

## The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39–15484 (73 FR 21523, April 22, 2008) and adding the following new AD:

**McDonnell Douglas Corporation:** Docket No. FAA–2010–0639; Directorate Identifier 2009–NM–232–AD.

#### Comments Due Date

(a) The FAA must receive comments on this AD action by August 9, 2010.

#### Affected ADs

(b) This AD supersedes AD 2008–09–04, Amendment 39–15484.

#### Applicability

(c) This AD applies to all McDonnell Douglas Model DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 airplanes; Model DC–8–51, DC–8–52, DC–8–53, and DC–8–55 airplanes; Model DC–8F–54 and DC–8F–55 airplanes; Model DC–8–61, DC–8–62, and DC–8–63 airplanes; Model DC–8–61F, DC–8–62F, and DC–8–63F airplanes; Model DC–8–71, DC–8–72, and DC–8–73 airplanes; and Model DC–8–71F, DC–8–72F, and DC–8–73F airplanes; certificated in any category.

**Note 1:** This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) in accordance with paragraph (o) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

#### Subject

(d) Air Transport Association (ATA) of America Code 28: Fuel.

#### Unsafe Condition

(e) This AD results from a design review of the fuel tank systems. The Federal Aviation Administration is issuing this AD to prevent the potential for ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions, which, in combination with flammable fuel

vapors, could result in a fuel tank explosion and consequent loss of the airplane.

#### Compliance

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Restatement of Requirements of AD 2008–09–04, With Revised Compliance Method

##### Revise the Maintenance Program

(g) Before December 16, 2008, revise the maintenance program to incorporate the information specified in Appendixes B, C, and D of the Boeing DC–8 Special Compliance Item Report, MDC–02K9030, Revision A, dated August 8, 2006.

##### No Reporting Requirement

(h) Although the Boeing DC–8 Special Compliance Item Report, MDC–02K9030, Revision A, dated August 8, 2006, specifies to submit certain information to the manufacturer, this AD does not require that action.

##### No Alternative Inspections, Inspection Intervals, or Critical Design Configuration Control Limitations (CDCCLs)

(i) Except as provided by paragraph (m) of this AD, after accomplishing the applicable actions specified in paragraph (g) of this AD, no alternative inspections, inspection intervals, or CDCCLs may be used unless the inspections, intervals, or CDCCLs are approved as an AMOC in accordance with the procedures specified in paragraph (o) of this AD.

##### New Requirements of This AD

##### Revise the Maintenance Program

(j) Within 30 days after the effective date of this AD, revise the maintenance program to incorporate the information required by paragraphs (j)(1), (j)(2), and (j)(3) of this AD.

(1) CDCCL 20–10, “DC–8 Float Switch Circuit” in Appendix B of Boeing DC–8 Special Compliance Item Report, MDC–02K9030, Revision C, dated January 5, 2010.

(2) ALI 30–1 “DC–8 Pneumatic System Decay Check” in Appendix C of Boeing DC–8 Special Compliance Item Report, MDC–02K9030, Revision C, dated January 5, 2010.

(3) ALI 28–1, “DC–8 Alternate and Center Auxiliary Tank Fuel Pump Control Systems Check,” in Appendix C of Boeing DC–8 Special Compliance Item Report, MDC–02K9030, Revision C, dated January 5, 2010.

##### Install the In-Line Fuses

(k) Within 60 months after the effective date of this AD, install the fuel tank float switch in-line fuses in the leading edges of the front spars of the left and right wings, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC8–28–090, dated October 9, 2009.

##### No Alternative Inspections, Inspection Intervals, or Critical Design Configuration Control Limitations (CDCCLs)

(l) After accomplishing the actions specified in paragraph (k) of this AD, no alternative inspections, inspection intervals, or CDCCLs may be used unless the

inspections, intervals, or CDCCLs are approved as an AMOC in accordance with the procedures specified in paragraph (o) of this AD.

(m) Revising the maintenance program to incorporate the information specified in Appendixes B, C, and D of the Boeing DC–8 Special Compliance Item Report, MDC–02K9030, Revision B, dated July 23, 2009; or Revision C, dated January 5, 2010; is an acceptable method of compliance with the actions specified in paragraph (g) of this AD.

##### No Reporting Requirement

(n) Although the Boeing DC–8 Special Compliance Item Report, MDC–02K9030, Revision B, dated July 23, 2009; and Revision C, dated January 5, 2010; specify to submit certain information to the manufacturer, this AD does not require that action.

##### Alternative Methods of Compliance (AMOCs)

(o)(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5262; fax (562) 627–5210.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

Issued in Renton, Washington, on June 21, 2010.

**Ali Bahrami,**

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

[FR Doc. 2010–15400 Filed 6–24–10; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Parts 234, 244, 250, 253, 259, and 399

[Docket No. DOT–OST–2010–0140]

RIN 2105–AD92

#### Enhancing Airline Passenger Protections

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Clarification to Notice of Proposed Rulemaking.

**SUMMARY:** The Department of Transportation is clarifying its notice of

proposed rulemaking (NPRM) published in the **Federal Register** on June 8, 2010, which, among other issues, solicits comments on options to provide greater access to air travel for persons with peanut allergies. The June 8 document also proposes action to strengthen the rights of air travelers in the event of oversales, flight cancellations and long delays, and to ensure that passengers have accurate and adequate information to make informed decisions when selecting flights.

**DATES:** Comments should be filed by August 9, 2010. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** You may file comments identified by the docket number DOT–OST–2010–0140 by any of the following methods:

- *Federal Rulemaking Portal:* go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave., SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave., SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

*Instructions:* You must include the agency name and docket number DOT–OST–2010–0140 or the Regulatory Identification Number (RIN) for the rulemaking at the beginning of your comment. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Privacy Act:* Anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit <http://DocketsInfo.dot.gov>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or to the street address listed above. Follow the online instructions for accessing the docket.

**FOR FURTHER INFORMATION CONTACT:** Daeleen Chesley, Senior Trial Attorney, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, Department of

Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366–6792, [daeleen.chesley@dot.gov](mailto:daeleen.chesley@dot.gov).

You may also contact Blane Workie, Deputy Assistant General Counsel at the same address, (202) 366–9342, [blane.workie@dot.gov](mailto:blane.workie@dot.gov). Arrangements to receive this notice in an alternative format may be made by contacting the above named individuals.

**SUPPLEMENTARY INFORMATION: Pilot Project on Open Government and the Rulemaking Process:** Pursuant to the notice of proposed rulemaking (NPRM) published June 8, 2010, persons who desire may provide input on this rulemaking using the social networking pilot project, Regulation Room, established by DOT in partnership with the Cornell eRulemaking Initiative (CeRI). You may visit the Regulation Room Web site, <http://www.regulationroom.org>, to learn about the NPRM and that process. For questions about this project, please contact Brett Jortland in the DOT Office of General Counsel at 202.421.9216 or [brett.jortland@dot.gov](mailto:brett.jortland@dot.gov).

#### Clarification of Notice of Proposed Rulemaking

On June 8, 2010, the Department published an NPRM on Enhancing Airline Passenger Protections (75 FR 32318), which, among other things, solicits comment, without proposing any specific rule text, on three options that would provide greater access to air travel for persons with peanut allergies. The NPRM also sought comment on whether it would be preferable to maintain the current practice of not prescribing carrier practices concerning the serving of peanuts. (75 FR 32318, 32332)

We wish to clarify that, as alluded to in the NPRM, we recognize that Section 346 of the Department of Transportation and Related Agencies Appropriations Act of 2000, Public Law 106–69—Oct. 9, 1999 states:

Hereafter, none of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or (2) restrict the

distribution of peanuts, until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.

*We will comply with this requirement.*

#### List of Subjects

14 CFR Parts 234, 250, and 259

Air carriers, Consumer protection, Reporting and recordkeeping requirements.

14 CFR Part 244

Air carriers, Consumer protection, Tarmac delay data.

14 CFR Part 253

Air carriers, Consumer protection, Contract of carriage.

14 CFR Part 399

Administrative practice and procedure, Air carriers, Air rates and fares, Air taxis, Consumer protection, Small businesses.

Issued June 22, 2010, at Washington DC.

**Ray LaHood,**

*Secretary of Transportation.*

[FR Doc. 2010–15536 Filed 6–23–10; 11:15 am]

**BILLING CODE 4910–9X–P**

## SUSQUEHANNA RIVER BASIN COMMISSION

### 18 CFR Parts 806 and 808

#### Review and Approval of Projects

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice of proposed rulemaking and public hearing.

**SUMMARY:** This document contains proposed rules that would amend the project review regulations of the Susquehanna River Basin Commission (Commission) to: Include subsidiary allocations for public water supply systems under the scope of withdrawals requiring review and approval; improve notice procedures for all project applications; clarify requirements for grandfathered projects increasing their withdrawals from an existing source or initiating a new withdrawal; refine the provisions governing transfer and re-issuance of approvals; clarify the Executive Director's authority to grant, deny, suspend, rescind, modify or condition an Approval by Rule; include decisional criteria for diversions into the basin; amend administrative appeal procedures to broaden available