

# Proposed Rules

Federal Register

Vol. 72, No. 160

Monday, August 20, 2007

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 Parts 315 and 316

RIN 3206-AL29

#### Disabled Veterans Documentation

**AGENCY:** Office of Personnel Management

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) proposes to revise its regulation regarding documentation required for noncompetitive temporary and term appointments, and conversion of 30 percent or more disabled veterans from nonpermanent appointments. The intended purpose of this change is to provide consistency with the policy of the Department of Veterans Affairs (VA).

**DATES:** We will consider comments received on or before October 19, 2007.

**ADDRESSES:** You may submit comments through the Federal eRulemaking Portal at: <http://www.regulations.gov>. All submissions received through the Portal must include the agency name and docket number or Regulation Identifier Number (RIN) for this rulemaking.

You may also send or deliver written comments to Deputy Associate Director for Talent and Capacity Policy, U.S. Office of Personnel Management, Room 6551, 1900 E Street, NW., Washington, DC 20415-9700; (202) 606-2329.

**FOR FURTHER INFORMATION CONTACT:** Darlene Phelps by telephone at (202) 606-0830; by TTY at (202) 606-3134; by fax at (202) 606-0390; or by e-mail at [Darlene.Phelps@opm.gov](mailto:Darlene.Phelps@opm.gov).

**SUPPLEMENTARY INFORMATION:** The Department of Veterans Affairs (VA) considers any VA disability letter issued in 1991 or later as proof of a permanent disability, unless the letter specifically states otherwise. We are modifying sections 316.302(b)(4) and 316.402(b)(4), and 315.707(a)(2)(ii) and (iii) to be consistent with VA's policy. These modifications will clarify that a 30 percent or more disabled veteran, who has proof of disability from the VA

dated 1991 or later is eligible for a noncompetitive temporary or term appointment. The employee may be noncompetitively converted to the competitive service at any time during such an appointment. In addition, we are adding a reference to section 315.707(a)(2)(ii) and (iii) to include disability determinations from a branch of the Armed Forces, as these entities may also certify the existence of 30 percent or more disability.

#### E.O. 12866, Regulatory Review

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

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it would apply only to Federal agencies and employees.

#### Paperwork Reduction Act

The information collection requirements contained in this proposed rule are currently approved by OMB under 3206-0001. This proposed regulation does not seek to modify this approved collection.

#### List of Subjects in 5 CFR Parts 315 and 316

Government employees.  
U.S. Office of Personnel Management.  
**Linda M. Springer,**  
*Director.*

Accordingly, OPM proposes to amend 5 CFR parts 315 and 316 as follows:

#### PART 315—CAREER AND CAREER CONDITIONAL EMPLOYMENT

1. The authority citation for part 315 continues to read as follows:

**Authority:** 5 U.S.C. 1302, 3301, and 3302; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218, unless otherwise noted; and E.O. 13162; sections 315.601 and 315.609 also issued under 5 U.S.C. 8151. Section 315.605 also issued under E.O. 12034, 3 CFR, 1978 Comp., p. 111. Section 315.606 also issued under E.O. 11219, 3 CFR, 1964-1965 Comp., p. 303. Sec 315.607 also issued under 22 U.S.C. 2506. Section 315.608 also issued under E.O. 12721, 3 CFR, 1990 Comp., p. 293. Section 315.610 also issued under 5 U.S.C. 3304(d). Section 315.611 also issued under Section 511, Pub. L. 106-117, 113 Stat. 1575-76. Section 315.708 also issued under E.O. 13318. Section 315.710 also issued under E.O. 12596, 3 CFR, 1987 Comp., p. 229.

Subpart I also issued under 5 U.S.C. 3321, E.O. 12107, 3 CFR, 1978 Comp., p. 264.

#### Subpart G—Conversion to Career or Career-Conditional Employment From Other Types of Employment

2. In § 315.707 revise paragraphs (a)(2)(ii) and (iii) to read as follows:

##### § 315.707 Disabled veterans.

(a) \* \* \*

(2) \* \* \*

(ii) Have been rated by the Department of Veterans Affairs since 1991 or later, or by a branch of the Armed Forces at any time, as having a compensable service-connected disability of 30 percent or more; or

(iii) Have been rated by the Department of Veterans Affairs at the time of a qualifying temporary appointment effected within the year immediately preceding, or a term appointment effected within four years immediately preceding the conversion.

\* \* \* \* \*

#### PART 316—TEMPORARY AND TERM EMPLOYMENT

3. The authority citation for part 316 continues to read as follows:

**Authority:** 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218.

#### Subpart C—Term Employment

4. In § 316.302 revise paragraph (b)(4) to read as follows:

##### § 316.302 Selection of term employees.

(b) \* \* \*

(4) Appointment under 5 U.S.C. 3112 (veterans with compensable service-connected disability of 30 percent or more). The disability must be documented by a notice of retirement of discharge due to service-connected disability from active military service dated at any time, or by a notice of compensable disability rating from the Department of Veterans Affairs, dated 1991 or later;

\* \* \* \* \*

#### Subpart D—Temporary Limited Employment

5. In § 316.402 revise paragraph (b)(4) to read as follows:

##### § 316.402 Procedures for making temporary appointments.

(b) \* \* \*

(4) Appointment under 5 U.S.C. 3112 (veterans with compensable service-connected disability of 30 percent or more). The disability must be documented by a notice of retirement of discharge due to service-connected disability from active military service dated at any time, or by a notice of compensable disability rating from the Department of Veterans Affairs, dated 1991 or later;

\* \* \* \* \*

[FR Doc. E7-16285 Filed 8-17-07; 8:45 am]

BILLING CODE 6325-39-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2007-28843; Directorate Identifier 2007-CE-065-AD]

RIN 2120-AA64

#### Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Gliders

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

In some cases the electric motor of the spindle drive detached itself from the spindle drive, causing the powerplant to retract itself after engine shutdown. In another case the attachment fork on the spindle drive failed with the same consequences.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** We must receive comments on this proposed AD by September 19, 2007.

**ADDRESSES:** You may send comments by any of the following methods:

- **DOT Docket Web Site:** Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- **Fax:** (202) 493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room

W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

#### Examining the AD Docket

You may examine the AD docket on the Internet at or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2007-28843; Directorate Identifier 2007-CE-065-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

#### Discussion

The Luftfahrt-Bundesamt (LBA), which is the aviation authority for the Federal Republic of Germany, has issued AD D-2006-060, dated March 6, 2006 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

In some cases the electric motor of the spindle drive detached itself from the spindle drive, causing the powerplant to retract itself after engine shutdown. In another case the attachment fork on the spindle drive failed with the same consequences.

The MCAI requires you to modify the affected parts and exchange pages in the flight, maintenance, and repair manuals.

You may obtain further information by examining the MCAI in the AD docket.

#### Relevant Service Information

DG Flugzeugbau GmbH has issued Technical Note No. 843-24, dated January 31, 2006; Working instruction No. 1, dated January 23, 2006; Working instruction No. 2, dated January 30, 2006; Drawing 5M210, Spindle drive Stross BSA 10 assembly, issued: January 22, 2003, revised: May 19, 2006; and Drawing 5M211, Spindle drive Stross BSA 10 assembly with strengthened fork 8M233"f", issued: January 23, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

#### FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

#### Costs of Compliance

Based on the service information, we estimate that this proposed AD would