

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 900

RIN 3206-AH70

#### Intergovernmental Personnel Act Programs; Standards for a Merit System of Personnel Administration

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management is revising the regulations on the Standards for a Merit System of Personnel Administration. The revision reflects changes and revisions in laws or regulations that require State and local governments to establish and maintain merit systems of personnel administration. Specifically, the revised regulations eliminate any implied individual right of appeal to OPM, eliminate obsolete references to the Federal Personnel Manual, and provide a current list of covered programs.

**DATES:** Comments must be received on or before March 5, 1997.

**ADDRESSES:** Send or deliver written comments to Carol J. Okin, Associate Director, Office of Merit Systems Oversight and Effectiveness, Office of Personnel Management, Room 7470, 1900 E Street NW., Washington, DC 20415-0001.

**FOR FURTHER INFORMATION CONTACT:** Gary L. Smith, 202-606-2980, FAX 202-606-2663.

**SUPPLEMENTARY INFORMATION:** Section 900.606 of Subpart F, Standards for a Merit System of Personnel Administration, provided for publication of procedures implementing merit requirements in the Federal Personnel Manual (FPM). No procedures were ever issued under the FPM system which was abolished December 31, 1993. The section was unnecessary and is being withdrawn to be consistent with the sunset of the FPM. Appendix A is being revised to reflect changes in laws and regulations

that have occurred since 1983 when the list of pertinent laws and regulations was last revised.

Our 1983 revisions to these regulations promoted flexibility and innovation at the State and local levels by eliminating standardized, detailed requirements. These new revisions continue that emphasis, and are consistent with the Intergovernmental Personnel Act's requirement to minimize Federal intervention in State and local government personnel administration. Consequently, we are modifying regulations at 5 CFR 900.604(b)(3) that require the Chief Executive to resolve compliance issues "to the satisfaction of the Office of Personnel Management." We are doing this for two reasons. First, OPM has no independent authority to adjudicate individual complaints. The Act restricts OPM from exercising "authority, direction or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee." Second, the respective statutes which require State or local governments to establish merit systems do so pursuant to proper and efficient grants administration. We believe that issues of merit systems compliance should be raised and addressed in the context of State or local government performance in grants administration, and that this is appropriately done by or under the direction of the Federal grantor agency. Therefore, OPM's policy will be to accept allegations of non-compliance with the standards only from grantor agencies. As required by the Act, OPM will continue to provide, when requested, interpretation, advice, and technical assistance when such issues arise.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it imposes no new requirements on State or local governments.

#### List of Subjects in 5 CFR Part 900

Administrative practice and procedure, Civil rights, Government employees, Individuals with disabilities, Intergovernmental relations.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend part 900 subpart F, of title 5, Code of Federal Regulations, as follows:

#### PART 900—INTERGOVERNMENTAL PERSONNEL ACT PROGRAMS

1. The authority citation for part 900, subpart F, continues to read as follows.

Authority: 42 U.S.C. 4728, 4763; E. O. 11589, 3 CFR part 557. (1971-1975 Compilation).

2. In § 900.604 paragraph (b)(3) is revised and paragraph (b)(4) is added, § 900.606 is removed, and Appendix A is revised to read as follows.

#### § 900.604 Compliance.

\* \* \* \* \*

(b) \* \* \*

(3) When a chief executive requests the assistance of the Office of Personnel Management, the Office will provide consultation and technical advice to aid the State or local government in complying with the Standards.

(4) The Office of Personnel Management will advise Federal agencies on application of the Standards in resolving compliance issues and will recommend actions to carry out the purposes of the Intergovernmental Personnel Act. Questions regarding interpretation of the Standards will be referred to the Office of Personnel Management.

#### § 900.606 [Removed]

Appendix A to Subpart F—Standards for a Merit System of Personnel Administration

#### Part I

The following programs have a statutory requirement for the establishment and maintenance of personnel standards on a merit basis.

#### Program, Legislation, and Statutory Reference

Food Stamp, Food Stamp Act of 1977, as amended; 7 U.S.C. 2020(e)(6)(B).

Old-Age Assistance, Social Security Act (Title 1), as amended by the Social Security Act Amendments of 1939, section 101, on August 10, 1939; 42 U.S.C. 302(a)(5)(A).<sup>1</sup>

<sup>1</sup> Pub. L. 92-603 repealed Titles 1, X, XIV, and XVI of the Social Security Act, effective January 1, 1974, except that "such repeal does not apply to Puerto Rico, Guam, and the Virgin Islands."

Employment Security (Unemployment Insurance and Employment Services), Social Security Act (Title III), as amended by the Social Security Act Amendments of 1939, Section 301, on August 10, 1939, and the Wagner-Peyser Act, as amended by Pub. L. 81-775, section 2, on September 8, 1950; 42 U.S.C. 503(a)(1) and 29 U.S.C. 49d(b).

Aid to Families with Dependent Children, Social Security Act (Title IV-A), as amended by the Social Security Act Amendments of 1939, section 401, on August 10, 1939; 42 U.S.C. 602(a)(5).

Aid to the Blind, Social Security Act (Title X), as amended by the Social Security Act Amendments of 1939, section 701, on August 10, 1939; 42 U.S.C. 1202(a)(5)(A).<sup>1</sup>

Aid to the Permanently and Totally Disabled, Social Security Act (Title XIV), as amended by the Social Security Act Amendments of 1950, section 1402, on August 28, 1950; 42 U.S.C. 1352(a)(5)(A).<sup>1</sup>

Aid to the Aged, Blind or Disabled, Social Security Act (Title XVI), as amended by the Public Welfare Amendments of 1962, section 1602, on July 25, 1962; 42 U.S.C. 1382(a)(5)(A).<sup>1</sup>

Medical Assistance (Medicaid), Social Security Act (Title XIX), as amended by the Social Security Amendments of 1965, section 1902, on July 30, 1965; 42 U.S.C. 1396(a)(4)(A).

State and Community Programs on A&V (Older Americans), Older Americans Act of 1965 (Title III), as amended by the Comprehensive Older Americans Act Amendments of 1976, section 307 on October 18, 1978; 42 U.S.C. 3027(a)(4).

Foster Care and Adoption Assistance, Social Security Act (Title IV-E) as amended by the Adoption Assistance and Child Welfare Act of 1980; 42 U.S.C. 671(a)(5).

## Part II

The following programs have a regulatory requirement for the establishment and maintenance of personnel standards on a merit basis.

### *Program, Legislation, and Regulatory Reference*

Occupational Safety and Health Standards, Williams-Steiger Occupational Safety and Health Act of 1970; Occupational Safety and Health State Plans for the Development and Enforcement of State Standards; Department of Labor, 29 CFR 1902.3(h).

Occupational Safety and Health Statistics, Williams-Steiger Occupational Safety and Health Act of 1970; BLS Grant Application Kit, May 1, 1973, Supplemental Assurance No. 15A.

Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5196b), as amended; 44 CFR 302.4.

[FR Doc. 97-2616 Filed 1-31-97; 8:45 am]

BILLING CODE 6325-01-P

## DEPARTMENT OF ENERGY

### Office of Civilian and Radioactive Waste Management

#### 10 CFR Part 960

RIN 1901-1172

### General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories

**AGENCY:** Office of Civilian Radioactive Waste Management, Energy.

**ACTION:** Proposed rule; extension of public comment period.

**SUMMARY:** In response to requests from several interested persons, the Department of Energy has granted additional time to comment on proposed amendments to 10 CFR part 960 that were published at 61 FR 66157 December 16, 1996.

**DATES:** Comments should be received no later than March 17, 1997.

**ADDRESSES:** All written comments are to be submitted to April V. Gil, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, P.O. Box 98608, or provided by electronic mail to 10 CFR960@notes.ymp.gov.

**FOR FURTHER INFORMATION CONTACT:** April V. Gil, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, P.O. Box 98608, Las Vegas, Nevada 89193-8608, (800) 967-3477.

Issued in Washington, D.C. on this 28th day of January, 1997.

Lake H. Barrett,

*Acting Director, U.S. Department of Energy, Office of Civilian Radioactive Waste Management.*

[FR Doc. 97-2553 Filed 1-31-97; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 96-NM-108-AD]

RIN 2120-AA64

### Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Bombardier Model CL-600-2B19 (Regional Jet Series 100) series airplanes. That AD currently requires revisions to the Airplane Flight Manual (AFM) to advise the flight crew of the need to perform daily checks to verify proper operation of the elevator control system, and to restrict altitude and airspeed operations under certain conditions. That AD also requires removal of all elevator flutter dampers. That AD was prompted by reports that the installation of certain shear pins may jam or restrict movement of the elevator. The actions specified by that AD are intended to prevent such jamming or restricting movement of the elevator and the resultant adverse effect on the controllability of the airplane. This new proposed action would add inspections of certain airplanes to detect deformation or discrepancies of the flutter damper hinge fittings and lug of the horizontal stabilizer, the elevator hinge/damper fitting, and the shear pin lugs; and require replacement of discrepant parts with serviceable parts. This proposed action also would require installation of new elevator flutter dampers, and replacement of shear pins and shear links with new, improved pins and links.

**DATES:** Comments must be received by March 14, 1997.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-108-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York.

**FOR FURTHER INFORMATION CONTACT:** Franco Pieri, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581;