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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

RIN 3206-AH91

Fellowship and Similar Appointments in the Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is consolidating single-agency excepted service authorities for filling positions associated with fellowships, residencies, industry-exchange, student-stipend, and similar programs by establishing two Governmentwide authorities in their place. One authority covers fellowship-type programs, while the other applies to student employees who are paid stipends under special statutory provisions.

EFFECTIVE DATE: November 28, 1997.

FOR FURTHER INFORMATION CONTACT: Sylvia Cole on (202) 606-0830, TDD (202) 606-0023, or FAX (202) 606-2329.

SUPPLEMENTARY INFORMATION: In OPM's continuing efforts to simplify the Federal appointment system, we are reducing the overall number of excepted service authorities. As part of this initiative we are reviewing all appointing authorities that were established to meet specific agency needs, to determine if exception is still appropriate. Where it is, we are identifying the situations where individual agency authorities share enough of a common basis that they can be consolidated into a single Governmentwide appointing authority that would apply to all agencies.

On August 11, 1997 (62 FR 42943), OPM published proposed regulations to establish a new Schedule A authority 213.3102(r) that would consolidate

single-agency authorities covering a variety of fellowship, internship, residency, industry-exchange and similar programs. We proposed to establish a separate Schedule A authority 213.3102(s) for positions filled by student-employees assigned to Government hospitals, clinics or medical or dental laboratories to whom agencies pay stipends authorized under 5 U.S.C. 5351-5356. These positions are placed in Schedule A because it is impracticable to examine for them.

Our proposal also included a conforming amendment to the service limits on temporary appointments in 5 CFR 213.104, to include the two new appointing authorities in the list of exceptions cited in 5 CFR 213.104(b)(3)(ii).

We received one comment from an agency in support of the proposed regulations and are adopting them as final regulations with no change.

Documentation on SF-50, Notification of Personnel Action

For appointments made under Schedule A, section 213.3102(r), fellowship and similar programs, agencies should cite Legal Authority Code W9S on the SF 50, Notification of Personnel Action. For appointments made under Schedule A, section 213.3102(s), student-employees paid stipends, agencies should use Legal Authority Code W9T.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities (including small businesses, small organizational units, and small governmental jurisdictions) because the regulations apply only to appointment procedures used to appoint certain employees in Federal agencies.

List of Subjects in 5 CFR Part 213

Government employees, Reporting and recordkeeping requirements.

U.S. Office of Personnel Management.

Janice R. Lachance,

Acting Director.

Accordingly, OPM is amending 5 CFR part 213 as follows:

PART 213—EXCEPTED SERVICE

1. The authority citation for part 213 continues to read as follows:

Authority: 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218; § 213.101 also issued under 5 U.S.C. 2103; § 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h) and 8456; E.O. 12364, 47 FR 22931, 3 CFR 1982 Comp., p. 185; and 38 U.S.C. 4301 *et seq.*

2. In § 213.104 paragraph (b)(3)(ii) is revised to read as follows:

§ 213.104 Special provisions for temporary, intermittent, or seasonal appointments in Schedule A, B, or C.

* * * * *

(b) * * *

(3) * * *

(ii) Positions are filled under an authority established for the purpose of enabling the appointees to continue or enhance their education, or to meet academic or professional qualification requirements. These include the authorities set out in paragraphs (r) and (s) of § 213.3102 and paragraph (c) of § 213.3202, and authorities granted to individual agencies for use in connection with internship, fellowship, residency, or student programs.

* * * * *

3. In § 213.3102, paragraphs (r) and (s) are added to read as follows:

§ 213.3102 Entire executive civil service.

* * * * *

(r) Positions established in support of fellowship and similar programs that are filled from limited applicant pools and operate under specific criteria developed by the employing agency and/or a non-Federal organization. These programs may include: internship or fellowship programs that provide developmental or professional experiences to individuals who have completed their formal education; training and associateship programs designed to increase the pool of qualified candidates in a particular occupational specialty; professional/industry exchange programs that provide for a cross-fertilization between the agency and the private sector to foster mutual understanding, an exchange of ideas, or to bring experienced practitioners to the agency; residency programs through which participants gain experience in a Federal clinical environment; and programs that require a period of Government service in exchange for educational, financial or other assistance. Appointments under this authority may not exceed 4 years.

(s) Positions with compensation fixed under 5 U.S.C. 5351–5356 when filled by student-employees assigned or attached to Government hospitals, clinics or medical or dental laboratories. Employment under this authority may not exceed 4 years.

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[FR Doc. 97–28437 Filed 10–27–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–155–AD; Amendment 39–10177; AD 97–22–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A300, A310, and A300–600 series airplanes, that requires performing a ram air turbine (RAT) extension test; removing and disassembling the RAT uplock mechanism; performing an inspection to detect corrosion of the RAT uplock mechanism, and replacement with a new assembly, if necessary; and cleaning all the parts of the RAT control shaft and its bearing component parts. This amendment is prompted by reports indicating that the RAT did not extend during ground testing, due to corrosion in the uplock pin/shaft and the needle bearing of the RAT. The actions specified by this AD are intended to detect and correct such corrosion of the RAT, which could result in failure of the RAT to deploy and subsequent loss of emergency hydraulic power to the flight controls in the event that power is lost in both engines.

DATES: Effective December 2, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 2, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket,

1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Manager, International Office, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

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 all Airbus Model A300, A310, and A300–600 series airplanes was published in the **Federal Register** on February 19, 1997 (62 FR 7380). That action proposed to require a RAT extension test during ground testing; removal and disassembly of the RAT uplock mechanism; a visual inspection to detect corrosion of the RAT uplock mechanism, and replacement of the assembly with new parts, if necessary; and cleaning of the lever assembly and its associated parts.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Revision of Descriptive Language

One commenter points out that throughout the proposed AD it references ram air turbine (RAT) uplock assembly and lever assembly as if these assemblies are the same unit. However, Airbus Service Bulletin A310–29–2076, dated April 1, 1996 (which is referenced in the proposal as an appropriate source of service information) refers to these assemblies as separate units. The FAA finds that clarification of this point is necessary.

The FAA finds that “RAT uplock assembly” does not appear in the proposed AD, but “RAT lever assembly” does. The FAA has determined that the phrase “RAT uplock mechanism,” which includes both the lever assembly and uplock unit, provides a more complete description, than the phrase, “RAT lever assembly.” The FAA has revised the final rule to include reference to “RAT uplock mechanism” and added a new NOTE 2 to provide a definition of that phrase.

Clarification of Requirements

One commenter points out that paragraph (a) of the proposed AD references accomplishment of paragraph (a)(1), (a)(2), (a)(3), and (a)(4) of the AD; however, paragraph (a)(3) and (a)(4) of

the proposed AD are missing. The FAA acknowledges that it inadvertently included a reference to paragraphs (a)(3) and (a)(4) in paragraph (a) of the proposed AD. The FAA has revised paragraph (a) of the final rule to delete these references.

Request To Defer Replacement of Corroded Parts

One commenter requests that paragraph (a)(2)(ii) be revised to allow reinstallation of the corroded part and require its replacement within 30 days. The commenter points out that operators would have to stock every part of the subject assembly at the inspection stations (which is not very practical), or its airplanes would have unnecessary time out-of-service while waiting for parts. The FAA has reconsidered replacing corroded parts prior to further flight. The FAA finds that the cleaning and lubrication procedures of the RAT uplock mechanism can be accomplished on a temporary basis, in lieu of replacement of corroded parts. However, unlike the 12-month compliance time recommended in the Airbus service bulletins specified as the appropriate service information for this AD, the FAA has determined that the corroded parts must be replaced within 30 days following accomplishment of the cleaning and lubrication. The FAA finds that this compliance time represents the maximum interval of time allowable wherein the subject replacement could reasonably be accomplished, uncorroded parts could be obtained, and an acceptable level of safety could be maintained. Therefore, the FAA has revised paragraph (a)(2)(ii) of the final rule accordingly.

Revision of Compliance Time in Paragraph (a) of this AD

In addition, the compliance time specified in paragraph (a) of this AD has been revised to state, “30 months since date of manufacture,” rather than “30 months total time-in-service,” as stated in the proposed rule. This change clarifies that the compliance is to be determined based on calendar time, without regard to the amount of time for which the airplane is operated.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.