

forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

Further, the Committee's meeting was widely publicized throughout the tomato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the February 27, 2001, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on a change to the handling requirements currently prescribed under the Florida tomato marketing order. A 20-day comment period is provided to allow interested persons to respond to this proposal. Twenty days is deemed appropriate because any changes resulting from this proposed rule should be effective by the start of the 2001/2002 season, which begins October 10, 2001. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is proposed to be amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 966 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 966.323 is amended by revising the last sentence of paragraph (d)(1) to read as follows:

§ 966.323 Handling regulation.

(d) *Exemption.* (1) * * * Producer field-packed tomatoes must meet all of the requirements of this section except for the requirement that all containers

must be packed at registered handler facilities as specified in paragraph (a)(3)(ii) of this section, and the requirement that such tomatoes designated as size 6 x 6 must meet the maximum diameter requirement specified in paragraph (a)(2)(i) of this section: *Provided*, That 6 x 6 and larger is used to indicate the listed size designation on containers.

* * * * *

Dated: July 27, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–19266 Filed 8–1–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–132–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 repetitive inspections of the side load underwing fitting bushings for broken sealant or bushing migration, and corrective action, if necessary. That action also would have provided for optional terminating action in lieu of repetitive inspections. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received new data and has issued alternative rulemaking action. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: John D. Craycraft, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2782; 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 November 24,

1999 (64 FR 66119). The proposed rule would have required repetitive inspections of the side load underwing fitting bushings for broken sealant or bushing migration, and corrective action, if necessary. The proposed rule also would have provided for optional terminating action in lieu of repetitive inspections. The proposed rule was prompted by reports of migrated bushings and corrosion on the side load fittings. The proposed actions were intended to prevent corrosion in the side load underwing fitting, which could result in cracking and consequent reduced structural integrity of the wing strut.

Actions Since Issuance of the NPRM

Since the issuance of that NPRM on November 18, 1999, the FAA has issued alternative rulemaking action, which, in addition to comments we have received in response to the NPRM, has caused us to reconsider our previous position on this rulemaking action.

We have considered the comments and recommendations we received.

Although one commenter supports the NPRM as proposed, eight other commenters object to it for various reasons. Some of those reasons follow:

- Bushing migration does not present an immediate safety concern, and no significant corrosion has been found in the side load underwing fitting. For these reasons, the commenters believe that the inspections specified in the NPRM are unnecessary.

- The cost estimates in the NPRM are too low because of the extensive work required, special tooling, and the resultant impact on scheduled service. Operators recommend increasing the cost estimates to include additional costs for labor, access and closeup, and special tooling and equipment.

- The compliance times for the inspections, as specified in the NPRM, would put affected airplanes out of service for an extended period. One commenter states that the manufacturer would not be able to provide an adequate number of kits within the specified compliance time. Operators recommend that the compliance times coincide with other existing maintenance programs such as the Strut Improvement Program (SIP) and the Corrosion Prevention and Control Program (CPCP).

- Removing and reinstalling the wing struts is not a routine task performed at regular maintenance intervals. In addition, the frequency of strut removal specified in the NPRM would severely impact airline schedules. The manufacturer recommends removing the strut only during a CPCP inspection,

which is accomplished at or before 18 years in service. Limiting strut removal will reduce the element of human error, structural damage to the lug areas, and improper sealing of the bushings.

- The repetitive inspections specified by paragraph (b) of the NPRM should be allowed to continue until incorporation of the SIP.

FAA's Determination

Since the issuance of the NPRM, the FAA has issued three ADs to require accomplishment of the 767 SIP. Although the NPRM requires repetitive inspections and corrective action if a broken sealant or bushing migration is detected, the new ADs require modification of the nacelle strut and wing structure on both the left and right sides of the airplane. The FAA adds that the discrepancy (broken sealant or bushing migration) specified in the NPRM also is addressed by the actions included in the 767 SIP. In addition, since issuance of Boeing Service Bulletin 767-57-0063, dated May 7, 1998, Boeing has provided to the FAA additional data indicating that the recommended compliance times listed in that service bulletin were overly conservative. For these reasons, the FAA has determined that issuance of the NPRM is no longer necessary since the intent of that AD will be accomplished by the following previously issued ADs:

- AD 2001-02-07, amendment 39-12091 (66 FR 8085, January 29, 2001).
- AD 2001-06-12, amendment 39-12159 (65 FR 17492, April 2, 2001).
- AD 2000-19-09, amendment 39-11910 (65 FR 58641, October 2, 2000).

FAA's Conclusions

Upon further consideration, the FAA has determined that, in light of the above information, the identified unsafe condition has been addressed. Accordingly, the NPRM is hereby withdrawn.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another action 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 99-NM-132-AD, published in the **Federal Register** on November 24, 1999 (64 FR 66119), is withdrawn.

Issued in Renton, Washington, on July 26, 2001.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 01-19262 Filed 8-1-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-21-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD); applicable to certain Boeing Model 737-100, -200, and -200C series airplanes; which would have required inspections for corrosion and cracking of the inboard track of each outboard flap, and repair, if necessary, and would have provided an optional terminating action. This new action expands the applicability and removes the optional terminating action of the proposed AD. For certain airplanes, this action would require new repetitive inspections for discrepancies of the rear spar attachments and cracks in the upper flange of the inboard track at the rear spar attachment of each outboard flap, and eventual rework of the flap track assembly and rear spar attachments, including replacement of the flap track with a new track, if necessary. For all airplanes, this action would require repetitive inspections for cracks in the upper flange of the inboard flap tracks at the rear spar attachments, and corrective action, if necessary. These actions are necessary to find and fix discrepancies of the inboard tracks of the outboard flaps, which could result in loss of the outboard trailing edge

flaps and consequent reduced controllability of the airplane. These actions are intended to address the identified unsafe condition.

DATES: Comments must be received by September 6, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-21-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 99-NM-21-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: James Blilie, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2131; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this document may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report