accordance with British Aerospace Service Bulletin SB.26–35–36179A, dated August 4, 1995, constitutes terminating action for the requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The actions shall be done in accordance with British Aerospace Service Bulletin S.B.26–35, Revision 1, dated August 30, 1995; British Aerospace Service Bulletin SB.26–35–36179A, dated August 4, 1995; and British Aerospace Service Bulletin SB.26–36–36179B, dated June 22, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Holding, Inc., Avro International Aerospace Division, P.O. Box 16039, Dulles International Airport, Washington DC 20041–6039. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 29, 1995.

Issued in Renton, Washington, on November 6, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–27913 Filed 11–13–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Part 452

RIN 1294–AA09

Eligibility Requirements for Candidacy for Union Office

AGENCY: Office of Labor-Management Standards, Labor.

ACTION: Final rule.

SUMMARY: The Office of Labor-Management Standards is amending its interpretative regulations on labor organization officer elections. The amendment will add a reference to a ruling by the Court of Appeals for the District of Columbia Circuit regarding the reasonableness of meeting attendance requirements set by labor organizations for eligibility for union office. This amendment will inform the public of a court decision that guides the Office in its enforcement actions.

EFFECTIVE DATE: December 14, 1995.

FOR FURTHER INFORMATION CONTACT: Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5605, Washington, DC 20210, (202) 219–7373. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA) sets forth standards and requirements for the election of labor organization officers. Section 401(e) of title IV, 29 U.S.C. 481(e), provides in part that every member in good standing has the right to be a candidate subject ''to reasonable qualifications uniformly imposed.''

In connection with the Department's enforcement responsibilities under LMRDA title IV, interpretative regulations have been promulgated, 29 CFR Part 452, in order to provide the public with information as to the Secretary's ''construction of the law which will guide him in performing his [enforcement] duties.'' 29 CFR § 452.1. Several provisions in the interpretative regulations discuss union-imposed qualifications on candidacy eligibility. One of these provisions, 29 CFR § 452.38, deals specifically with meeting attendance requirements and lists several factors to consider in determining whether, under ''all the circumstances,'' a particular meeting attendance requirement is reasonable.

On June 15, 1994, OLMS published an advance notice of proposed rulemaking (ANPRM) requesting comments from the public on the possible need to modify the interpretative regulations on meeting attendance requirements in order to incorporate a ruling of the United States Court of Appeals for the District of Columbia Circuit in *Doyle* v. *Brock*, 821 F.2d 778 (D.C. Cir. 1987). In *Doyle*, the Secretary had decided not to bring civil action on a member's complaint about his union's meeting attendance requirement, even though the requirement disqualified 97% of the members. The Secretary's position, after reviewing the factors set forth in 29 CFR § 452.38, was that since the requirement was not on its face unreasonable (i.e., it did not require a member to decide to become a candidate an excessively long period before the election) and it was not difficult to meet (i.e., the meetings were held at convenient times and locations and the union provided liberal excuse provisions), the large impact of the requirement was not by itself sufficient to render it unreasonable. The district court ruled against the Secretary, *Doyle* v. *Brock*, 641 F. Supp. 223 and 632 F. Supp. 256 (D.D.C. 1986), and the court of appeals affirmed the lower court.

After reviewing the comments submitted on the ANPRM, the Department published a notice of proposed rulemaking (NPRM) on May 17, 1995 (60 FR 26388). The NPRM proposed revising 29 CFR 452.38 by replacing the current text of footnote 25 with a brief summary of the holding in *Doyle* that a meeting attendance requirement may be unreasonable solely on the basis of its impact in rendering members ineligible.

One comment from an individual was received on the NPRM. That comment wanted to have meeting attendance requirements banned because they impede challenges to current union leadership. However, as stated in the NPRM, after reviewing the comments on the ANPRM the Department has concluded that there is not a sufficient legal basis at this time to hold that meeting attendance requirements are per se unreasonable under the LMRDA. Therefore, the Department is adopting the proposal as set forth in the NPRM.

Administrative Notices

A. Executive Order 12866

The Department of Labor has determined that this proposed rule is not a significant regulatory action as defined in section 3(f) of Executive Order 12866 in that it will not (1) have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities, (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

B. Regulatory Flexibility Act

The Agency Head has certified that this proposed rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act. Any regulatory revision will only apply to labor organizations, and the Department has determined that labor organizations regulated pursuant to the statutory authority granted under the LMRDA do not constitute small entities. Therefore, a regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

This proposed rule contains no information collection requirements for purposes of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects in 29 CFR Part 452

Labor unions.

Text of Proposed Rule

In consideration of the foregoing, the Department of Labor hereby amends part 452 of title 29, Code of Federal Regulations, as follows:

PART 452—GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

1. The authority citation for part 452 continues to read as follows:

Authority: Secs. 401, 402, 73 Stat. 532, 534 (29 U.S.C. 481, 482); Secretary's Order No. 2–93 (58 FR 42578).

2. Footnote 25 cited at the end of § 452.38(a) is revised to read as follows:

§ 452.38 Meeting attendance requirements.

[25] If a meeting attendance requirement disqualifies a large portion of members from candidacy, that large antidemocratic effect alone may be sufficient to render the requirement unreasonable. In *Doyle* v. *Brock*, 821 F.2d 778 (D.C. Circuit 1987), the court held that the impact of a meeting attendance requirement which disqualified 97% of the union's membership from candidacy was by itself sufficient to make the requirement unreasonable notwithstanding any of the other factors set forth in 29 CFR 452.38(a).

Signed in Washington, DC this 7th day of November, 1995.

Charles L. Smith,

Deputy Assistant Secretary.

[FR Doc. 95–28015 Filed 11–13–95; 8:45 am]

BILLING CODE 4510–86–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AH70

Duty Periods

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) adjudication regulations to clarify the status of individuals attending the preparatory schools of the United States Air Force Academy, the United States Military Academy, and the United States Naval Academy for purposes of compensation and pension eligibility. This amendment is necessary to reflect opinions of VA's General Counsel setting out the circumstances under which preparatory school attendance will constitute active duty or active duty for training for VA purposes.

EFFECTIVE DATE: This amendment is effective October 3, 1994, the date of the initial General Counsel opinion upon which it is based.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–7210.

SUPPLEMENTARY INFORMATION: In most instances, an individual qualifies for VA compensation or pension by meeting the statutory definition of a ''veteran'' or by being the survivor of a ''veteran.'' 38 U.S.C. 101(2) and 38 CFR 3.1(d) state that a ''veteran'' is a person who served in the ''active military, naval, or air service,'' and who was discharged or released therefrom under conditions other than dishonorable.

The phrase ''active military, naval, or air service'' is defined in 38 CFR 3.6(a) as including ''active duty'' as well as certain periods of active- or inactive-duty training during which the individual was disabled or died. If the individual upon whose service the claim is based had ''active military, naval, or air service'' and was discharged under other than dishonorable conditions, that individual qualifies as a ''veteran.''

Under 38 U.S.C. 101(21)(D), service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy is considered ''active duty.'' A precedent opinion of the VA General Counsel (VAOPGCPREC 18–94) dated October 3, 1994, addressed the question of whether attendance at the United States Air Force Academy Preparatory School constituted ''active duty.'' (Such precedent opinions are binding in VA benefit decisions; see 38 CFR 3.101, 14.507(b), and 19.5.) The General Counsel noted that attendance at a service academy preparatory school does not constitute service as a cadet or midshipman at a service academy.

In VAOPGCPREC 18–94 the General Counsel held that an enlisted servicemember who is reassigned to the United States Air Force Academy Preparatory School without a release from active duty continues on ''active duty'' but that persons who enlisted directly from civilian life, a reserve component, or the Air National Guard for the sole purpose of attending the Air Force Academy Preparatory School are on ''active duty for training.'' The General Counsel found it significant that an enlisted servicemember who is disenrolled from a preparatory school prior to completion of the school program still has a military obligation to complete while an individual attending a preparatory school from the Reserves, National Guard, or civilian life is generally discharged from the service in the event of premature disenrollment.

In VAOPGCPREC 6–95 dated February 10, 1995, the VA General Counsel held that the analysis in VAOPGCPREC 18–94 for determining whether service at the United States Air Force Academy Preparatory School constitutes ''active duty'' is generally applicable to service consisting of attendance at the United States Military Academy Preparatory School and the United States Naval Academy Preparatory School.

However, the opinion stated that in individual cases it would be advisable to determine whether a student had made a commitment to active-duty service which would be binding upon disenrollment because such a student, even though not transferring directly from enlisted active-duty status, would be considered to be on active duty while attending a preparatory school. Paragraphs (b) and (c) of 38 CFR 3.6 are amended by this document to reflect the holdings in VAOPGCPREC 18–94 and VAOPGCPREC 6–95.

In the second sentence of § 3.6(a) the phrase ''*any* period of active duty for training'' is substituted for ''*and* period of active duty for training.'' This corrects a typographical error. No substantive rule change is involved.

Under 5 U.S.C. 553, there is a basis for dispensing with prior notice and comment and for dispensing with a 30-day delay of the effective date since the final rule constitutes an interpretive rule