

**§ 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.*

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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

manufacturer through the FAA. The difference between the actions proposed in the NPRM and AD 93-10-11 is the addition of the inspections and possible repairs of the lower wing spar.

Accomplishment of the proposed action as specified in the NPRM would be in accordance with Avions Mudry & Cie Service Bulletin No. 15, CAP10B-57-003, Revision 1, dated April 3, 1996, and Avions SB CAP 10B No. 16 (ATA 57-004), dated April 27, 1992.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

#### The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

#### Cost Impact

The FAA estimates that 37 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 5 workhours per airplane to accomplish this action, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$11,100, or \$300 per airplane.

#### Regulatory Impact

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 Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3)

will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by removing Airworthiness Directive (AD) 93-10-11, Amendment No. 39-8592, and by adding a new AD to read as follows:

##### 98-12-10 Avions Mudry Et Cie:

Amendment 39-10566; Docket No. 97-CE-126-AD; Supersedes AD 93-10-11, Amendment 39-8592.

**Applicability:** Model CAP 10B airplanes, all serial numbers, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated in the body of this AD, unless already accomplished.

To prevent structural cracks in the wing spars, which could lead to loss of a wing and loss of control of the airplane, accomplish the following:

(a) For airplanes having a serial number of 263 or lower, within the next 100 hours time-in-service (TIS) after July 23, 1993 (the effective date of AD 93-10-11, Amendment

39-8592), install a permanent inspection opening in each wing in accordance with the Technical Instructions section of Avions Mudry & Cie (Avions) Service Bulletin (SB) CAP 10B No. 16 (ATA 57-004), dated April 27, 1992.

**Note 2:** The installation specified in paragraph (a) of this AD is incorporated during production for airplanes having a serial number of 264 or higher.

(b) For all serial numbers, within the next 100 hours TIS after the effective date of this AD, or within the next 1,000 hours TIS after the last inspection required in accordance with AD 93-10-11, Amendment 39-8592, whichever occurs later, unless already accomplished, and thereafter at intervals not to exceed 1,000 hours TIS, inspect the upper and lower wing surfaces of both wing spars for cracks in accordance with Avions SB No. 15, CAP10B-57-003, Revision 1, dated April 3, 1996.

(c) If any cracks are found, prior to further flight, repair the cracks with a repair scheme obtained from the manufacturer through the FAA Project Officer at the Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106.

**Note 3:** The compliance times required in this AD take precedence over the compliance times stated in Avions SB No. 15, CAP10B-57-003, Revision 1, dated April 3, 1996.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

(2) Alternative methods of compliance approved in accordance with AD 93-10-11 are not considered approved as alternative methods of compliance for this AD.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(f) Questions or technical information related to Avions SB No. 15, CAP10B-57-003, Revision 1, dated April 3, 1996, and Avions SB CAP 10B No. 16 (ATA 57-004), dated April 27, 1992, should be directed to Avions Mudry & Cie, B.P. 214, 27300 Bernay, France; telephone: (33) 32 43 47 34; facsimile: (33) 32 43 47 90. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) The modification required by this AD shall be done in accordance with Avions Mudry & Cie Service Bulletin CAP 10B No. 16 (ATA 57-004), dated April 27, 1992. The inspections required by this AD shall be done in accordance with Avions Mudry & Cie Service Bulletin No. 15, CAP10B-57-003, Revision 1, dated April 3, 1996.

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

(2) The incorporation by reference of Avions Mudry & Cie Service Bulletin No. 15, CAP10B-57-003, Revision 1, dated April 3, 1996, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(3) Copies may be obtained from Avions Mudry & Cie, (c/o Akrotech), 9 route de l'Aviation, Aerodrome, 21121 Darois, France. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

**Note 5:** The subject of this AD is addressed in French AD 92-240(A)R1, dated October 22, 1997.

(h) This amendment supersedes AD 93-10-11, Amendment 39-8592.

(i) This amendment becomes effective on July 17, 1998.

Issued in Kansas City, Missouri, on May 29, 1998.

**Michael Gallagher,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 97-CE-141-AD; Amendment 39-10569; AD 98-12-13]

RIN 2120-AA64

#### **Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P-180 Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Industrie Aeronautiche e Meccaniche (I.A.M.) Model Piaggio P-180 airplanes. This AD requires modifying the low pitch stop switch support. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The

actions specified by this AD are intended to prevent low pitch stop switch support displacement, which could result in an improper cockpit indication that the propeller is in the Beta range and cause loss of control of the airplane.

**DATES:** Effective July 18, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 18, 1998.

**ADDRESSES:** Service information that applies to this AD may be obtained from Industrie Aeronautiche e Meccaniche Rinaldo Piaggio S.p.A., Via Cibrario, 4 16154 Genoa, Italy. 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-141-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. David O. Keenan, Project Officer, 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 certain I.A.M. Model Piaggio P-180 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 2, 1998 (63 FR 10157). The NPRM proposed to require modifying the low pitch stop switch support. Accomplishment of the proposed action as specified in the NPRM would be in accordance with I.A.M. Piaggio Service Bulletin (Mandatory) No. SB-80-0080, dated July 3, 1997.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

#### **The FAA's Determination**

After careful review of all available information related to the subject presented above, the FAA has

determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

#### **Cost Impact**

The FAA estimates that 5 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 6 workhours per airplane to accomplish this action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$100 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$2,300, or \$460 per airplane.

#### **Regulatory Impact**

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 Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

#### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### **Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows: