Rules and Regulations

Federal Register
Vol. 64, No. 88
Friday, May 7, 1999

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR PART 330

RIN 3206–AI56

Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing interim regulations that provide certain displaced employees of the former Panama Canal Zone with interagency priority consideration for vacant competitive service positions in the continental United States. These regulations are applicable to eligible displaced employees of the former Panama Canal Zone who are now being separated.

DATES: These interim regulations are effective May 7, 1999. Written comments will be considered if received no later than July 6, 1999.

ADDRESSES: Send written comments to Mary Lou Lindholm, Associate Director for Employment, Office of Personnel Management, Room 6F08, 1900 E Street, NW, Washington, DC 20415–9000.

FOR FURTHER INFORMATION CONTACT: Thomas A. Glennon or Jacqueline R. Yeatman, 202–606–0960, FAX 202–606–2329.

SUPPLEMENTARY INFORMATION:

Background

The Panama Canal Treaty of 1977, as implemented through Public Law 96–70 (93 Stat. 452, The Panama Canal Act of 1979, approved September 27, 1979, and generally effective October 1, 1979), provides for the final transfer of Panama Canal operations and full control of the former Canal Zone geographic area from the Government of the United States to the Republic of Panama on December 31, 1999. This action will result in the involuntary separation, or geographic relocation, of most United States citizens presently working as Federal employees in the Canal Area.

Section 1212(a) of the Panama Canal Act, as codified in 22 U.S.C. 3652, authorized the President to establish the *Panama Canal Employment System* in accordance with applicable Treaty requirements and other provisions of law. Most Federal employees in the Canal Area hold excepted service positions under the Panama Canal Employment System. However, § 1212(a) requires full interchange between these excepted service Panama Canal Employment System positions and positions in the competitive service.

Section 1232 of the Panama Canal Act, as codified in 22 U.S.C. 3672, provides certain employees of the former Canal Zone with priority consideration for continuing vacant Federal positions.

Specifically, § 1232(a) of the Act authorizes special selection priority for any citizen of the United States who, on March 31, 1979, was an employee of the Panama Canal Company or the Canal Zone Government, who is involuntarily separated. This priority is not available to otherwise eligible employees who are placed in another appropriate Federal position that is located in the Republic of Panama.

Similarly, § 1232(b) of the Act authorizes special selection priority for any citizen of the United States who, on March 31, 1979, was employed in the Canal Zone under the Panama Canal Employment System as an employee of an executive branch agency (including the Smithsonian Institution), and whose position was eliminated as the result of the Panama Canal Treaty of 1977 and related agreements. This priority is not available to otherwise eligible employees who are appointed to another appropriate Federal position that is located in the Republic of Panama.

Section 1232(c) of the Act mandates that OPM establish and administer a Government-wide special selection priority program for all eligible displaced employees of the former Canal Zone.

New Interagency Career Transition Assistance Program for Displaced Panama Canal Zone Employees

Eligible displaced employees of the former Panama Canal Zone are eligible for interagency special selection priority consideration in this new program on a similar basis as that provided to many displaced Federal employees under the *Interagency Career Transition Assistance Plan*, which is authorized by 5 CFR 330, subpart G. However, eligible displaced employees of the former Canal Zone receive special selection priority when applying for vacant positions throughout the continental United States, while the Interagency Career Transition Assistance Plan provides priority consideration to other displaced Federal employees only in the local commuting area where the displaced employee last worked.

Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking because it would be contrary to the public interest to delay access to benefits provided by law. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists to waive the effective date and make this amendment effective in less than 30 days in order to provide eligible displaced employees of the former Canal Zone with special selection priority at the earliest practicable date.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 330

Armed Forces reserves, Government employees.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending part 330 of title 5, Code of Federal Regulations, as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for part 330 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218; § 330.102 also issued under 5 U.S.C 3327; subpart B also issued under 5 U.S.C. 3315 and 8151; § 330.401 also issued under 5 U.S.C. 3310; subpart I also issued under sec. 4432 of Pub. L. 102–484, 106 Stat. 2315; subpart K also issued under sec. 11203 of Pub. L. 105–33, 111 Stat. 738; subpart L also issued under sec. 1232 of Pub. L. 96–70, 93 Stat. 452.

2. Subpart L of part 330 is added to read as follows:

Subpart L—Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees

Sec.
330.1201 Purpose.
330.1202 Definitions.
330.1203 Eligibility
330.1204 Selection.

Subpart L—Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees

§ 330.1201 Purpose.

This subpart implements Section 1232 of Public Law 96–70 (the Panama Canal Act of 1979) and provides eligible displaced employees of the former Panama Canal Zone with interagency special selection priority consideration for continuing Federal vacant positions in the continental United States.

§ 330.1202 Definitions.

For purposes of this subpart:

(a) *Agency* means an Executive Department, a Government corporation, and an independent establishment as cited in 5 U.S.C. 105. For the purposes of this program, the term ''agency'' includes all components of an organization, including its Office of Inspector General.

(b) *Canal Zone* is the definition set forth in 22 U.S.C. 3602(b)(1), and means the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements;

(c) *Eligible displaced employee of the former Panama Canal Zone* means a citizen of the United States who:

(1) Holds or held a position in the Panama Canal Employment System that is in retention tenure group 1 or 2, as defined in § 351.501(a) of this chapter;

(2)(i) Was an employee of the Panama Canal Company or the Canal Zone Government on March 31, 1979, and has been continuously employed in the former Panama Canal Zone under the Panama Canal Employment System; or

(ii) Has been continuously employed since March 31, 1979, in the former Panama Canal Zone under the Panama Canal Employment System as an employee of an executive agency, or as an employee of the Smithsonian Institution;

(3) Holds or held a position that is eliminated as the result of the implementation of the Panama Canal Treaty of 1977 and related agreements;

(4) Is not appointed to another appropriate Federal position located in the Republic of Panama; and

(5) Has received a specific notice of separation by reduction in force, and meets the additional eligibility criteria covered in § 330.1203.

(d) *Special selection priority* means that an eligible displaced employee of the former Panama Canal Zone who applies for a competitive service vacancy, and who the hiring agency in the continental United States determines is well-qualified, has the same special selection priority as a current or former displaced Federal employee who is eligible under 5 CFR 330, subpart G (the Interagency Career Transition Assistance Plan), or under 5 CFR 330, subpart K (Federal Employment Priority Consideration for Displaced Employees of the District of Columbia Department of Corrections). Eligible displaced employees of the former Panama Canal Zone have special selection priority under this subpart to positions throughout the continental United States.

(e) *Vacancy* means a competitive service position to be filled for a total of 121 days or more, including all extensions, which the agency is filling, regardless of whether the agency issues a specific vacancy announcement.

(f) *Well-qualified* employee means an eligible displaced former employee of the Panama Canal Zone who possesses the knowledge, skills, and abilities which clearly exceed the minimum qualification requirements for the position. A well-qualified employee will not necessarily meet the agency's definition of *highly or best qualified,* when evaluated against other candidates who apply for a particular vacancy, but must satisfy the following criteria, as determined and consistently applied by the agency:

(1) Meets the basic qualification standards and eligibility requirements for the position, including any medical qualifications, suitability, and minimum educational and experience requirements;

(2) Satisfies one of the following qualifications requirements:

(i) Meets all selective factors where applicable. Meets appropriate quality rating factor levels as determined by the agency. Selective and quality ranking factors cannot be so restrictive that they run counter to the goal of placing displaced employees. In the absence of selective and quality ranking factors, selecting officials will document the job-related reason(s) the eligible employee is or is not considered to be well-qualified; or

(ii) Is rated by the agency to be above minimally qualified in accordance with the agency's specific rating and ranking process. Generally, this means that the individual may or may not meet the agency's test for highly qualified, but would in fact, exceed the minimum qualifications for the position;

(3) Is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;

(4) Meets any special qualifying condition(s) that OPM has approved for the position; and

(5) Is able to satisfactorily perform the duties of the position upon entry.

§ 330.1203 Eligibility.

(a) In order to be eligible for special selection priority, an eligible displaced employee of the former Panama Canal Zone must:

(1) Have received a specific notice of separation by reduction in force;

(2) Have not been appointed to another appropriate position in the Government of the United States in Panama;

(3) Apply for a vacancy within the time frames established by the hiring agency; and

(4) Be found by the hiring agency as well-qualified for that specific vacancy.

(b) Eligibility for special selection priority as an eligible displaced employee of the former Panama Canal Zone begins on the date that the employee receives a specific notice of separation by reduction in force.

(c) Eligibility for special selection priority as an eligible displaced employee of the former Panama Canal Zone expires on the earliest of:

(1) One year after the effective date of the reduction in force;

(2) The date that the employee receives a career, career-conditional, or excepted appointment without time limit in any agency at any grade level; or

(3) The date that the employee is separated involuntarily for cause prior to the effective date of the reduction in force action.

§ 330.1204. Selection.

If two or more individuals apply for a vacancy and the hiring agency determines the individuals to be well-qualified, the agency has the discretion to select any of these employees eligible for priority under subpart G of this part (the Interagency Career Transition Assistance Plan), under subpart K of this part (Federal Employment Priority Consideration for Displaced Employees of the District of Columbia Department of Corrections), or under subpart L of this part (Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees).

[FR Doc. 99–11513 Filed 5–6–99; 8:45 am]
BILLING CODE 6325–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–53–AD; Amendment 39–11161; AD 99–10–08]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires a detailed visual inspection to detect corrosion inside the forward trunnion joint of the main landing gear (MLG); follow-on actions; and repair, if necessary. This amendment also provides for optional terminating action for the repetitive inspections. This amendment is prompted by reports of corrosion at the forward trunnion thrust face, tabs, and the internal threads of the forward trunnion of the MLG due to moisture in the forward trunnion joint. The actions specified by this AD are intended to prevent corrosion of the forward trunnion joint, which could lead to a stress corrosion fracture of the forward trunnion and possible consequent collapse of the MLG.

DATES: Effective June 11, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 11, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. 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: James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227–2783; fax (425) 227–1181.

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 certain Boeing Model 767 series airplanes was published in the **Federal Register** on August 5, 1998 (63 FR 41739). That action proposed to require a detailed visual inspection to detect corrosion inside the forward trunnion joint of the main landing gear (MLG); follow-on actions; and repair, if necessary. That action also proposed to provide for optional terminating action for the repetitive inspections.

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

Support for the Proposal

Two commenters support the proposal.

Request to Clarify Certain Requirements

One commenter, the manufacturer, requests that paragraph (b) of the proposal be revised to clarify that the addition of corrosion-inhibiting compound to the trunnion joint is also needed to terminate the proposed inspections.

The FAA concurs. Although the appropriate service information for this AD provides procedures to apply corrosion-inhibiting compound to the trunnion joint whenever the chrome plate is applied to the trunnion, this was not explicitly stated in the wording of the AD. Therefore, the FAA has revised paragraphs (a)(1), (a)(2), and (b) of the final rule (where discussion of terminating actions occurs) to clarify that the terminating action will consist of applying chrome plate to the trunnion tabs and applying corrosion-inhibiting compound to the trunnion joint.

Request to Withdraw the NPRM or Require the Latest Modification

One commenter requests that the FAA withdraw the proposal, or at least revise the requirements to mandate the latest modification as the terminating action. The commenter states that the terminating action specified in the proposed rule will not prevent corrosion. The commenter states that its own inspections of other trunnions on which the terminating modification has been accomplished indicate that the terminating modification is inadequate to prevent corrosion. The commenter further notes that the proposed modification (which consists of applying chrome plate) does not address the areas of the joint that have proved to be the most susceptible to corrosion, e.g., the threads on the internal diameter of the trunnion and the aft surface of the joint. The commenter concludes that, in light of the fact that Boeing has recently abandoned its design philosophy for this joint, the proposed terminating modification is ''dated.'' Specifically, the commenter notes that the latest Boeing design entails removing the threads of the joint altogether. Further, the commenter states that mandating the proposal would impose costly and disruptive maintenance requirements if the proposal requires incorporating an ineffective modification when better solutions exist.

The FAA does not concur with the commenter's request to withdraw the proposal or to revise the terminating action specified in the AD. The FAA considers that, in this case, there are three factors that make stress corrosion cracking of the forward trunnion a safety concern. First, the material (i.e., 4340M high strength steel) is known to be highly susceptible to stress corrosion cracking; second, the material is in an environment that allows corrosion to form (as has been demonstrated numerous times); and third, the material is at times exposed to sustained tensile stresses. Since an unsafe condition has been identified, the FAA considers it appropriate and necessary to issue the final rule. Although the commenter's position is that the terminating modification is inadequate in preventing corrosion, the FAA has received no reports of corroded trunnions being identified after the terminating modification has been accomplished. The FAA has determined that since the release of Boeing Alert Service Bulletin 767–32A0127, dated January 29, 1996 (the appropriate service information for this final rule), an insufficient amount of time has passed that would allow corrosion to re-