

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.

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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 Accordingly, the proposed rule is withdrawn.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.