

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 330 and 351

RIN 3206-AJ18

#### Placement Assistance and Reduction in Force Notices

**AGENCY:** Office of Personnel Management.

**ACTION:** Interim regulations.

**SUMMARY:** The Office of Personnel Management is issuing interim placement assistance and reduction in force regulations to replace references to the repealed Job Training Partnership Act with references to the new Workforce Investment Act of 1998.

**DATES:** These regulations are effective November 27, 2000. Written comments will be considered if received no later than December 26, 2000.

**ADDRESSES:** Send written comments to Carol J. Okin, Associate Director for Employment, Office of Personnel Management, Room 6F08, 1900 E Street NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Pam Galemore, 202-606-0960, FAX 202-606-2329, TDD (202)606-0023, or by e-mail at [pjgalemo@opm.gov](mailto:pjgalemo@opm.gov).

**SUPPLEMENTARY INFORMATION:** The Job Training Partnership Act (JTPA), established under Public Law 97-300, October 12, 1982, as amended, required states to provide employment assistance programs to dislocated workers and others as defined in the Act. Since 1995, through Office of Personnel Management regulations published in sections 330.405, 351.803, and 351.807 of title 5, Code of Federal Regulations (CFR), agencies have been required to give employees affected by reduction in force information about JTPA programs in their specific reduction in force notices.

The JTPA was repealed effective July 1, 2000. States are now required to provide placement assistance programs through the Workforce Investment Act (WIA) of 1998, Public Law 105-220, August 7, 1998. This change was incorporated into the reduction in force statute at 5 U.S.C 3502 through Public Law 105-277, Omnibus Consolidated and Emergency Supplemental Appropriations Act, section 405, October 21, 1998.

These revised regulations are issued solely to replace references to the repealed JTPA with its successor statute, the WIA, as required by the amendments to 5 U.S.C. 3502 mandated by Public Law 105-277. No other wording is changed.

#### 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 Parts 330 and 351

Administrative practice and procedure, Armed forces reserves, Government Employees, Individuals with disabilities.

Office of Personnel Management  
**Janice R. Lachance,**  
Director.

Accordingly, the Office of Personnel Management is amending 5 CFR parts 330 and 351 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.

Section 330.102 also issued under 5 U.S.C. 3327.

Subpart B also issued under 5 U.S.C. 3315 and 8151.

Section 330.401 also issued under 5 U.S.C. 3310.

Subpart K also issued under sec. 11203 of Pub. L. 105-33, 111 Stat. 738.

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Subpart L also issued under sec. 1232 of Pub. L. 96-70, 93 Stat. 452.

#### Subpart D—Positions Restricted to Preference Eligibles

2. In § 330.405, paragraph (b) is revised to read as follows:

##### § 330.405 Agency placement assistance.

\* \* \* \* \*

(b) Cooperating with State units as designated or created under title I of the Workforce Investment Act of 1998, to retrain displaced preference eligibles for other continuing positions.

#### PART 351—REDUCTION IN FORCE

3. The authority citation for part 351 continues to read as follows:

**Authority:** 5 U.S.C. 1302, 3502, 3503; sec. 351.801 also issued under E.O. 12828, 58 FR 2965.

#### Subpart H—Notice to Employee

4. In § 351.803, paragraphs (a) and (b)(1) are revised to read as follows:

##### § 351.803 Notice of eligibility for reemployment and other placement assistance.

(a) An employee who receives a specific notice of separation under this part must be given information concerning the right to reemployment consideration and career transition assistance under subparts B (Reemployment Priority List), F, and G (Career Transition Assistance Programs) of part 330 of this chapter. The employee must also be given a release to authorize, at his or her option, the release of his or her resume and other relevant employment information for employment referral to the State unit or entity established under title I of the Workforce Investment Act of 1998 and potential public or private sector employers. The employee must also be given information concerning how to apply both for unemployment insurance through the appropriate State program and benefits available under the State's Workforce Investment Act of 1998 programs, and an estimate of severance pay (if eligible).

(b) \* \* \*

(1) The State or the entity designated by the State to carry out rapid response activities under title I of the Workforce Investment Act of 1998;

\* \* \* \* \*

5. In § 351.807, paragraphs (a) and (c) are revised to read as follows:

**§ 351.807 Certification of Expected Separation.**

(a) For the purpose of enabling otherwise eligible employees to be considered for eligibility to participate in dislocated worker programs under the Workforce Investment Act of 1998 administered by the U.S. Department of Labor, an agency may issue a Certificate of Expected Separation to a competing employee who the agency believes, with a reasonable degree of certainty, will be separated from Federal employment by reduction in force procedures under this part. A certification may be issued up to 6 months prior to the effective date of the reduction in force.

\* \* \* \* \*

(c) A certification is to be addressed to each individual eligible employee and must be signed by an appropriate agency official. A certification must contain the expected date of reduction in force, a statement that each factor in paragraph (b) of this section has been satisfied, and a description of Workforce Investment Act of 1998, title I, programs, the Interagency Placement Program, and the Reemployment Priority List.

\* \* \* \* \*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. 2000-NM-325-AD; Amendment 39-11948; AD 2000-22-02]**

**RIN 2120-AA64**

**Airworthiness Directives; Boeing Model 737 Series Airplanes**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all Boeing Model 737 series airplanes, that currently requires revising the FAA-approved Airplane Flight Manual (AFM). This new amendment revises the AFM procedure in the existing AD to simplify the instructions for correcting a jammed or restricted flight control condition. This amendment is prompted by an FAA determination that the procedure currently inserted in the AFM by the

existing AD is not defined adequately. The actions specified in this AD are intended to ensure that the flight crew is advised of the procedures necessary to address a condition involving a jammed or restricted rudder.

**DATES:** Effective November 13, 2000. Comments for inclusion in the Rules Docket must be received on or before December 26, 2000.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-325-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-325-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

**ADDRESSES:** Information pertaining to this amendment may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket No. 2000-NM-325-AD, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:**

Steve O'Neal, Aerospace Engineer, Flight Test Branch, ANM-160S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2699; fax (425) 227-1181.

**SUPPLEMENTARY INFORMATION:** On December 23, 1996, the FAA issued AD 96-26-07, amendment 39-9871 (62 FR 15, January 2, 1997), applicable to all Boeing Model 737 series airplanes, to require revising the FAA-approved Airplane Flight Manual (AFM) to include procedures that will enable the flight crew to take appropriate action to maintain control of the airplane during an uncommanded yaw or roll condition, and to correct a jammed or restricted flight control condition. That action was prompted by an FAA determination that such procedures were not defined adequately in the AFM for these airplanes. Because of the potential for uncommanded yaw or roll conditions in these airplanes, and jammed or restricted flight controls, the actions required by that AD are intended to provide the flight crew with a systematic means to isolate flight

control hydraulics, eliminate a rudder hardover, and land safely.

**Actions Since Issuance of Previous Rule**

Since the issuance of AD 96-26-07, the FAA has received information from the Independent 737 Flight Controls Engineering and Test Evaluation Board (ETEB) verifying several failure modes in the rudder system of Model 737-100 and -200 (Initial); 737-300, -400, and -500 (Classic); and 737-600, -700, and -800 (Next Generation) series airplanes that can cause an uncommanded rudder hardover. The failure modes include several single jam modes that can cause an uncommanded rudder hardover, in addition to several latent failures or jams that, when combined with a second failure or jam, could cause an uncommanded rudder hardover.

Changes in maintenance procedures will be adopted to enhance the detection of latent failure conditions, reducing the potential for an uncommanded hardover. To eliminate these rudder failure modes, the manufacturer is redesigning the rudder system.

The procedure required by AD 96-26-07, and revised by this AD, is not as complete a solution to the rudder hardover concern as is the rudder system redesign, for two reasons:

- First, the procedure is not effective throughout the entire flight envelope, having limited effectiveness during the remote possibility of a hardover during takeoff and landing.

- Second, as a general principal, eliminating the possibility of an in-flight situation is a better alternative than relying on flight crew action to correct such a situation.

The rudder system redesign is likely to eliminate the need for procedures dealing with jammed or restricted flight control conditions, but retrofit of the hardware on existing airplanes will take several years to complete. During this time, procedures for jammed or restricted flight control conditions will continue to be necessary. The ETEB determined that the AFM procedure addressing a jammed or restricted rudder required by AD 96-26-07 is inadequate and must be revised. During evaluations of the existing procedure, the ETEB determined that flight crews were confused by the procedure and were not always able to complete it during simulated rudder system malfunctions. Therefore, the FAA has determined that a revised procedure titled "Uncommanded Rudder," in lieu of the existing procedure titled "Jammed or Restricted Rudder," is necessary in the interim period to ensure airplane safety.