

States for which NASS has established rental rates on a county-by-county basis for 1998.

§ 1439.206 Eligible producers, eligible land, and loss criteria.

(a) The flooded land for which a producer requests benefits must be within the physical boundary of an eligible county. Producers in unapproved counties contiguous to an eligible county may not receive benefits under this subpart.

(b) To be eligible for benefits under this subpart, a producer in an eligible county must have a tract of land that meets all the following criteria:

(1) The land is cropland or pasture land used for the production of feed for livestock (haying, grazing, or feed grain production) or other agricultural use in one or more years during the period beginning October 1, 1991, through September 30, 1997;

(2) The land was inaccessible or unfit for crop production, grazing, or haying because of flooding or excess moisture during all of the period beginning October 1, 1997, through September 30, 1998;

(3) The land has been owned or leased under a binding cash lease by the producer continuously since October 1, 1997;

(4) The land is a contiguous parcel of land with an area equal to one acre or more;

(5) The land was not, except as determined by the Deputy Administrator, the subject of, nor will be the subject of, any other Federal payment for activities or lack of activity during the period October 1, 1997, through September 30, 1998, whether or not disaster-related, with the exception of the production flexibility contract (PFC) program payments received under part 1412 of this chapter. This prohibition includes but is not limited to other payments under this part; the Conservation Reserve Program, part 1410 of this chapter; the Wetlands Reserve Program, part 1467 of this chapter; or any Emergency Watershed Protection Program or Federal Easement Program that prohibits crop production or grazing.

(c) On Form CCC-454 producers shall be required to certify on each farm the number of flooded cropland and non-cropland acres for the farm in 1998 and the number of flooded cropland and non-cropland acres in 1992. To establish the acreage eligible for payment, flooded land certified for 1992 shall be subtracted from the flooded land certified for 1998 for each applicable type. The difference will be the acreages of cropland and non-cropland subject to

flooding and eligible for FCP payment, except that the difference may be adjusted as needed to ensure, to the extent practicable, an accurate estimate of the net increased flooding on the farm after October 1, 1993.

(d) All determinations as to the amount of land eligible for enrollment and compensation under this subpart are subject to approval by the county committee.

(e) The county committee may use any available documentation to make the determinations under paragraphs (b) and (c) of this section, including but not limited to: maps, slides, precipitation data, water table levels and disaster reports.

§ 1439.207 Producer eligibility.

(a) At least \$12 million in payments under this part shall be reserved for livestock producers. For this purpose, a livestock producer is a person who, on the applicable farm, meets the definition of livestock producer set out in § 1439.3 during the period beginning January 1, 1993 and ending with the ending date of the Presidential disaster designation that qualified the county for this program.

(b) Payments under this subpart shall be subject to the provisions of § 1439.1 through § 1439.12, and their successor regulations, except as otherwise provided in this subpart.

(c) No person (as defined and determined under part 1400 of this chapter) may receive more than \$40,000 under this subpart.

(d) No person (as defined and determined under part 1400 of this chapter) will be eligible for payment under this subpart if that person's annual gross receipts for the most recent tax year preceding the crop year for which benefits are requested were in excess of \$2.5 million. That determination shall be made in the manner provided for in § 1439.11.

(e) The following entities are not eligible for benefits under this subpart:

(1) State or local governments or subdivisions thereof; or

(2) Any individual or entity who is a foreign person as determined in accordance with the provisions of § 1400.501 and § 1400.502 of this chapter.

§ 1439.208 Calculation of Assistance.

(a) The unadjusted value of FCP assistance determined with respect to the flooded land in an eligible county for each producer may not exceed the amount obtained by adding paragraphs (b) and (c) of this section.

(b) For each eligible producer with respect to the applicable qualifying

cropland, the established local payment rate for cropland will be multiplied by the number of qualifying acres, as determined by the County Committee in accordance with instructions from the Deputy Administrator.

(c) For each eligible producer with respect to the applicable qualifying non-cropland, the established local payment rate for non-cropland will be multiplied by the number of qualifying acres, as determined by the County Committee in accordance with instructions from the Deputy Administrator.

§ 1439.209 Availability of Funds.

In the event that the total amount of claims submitted under this subpart exceeds the \$42 million appropriated for FCP, each payment shall be reduced by a uniform national percentage except as needed to assure sufficient payment to livestock producers as provided for in this part. Such payment reductions shall be after the imposition of applicable payment limitation provisions.

Signed in Washington, DC, on August 26, 1999.

Parks Shackelford,

Executive Vice President, Commodity Credit Corporation.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 14 and 17

[Docket No. FAA-1998-4379; Amendment No. 14-03, Part 17 (New)]

RIN 2120-AG19

Procedures for Protests and Contract Disputes; Amendment of Equal Access to Justice Act Regulations; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document makes certain corrections to the final rule published in the **Federal Register** on June 18, 1999, (64 FR 32926), which provides regulations for the conduct of protests and contract disputes under the Federal Aviation Administration Acquisition Management System.

DATES: Effective on August 31, 1999.

FOR FURTHER INFORMATION CONTACT: Marie A. Collins, telephone: (202) 366-6400.

SUPPLEMENTARY INFORMATION: This action adds language inadvertently omitted from the final rule, corrects erroneous references to subsections, and

modifies the "Discussion of Comments" section accordingly. The added language was contained originally in the Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on August 25, 1998 (63 FR 45372) and was discussed in the "Discussion of Comments" section of the final rule. That section indicated that the language pertaining to the deadline for requesting intervenor status in protests of contract awards and Attorneys' fees was unchanged from that contained in the NPRM, but that the provision pertaining to payment of interest was eliminated.

Correction

In rule FR Doc. 99-15217, published on June 18, 1999 (64 FR 32926), make the following corrections:

1. On page 32926, in the heading, on the 6th line, correct "No. 14-0317-01" to read "No. 14-03, Part 17 (New)".

2. On page 32933, in the third column, second full paragraph, line 7, correct "§ 17.39(m) as well" to read "§ 17.39(l), which was moved to § 17.39(m)".

3. On page 32933, in the third column, second full paragraph, beginning on line 11, add the following sentence, "Former § 17.39(l) and language was added to clarify the process of releasing findings and recommendations that contain protected information subject to a protective order."

4. On page 32933, in the third column, second full paragraph, line 21, before the word "Finally," add the following sentence, "The language in former § 17.39(m) pertaining to Attorneys' fees was moved to § 17.39(n)."

5. On page 32939, in the second column, in § 17.15, add a sentence at the end of paragraph (f) to read as follows:

§ 17.15 Filing a protest.

* * * * *

(f) * * * The awardee and/or interested parties shall notify the ODRA in writing, of their interest in participating in the protest as intervenors within two (2) business days of receipt of the CO's notification, and shall, in such notice, designate a person as the point of contact for the ODRA. Such notice may be submitted to the ODRA by facsimile.

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6. On page 32944, second column, in § 17.39, add paragraph (n), to read as follows:

§ 17.39 Default adjudicative process for contract disputes.

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(n) Attorneys fees of a qualified prevailing contractor are allowable to the extent permitted by the EAJA, 5 U.S.C. 504 (a) (1).

Issued in Washington, DC on August 24, 1999.

Donald P. Byrne,

Assistant Chief Counsel.

[FR Doc. 99-22297 Filed 8-30-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-SW-72-AD; Amendment 39-11268; AD 99-18-02]

RIN 2120-AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A-1 and 205B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. (BHTI) Model 205A-1 and 205B helicopters, that requires inspecting the vertical fin spar cap (spar cap) for cracking, corrosion, or disbonding; modifying the vertical fin; and replacing the left-hand spar cap. This amendment is prompted by five accidents involving helicopters of similar type design. The actions specified by this AD are intended to detect fatigue cracking or corrosion on the spar cap, which could lead to failure of the vertical fin spar, loss of the tail rotor, and subsequent loss of control of the helicopter.

DATES: Effective October 5, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of October 5, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280-3391, fax (817) 280-6466. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mike Kohner, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, 2601 Meacham

Blvd., Fort Worth, Texas 76137, telephone (817) 222-5447, fax (817) 222-5783.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to BHTI Model 205A-1 and 205B helicopters was published in the **Federal Register** on June 3, 1999 (64 FR 29814). That action proposed to require:

- Visually inspecting the spar cap for any crack or disbonding;
- Inspecting the spar cap for any disbonding using a tap hammer;
- Modifying the vertical fin;
- After modifying the vertical fin, inspecting the spar cap for any cracks using a dye-penetrant inspection method; and
- Replacing the left-hand spar cap.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial changes. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 150 helicopters of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per helicopter to accomplish the initial inspections, 0.5 work hour for the repetitive inspections, and 180 hours to replace the vertical fin spar assembly, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$300 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$1,705,500 to conduct the initial inspection and one repetitive inspection, and replace the vertical fin spar assembly on all the fleet.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under