

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-9165, and by adding a new airworthiness directive (AD), to read as follows:

Robinson Helicopter Company; Docket No. 95-SW-30-AD. Supersedes AD 95-04-13, Amendment 39-9165.

Applicability: Model R44 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required before further flight, unless accomplished previously.

Note 2: Regardless of the experience level of the pilot manipulating the controls or the amount or quality of the awareness training received by the pilot manipulating the controls, these changes to the flight manual are in no way intended to authorize flight in any condition(s) or under any circumstance(s) that are otherwise contrary to other Federal Aviation Regulations.

To prevent main rotor (M/R) stall or mast bumping, which could result in the M/R blades contacting the fuselage causing failure of the M/R system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Insert the following information into the Model R44 Rotorcraft Flight Manual. Compliance with the Limitations section is mandatory. The Normal Procedures and Emergency Procedures sections are informational.

Limitations Section

The following limitations (1-3) are to be observed unless the pilot manipulating the controls has logged 200 or more flight hours in helicopters, at least 50 of which must be in the RHC Model R44 helicopter, and has completed the awareness training specified in Special Federal Aviation Regulations (SFAR) No. 73, issued February 27, 1995.

- (1) Flight when surface winds exceed 25 knots, including gusts, is prohibited.
- (2) Flight when surface wind gust spreads exceed 15 knots is prohibited.
- (3) Continued flight in moderate, severe, or extreme turbulence is prohibited.

Adjust forward airspeed to between 60 knots indicated airspeed (KIAS) and 0.7 V_{ne}, but no lower than 60 KIAS, upon inadvertently encountering moderate, severe, or extreme turbulence.

Note: Moderate turbulence is turbulence that causes: (1) Changes in altitude or attitude; (2) variations in indicated airspeed; and (3) aircraft occupants to feel definite strains against seat belts.

Normal Procedures Section**Note**

Until the FAA completes its research into the conditions and aircraft characteristics that lead to main rotor blade/fuselage contact accidents, and corrective type design changes and operating limitations are identified, Model R44 pilots are strongly urged to become familiar with the following information and comply with these recommended procedures.

Main Rotor Stall: Many factors may contribute to main rotor stall and pilots should be familiar with them. Any flight condition that creates excessive angle of attack on the main rotor blades can produce a stall. Low main rotor RPM, aggressive maneuvering, high collective angle (often the result of high-density altitude, over-pitching [exceeding power available] during climb, or high forward airspeed) and slow response to the low main rotor RPM warning horn and light may result in main rotor stall. The effect of these conditions can be amplified in turbulence. Main rotor stall can ultimately result in contact between the main rotor and airframe. Additional information on main rotor stall is provided in the Robinson Helicopter Company Safety Notices SN-10, SN-15, SN-20, SN-24, SN-27, and SN-29.

Mast Bumping: Mast bumping may occur with a teetering rotor system when excessive main rotor flapping results from low "G" (load factor below 1.0) or abrupt control input. A low "G" flight condition can result from an abrupt cyclic pushover in forward flight. High forward airspeed, turbulence, and excessive sideslip can accentuate the adverse effects of these control movements. The excessive flapping results in the main rotor hub assembly striking the main rotor mast with subsequent main rotor system separation from the helicopter.

To avoid these conditions, pilots are strongly urged to follow these recommendations:

- (1) Maintain cruise airspeeds greater than 60 KIAS and less than 0.9 V_{ne}.
- (2) Use maximum "power-on" RPM at all times during powered flight.
- (3) Avoid sideslip during flight. Maintain in-trim flight at all times.
- (4) Avoid large, rapid forward cyclic inputs in forward flight, and abrupt control inputs in turbulence.

Emergency Procedures Section**(1) Right Roll in Low "G" Condition**

Gradually apply aft cyclic to restore positive "G" forces and main rotor thrust. Do not apply lateral cyclic until positive "G" forces have been established.

(2) Uncommanded Pitch, Roll, or Yaw Resulting From Flight in Turbulence

Gradually apply controls to maintain rotor RPM, positive "G" forces, and to eliminate sideslip. Minimize cyclic control inputs in turbulence; do not overcontrol.

(3) Inadvertent Encounter With Moderate, Severe, or Extreme Turbulence.

If the area of turbulence is isolated, depart the area; otherwise, land the helicopter as soon as practical.

(b) 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 Standards Staff, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(c) Special flight permits, pursuant to sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), will not be issued.

Issued in Fort Worth, Texas, on September 29, 1995.

Daniel P. Salvano,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

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SECURITIES AND EXCHANGE COMMISSION**17 CFR Part 270**

[Release No. IC-21398, File No. S7-23-95]

RIN 3235-AE98

Custody of Investment Company Assets Outside the United States—Extension of Comment Period

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments and request for comment; extension of comment period.

SUMMARY: The Commission is extending from October 6, 1995 to November 6, 1995 the comment period for Investment Company Release No. 21259, which proposed amendments to rule 17f-5 under the Investment Company Act of 1940.

DATES: Comments must be received on or before November 6, 1995.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Stop 6-9, Washington, DC 20549. All comment letters should refer to File No. S7-23-95. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT:

Robin S. Gross, Staff Attorney, or Elizabeth R. Krentzman, Assistant Chief, at (202) 942-0690, Office of Regulatory Policy, Division of Investment Management, 450 Fifth Street, NW, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: On July 27, 1995, the Commission issued Investment Company Act Release No. 21259 (60 FR 39592 (August 2, 1995)) ("Release No. 21259"), which proposed amendments to rule 17f-5 (17 CFR 270.17f-5) under the Investment Company Act of 1940 (15 U.S.C. 80a). The proposed amendments would permit an investment company's board to delegate its responsibilities under the rule to evaluate foreign custody arrangements. The amendments also would expand the class of foreign banks and securities depositories that could serve as investment company custodians.

Since Release No. 21259 was issued, the Commission has received requests from interested persons for an extension of the comment period. In light of the importance of the safekeeping of investment company assets and the benefit to the Commission of receiving carefully considered comments, the Commission believes a 30-day extension is appropriate.

The comment period for responding to Release No. 21259 is extended to November 6, 1995.

Dated: October 5, 1995.

By the Commission.

Jonathan G. Katz,

Secretary.

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DEPARTMENT OF DEFENSE**Department of the Navy****32 CFR Part 723****Board for Correction of Naval Records**

AGENCY: Department of the Navy, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Navy is proposing to amend the procedures of the Board for Correction of Naval Records. This revision incorporates format changes and clarifies various minor provisions of the part.

DATES: Comments must be received on or before December 11, 1995.

ADDRESSES: Comments should be submitted to: Executive Director, Board for Correction of Naval Records, 2 Navy Annex, Washington, DC 20370-5100.

FOR FURTHER INFORMATION CONTACT: W. Dean Pfeiffer, Executive Director, (703) 614-1402.

SUPPLEMENTARY INFORMATION: The Department of the Navy has determined that this proposed rule is not a major rule because it will not have an annual effect on the economy of \$100 million or more. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-611, and does not have a significant economic impact on small entities as defined by the Act. This rule imposes no obligatory information requirements beyond internal Navy use.

List of Subjects in 32 CFR Part 723

Administrative practice and procedure, Claims, Military personnel.

Accordingly, part 723 of chapter VI of title 32 of the Code of Federal Regulations is proposed to be revised to read as follows:

PART 723—BOARD FOR CORRECTION OF NAVAL RECORDS

Sec.

723.1 General provisions.

723.2 Establishment, function and jurisdiction of the Board.

723.3 Application for correction.

723.4 Appearance before the Board; notice; counsel; witnesses; access to records.

723.5 Hearing.

723.6 Action By the Board.

723.7 Action By the Secretary.

723.8 Staff action.

723.9 Reconsideration.

723.10 Settlement of claims.

723.11 Miscellaneous provisions.

Authority: 10 U.S.C. 1034, 1552.

§ 723.1 General provisions.

This part sets up procedures for correction of naval and marine records by the Secretary of the Navy acting through the Board for Correction of Naval Records (BCNR or the Board) to remedy error or injustice. It describes how to apply for correction of naval and marine records and how the BCNR considers applications. It defines the Board's authority to act on applications. It directs collecting and maintaining information subject to the Privacy Act of 1974 authorized by 10 U.S.C. 1034 and 1552.

§ 723.2 Establishment, function and jurisdiction of the Board.

(a) *Establishment and composition.* Under the foregoing statutory authority, the Board for Correction of Naval Records is established by the Secretary of the Navy. The Board consists of civilians of the executive part of the Department of the Navy in such

number, not less than three, as may be appointed by the Secretary and who shall serve at the pleasure of the Secretary. Three members present shall constitute a quorum of the Board. The Secretary of the Navy will designate one member as Chair. In the absence or incapacity of the Chair, an Acting Chair chosen by the Executive Director shall act as Chair for all purposes.

(b) *Function.* The Board is not an investigative body. Its function is to consider applications properly before it for the purpose of determining the existence of error or injustice in the naval records of current and former members of the Navy and Marine Corps, to make recommendations to the Secretary or to take corrective action on the Secretary's behalf when authorized.

(c) *Jurisdiction.* The Board shall have jurisdiction to review and determine all matters properly brought before it, consistent with existing law.

§ 723.3 Application for correction.

(a) *General requirements.* (1) The application for correction must be submitted on DD 149 (Application for Correction of Military Record) or exact facsimile thereof, and should be addressed to: Board for Correction of Naval Records, Department of the Navy, 2 Navy Annex, Washington, DC 20370-5100. Forms and other explanatory matter may be obtained from the Board upon request.

(2) Except as provided in paragraph (a)(3) of this section, the application shall be signed by the person requesting corrective action with respect to his/her record and will either be sworn to or will contain a provision to the effect that the statements submitted in the application are made with full knowledge of the penalty provided by law for making a false statement or claim. (18 U.S.C. 287 and 1001)

(3) When the record in question is that of a person who is incapable of making application, or whose whereabouts is unknown, or when such person is deceased, the application may be made by a spouse, parent, heir, or legal representative. Proof of proper interest shall be submitted with the application.

(b) *Time limit for filing application.* Applications for correction of a record must be filed within 3 years after discovery of the alleged error or injustice. Failure to file within the time prescribed may be excused by the Board if it finds it would be in the interest of justice to do so. If the application is filed more than 3 years after discovery of the error or injustice, the application must set forth the reason why the Board should find it in the interest of justice