range Information:

Manufacturer's rated heating capacities (Btu's/hr.)	Ranges of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities	100	100

* * * * *

5. Appendix G3 to part 305 is amended by revising the first table to read as follows:

Appendix G3 to Part 305—Furnaces—Oil

1. Range Information:

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities	78	86.7

* * * * *

6. Appendix G4 to part 305 is amended by revising the first table to read as follows:

Appendix G4 to Part 305—Mobile Home Furnaces

1. Range Information:

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities	75	83.2

* * * * *

7. Appendix G5 to part 305 is amended by revising the first table to read as follows:

Appendix G5 to Part 305—Boilers—Gas (Except Steam)

1. Range Information:

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities	80	90.6

* * * * *

8. Appendix G6 to part 305 is amended by revising the first table to read as follows:

Appendix G6 to Part 305—Boilers—Gas (Steam)

1. Range Information:

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities	75	83.5

* * * * *

9. Appendix G7 to part 305 is amended by revising the first table to read as follows:

Appendix G7 to Part 305—Boilers—Oil

1. Range Information:

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities	80	88.7

* * * * *

10. Appendix G8 to part 305 is amended by revising the first table to read as follows:

Appendix G8 to Part 305—Boilers—Electric

1. Range Information:

Manufacturer's rated heating capacities (Btu's/hr.)	Range of annual fuel utilization efficiencies (AFUE's)	
	Low	High
All Capacities	100	100

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 94–23577 Filed 9–22–94; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 306

Automotive Fuel Ratings, Certification and Posting

CFR Correction

In Title 16 of the Code of Federal Regulations, parts 150 to 999, revised as of January 1, 1994, make the following corrections:

1. On page 228, in § 306.6, in the second line of paragraph (a), the word "or" is changed to "of," and in the first line of paragraph (b), the word "other" is inserted between the words "or" and "written."

2. On page 228, in § 306.8, in the fifth line of paragraph (a), the word "your" is changed to "you."

3. On page 229, in § 306.10, in the fifth line of paragraph (b)(2), the zip code "20480" is changed to "20580."

[FR Doc. 94–99999 Filed 9–22–94; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 230, 239, 270, and 274

[Release Nos. 33–7083A; IC–20486A; File No. S7–26–93]

RIN 3235–AF96

Post-Effective Amendments to Investment Company Registration Statements; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Correction to final rules.

SUMMARY: This document contains corrections to the release adopting rule and form amendments to rule 485 under the Securities Act of 1933 that was published Wednesday, August 24, 1994 (59 FR 43460). The amendments related to filing post-effective amendments to investment company registration statements.

EFFECTIVE DATE: The amendments will become effective on October 11, 1994.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Berman, Deputy Office Chief, (202) 942–0721, Office of Disclosure and Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

Need for Correction

Certain form amendments printed in the release contained numbering errors in referring to sections of rule 485. In addition, the amended text of Form N–

4 contained references to provisions of rule 485 that are not applicable to funds that use the form and thus should be deleted.

Correction of Publication

The publication on August 24, 1994 of the final rule and form amendments, which was the subject of FR Doc. 94–20624, is corrected as follows:

Form S–6

1. On page 43468 in the first column, in line six of the paragraph numbered 13, remove "(a)(i)" and add in its place "(a)(1)".

Form N–1A

2. On page 43468 in the first column, in lines eight and ten under the heading FORM N–1A, remove "(a)(i)" and add in its place "(a)(1)".

3. On page 43468 in the first column, in lines twelve and fourteen under the heading FORM N–1A, remove "(a)(ii)" and add in its place "(a)(2)".

Form N–3

4. On page 43468 in the third column, in lines eight and ten under the heading FORM N–3, remove "(a)(i)" and add in its place "(a)(1)".

5. On page 43468 in the third column, in lines twelve and fourteen under the heading FORM N–3, remove "(a)(ii)" and add in its place "(a)(2)".

Form N–4

6. On page 43468 in the third column, in lines eight and ten under the heading FORM N–4, remove "(a)(i)" and add in its place "(a)(1)".

7. On page 43468 in the third column, remove the text in lines eleven through fourteen under the heading FORM N–4.

Dated: September 19, 1994.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–23537 Filed 9–22–94; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Determination of Taxable Income in Specific Situations

CFR Correction

In Title 26 of the Code of Federal Regulations, part 1, §§ 1.441 to 1.500, revised as of April 1, 1994, on page 475, a portion of paragraph (a)(1)(iii)(E)*(3), Example (ii)* through paragraph (a)(4) *Example 3* of § 1.482–2T was inadvertently omitted and as corrected should read as follows:

§ 1.482–2T Determination of taxable income in specific situations (temporary).

* * * * *

(ii) *Average collection period.* X's total sales within the same product group to unrelated persons within country Z for the period are $6,200,000. The average receivables balance for the period is $2,805,430 ($33,665,160/12). The average collection period in whole days is determined as follows:

$$\text{Receivables turnover rate} = \frac{\$6,200,000}{\$2,805,430} = 2.21$$

$$\text{Average collection period} = \frac{365}{2.21} = 165.16 \text{ days,}$$

rounded to the nearest whole day=165 days.

(iii) *Interest-free period.* Accordingly, for intercompany trade receivables incurred by X during Y's 1988 calendar taxable year attributable to the purchase of property from Y for resale to unrelated persons located in country Z and included in the product group, X may use an interest-free period of 175 days (165 days in the average collection period plus 10 days, but not in excess of a maximum of 183 days). All other intercompany trade receivables incurred by X are subject to the interest-free periods described in paragraphs (a)(1)(iii) (B), (C), or (D), whichever are applicable. If X makes sales in other foreign countries in addition to country Z or makes sales of property in more than one product group in any foreign country, separate computations of X's average collection period, by product group within each country, are required in order for X and Y to determine an interest-free period for such product groups in such foreign countries under this paragraph (a)(1)(iii)(E).

(iv) *Payment; book entries.* (A) Except as otherwise provided in this paragraph (a)(1)(iv), in determining the period of time for which an amount owed by one member of the group to another member is outstanding, payments or other credits to an account are considered to be applied against the earliest amount outstanding, that is, payments or credits are applied against amounts in a first-in, first-out (FIFO) order. Thus, tracing payments to individual intercompany trade receivables is generally not required in order to determine whether a particular intercompany trade receivable has been paid within the applicable interest-free period determined under paragraph (a)(1)(iii) of this section. The application of this paragraph (a)(1)(iv)(A) may be illustrated by the following example:

Example—(i) Facts. X and Y are members of a group of controlled entities within the meaning of section 482. Assume that the balance of intercompany trade receivables owed by X to Y on June 1 is $100, and that all of the $100 balance represents amounts incurred by X to Y during the month of May During the month of June X incurs an additional $200 of intercompany trade receivables to Y. Assume that on July 15, $60 is properly credited against X's intercompany account to Y, and that $240 is properly credited against the intercompany account on August 31. Assume that under paragraph (a)(1)(iii)(B) of this section interest must be charged on X's intercompany trade receivables to Y beginning with the first day of the third calendar month following the month the intercompany trade receivables arise, and that no alternative interest-free period applies. Thus, the interest-free period for intercompany trade receivables incurred during the month of May ends on July 31, and the interest-free period for intercompany trade receivables incurred during the month of June ends on August 31.

(ii) Application of payments. Using a FIFO payment order, the aggregate payments of $300 are applied first to the opening June balance, and then to the additional amounts incurred during the month of June. With respect to X's June opening balance of $100, no interest is required to be accrued on $60 of such balance paid by X on July 15, because such portion was paid within its interest-free period. Interest for 31 days, from August 1 to August 31 inclusive, is required to be accrued on the $40 portion of the opening balance not paid until August 31. No interest is required to be accrued on the $200 of intercompany trade receivables X incurred to Y during June because the $240 credited on August 31, after eliminating the $40 of indebtedness remaining from periods before June, also eliminated the $20 incurred by X during June prior to the end of the interest-free period for that amount. The amount of interest incurred by X to Y on the $40 amount during August creates bona fide indebtedness between controlled entities and is subject to the provisions of paragraph (a)(1)(iii)(A) of this section without regard to any of the exceptions contained in paragraphs (a)(1)(iii) (B) through (E) of this section.

(B) Notwithstanding the first-in, first-out payment application rule described in paragraph (a)(1)(iv)(A) of this section, the taxpayer may apply payments or credits against amounts owed in some other order on its books in accordance with an agreement or understanding of the related parties if the taxpayer can demonstrate that either it or others in its industry, as a regular trade practice, enter into such agreements or understandings in the case of similar balances with unrelated parties.

(2) *Arm's length interest rate—(i) In general.* For purposes of section 482 and paragraph (a) of this section, an arm's length rate of interest shall be a rate of interest which was charged, or would have been charged, at the time the indebtedness arose, in independent transactions with or between unrelated parties under similar circumstances. All relevant factors shall be considered, including the principal amount and duration of the loan, the security