

whether such walnuts are inshell or shelled, the quantity of such walnuts received, the country of origin for such walnuts, the name of the DFA of California inspector who issued the product tag, and the date such tag was issued.

Dated: August 17, 1999.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-206-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Boeing Model 767 Series 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 certain Boeing Model 767 series airplanes. That action would have required replacement of the existing retaining bolt of the attendant seat lap belt with a new bolt and a washer. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data indicating that the proposed action has already been accomplished on all affected airplanes. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:**

Meghan Gordon, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2207; fax (425) 227-1181.

**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 certain Boeing Model 767 series airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on June 6, 1997 (62 FR 31020). The proposed rule would have required replacement of the existing retaining bolt of the attendant seat lap belt with a new bolt and a washer. That action was prompted by reports indicating that, due to a missing

washer, the bolt end fittings of the double flight attendant seats can become loose. The proposed actions were intended to ensure that a washer between the bolt head and bushing is installed. A missing washer could allow movement of the bolt end fittings, which can cause the restraint belts to release and, consequently, result in injury to the flight attendants.

#### **Actions Since Issuance of the NPRM**

Since the issuance of that NPRM, the FAA has received a comment from the airplane manufacturer indicating that the replacement of the existing retaining bolt of the attendant seat lap belt with a new bolt and a washer, in accordance with Boeing Service Bulletin 767-25-0217, dated January 13, 1994, has been accomplished on all affected airplanes. Though the manufacturer did not provide documentation to support its statement, the FAA also has received substantiating documentation from each affected operator that the service bulletin has been incorporated on its fleet of airplanes. In the case of one operator, the FAA contacted the Principal Maintenance Inspector (PMI) to determine whether the replacement had been accomplished on that operator's affected airplanes. The PMI verified that the service bulletin had been accomplished on all affected airplanes in that operator's fleet.

In addition, the airplane manufacturer has also updated the Illustrated Parts Catalog to include the washer that corrects the unsafe condition in the seat assembly; therefore, the unsafe condition is not likely to be reintroduced in the future.

#### **FAA's Conclusions**

Based upon the FAA's review of the data submitted by the affected operators and the airplane manufacturer, the FAA has determined that the previously identified unsafe condition no longer exists. 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.

#### **Regulatory Impact**

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 96-NM-206-AD, published in the **Federal Register** on June 6, 1997 (62 FR 31020), is withdrawn.

Issued in Renton, Washington, on August 13, 1999.

**D. L. Riggan,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-351-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Boeing Model 737-300, -400 and -500 series airplanes. This proposal would require replacement, with new parts, of the existing actuators or the rod ends on the existing actuators at wing leading edge slat positions 1, 2, 5, and 6. This proposal is prompted by reports indicating that the rod ends on several leading edge slat actuators have fractured. The actions specified by the proposed AD are intended to prevent fatigue cracking of the rod ends of the leading edge slat actuators, which could result in uncommanded deployment of the wing leading edge slat and consequent reduced controllability of the airplane.

**DATES:** Comments must be received by October 4, 1999.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-351-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00