

FOR FURTHER INFORMATION CONTACT:

Richard A. Monschke, Aerospace Engineer, Special Programs office Federal Aviation Administration, Fort Worth, Texas 76193-0192; Telephone (817) 624-5131.

SUPPLEMENTARY INFORMATION: A Piper Model PA-25-235 airplane was modified by STC SA501SW which installed Hutcherson Air Service special wing ribs and metal wing skin conversion. That airplane crashed as a result of the left wing separating from the airplane.

Subsequent investigation and laboratory evaluation indicates that a fatigue crack initiated in the lower front spar cap at a hole common to the bulbed spar flange and the wing rib approximately 20.5 inches outboard of the wing to fuselage attach lug. Such a crack, if left undetected, on similarly modified airplanes, could also result in wing failure.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring dye penetrant and visual inspections for cracks in the wing front spar lower caps and replacement of the wing front spars if necessary on Piper Models PA-25, PA-25-235, and PA-25-260 airplanes which have incorporated Hutcherson Air Service STC SA501SW. This is an interim action and further rulemaking may be required based upon the results of the required inspections.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

The regulations adopted herein will not have substantial direct effects on the State, 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.

The FAA has determined that this regulation is an emergency regulation and that it is not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves

an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained by contacting the Rules Docket under the caption **ADDRESSES** at the location identified.

Lists of Subjects 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. Section 39.13 is amended by adding the following new AD:

Piper: Applies to Models PA-25, PA-25-235, and PA-25-260 (all Serial Numbers) airplanes certificated in any category which have incorporated the metal wing skin modification by Supplemental Type Certificate (STC) SA501SW. Compliance: Required upon the accumulation of 500 hours time-in-service since incorporation of STC SA501SW, or within the next 25 hours time-in-service after the effective date of this AD, whichever is later, unless previously accomplished.

To detect cracks or other damage in the forward wing spar cap(s), accomplish the following:

(a) Remove the wing walk lower rear and lower front (leading edge) skin panels from each wing.

(b) Detach the leading edge and lower wing skin panels of each wing sufficiently to allow inspection of the left and right spar lower cap from the wing-fuselage attach lug to the wing-compression strut attachment.

(c) Visually inspect the uncovered lower front spar caps for cracks using a 10-power (10X) glass, and also with standard dye or fluorescent penetrant inspection procedures. Place special attention to the holes common to the bulbed spar flange with the wing ribs and the wing attach angles.

(d) If no cracks are found, reinstall the lower wing skin and leading edge panels in accordance with STC SA501SW.

(e) If cracks are found in the wing front spar cap(s), prior to further flight remove and replace the spar(s) with serviceable part(s) of the same part number and reinstall the wing

skins and panels in accordance with STC SA501SW.

(f) Within seven days after the completion of the inspections required above, submit a report of results of all inspections, positive or negative, to the Manager, Special Programs Office, FAA, Fort Worth, Texas 76193-0190. Reports must include the airplane serial number, aircraft total time, time since SA501SW was installed, and time since compliance with AD 80-21-08.

If cracks are found, reports must also include crack location and total crack length to the nearest tenth of an inch. (Reporting approved by the Office of Management and Budget under OMB Control No. 2120-0056.)

(g) An alternate method of compliance or adjustment of the compliance time which provides an equivalent level of safety may be approved by the Manager, Special Programs Office, FAA, Fort Worth, Texas 76193-0190.

Note: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Special Programs Office.

All persons affected by this directive may obtain copies of the document referred to herein upon request to Hutcherson Air Service, P.O. Box 940, Plainview, Texas 79072, or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on December 21, 1989.

J. Robert Ball,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-597 Filed 1-9-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-CE-38-AD; Amdt. 39-6455]

Airworthiness Directives; Piper Models PA-42, PA-42-720, and PA-42-720R Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Piper Models PA-42, PA-42-720, and PA-42-720R airplanes. It corrects an error in the Limitations Section of the Pilot's Operating Handbook (POH) and FAA Approved Airplane Flight Manual (AFM) by limiting the use of aviation gasoline in turbine engines as an emergency fuel. This action will preclude premature engine failure and possible resultant loss of the airplane.

DATES: Effective February 8, 1990.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Pilot's Operating Handbook and FAA Approved Airplane Flight Manual Report Nos. LK-1213 Rev. 8 (for Model PA-42 airplanes), LK-1394 Rev. 7 (for Model PA-42-720 airplanes), VB-1314 Rev. 7 (for Model PA-42-720 airplanes) and LK-1485 Rev. 8 (for Model PA-42-720R airplanes) applicable to this AD may be obtained from the Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960; Telephone (407) 567-4366. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Will H. Trammell, Aerospace Engineer, Propulsion Branch, Atlanta Aircraft Certification Office, FAA, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349; Telephone (404) 991-3810.

SUPPLEMENTARY INFORMATION: This amendment mandates correction of the Limitations Section of the Pilot's Operating Handbook (POH) and FAA Approved Airplane Flight Manual (AFM) on Piper Models PA-42, PA-42-720, PA-42-720R airplanes. More specifically, the correction is required in the paragraph entitled "Fuel Specification" in Piper Reports LK-1213 (PA-42), LK-1394 (PA-42-720), VB-1314 (PA-42-720), and entitled "Fuel" in Piper Report LK-1485 (PA-42-720R). These paragraphs erroneously permit the use of aviation gasoline as an emergency fuel for a total time not to exceed 150 hours between turbine hot section inspections.

This limitation is not consistent with the engine manufacturer's data or the engine type certificate data sheet and if followed, may lead to premature engine failure. Consequently, Piper has revised these POHs and FAA approved AFMs to restrict the use of aviation gasoline for a total time not to exceed 150 hours between turbine engine overhaul periods which will bring these documents into agreement with the industry standard for limiting the use of aviation gasoline in turbine engines.

Although current approved revisions to the POH and FAA Approved AFM are required by FAR 91.31 to be incorporated by the owners/operators of the aircraft, the only way to ensure incorporation of this safer and more restrictive limitation is to mandate it by AD action. If this limitation is not corrected, the erroneous instructions could result in premature deterioration of the turbine engine.

Since the FAA has determined that the condition described herein exists in all airplanes of this type design, an AD is being issued requiring these corrections to be made to the Limitations Section of the affected POHs and FAA Approved AFMs on Piper Models PA-42, PA-42-720, and PA-42-720R airplanes.

Because a safety of flight condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days. 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. The FAA has determined that this regulation is an emergency regulation and that it is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the operation of the affected airplane engines. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

List of Subjects in 14 CFR 39

Air Transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Piper: Applies to Models PA-42, PA-42-720, and PA-42-720R (all serial numbers) airplanes certificated in any category.

Compliance: Required within the next 25 hours time-in-service after the effective date of this AD, unless already accomplished. To preclude premature deterioration of the engine which could result in possible engine failure, accomplish the following:

(a) Insert a copy of this AD in the Pilots Operating Handbook and FAA Approved Airplane Flight Manual (POH/AFM) for the applicable airplane and operate in accordance with the revised limitation:

(1) For the Model PA-42 POH/AFM, revise the POH/AFM as follows: Insert Revision 8 of LK 1213 into the POH/AFM.

(2) For the Models PA-42-720 and PA-42-720R, revise the POH/AFM as follows:

(i) For the Model PA-42-720, insert Revision 7 of LK 1394 or VB 1314 into the POH/AFM.

(ii) For the Model PA-42-720R, insert Revision 6 of LK 1485 into the POH/AFM.

(b) The following annotation of the applicable pages of the POH/AFM may be accomplished in lieu of complying with paragraph (a). Locate the paragraph entitled "Fuel Specifications" or "Fuel" in the Limitations section of the POH/AFM. In the first sentence of this paragraph, block out with permanent black ink the words "hot section inspections." Place 1/2" wide white self-adhesive correction tape over these blocked out words and type the following words "engine overhaul periods" on the correction tape.

(c) The requirements of this AD may be accomplished by the holder of a pilot certificate issued under part 61 of the Federal Aviation Regulations on any airplane owned or operated by this person. The person accomplishing these actions must make the appropriate airplane maintenance record entry as prescribed by FAR 43.9 and FAR 91.173.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An alternate method of compliance or adjustment of the compliance time which provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, Federal Aviation Administration, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349.

Note: The request should be forwarded through an FAA Maintenance Inspector who may add comments and send it to the Manager, Atlanta Aircraft Certification Office.

All persons affected by this directive may obtain copies of the documents

referred to herein upon request to the Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960, or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64108.

Issued in Kansas City, Missouri, on December 21, 1989.

J. Robert Ball,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-800 Filed 1-9-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners; Drug Testing of Federal Parolees

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is adopting a proposed amendment to the standard conditions of parole at 28 CFR 2.40, to provide that all parolees and releasees shall be subject to drug testing whenever ordered by their U.S. Probation Officer. Currently, persons on parole supervision are subject to drug testing if the Commission has imposed a special drug aftercare condition, or if the probation officer suspects drug use, or there is an established pattern of random testing in the parolees or releasees district of supervision. The Commission believes that drug abuse is so pervasive that all released prisoners under supervision should be subject to an immediate drug test whenever ordered by their U.S. Probation Officer.

EFFECTIVE DATE: February 9, 1990.

FOR FURTHER INFORMATION CONTACT: Richard K. Preston, Attorney, Office of General Counsel, U.S. Parole Commission, Telephone: (301) 492-5959.

SUPPLEMENTARY INFORMATION: Drug abuse among released criminal offenders is not limited to those with prior drug histories whose need for drug treatment and testing is clear. The Commission believes that a parolee who is subject to being tested for illicit drug use will more likely be deterred from illicit drug use than would be the case if he were not so subject. The potential for being drug tested will have a positive effect on the parolee's readjustment to the community, as well as diminishing the demand for illicit drugs. Intervention for sanction and treatment purposes is

more possible if the probation officer has the authority to order an immediate drug test and the parolees and releasees will modify their behavior once on notice that they may be tested.

The Commission published a proposed rule at 54 FR 27844 (June 30, 1989). The Commission received public comment from two Federal inmates, the Chief U.S. Probation Officer for the Central District of California, and one public interest law foundation. The three comments can be summarized as follows: First, comments from the Washington Legal Foundation, a non-profit public interest law and policy center, strongly supported the proposed regulation and, in fact, would like the Commission to expand it to include random alcohol testing. Second, Chief U.S. Probation Officer for the Central District of California, Robert Latta, stated that his staff is "very much in favor of the proposed rule." Third, comments from one inmate opposed the condition generally on grounds that there are inadequate resources (administrative time and prison space) to handle the implementation of the new condition. The comment also noted that there were insufficient guidelines on how to protect parolees from possible abuse by probation officers. Finally, another inmate criticized the proposed rule on the grounds that he had never engaged in or had any history of drug involvement and believed that drug testing for individuals such as himself would be inappropriate and contrary to the intent of Congress. Additionally, this inmate believed that those released on mandatory release cannot have special drug aftercare conditions because the government had no choice in releasing them. After considering the comments, the Commission decided to let the proposed rule be published without change.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

The Amendment

Accordingly, the Parole Commission proposes to amend part 2 of CFR as follows:

PART 28—[AMENDED]

1. The authority citation for 28 CFR part 2 continues to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. Section 2.40 is amended to add a new paragraph (a)(14) to read as follows:

§ 2.40 Conditions of release.

(a) * * *

(14) The parolee shall submit to a drug test whenever ordered by his Probation Officer.

* * *
Dated: December 14, 1989.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 90-557 Filed 1-9-90; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6761

[CO-930-00-4214-10, C-34653]

Withdrawal of Public Lands for Windy Gap Archaeological Site, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 397.8 acres of public lands from surface entry and mining for a period of 20 years for the Bureau of Land Management to protect the Windy Gap Archaeological Site. The lands have been and remain open to mineral leasing.

EFFECTIVE DATE: January 10, 1990.

FOR FURTHER INFORMATION CONTACT: Doris Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-236-1752.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, to protect a Bureau of Land Management Archaeological site:

Sixth Principal Meridian

T. 2 N., R. 76 W.,
Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 2 N., R. 77 W.,
Sec. 23, Lot 8;
Sec. 24, Lot 4;
Sec. 25, Lots 1 and 2;
Sec. 26, Lot 1.

The areas described aggregate approximately 397.8 acres of public land.

2. The withdrawal made by this order

does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: December 27, 1989.

David C. O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90-565 Filed 1-9-90; 8:45 am]

BILLING CODE 4310-JB-M

43 CFR Public Land Order 6762

[NV-930-00-4214-10; N-47122]

Withdrawal of Public Lands for Stewart Valley Paleontological Site, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 1,420 acres of public lands from surface entry and mining for a period of 20 years for the Bureau of Land Management to protect the Stewart Valley Paleontological Site. The lands have been and remain open to mineral leasing.

EFFECTIVE DATE: January 10, 1990.

FOR FURTHER INFORMATION CONTACT:

Vienna Wolder, BLM, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702-328-6326.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, to protect the Bureau of Land Management's Stewart Valley Paleontological Site:

Mount Diablo Meridian

T. 8 N., R. 36 E.,

Sec. 1, NW ¼ NW ¼;

Sec. 2, W ½, W ½ E ½, and NE ¼ NE ¼.

T. 9 N., R. 36 E.,

Sec. 15, E ½ SE ¼, E ½ W ½ SE ¼, and S ½ SE ¼ NE ¼;

Sec. 26, SE ¼ NW ¼, SW ¼ NE ¼, E ½ SW ¼, and W ½ SE ¼;

Sec. 35, W ½, NW ¼ NE ¼, and S ½ SE ¼;

Sec. 36, SW ¼ SW ¼.

The areas described aggregate 1,420 acres in Mineral County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: December 27, 1989.

David C. O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90-564 Filed 1-9-90; 8:45 am]

BILLING CODE 4310-HC-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency

Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the Federal Register for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in flood-prone areas in accordance with 44 CFR part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E. O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.