

incentive still exist. For example, an agency may terminate a retention incentive when there are insufficient funds to continue the planned retention incentive payments.

(5) An authorized agency official must terminate a retention incentive agreement when no service agreement is required when—

(i) The employee is demoted or separated for cause (i.e., for unacceptable performance or conduct), or

(ii) The employee receives a rating of record (or an official performance appraisal or evaluation under a system not covered by 5 U.S.C. chapter 43 or 5 CFR part 430) of less than “Fully Successful” or equivalent.

(g) The termination of a retention incentive service agreement or the reduction or termination of a retention incentive under this section is not grievable or appealable.

(h) If an agency terminates a retention incentive service agreement or reduces or terminates a retention incentive paid without a service agreement under this section, the agency must notify the employee in writing. When a retention incentive is terminated under paragraph (f) of this section, the employee is entitled to receive any scheduled incentive payments through the end of the pay period in which the written notice is provided or until the date of separation, if sooner.

**Subpart D—Supervisory Differentials**

■ 21. In § 575.402, revise paragraph (b) to read as follows:

**§ 575.402 Delegation of authority.**

\* \* \* \* \*

(b) A supervisory differential may not be paid on the basis of supervising a civilian employee whose rate of basic pay exceeds the maximum rate of basic pay established for grade GS–15 on the pay schedule applicable to the GS supervisor, including a schedule for any applicable special rate under 5 CFR part 530, subpart C; locality-based comparability payment under 5 CFR part 531, subpart F; or similar payment or supplement under other legal authority.

\* \* \* \* \*

■ 22. In § 575.403, revise the definition of *rate of basic pay* to read as follows:

**§ 575.403 Definitions.**

\* \* \* \* \*

*Rate of basic pay* means the rate of pay fixed by law or administrative action for the position to which the employee is or will be appointed before deductions and including any special

rate under 5 CFR part 530, subpart C; locality-based comparability payment under 5 CFR part 531, subpart F; or similar payment or supplement under other legal authority, but excluding additional pay of any other kind. For example, *rate of basic pay* excludes a night differential under 5 U.S.C. 5343(f), an environment differential under 5 U.S.C. 5343(c)(4), or a similar payment under other legal authority.

\* \* \* \* \*

■ 23. Revise § 575.405(d)(1) to read as follows:

**§ 575.405 Calculation and payment of supervisory differential.**

\* \* \* \* \*

(d) \* \* \*

(1) Basic pay, excluding a night or environmental differential under 5 U.S.C. 5343(f) or 5343(c)(4), respectively, or similar payment under other legal authority;

\* \* \* \* \*

**Subpart E—Extended Assignment Incentives**

■ 24. In § 575.502, revise the first sentence in the definition of *rate of basic pay* to read as follows:

**§ 575.502 Definitions.**

\* \* \* \* \*

*Rate of basic pay* means the rate of pay fixed by law or administrative action for the position held by an employee, including any special rate under 5 CFR part 530, subpart C; locality-based comparability payment under 5 CFR part 531, subpart F; or similar payment under other legal authority, but before deductions and exclusive of additional pay of any other kind. \* \* \*

\* \* \* \* \*

■ 25. In § 575.513—

■ A. Revise paragraph (b) introductory text,

■ B. Revise paragraph (c)(1),

■ C. Remove the last sentence in paragraph (f), and

■ D. Add a new paragraph (g).

The revisions and addition read as follows:

**§ 575.513 What are the agency’s and the employee’s obligations when an employee fails to fulfill the terms of a service agreement?**

\* \* \* \* \*

(b) Except as provided in paragraph (g) of this section, an employee is indebted to the Federal Government and must repay the paying agency for an appropriate portion of an extended

assignment incentive received by the employee if—

\* \* \* \* \*

(c)(1) If an employee does not fulfill the terms of a service agreement under the circumstances prescribed in paragraph (b) of this section and has received incentive payments whose value as a percentage of the planned total sum of incentive payments for the entire service period exceeds the percentage reflecting the portion of the service period completed by the employee, he or she must repay the excess payment and any additional repayment penalty imposed by the agency under paragraph (e) of this section, except when an authorized agency official waives the requirement to repay the excess amount under paragraph (g) of this section.

\* \* \* \* \*

(g) If an employee received extended assignment incentive payments in excess of the amount that would be attributable to the completed portion of the service period under paragraph (c) of this section, an authorized agency official may waive the requirement to repay the excess amount when, in the judgment of the official, collection of the excess amount would be against equity and good conscience and not in the best interest of the United States.

[FR Doc. E7–23411 Filed 11–30–07; 8:45 am] BILLING CODE 6325–39–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2007–28980 Directorate Identifier 2007–CE–071–AD; Amendment 39–15282; AD 2007–25–01]

RIN 2120–AA64

**Airworthiness Directives; Aircraft Industries, a.s. (Type Certificate No. G24EU Formerly Held by LETECKÉ ZÁVODY a.s. and LET Aeronautical Works) Model L–13 Blanik Gliders**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final Rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation

product. The MCAI describes the unsafe condition as:

This Airworthiness Directive (AD) is prompted by the discovery of cracks on L13 BLANIK sailplanes in zones where the forward and aft control sticks are attached to the connecting rod, designated as "control bridge" in the relevant Illustrated Parts Catalogues (IPC). If left uncorrected, cracks could propagate and lead to failure of the connecting rod with subsequent loss of control of the sailplane.

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective January 7, 2008.

On January 7, 2008, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

#### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on October 4, 2007 (72 FR 56700). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

This Airworthiness Directive (AD) is prompted by the discovery of cracks on L13 BLANIK sailplanes in zones where the forward and aft control sticks are attached to the connecting rod, designated as "control bridge" in the relevant Illustrated Parts Catalogues (IPC). If left uncorrected, cracks could propagate and lead to failure of the connecting rod with subsequent loss of control of the sailplane.

For the reasons described above, this AD requires an inspection of the control bridge to detect cracks and replacement, if necessary. In addition, this AD requires an update of the aircraft Maintenance Manual (MM) to incorporate repetitive inspections of the control bridge.

#### Comments

We gave the public the opportunity to participate in developing this AD. We

received no comments on the NPRM or on the determination of the cost to the public.

#### Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

#### Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the AD.

#### Costs of Compliance

We estimate that this AD will affect 190 products of U.S. registry. We also estimate that it will take about 2 work-hours per product to comply with basic requirements of this AD. The average labor rate is \$80 per work-hour.

Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$30,400 or \$160 per product.

In addition, we estimate that any necessary follow-on actions would take about 7 work-hours and require parts costing \$2,000, for a cost of \$2,560 per product. We have no way of determining the number of products that may need these actions.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on

products identified in this rulemaking action.

#### Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect 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.

For the reasons discussed above, I certify this AD:

- (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.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD Docket.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

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

#### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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. The FAA amends § 39.13 by adding the following new AD:

**2007-25-01 Aircraft Industries, a.s. (Type Certificate No. G24EU formerly held by Letecké Závody a.s. and LET**

**Aeronautical Works):** Amendment 39–15282; Docket No. FAA–2007–28980; Directorate Identifier 2007–CE–071–AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective January 7, 2008.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Model L–13 Blanik gliders, all serial numbers, certificated in any category.

#### Subject

(d) Air Transport Association of America (ATA) Code 27: Flight Controls.

#### Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

This Airworthiness Directive (AD) is prompted by the discovery of cracks on L13 Blanik sailplanes in zones where the forward and aft control sticks are attached to the connecting rod, designated as “control bridge” in the relevant Illustrated Parts Catalogues (IPC). If left uncorrected, cracks could propagate and lead to failure of the connecting rod with subsequent loss of control of the sailplane.

For the reasons described above, this AD requires an inspection of the control bridge to detect cracks and replacement, if necessary. In addition, this AD requires an update of the aircraft Maintenance Manual (MM) to incorporate repetitive inspections of the control bridge.

#### Actions and Compliance

(f) Unless already done, do the following actions:

(1) Within the next 3 months after January 7, 2008 (the effective date of this AD) and repetitively thereafter at intervals not to exceed 12 months, inspect the control bridge for cracks. Follow the procedures in LET Aircraft Industries, a.s. Mandatory Bulletin MB No.: L13 / 105a, dated May 22, 2007, except use a 10X magnifier and do a dye penetrant inspection following the procedures in chapter 5, section 5, of FAA Advisory Circular AC 43.13–1B CHG 1, dated September 27, 2001.

(2) If cracks are found during any inspection in paragraph (f)(1) of this AD, before further flight, install a new control bridge Dwg. No. (part number (P/N)) A740 370 N or Dwg. No. (P/N) A401 001N following the procedures in LET Aircraft Industries, a.s. Mandatory Bulletin MB No.: L13 / 105a, dated May 22, 2007.

#### FAA AD Differences

**Note:** This AD differs from the MCAI and/or service information as follows:

(1) The service information requires a visual inspection with a 6X magnifier. We are requiring a dye penetrant inspection and a 10X magnifier to detect cracks that could go undetected using only a 6X magnifier.

(2) The MCAI requires updating the maintenance manuals to add “type A based” repetitive inspections of the control bridge. Since the maintenance manual is only one

way of establishing a maintenance program, the only way we can mandate these repetitive inspections is through an AD action.

#### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

#### Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2007–0212, dated August 7, 2007; and LET Aircraft Industries, a.s. Mandatory Bulletin MB No.: L13 / 105a, dated May 22, 2007, for related information.

#### Material Incorporated by Reference

(i) You must use LET Aircraft Industries, a.s. Mandatory Bulletin MB No.: L13 / 105a, dated May 22, 2007, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Aircraft Industries, a.s., Na Záhonech 1177, 686 04 Kunovice, Czech Republic; phone: +420 572 817 660; fax: +420 572 816 112; e-mail: [ots@let.cz](mailto:ots@let.cz).

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri, on November 23, 2007.

**Steven W. Thompson,**

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

[FR Doc. E7–23222 Filed 11–30–07; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA–2007–27532 Directorate Identifier 2007–CE–021–AD; Amendment 39–15281; AD 2007–24–15]**

**RIN 2120–AA64**

#### **Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P–180 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final Rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

One P 180 aircraft experienced a jamming of its longitudinal flight control cables. Investigations revealed that its fuselage drain holes were plugged, and water was trapped in the lower fuselage.

As a consequence of plugged drain holes, water can accumulate and freeze when the aircraft reaches and holds altitudes where temperature is below the freezing point. If not corrected this may cause the loss of control of the airplane.

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective January 7, 2008.

On January 7, 2008 the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Sarjapur Nagarajan, Aerospace Engineer,