

Except for wheat (*Triticum* spp.) plants, which are prohibited importation under § 319.37-2(a) (see Poaceae) of this part, any articles described in paragraph (b)(1) of this section that are from that designated area may be imported into the United States subject to the following conditions:

(i) The articles are offered for entry at the port of Calexico, CA; and

(ii) The articles offered for entry are made available for examination by an inspector and remain at the port until released, or authorized further movement pending release, by an inspector; and

(iii) The articles are accompanied by a phytosanitary certificate issued by the Mexican national plant protection organization that certifies that the articles are from the area of the Mexicali Valley described in this paragraph and remained within that area prior to and during their movement to the United States.

* * * * *

8. In Subpart—Packing Materials, § 319.69(b)(1) is revised to read as follows:

319.69 Notice of quarantine.

* * * * *

(b) * * *

(1) Cereal straw, hulls, and chaff (such as oats, barley, and rye) from all countries, except rice straw, hulls, and chaff, which are prohibited importation from all countries by paragraph (a)(1) of this section, and except wheat straw, hulls, and chaff, which are restricted importation by § 319.59 of this part from any country or locality listed in § 319.59-2 of this part.

* * * * *

Done in Washington, DC, this 4th day of June, 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-15337 Filed 6-4-98; 3:22 pm]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1412

Amendment to the Production Flexibility Contract Regulations

RIN 0560-AF25

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Commodity Credit Corporation (CCC) is issuing its final

rule with respect to the amendments to the production flexibility contract regulations published as an interim final rule in the **Federal Register** on October 23, 1997. After considering the comments received from the public, this rule adopts the interim rule as final with changes as indicated. The rule also incorporates a specific change required by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998, which provides that if wild rice is planted on contract acreage, the contract payment shall be reduced in an amount reflecting each contract acre planted to wild rice.

EFFECTIVE DATE: June 8, 1998.

FOR FURTHER INFORMATION CONTACT:

Lynn H. Tjeerdsma, Farm Service Agency, United States Department of Agriculture, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250-0517, telephone 202-720-6602, Internet address: ltjeerds@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant and was not reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable because CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

An Environmental Evaluation with respect to the proposed rule has been completed. It has been determined that this action will not have significant adverse effects on environmental factors such as wildlife habitat, water quality, air quality, land use, or appearance. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this proposed rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. The provisions of this rule are not retroactive. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR part 1412 set forth in this rule were previously approved under OMB Control Number 0560-0092. An information collection notice was published in the **Federal Register** (62 FR 27216) on May 19, 1997. No comments were received regarding this notice. A revised information collection package has been submitted to OMB.

Executive Order 12612

It has been determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of Government.

Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMBRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMBRA.

Background

On October 23, 1997, CCC published an interim rule in the **Federal Register** (62 FR 55150) to add a final date for producers to designate payment shares and provide supporting documentation to be eligible to earn contract payments in a fiscal year when payment shares have not been designated in such fiscal year; change the dates by which a producer or owner must inform county committee of changes in interest; add a final date for producers to request advance payments; clarify cash lease provisions; change the provisions for determining whether a lease is a cash lease or a share lease with respect to combination leases; and change the date by which all landowners, tenants, and sharecroppers failing to reach an agreement regarding the division of contract payments for a fiscal year must execute a contract to be eligible to receive the contract payment for that

fiscal year. Following publication of the interim rule, the public was afforded 30 days to submit comments. CCC extended the comment period to December 1, 1997 (62 FR 63441). There were 101 comments received in response to the notice during the comment period that ended on December 1, 1997. The comments were received from 74 producers, 19 commodity groups and eight Members of Congress. Five respondents were opposed to the amendment to § 1412.302(b). One hundred respondents were opposed to, and one respondent was in favor of, the amendment to § 1412.303(a)(4). The comments received and CCC responses are as follows:

Comment: Section 1412.302(b) Respondents were concerned that the timing of the announcement allowed landlords and tenants a minimal amount of time to negotiate leases to be eligible for the December advance payment, and that the deadlines for requesting advance payments were provided in legislation that did not envision USDA eliminating the options through administrative changes. Respondents urged the Department to suspend implementation of the new deadlines relating to advance payments to ensure that the Department's implementation of the Federal Agriculture Improvement and Reform Act of 1996 (1996 Act) is consistent with the intent of Congress.

Response: The 1996 Act specifies that at the option of the owner or producer for fiscal year 1997 and each subsequent year, 50 percent of the annual contract payment shall be made on December 15 or January 15 of the fiscal year. Section 1412.302(b) does not change the statutory deadline for issuing advance payments. This amendment to the regulation was made to ensure that requests for advance payments are received in a timely manner to enable CCC to issue the payments by the statutory deadlines. The provision will not be changed from the interim rule.

Comment: Section 1412.303(a)(4) Respondents were concerned that this provision was announced at an inappropriate time. Respondents were also concerned that the provision would result in higher fixed cash rents, reduced contract payments for tenants, limited crop financing for tenants, increased financial exposure of tenants, renegotiation of rental arrangements, minimal or no savings to the Government, elimination of cash rent flexibility provisions under combination leases, decreased land values because of limited improvements being made to the land resulting in job losses and reduced

tax bases in rural communities, and elimination of the planting flexibility provisions in the 1996 Act. Respondents were also concerned that the Department did not explain the basis for the change.

Response: The amendment to § 1412.303(a)(4) relates to combination leases that are partially paid in cash and partially paid in the crop. Prior to the amendment to this section, most combination leases result in a determination that the lease is a share lease unless there is a disaster. Changing this provision provides uniformity in determining whether a lease is a cash or share lease. The substance of § 1412.303(a)(4) will not be changed, but the timing of the implementation of this section has been modified as indicated below so that producers who had made long-term commitments prior to the publication of the interim rule will be unaffected. In addition, § 1412.303(a)(6) has been amended to comport with these changes.

Changes from the interim rule include:

Section 1412.206 Planting Flexibility

This rule incorporates the change required by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1998, which provides that if wild rice is planted on contract acreage, the contract payment shall be reduced by an acre for each contract acre planted to wild rice.

Section 1412.303 Sharing of Contract Payments

Combination leases are leases that contain provisions for both a guaranteed amount such as a fixed dollar amount, or quantity and a share of a crop or crop proceeds. Combination leases include those leases that provide for the greater of a guaranteed amount, or share of the crop or crop proceeds. The amendment provides that all combination leases shall be considered share leases for fiscal years 1999 and later fiscal years except for those producers who had made leasing and share-designation decisions prior to the interim rule.

This rule amends § 1412.303:

(1) by adding language that for fiscal year 1999 and subsequent fiscal years, except as provided in (2) where producers had already made leasing and share-designation decisions prior to the interim rule, that a "combination" lease shall be considered a share lease if the lease provides for both a guaranteed amount, such as a fixed dollar amount or quantity, and a share of a crop or crop proceeds, including leases which provide for the greater of a guaranteed

amount or share of the crop or crop proceeds; and

(2) by adding language that for producers who had already made leasing and share-designation decisions prior to the interim rule that for the years which had been designated and a lease executed, those leases will continue to be considered cash leases.

List of Subjects in 7 CFR Part 1412

Contract acreage, Contract payments, Planting flexibility, Price support programs.

Accordingly, the interim rule amending 7 CFR part 1412, which was published at 62 FR 55150 on October 23, 1997, is adopted as a final rule with the following changes:

PART 1412—PRODUCTION FLEXIBILITY CONTRACTS FOR WHEAT, FEED GRAINS, RICE, AND UPLAND COTTON

1. The authority citation for part 1412 continues to read as follows:

Authority: 7 U.S.C. 7201 *et seq.*; 15 U.S.C. 714b and 714c; and Sec. 734 of Pub. L. 105–86.

2. Section 1412.201 is amended by revising paragraph (c) to read as follows:

§ 1412.201 Production flexibility contract.

* * * * *

(c) All producers sharing in the contract payments on a farm whose payment shares have not been designated for a fiscal year must sign the contract designating payment shares and provide supporting documentation as specified in parts 12, 1400, and 1405 of this title no later than August 1 of the fiscal year to be eligible to earn a contract payment in that fiscal year. If all producers have not signed the contract by this deadline, no producers on the contract will be eligible for a payment for that farm for that fiscal year.

3. Section 1412.206 is amended by revising paragraph (a) to read as follows:

§ 1412.206 Planting flexibility.

(a) For the 1996 through 2002 crop years, any crop may be planted on contract acreage on a farm, except as limited elsewhere in this section. For fiscal year 1998, for each acre a producer plants wild rice on contract acreage, 1 acre will not be used in determining the contract payment. Any crop may be planted on cropland in excess of the contract acreage.

* * * * *

4. Section 1412.207 paragraphs (d)(1) and (d)(2) are revised to read as follows:

§ 1412.207 Succession-in-interest to a production flexibility contract.

* * * *

(d) * * *

(1) August 1 of the fiscal year in which the change occurs if producers on the contract acreage remain the same, but payment shares change; or

(2) August 1 of the fiscal year in which the change occurs, if a new producer is being added to the contract.

* * * *

5. Section 1412.302 paragraph (b) is revised to read as follows:

* * * *

§ 1412.302 Contract payment provisions.

* * * *

(b) At the option of the producer, for fiscal year 1997 and each subsequent fiscal year, 50 percent of the annual contract payment shall be paid on December 15 or January 15, as requested by the producer. To receive the advance payment the producers on the farm must be in compliance with all requirements of the contract at the time of the advance payment. For fiscal year 1998 and each subsequent fiscal year, all producers sharing in the contract payment on the farm must no later than 15 days prior to the final date to issue the advance payment, sign the contract designating payment shares and provide supporting documentation as specified in parts 12, 1400, and 1405 of this title, if applicable; and request the advance payment. If all producers on the farm have not signed the contract designating payment shares according to this paragraph, then no producers will be eligible for a payment for that farm for that fiscal year.

* * * *

6. Section 1412.303 is amended by adding paragraph (a)(6) and revising paragraphs (a)(2) and (a)(4) to read as follows:

§ 1412.303 Sharing of contract payments.

(a) * * *

(2) A lease will be considered a cash lease if the lease provides for only a guaranteed sum certain cash payment, or a fixed quantity of the crop (for example, cash, pounds, or bushels per acre).

* * * *

(4) Beginning on October 1, 1998, for years in which payment shares had not been designated prior to October 23, 1997, a producer's lease, including a lease which provides for the greater of a guaranteed amount or share of the crop or crop proceeds, shall be considered a share lease if the lease provides for both:

(i) A guaranteed amount such as a fixed dollar amount or quantity; and

(ii) A share of the crop proceeds.

* * * *

(6) A lease that the county committee determined to be a cash lease under § 1412.303 as contained in the 7 CFR, parts 1200 to 1499, edition revised as of January 1, 1997, will be considered a cash lease for the years in which payment shares were designated if, prior to October 23, 1997:

(i) The designation of shares was executed; and

(ii) The county committee was provided a copy of the lease applicable for the designated years.

* * * *

7. Section 1412.304 paragraph (b) is revised to read as follows:

§ 1412.304 Provisions relating to tenants and sharecroppers.

* * * *

(b) Notwithstanding the provisions set forth at § 1412.302(c), if the landowners, tenants and sharecroppers on a farm fail to reach an agreement regarding the division of contract payments for a fiscal year, the county committee shall make the payment at a later date if all persons eligible to receive a share of the contract payment have executed a contract not later than August 1 of the applicable fiscal year and subsequently agree to the division of contract payment.

Signed at Washington, DC, on June 1, 1998.

Keith Kelly,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 98-15000 Filed 6-5-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 97-CE-126-AD; Amendment 39-10566; AD 98-12-10]

RIN 2120-AA64

Airworthiness Directives; Avions Mudry et Cie Model CAP 10B Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 93-10-11, which currently requires installing an inspection opening in the wing, repetitively inspecting the upper wing spar cap for cracks, and repairing any cracks on all Avions Mudry et Cie (Avions) Model CAP 10B airplanes. This AD will retain the same actions already

required by AD 93-10-11, and will add inspecting, and repairing if necessary, the lower surface of the wing spar. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to prevent structural cracks in the wing spar, which could lead to loss of a wing and loss of control of the airplane.

DATES: Effective July 17, 1998.

The incorporation by reference of Avions Mudry & Cie Service Bulletin CAP10B No. 16 (ATA 57-004), dated April 27, 1992, as listed in the regulations, was previously approved by the Director of the Federal Register, as of July 23, 1993 (58 FR 31342, June 2, 1993).

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 17, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from Avions Mudry & Cie, (c/o Akrotech), 9 route del'Aviation, Aerodrome, 21121 Darois, France; telephone: (33) 32.43.47.34; facsimile: (33) 32.43.47.90. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-126-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Karl M. Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6934; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:**Events Leading to the Issuance of This AD**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Avions Model CAP 10B airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 26, 1998 (63 FR 14660). The proposed AD would supersede AD 93-10-11, Amendment 39-8592 (58 FR 31342, June 2, 1993) with a new AD that would require installing an inspection opening in the wing, repetitively inspecting the upper and lower wing spars for structural cracking, and if any cracks are found, repairing the cracks in accordance with a repair method provided by the