

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 213 and 338

RIN 3206-AG00

#### Student Educational Employment Program

**AGENCY:** Office of Personnel Management.

**ACTION:** Final regulations.

**SUMMARY:** The Office of Personnel Management (OPM) is revising its regulations and consolidating existing Federal student employment programs into a new Student Educational Employment Program, a streamlined, flexible program that provides students with exposure to public service and enhances their educational experience, provides financial assistance to students to encourage and support their educational goals, encourages partnerships between Federal agencies and educational institutions in developing effective school to work programs, and assists agencies to attract and recruit well educated graduates into their workforce.

The Student Educational Employment Program will replace complex regulatory guidance and 13 different appointing authorities with two appointing authorities and two simple, flexible programs. This reduction in the number of appointing authorities and the simplifying of program requirements is in full accord with the National Performance Review.

**DATES:** Effective date: December 16, 1994.

**Compliance date:** For all new appointments, compliance date is December 16, 1994. All students on any of the appointments being canceled by this regulation, must be converted to the new, appropriate appointment by February 14, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Ellie Miller, Staffing Reinvention Office, (202) 606-0830, or FAX (202) 606-2329.

**SUPPLEMENTARY INFORMATION:** On May 13, 1994 (59 FR 24966), OPM published proposed regulations to consolidate the existing student employment programs into one streamlined program, entitled the Student Educational Employment Program. The two components of the Student Educational Employment Program recognize two distinct needs of students: a need for flexible, temporary employment to enable them to earn a salary while continuing their studies (Student Temporary Employment Program) and a need for career related employment which enriches students' academic experience and offers them valuable work experience in their career field. (Student Career Experience Program). This new program would replace the following:

- Schedule A authority § 213.3102(p), graduate students in scientific, professional or analytical positions;
- Schedule A authority § 213.3102(q), students in scientific, professional and technical positions, GS-9 and below;
- Schedule A authority § 213.3102(v), temporary summer aid;
- Schedule A authority § 213.3102(w), stay-in-school program;
- Schedule A authority § 213.3102(y), summer employment;
- Schedule A authority § 213.3102(jj), legal intern positions;
- Schedule B authority § 213.3202 (a) through (c), (e) and (g), cooperative education program;
- Schedule B authority § 213.3202(d), Harry S. Truman Foundation Scholarship Program; and
- Schedule B authority § 213.3202(f), Federal Junior Fellowship Program.

Two new Schedule B appointing authorities were proposed which would replace all of the above listed appointing authorities. In addition to publication in the **Federal Register**, the proposed regulations were also mailed to all Federal agencies, constituency groups involved in student employment, and colleges that requested them. The proposed changes were also announced at the Federal Cooperative Education Conference and made available to all subscribers to OPM's Electronic Bulletin Board, Mainstreet.

OPM received written comments from 10 executive level Federal agencies, and 11 independent agencies. We also

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received comments from two constituency groups, six colleges and one anonymous letter. A discussion of the comments follows:

### Title of Program and Use of Term "Work Study"

The proposed regulations referred to the career related component of the program as the "work study" component. Commenters reminded OPM that an existing and well established financial aid program already exists under that name and that using "work study" in this context would create confusion. OPM agrees and the term "work study" will not be used. In the final regulations we use the term "Student Career Experience Program" in lieu of "work study."

### Change in Definition of Student

Commenters liked the new definition of "student" meaning an individual enrolled or accepted for enrollment as a degree (or certificate, diploma etc.) seeking student taking at least a half-time academic course load. However, several commenters wanted a better definition of "half-time." In the final regulations we will indicate that the definition of half-time must meet the academic institutions definition of "half-time."

### Conversion From Temporary Component to Career Related Component

Commenters liked the flexibility offered by being able to convert a student from the temporary component to the career experience component. However, if a student in the temporary component is working in a position related to their academic and career goals, and is converted to the "career experience" component, the commenters wanted the work experience to be credited towards the 640 hours of work experience required for non-competitive conversion to a career conditional appointment. In the final regulations, we will allow for that.

### Flexibility of Schedules

Several commenters asked if the ban on new student employment appointments during the summer months would continue. Under the new program agencies may appoint students at any time during the year and a student's work schedule may be full time or part time, as long as the

student's work schedule does not interfere with his or her academic studies.

#### 5 Month Break in Service Limitation

In the proposed regulations we stated "An individual is still deemed to be a student if there are no breaks in course work of more than 5 months . . ." We received many comments indicating that there may be many instances where a student is legitimately away from school and not taking courses for a period longer than 5 months. Work assignments with agencies may keep a student away from classes for a greater period of time than 5 months. Illness, family or financial problems may also preclude a student from enrollment for a period of time. However, the needs of the agency must also be taken into consideration. Therefore, the final regulations will indicate that the intent of the program is that a student be either attending classes or working at the agency or both during the course of the program. However, agencies may use their own discretion in allowing a "break in program." A "break in program" is defined as a period of time when a program participant is neither attending classes or working at the agency.

#### 640 Hour Minimum Work Hours Requirement

Comments regarding this new minimum requirement were varied. Some thought the number of hours was too low, some thought it was too rigid, and some thought it should be varied depending on the academic program. However, for the sake of uniformity, OPM wishes to establish that a minimum amount of career related work experience be performed in order for a student to be eligible for non-competitive conversion to a career conditional appointment. The minimum

standard will be 640 hours, which can be negotiated upwards by the agency, student and academic institution as necessary and appropriate.

#### Documentation of Financial Need

OPM proposed giving agencies the flexibility of using financial need as an optional requirement. Commenters fell on both sides of this issue. Some liked the idea that "financial need" would be an optional criteria. Other commenters felt that allowing financial need to be an "optional" requirement would create inequity and chaos. In reality, however, the poverty guidelines established by HHS and which have been used as a basis for financial need under the former Stay-in-School and Federal Junior Fellowship Program were so unrealistically low as to be meaningless in most instances. In fact, in most instances agencies already utilized Category 5 of the Economic Guidelines. Category 5 allowed agencies to make their own decisions regarding the financial need of the applicant and to use a variety of factors to document this decision. Several commenters said that at least one of the student employment programs (FJFP) was extremely underutilized due to the unrealistically low income criteria. There is no requirement in Executive Order 12015 or in any other statute that mandates the use of financial need as a requirement for student employment. However, agencies wishing to emphasize these opportunities to low income students may do so. Outreach and recruitment efforts may be strategically targeted to reach and inform financially needy students.

#### Deletion of Term Co-operative Education (Co-op)

Comments from the co-op community indicated a concern that the new student employment regulations would

no longer use the term "co-operative education." Although the term is no longer used, the model for the Student Career Experience Program is based on the very successful model for co-op. OPM believes that retaining the "old" name might have precluded or at least slowed the process of enabling and encouraging agencies to take advantage of the new flexibilities of the Student Career Experience Program. It is expected that ongoing partnerships between the co-op community, on campus co-operative education offices and Federal agencies will continue. OPM will continue to advise and encourage Federal agency student employment coordinators to continue these partnerships.

#### Conversion of Current Students to New Student Educational Employment Program: Documentation on SF-50, Notification of Personnel Action

To insure that students and their supervisors understand that the employing authority and conditions of appointment have changed, agencies must issue an SF 50 (Notification of Personnel Action) to convert to a new appointment each employee who is serving presently on an appointment under one of the authorities being cancelled. All conversions must be effective no later than February 14, 1995.

a. For students currently in positions covered by one of the following Schedule A appointing authorities, § 213.3102 (p), (q), (v), (w), (y), or (jj) conversion will be to the Student Temporary Employment Program. Cite "571/Conv to Exc Appt NTE (date on which student's current appointment expires)" as the nature of action, along with the authority and the authority code that identifies the student's educational program:

Program	Authority	Authority code
High School Diploma .....	Sch B, 213.3202(a)—HS .....	Y1K
Vocational/Technical Certificate .....	Sch B, 213.3202(a)—Voc/Tech .....	Y2K
Associate Degree .....	Sch B, 213.3202(a)—Assoc .....	Y3K
Baccalaureate Degree .....	Sch B, 213.3202(a)—BA/BS .....	Y4K
Grad. or Prof. Degree .....	Sch B, 213.3202(a)—Grad/Prof .....	Y5K

b. For students currently in positions covered by one of the following Schedule B appointing authorities, § 213.3202 (a), (b), (c), (d), (e), (f), or (g), conversion will be to the Student Career Experience Program. Cite "570/Conv to

Exc Appt" as the nature of action, along with the authority and the authority code that identifies the student's educational program:

Also cite remark A30: "This appointment does not confer eligibility to be non-competitively converted to career-conditional or career appointment."

Program	Authority	Authority code
High School Diploma .....	Sch B, 213.3202(b)—HS .....	YBM
Vocational/Technical Certificate .....	Sch B, 213.3202(b)—Voc/Tech .....	YGM
Associate Degree .....	Sch B, 213.3202(b)—Assoc .....	Y3M
Baccalaureate Degree .....	Sch B, 213.3202(b)—BA/BS .....	Y1M
Grad. or Prof. Degree .....	Sch B, 213.3202(b)—Grad/Prof .....	Y2M

Also cite remark A31: "This appointment is intended to continue through completion of education and study-related work requirements. An agency may non-competitively appoint you to a career or career-conditional appointment within 120 days after satisfactory completion of your educational program and satisfactory completion of at least 640 hours of career-related work experience. The work experience must have been completed prior to or concurrently with the completion of the requirements of your educational program."

c. Beginning December 16, 1994, the nature of action code for new appointments to the Student Temporary Employment Program will be "171/Exc Appt NTE (date)," along with the applicable authority, authority code, and remark from paragraph a. The nature of action code for new appointments to the Student Career Experience Program will be "170/Exc Appt," along with the applicable authority, authority code, and remark from paragraph b.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation applies only to appointment procedures for certain employees in Federal agencies.

#### List of Subjects

#### 5 CFR Part 213

Government employees, Reporting and recordkeeping requirements.

#### 5 CFR Part 338

Government employees.

James B. King,  
Director.

Accordingly, OPM is amending 5 CFR part 213 as follows:

#### PART 213—EXCEPTED SERVICE

1. The authority citation for part 213 continues to read as follows:

**Authority:** 5 U.S.C. 3301 and 3302, E.O. 10577, 19 FR 7521, 3 CFR 1954-1958 Comp., p. 218; Section 213.101 also issued under 5 U.S.C. 2103; Section 213.102 also issued under 5 U.S.C. 1104, Pub. L. 95-454, sec 3(5); Section 213.3102 also issued under 5 U.S.C.

3301, 3302, 3307, 8337(h), and 8456; E.O. 12364, 47 FR 22931, 3 CFR 1982 Comp. p. 185.

2. In § 213.104, paragraph (b)(3)(ii) is revised to read as follows:

**§ 213.104 Special Provisions for temporary, intermittent, or seasonal appointments in Schedule A, B, or C.**

\* \* \* \* \*

(b) \* \* \*  
(3) \* \* \*  
(ii) Positions are filed under an authority established for the purpose of enabling the appointees to continue or enhance their education, or to meet academic or professional qualification requirements. These include the authority set out in paragraph (c) of section 213.3202 of this part and authorities granted to individual agencies for use in connection with internship, fellowship, residency, or student programs.

\* \* \* \* \*

**§ 213.3101 [Amended]**

3. In § 213.3101, paragraph (b) is removed and reserved.

**§ 213.3102 [Amended]**

4. In § 213.3102, paragraphs (p), (q), (v), (w), (y), and (jj) are removed and reserved.

5. Section 213.3202 is amended by removing the introductory text, revising paragraphs (a) through (d), and removing and reserving paragraphs (e) through (g) to read as follows:

**§ 213.3202 Entire executive civil service.**

(a) *Student Educational Employment Program.*

(1) The Student Educational Employment Program consists of two components and two appointing authorities:

(i) The Student Temporary Employment Program (Schedule B 213.3202(a)).

(ii) The Student Career Experience Program (Schedule B 213.3202(b)).

(2) The appointment authority for each program is the same regardless of the educational program being pursued. Students may be appointed to these programs if they are pursuing any of the following educational programs:

(i) High School Diploma or General Equivalency Diploma (GED);

(ii) Vocational/Technical Certificate;  
(iii) Associate Degree;  
(iv) Baccalaureate Degree;  
(v) Graduate Degree;  
(vi) Professional Degree.

(3) Student participants in the Harry S. Truman Foundation Scholarship Program under the provision of Public Law 93-842 are eligible for appointments under the student career experience program, Schedule B, 213.3202(b).

**(b) Requirements for Both Components of the Student Educational Employment Program:**

(1) *Definition of student:* The definition of student is an individual who is enrolled or accepted for enrollment as a degree (diploma, certificate, etc.) seeking student and is taking at least a half-time academic/vocational/ or technical course load in an accredited high school, technical or vocational school, 2 year or 4 year college or university, graduate or professional school. The definition of *half-time* is the definition provided by the school in which the student is enrolled. An individual who needs to complete less than the equivalent of half an academic/vocational or technical course load in the class enrollment period immediately prior to graduating is still considered a student for purposes of this program.

(2) *Schedules:* Both components of the Student Educational Employment Program are year-round programs and appointments may be made at any time during the year, including summer. Students may work full-time or part-time schedules. There are no limitations on the number of hours a student can work per week, but the student's work schedule should not interfere with the student's academic schedule.

(3) *Breaks in program:* It is expected that students accepted into the Student Educational Employment Program will at all times either be working at the agency, enrolled in classes or both. However, agencies may use their discretion in either approving or denying a *break in program*. A *break in program* is defined as a period of time when a program participant is neither attending classes nor working at the agency. The best interests of the student

and the agency must be balanced in making these decisions.

(4) *Employment of minors:*

Participation in this program must be in conformance with Federal, State, or local laws and standards governing the employment of minors.

(5) *Citizenship requirements:*

Agencies may appoint non-citizens to the Student Temporary Employment Program or to the Student Career Experience Program provided that:

(i) The student is lawfully admitted to the United States as a permanent resident or otherwise authorized to be employed;

(ii) The agency is authorized to pay aliens under the annual appropriations act ban and any agency specific enabling and appropriation statutes.

(iii) All students in the Student Career Experience Program must be U.S. citizens at the time they are non-competitively converted to a career conditional appointment.

(6) *Employment of relatives:* In accordance with 5 CFR part 310, a student may work in the same agency with a relative when there is no direct reporting relationship and the relative is not in a position to influence or control the student's appointment, employment, promotion or advancement within the agency.

(7) *Financial need:* There is no requirement for students to meet any specific economic/income criteria to be eligible for either component of the Student Educational Employment Program. However, agencies have the option to establish and use financial need as a criteria to select students for either or both components of the Program, if they wish. OPM will no longer develop or distribute annual economic guidelines for use in determining financial need. An agency wishing to continue use of the Department of Health and Human Services poverty guidelines may call the Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation on (202) 690-6141.

(8) *Training expenses:* Agencies may use their training authority in 5 U.S.C. Chapter 41 and 5 CFR part 410 to pay all or part of the students training expenses.

(9) *Student volunteers:* Student volunteers are covered by title 5, CFR, part 308, Volunteer Service, and may not be treated as employees under this section.

(c) *Student Temporary Employment Program:*

(1) The Student Temporary Employment Program provides

maximum flexibility to both the student and the agency.

(2) Students are appointed in the excepted service under Schedule B 213.3202(a). This is the appointment authority regardless of the academic program being pursued.

(3) Students are appointed to a position not to exceed 1 year. Appointments under this authority may be extended in 1-year increments as long as the individual meets the definition of a student. Agencies may establish minimum academic requirements and on the job performance requirements for continuation in the program. Students under this appointment authority are excepted from the limitations under 5 CFR 213.104.

(4) The nature of the duties does not have to be related to the student's academic/career goals.

(5) Students are not eligible for non-competitive conversion to a career or career-conditional appointment under this authority.

(6) There is no mandatory requirement for students to document financial need in order to be eligible for this program. Agencies may set their own criteria if they wish.

(7) *Classification:* Classification of students appointed under this program is based on the occupational series for which they are hired. Grade level is to be set according to the criteria in the appropriate GS or WG classification standard.

(8) *Qualifications:* Students under the Student Temporary Employment Program may be evaluated either by agency developed standards or by the OPM qualification requirements for the position to which appointed. Students are eligible for promotions. Promotions should be documented as a conversion to another excepted appointment, citing the same authority as was used for the original appointment and maintaining the original NTE date.

(9) *Benefits:* Students under this program:

(i) Are eligible for annual and sick leave.

(ii) Are generally ineligible for retirement coverage. Refer to 5 CFR 831.201 and 842.105.

(iii) For rules on health and life insurance coverage refer to 5 CFR 870.202, 890.102 and 890.502.

(10) *Reductions-in-Force (RIF):* Students in the Student Temporary Employment Program are covered by the regulations in 5 CFR 351.502 for purposes of RIF. Students, provided they have completed 1 year of current continuous service are in excepted service Tenure Group III.

(11) *Conversion to Student Career Experience Program:* Students may be noncompetitively converted to the Student Career Experience Program whenever they meet the requirements of that program and the agency has an appropriate position available.

(i) Work experience related to the student's academic program and career goals, gained while under the Student Temporary Employment Program, may be credited towards the 640 hour work experience necessary for non-competitive conversion to a career conditional or career appointment.

(ii) Conversions would not be subject to requirements of subparts C and D of 5 CFR part 302.

(d) *Student Career Experience Program:*

(1) This program provides experience that is directly related to the student's educational program and career goals. Programs developed under this component provide for a schedule of periods of attendance at an accredited school combined with periods of career-related work in a Federal agency. The work experience with the agency MUST be related to his/her academic/career goals.

(2) *Appointment Authority:* Students shall be appointed under Schedule B 213.3202(b). This is the appointment authority regardless of the academic program being pursued.

(i) Appointments to the Student Career Experience Program are subject to all the requirements and conditions governing career or career conditional employment, including investigation to establish an appointee's qualifications and suitability.

(ii) Appointments of participants who have met all the requirements of the program may be non-competitively converted to career or career conditional appointments at any time within 120 days after satisfactory completion of the requirements for his/her diploma/certificate/ or degree.

(3) *Program requirements for non-competitive conversion:*

(i) Students appointed under § 213.3202(b) may be non-competitively converted to a career or career-conditional appointment under Executive Order 12015 when students have:

(A) Completed within the preceding 120 days, at an accredited school, course requirements conferring a diploma, certificate, or degree;

(B) Completed at least 640 hours of career-related work (agencies have the option of increasing this requirement for some or all of its occupational fields), before completion of or concurrently with, the course requirements;

(C) Been recommended by the employing agency in which the career-related work was performed; and  
 (D) Met the qualification standards for the targeted position to which the student is appointed.

(ii) Conversions must be to an occupation related to the student's academic training and career related work experience.

(iii) The non-competitive conversion may be to a position within the same agency or any other agency within the Federal Government.

(4) *Agreement by all parties.* The Student Career Experience Program is a formally structured program and requires a written agreement by all parties (agency, school, student) as to the:

- (i) Nature of work assignments
- (ii) Schedule of work assignments and class attendance
- (iii) Evaluation procedures
- (iv) Requirements for continuation and successful completion of the program.

(5) *Schedule:* Agencies, participating educational institutions, and students should agree on a formally-arranged schedule of school and work to ensure that:

- (i) Work responsibilities do not interfere with academic performance;
- (ii) Completion of the educational program (awarding of diploma/certificate/degree) and completion of the Student Career Experience Program are accomplished in a reasonable and appropriate timeframe;
- (iii) The agency is informed and prepared for the students' periods of employment; and
- (iv) Requirements for non-competitive conversion to career conditional employment are understood by all parties.

(6) *Financial need:* There is no requirement for students to meet any economic or income criteria to be eligible for this program. However, agencies may establish their own criteria if they wish.

(7) *Classification:* Students appointed under this component will be classified as student trainees, to the -99 series of the appropriate occupational group.

(8) *Qualifications:* Students may be evaluated by either agency developed standards or by the OPM qualifications requirements for the target position. Any OPM test requirements are waived. Students are eligible for promotion.

(9) *Benefits:* Students appointed under this program:

- (i) Earn annual and sick leave.
- (ii) With no prior service or with less than 5 years of prior civilian service, are generally covered by the Federal

Employees Retirement System (FERS). Refer to 5 CFR part 842.

(iii) For life insurance and health benefits coverage refer to 5 CFR 870.202 and 890.102.

(10) *Tuition assistance:* Agencies may use their training authority in 5 U.S.C. Chapter 41 and 5 CFR part 410 to pay all or part of the students training expenses.

(11) *Travel and transportation.* Agencies may pay for other expenses directly related to training, such as travel and transportation between duty station and school, for participants in the Student Career Experience component only.

(12) *Reduction-in-force:* Students in the Student Career Experience Program are in excepted service Tenure Group II for purposes of 5 CFR 351.502.

(i) They are accorded the same retention rights as excepted service employees.

(ii) They may qualify for severance pay if involuntarily separated under 5 CFR part 550, subpart G.

### PART 338—QUALIFICATIONS REQUIREMENTS (GENERAL)

1. The authority citation for part 338 continues to read as follows:

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

#### § 338.202 [Amended]

In § 338.202 of subpart B, paragraph (a) is removed and reserved.

[FR Doc. 94-30887 Filed 12-15-94, 8:45 am]

**BILLING CODE 6325-01-M**

### OFFICE OF SPECIAL COUNSEL

#### 5 CFR Parts 1800, 1820, 1830 and 1850

##### Address Change

**AGENCY:** Office of Special Counsel.

**ACTION:** Technical amendment.

**SUMMARY:** The Office of Special Counsel has relocated. This document amends the Office of Special Counsel's regulations to reflect the change of address.

**EFFECTIVE DATE:** December 16, 1994.

**FOR FURTHER INFORMATION CONTACT:** William L. Dean at (202) 653-7144.

**SUPPLEMENTARY INFORMATION:** The Office of Special Counsel is amending its regulations to reflect its relocation to 1730 M Street, NW., Suite 300, Washington, DC 20036-4505. The Office of Special Counsel has not published a notice of proposed rulemaking on the address change as allowed by the Administrative Procedure Act, 5 U.S.C.

553(b)(A). There is good cause not to publish a proposed rule and obtain comments from interested persons since this is a technical amendment which only involves a change of address.

For the reasons set forth in the preamble, the Office of Special Counsel amends parts 1800, 1820, 1830 and 1850 of chapter VII of title 5 of the Code of Federal Regulations as follows:

### PART 1800—FILING OF COMPLAINTS AND ALLEGATIONS

1. The authority citation for part 1800 continues to read as follows:

**Authority:** 5 U.S.C. 1212(e).

#### § 1800.1 [Amended]

2. In § 1800.1(a), revise the address "1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005" to read "1730 M Street, NW., Suite 300, Washington, DC 20036-4505."

#### § 1800.2 [Amended]

3. In § 1800.2(a), revise the address "1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005" to read "1730 M Street, NW., Suite 300, Washington, DC 20036-4505."

#### § 1800.3 [Amended]

4. In § 1800.3, revise the address "1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005" to read "1730 M Street, NW., Suite 300, Washington, DC 20036-4505."

### PART 1820—PUBLIC INFORMATION

1. The authority citation for part 1820 continues to read as follows:

**Authority:** 5 U.S.C. 552(a)(3), 552(a)(4) 1212(g), 1219.

#### § 1820.1 [Amended]

2. In § 1820.1(b), revise the address "1120 Vermont Avenue, NW., Washington, DC 20005" to read "1730 M Street, NW., Suite 300, Washington, DC 20036-4505."

#### § 1820.2 [Amended]

3. In § 1820.2, revise the address "1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005" to read "1730 M Street, NW., Suite 300, Washington, DC 20036-4505."

#### § 1820.8 [Amended]

4. In § 1820.8, revise the address "1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005" to read "1730 M Street, NW., Suite 300, Washington, DC 20036-4505."

### PART 1830—PRIVACY

1. The authority citation for part 1830 continues to read as follows:

Authority: 5 U.S.C. 552a(f), 1212(g).

**§ 1830.1 [Amended]**

2. In § 1830.1(a), revise the address "1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005" to read "1730 M Street, NW., Suite 300, Washington, DC 20036-4505."

**§ 1830.3 [Amended]**

3. In § 1830.3, revise the address "1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005" to read "1730 M Street, NW., Suite 300, Washington, DC 20036-4505."

**PART 1850—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE OFFICE OF SPECIAL COUNSEL**

1. The authority citation for part 1850 continues to read as follows:

Authority: 29 U.S.C. 794.

**§ 1850.170(c) [Amended]**

2. In § 1850.170(c), revise the address "1120 Vermont Avenue, NW., Suite 1100, Washington, DC 20005" to read "1730 M Street, NW., Suite 300, Washington, DC 20036-4505."

William E. Reukauf,

*Associate Special Counsel for Prosecution.*

[FR Doc. 94-30888 Filed 12-15-94; 8:45 am]

BILLING CODE 7405-01-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 94-NM-210-AD; Amendment 39-9097; AD 94-26-01]

**Airworthiness Directives; Learjet Model 24, 25, 31, 35, 36, and 55 Series Airplanes, and Learjet Model 28 and 29 Airplanes**

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

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

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain Learjet Model 24, 25, 31, 35, 36, and 55 series airplanes, and Learjet Model 28 and 29 airplanes. This action requires a revision to the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to prohibit flight above an altitude of 41,000 feet. This action also provides optional terminating action for that AFM revision. This amendment is prompted by a report of failure of a safety valve in the pressurization system

on a Learjet Model 31A airplane and reports of cracks found in the poppets of certain outflow/safety valves due to an improper molding process. The actions specified in this AD are intended to prevent such cracking and subsequent failure of the valves, which could result in rapid decompression of the airplane.

**DATES:** Effective January 3, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 3, 1995.

Comments for inclusion in the Rules Docket must be received on or before February 14, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-210-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

**FOR FURTHER INFORMATION CONTACT:** Walter Eierman, Aerospace Engineer, Systems and Equipment Branch, ANM-131L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5336; fax (310) 627-5210.

**SUPPLEMENTARY INFORMATION:** Recently, the FAA received a report of failure of a safety valve in the pressurization system on a Learjet Model 31A airplane. Failure of the valve resulted in depressurization of the cabin. Investigation revealed that the poppets of certain outflow/safety valves were cracked. These discrepant valves, including the safety valve installed on the incident airplane, had been manufactured since January 1, 1989. Certain valves manufactured since that date have been found to be susceptible to cracking due to an improper molding process. Cracking in the poppets of the outflow/safety valves in the pressurization system can result in an open valve with an effective flow area of 4.4 square inches; additionally, the valve may close and remain closed. These conditions, if not corrected, could result in rapid decompression of the airplane.

The FAA has reviewed and approved Allied Signal Aerospace Alert Service Bulletins 130406-21-A4011, Revision 2, dated September 28, 1994, and 102850-21-A4021, Revision 2, dated October 6, 1994. These alert service bulletins describe procedures for replacement of certain outflow/safety valves in the pressurization system with serviceable valves. Further, the alert service

bulletins recommend that the maximum altitude for operation of airplanes that may be equipped with these outflow/safety valves be limited to 41,000 feet as an interim measure until the affected valves are replaced.

Since an unsafe condition has been identified that is likely to exist or develop on other products of the same type design, this AD is being issued to prevent rapid decompression of the airplane. This AD requires a revision to the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to prohibit flight above an altitude of 41,000 feet. This AD also provides for replacement of certain outflow/safety valves in the pressurization system as optional terminating action for the AFM revision.

This is considered to be interim action. The FAA is considering further rulemaking action to supersede this AD to require replacement of certain outflow/safety valves within 18 months. However, the proposed compliance time for the replacement is sufficiently long so that notice and time for public comment would not be impracticable.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

**Comments Invited**

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments,