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GENERAL ACCOUNTING OFFICE

4 CFR Part 28

Personnel Appeals Board; Procedural Regulations

AGENCY: General Accounting Office Personnel Appeals Board.

ACTION: Interim rule with request for comments.

SUMMARY: The Personnel Appeals Board (PAB) has authority with respect to employment practices within the General Accounting Office (GAO or the agency), pursuant to the General Accounting Office Personnel Act of 1980 (GAOPA), 31 U.S.C. 751-755. The PAB's jurisdiction includes authority over appeals from Reduction in Force (RIF) actions taken by the agency. The GAO has recently revised Order 2351.1, Reduction in Force, applicable to GAO employees. The Personnel Appeals Board hereby amends its regulations to provide employees who are separated from employment as a result of a RIF action with the option of appealing directly to the PAB without first filing a charge with the Board's Office of General Counsel (PAB/OGC), as prescribed in § 28.11 of this part, and obtaining a Right to Appeal Letter. This change is designed to expedite the appeal process, at the employee's option, in situations in which the RIF action results in separation from employment. Because of the need to have procedures in place in the event of agency implementation of the Reduction in Force Order, these revisions are being made effective immediately, on an interim basis. The Board is, however, very interested in receiving comments from the public before it finalizes these regulations.

DATES: These interim regulations are effective March 7, 1996. Comments on these regulations must be received by the Board on or before May 31, 1996.

ADDRESSES: Comments should be addressed to Sarah Hollis, Acting Clerk of the Board, General Accounting Office Personnel Appeals Board, Suite 560, Union Center Plaza II, 441 G Street NW., Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: Catherine McNamara, Solicitor, Personnel Appeals Board, 202-512-6137.

SUPPLEMENTARY INFORMATION: The Board has jurisdiction to hear cases brought either through the PAB's Office of General Counsel or directly to the Board. Pursuant to its authority under 31 U.S.C. 753(d), the Board has long had published regulations which define the role of the Office of General Counsel and the procedures to be followed in pursuing an appeal before the Board. See 4 CFR Part 28. Under regulations currently in effect, an individual must first obtain a Right to Appeal Letter from the PAB's Office of General Counsel before filing with the Board. See 4 CFR 28.18(a). The regulations authorize the Board or an administrative judge to waive a Board regulation in an individual case for good cause shown, consistent with the requirements of the GAOPA. 4 CFR 28.16(b).

The new regulations set forth in Part 28 below provide the procedures to enable an individual whose employment has been terminated as a result of a Reduction in Force to choose between pursuing his or her rights through the Office of General Counsel of the Board or more directly, through appeal to the Board itself. By allowing an employee who has been separated from employment because of a RIF to bypass the General Counsel's office, the proposed regulatory change would, at petitioner's option, shorten the time between the RIF-based separation and any hearing before the Board. Under the new provisions, such an individual may challenge a separation based upon a Reduction in Force by filing an appeal directly with the Clerk of the Board within 30 days after the effective date of the Reduction in Force action.

Because the Board needs to have procedures in place to address any charge that may be filed as a result of an action taken pursuant to the new RIF rules of the agency, these regulations are being made effective immediately, on an interim basis. At the same time, however, the Board is soliciting comments on the regulations. These

comments will be considered fully before final regulations are adopted.

The provisions governing the procedures for an individual separated because of a RIF action who prefers to pursue his or her rights through the PAB's Office of General Counsel remain unaltered. In that event, the PAB/OGC conducts an investigation. If it concludes that there are reasonable grounds to believe that the employee's rights have been violated, the PAB/OGC will represent the individual before the Board, unless the individual elects not to be represented by the Office of General Counsel. 4 CFR 28.12(d). If the PAB/OGC does not find reasonable grounds to believe that the employee's rights have been violated, the employee may still pursue the matter before the Board on his or her own or with private counsel, after receiving a Right to Appeal Letter from the PAB/OGC. 4 CFR 28.18(a).

List of Subjects in 4 CFR Part 28

Administrative practice and procedure, Government employees, Labor-management relations, Reduction in force.

For the reasons set out in the preamble, Title 4, Chapter I, Subchapter B, Code of Federal Regulations, is amended as follows:

PART 28—GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD; PROCEDURES APPLICABLE TO CLAIMS CONCERNING EMPLOYMENT PRACTICES AT THE GENERAL ACCOUNTING OFFICE

1. The authority citation for Part 28 continues to read as follows:

Authority: 31 U.S.C. 753.

2. A new § 28.13 is added to read as follows:

§ 28.13 Special procedure for Reduction in Force.

In the event of a Reduction in Force resulting in an individual's separation from employment, an aggrieved employee may choose to file an appeal directly with the Personnel Appeals Board, without first filing the charge with the PAB's Office of General Counsel pursuant to § 28.11 of this part.

3. Section 28.18, paragraphs (a) and (b), are revised to read as follows:

§ 28.18 Filing a petition for review with the Board.

(a) *Who may file.* Any person who has received a Right to Appeal Letter from the Office of General Counsel and who is claiming to be affected adversely by GAO action or inaction which is within the Board's jurisdiction under Subchapter IV of Chapter 7 of Title 31, United States Code, may file a petition for review. A petition for review may also be filed by any person who has received a Right to Appeal Letter from the Office of General Counsel and who is alleging that the GAO or a labor organization engaged or is engaging in an unfair labor practice. A person whose employment was terminated as a result of a Reduction in Force may choose to file an appeal of that action directly with the Personnel Appeals Board, without first filing with the Board's Office of General Counsel.

(b) *When to file.* Petitions for review must be filed within 30 days after service upon the charging party of the Right to Appeal Letter from the Office of General Counsel. In the case of a person whose action involves a challenge to a separation based upon a Reduction in Force, and who chooses to bypass the Office of General Counsel of the Board, the appeal must be filed with the Clerk of the Board within 30 days after the effective date of the RIF action.

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Nancy A. McBride,
Chair, Personnel Appeals Board, U.S. General Accounting Office.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-NM-272-AD; Amendment 39-9532; AD 96-05-06]

Airworthiness Directives; Canadair Model CL-215-1A10 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Canadair Model CL-215-1A10 series airplanes. This action requires a one-time inspection of the main distribution center for loose or missing attachment hardware, and correction of any discrepancy identified. This amendment is prompted by a report of total loss of electrical power on

one airplane during flight, which was caused by shorting out of the voltage regulator in the main distribution center. The actions specified in this AD are intended to prevent total electrical failure during flight, which could adversely affect the continued safe flight of the airplane.

DATES: Effective March 22, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 22, 1996.

Comments for inclusion in the Rules Docket must be received on or before May 6, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 95-NM-272-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair Aerospace Group, P.O. Box 6087, Station Centreville, 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, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Peter Cuneo, Aerospace Engineer, Systems and Equipment Branch, ANE-173, FAA, New York Aircraft Certification Office, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7506; fax (516) 568-2716.

SUPPLEMENTARY INFORMATION: Transport Canada Aviation, which is the airworthiness authority for Canada, has notified the FAA that an unsafe condition may exist on all Canadair Model CL-215-1A10 series airplanes. Transport Canada Aviation advises that there has been a report of the total loss of electrical power on one airplane during flight. Investigation revealed that the electrical failure occurred when loose hardware (nut and washers) on a terminal from an inverter power relay shorted out a voltage regulator in the main distribution center. Total loss of electrical power during flight, if not corrected, could adversely affect the continued safe flight of the airplane.

Canadair has issued Alert Service Bulletin 215-A439, dated July 24, 1991,

which describes procedures for inspecting the main distribution center and all electrical components for loose attaching hardware, and for inspecting the attaching hardware itself for looseness. It also provides instructions for:

1. verifying and adjusting the torque values of those items;
2. restoring or applying a humiseal coating at required locations;
3. safety-wiring electrical connectors and components, as necessary; and
4. removing any loose hardware, lockwire, or foreign objects found between electrical wires, around electrical components, and at the bottom or hidden areas of the main distribution center.

Transport Canada Aviation classified this service bulletin as mandatory and issued Canadian Airworthiness Directive CF-91-23, dated July 17, 1991, in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent total loss of electrical power on the airplane. This AD requires a one-time inspection to detect looseness of components and attaching hardware of the main distribution center, and correction of any discrepancy identified. The actions are required to be accomplished in accordance with the service bulletin described previously.

None of the Model CL-215-1A10 series airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these