

provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office ACO, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels ACO.

(f) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44-292) 79888; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment supersedes AD 90-13-12, Amendment 39-6629.

Issued in Kansas City, Missouri, on February 6, 1995.

**Michael K. Dahl,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-3361 Filed 2-9-95; 8:45 am]

BILLING CODE 4910-13-U

## 14 CFR Part 39

[Docket No. 94-NM-70-AD]

### Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes and Model KC-10A (Military) Airplanes

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to all McDonnell Douglas Model DC-10 series airplanes and Model KC-10A (military) airplanes. That action would have required modification of the fuel crossfeed dump shutoff system. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has determined that other means are in place that adequately address the unsafe condition. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Ray Vakili, Aerospace Engineer, Propulsion Branch, ANM-141L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5262; fax (310) 627-5210.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD), applicable to all McDonnell Douglas Model DC-10 series airplanes and Model KC-10A (military) airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on July 27, 1994 (59 FR 38141). The proposed rule would have required modification of the fuel crossfeed dump shutoff system. That action was prompted by an FAA determination that, in the event of a failure of the number 2 bus tie relay and subsequent loss of the electrical power source of the number 2 engine, an all-engine flameout event could occur due to fuel starvation during or shortly after a fuel dumping operation. The proposed actions were intended to prevent loss of the fuel crossfeed dump shutoff system due to a failure of the number 2 DC bus electrical relay and subsequent loss of the electrical power source of the number 2 engine.

Interested persons have been afforded an opportunity to comment on the proposal. Due consideration has been given to the comments received.

The majority of commenters request that the proposed rule be withdrawn for several reasons:

First, the commenters reference AD 92-22-06, amendment 39-8392 (57 FR 47570, October 19, 1992), applicable to Model MD-11 and DC-10 series airplanes and Model KC-10A (military) airplanes, which was cited in the preamble to the notice. That AD requires revising the Airplane Flight Manual (AFM) to include information to specify that electrical malfunctions may render the automatic fuel dump termination feature inoperative. That AD was prompted by an incident in which the fuel crossfeed dump shutoff system became inoperative, and fuel was dumped below the minimum allowable level. The commenters point out that the event that prompted the issuance of that AD occurred on a Model MD-11 airplane, not a Model DC-10 series airplane. Because the design of the fuel shutoff system of the Model DC-10 is similar to that of the Model MD-11, the FAA concluded that the potential unsafe condition could exist with regard to those airplanes; however, there was no service history relevant to the Model DC-10.

Second, the commenters indicate that the proposed modification of the fuel crossfeed dump shutoff system, which is described in McDonnell Douglas DC-10 Service Bulletin 28-208, would do nothing more than add a third level of redundancy to the crossfeed low level

shutoff relay. In fact, the manufacturer, in its comments to the proposal, calls this modification merely "a design enhancement" to the automatic shut-off features of the fuel dump system; the manufacturer does not consider that an AD to mandate the modification is justified.

Third, the commenters consider that the Model DC-10 already has adequate redundancy present by means of a third crew member (the flight engineer), who has specific required duties to monitor fuel quantity and associated fault indication systems during fuel dump operations. The commenters consider that, with this additional crew member in the cockpit directly managing the fuel dumping process, there is adequate protection against dumping fuel below the minimum level. The commenters also point out that, even though AD 94-07-07 [amendment 39-8865 (59 FR 15853, April 5, 1994)] mandated a similar modification of the Model MD-11, those airplanes are operated by a two-man crew and, therefore, do not have the same level of redundancy as the Model DC-10 with its three-man crew.

For these reasons, the commenters contend that mandatory modification in accordance with the requirements of the proposed rule is not justified for Model DC-10 series airplanes.

Upon further consideration, the FAA concurs. The FAA has reviewed the service history of Model DC-10 series airplanes with regard to the fuel crossfeed dump shutoff system and finds that the unsafe condition previously specified in the proposal is addressed adequately by:

1. the current AFM revisions required by AD 92-22-06, and
2. the flight engineer having specific duties associated with monitoring minimum fuel during dumping operations.

Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 94-NM-70-AD, published in the **Federal Register** on July 27, 1994 (59 FR 38141), is withdrawn.

Issued in Renton, Washington, on February 6, 1995.

**S.R. Miller,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-3358 Filed 2-9-95; 8:45 am]

BILLING CODE 4910-13-U

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 1

#### Early Warning Reporting Requirements for Futures Commission Merchants

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Extension of comment period.

**SUMMARY:** On December 28, 1994, the Commodity Futures Trading Commission (Commission) published in the **Federal Register** a request for public comment on proposed rules to amend the early warning reporting requirements for futures commission merchants (FCMs) set forth in Commission Rule 1.12. The original comment period expired on January 27, 1995. 59 FR 66822.

The proposed rules would require an FCM to report in accordance with Commission Rule 1.12 whenever: There is a reduction in adjusted net capital in excess of 20 percent of the amount reported in the last financial report filed with the Commission;<sup>1</sup> a margin call that exceeds the FCM's excess adjusted net capital remains unanswered by the close of business on the day following the issuance of the call; or the FCM's excess adjusted net capital is less than six percent of the maintenance margin required to support proprietary and noncustomer positions carried by the FCM.

The Securities Industry Association requested a thirty-day extension of the comment period in order that its Capital Committee may have sufficient opportunity to consider these proposals. In order to ensure that all interested parties have an adequate opportunity to

<sup>1</sup> When the Commission recently adopted rules concerning risk assessment for holding company systems, 59 FR 66674 (Dec. 28, 1994), it added a provision to Rule 1.12 requiring FCMs subject to the risk assessment rules to provide notice of adjusted net capital reductions in excess of 20 percent. The proposal would extend that requirement to all FCMs.

submit meaningful comments, the Commission has determined to extend the comment period for an additional thirty days.

**DATES:** Comments must be received on or before February 27, 1995.

**ADDRESSES:** Comments should be sent to Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Bjarnason, Jr., Chief Accountant, or Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW. Washington, DC 20581; telephone (202) 254-8955.

Issued in Washington, DC on February 6, 1995, by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 95-3362 Filed 2-9-95; 8:45 am]

BILLING CODE 6351-01-M

## SUSQUEHANNA RIVER BASIN COMMISSION

### 18 CFR Parts 803, 804 and 805

#### Review and Approval of Projects; Special Regulations and Standards; Hearings/Enforcement Actions

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Public hearing on rulemaking and addition to comprehensive plan.

**SUMMARY:** The Susquehanna River Basin Commission published in the **Federal Register** of June 8, 1994 (59 FR 29563) proposed rules on procedures for review of projects which also contained special review and approval requirements for consumptive uses of water, ground-water withdrawals and surface water withdrawals. Rules were also proposed setting special standards for water conservation and water use registration, and establishing hearing and enforcement procedures. A series of eight hearings were held during the summer of 1994 at various locations. This document announces: That the consumptive use portion of the proposed rulemaking action (§ 803.42) will be deferred pending further consultation with the regulated community; and that a final informal public hearing will be held on the non-consumptive use portion of the proposed rules.

**DATES:** The public hearing will be held on March 9, 1995, beginning at 9:00 a.m. Written comments on the non-

consumptive use portion of the proposed rules should be submitted by March 9, 1995.

**ADDRESSES:** The public hearing will be held at the Radisson Penn Harris Hotel and Convention Center, room Keystone E, 1150 Camp Hill By-Pass, Camp Hill, PA. Comments should be addressed to Richard A. Cairo, General Counsel/Secretary, Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102-2391.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Cairo, General Counsel/Secretary, SRBC, 717-238-0423.

**SUPPLEMENTARY INFORMATION:** The Susquehanna River Basin Commission will hold a final public hearing on the non-consumptive use portion of a proposed rulemaking action in conjunction with its regular meeting on March 9, 1995 at the Radisson Penn Harris Hotel and Convention Center, Room Keystone E, 1150 Camp Hill By-Pass, Camp Hill, PA., beginning at 9:00 a.m. This hearing will also cover a proposal to incorporate the proposed rules into the SRBC Comprehensive Plan. The proposed rules were published in the **Federal Register** on June 8, 1994 at p. 29563. Eight public hearings were held during the summer of 1994 at various locations throughout the basin.

In response to the comments received at these hearings, a number of changes have been made in the proposed rules, the most notable of which is the withdrawal of proposed § 803.42 on the consumptive use of water. In place of the proposed § 803.42, the Commission will substantially retain its present consumptive use regulation found in the Code of Federal Regulations at 18 CFR § 803.61. The Commission will continue the suspension of the consumptive use regulation with respect to agricultural consumptive uses while it works with representatives of the agricultural community to develop an appropriate approach to the management of agricultural related water use. Public water suppliers will also be consulted on the issue of consumptive use within their distribution systems.

The scope of this final public hearing will be limited to the non-consumptive use portion of the proposed rulemaking action. This portion of the regulation contains such items as a new surface water regulation, water use registration, approval durations, and new procedures for processing project applications. Procedures for notifying the public of pending applications and for holding public hearings are also strengthened.

The hearing will be informal in nature. *Comments should be limited to*