

Authority: 5 U.S.C. 1204(h), 3330a, 3330b, 38 U.S.C. 4331.

■ 23. Section 1208.13 is amended by adding new paragraph (c) to read as follows:

§ 1208.13 Content of appeal; request for hearing.

* * * * *

(c) *Internet filing option.* An appeal may be filed electronically by using the Board's Internet filing option available at the Board's Web site (<http://www.mspb.gov/e-appeal.html>).

■ 24. Section 1208.14 is revised to read as follows:

§ 1208.14 Representation by Special Counsel.

The Special Counsel may represent an appellant in a USERRA appeal before the Board. A written statement (in any format) that the appellant submitted a written request to the Secretary of Labor that the appellant's complaint under 38 U.S.C. 4322(a) be referred to the Special Counsel for litigation before the Board, and that the Special Counsel has agreed to represent the appellant, will be accepted as the written designation of representative required by 5 CFR 1201.31(a). The designation of representative may be filed by electronic mail, provided the requirements in § 1201.5 of this chapter are satisfied.

■ 25. Section 1208.23 is amended by adding new paragraph (c) to read as follows:

§ 1208.23 Content of appeal; request for hearing.

* * * * *

(c) *Internet filing option.* An appeal may be filed electronically by using the Board's Internet filing option available at the Board's Web site (<http://www.mspb.gov/e-appeal.html>).

■ 26. Section 1208.24 is amended by revising paragraph (a) to read as follows:

§ 1208.24 Election to terminate MSPB proceeding.

(a) *Election to terminate.* At any time beginning on the 121st day after an appellant files a VEOA appeal with the Board, if a judicially reviewable Board decision on the appeal has not been issued, the appellant may elect to terminate the Board proceeding as provided under 5 U.S.C. 3330b and file a civil action with an appropriate United States district court. Such election must be in writing, signed, filed with the Board office where the appeal is being processed, and served on the parties. The election is effective immediately on the date of receipt by the Board office where the appeal is being processed. The election may be

filed by electronic mail provided the requirements in § 1201.5 of this chapter are satisfied.

* * * * *

PART 1209—[AMENDED]

■ 27. The authority citation for part 1209 continues to read as follows:

Authority: 5 U.S.C. 1204, 1221, 2302(b)(8), and 7701.

■ 28. Section 1209.6 is amended by adding new paragraph (d) to read as follows:

§ 1209.6 Content of appeal; right to hearing.

* * * * *

(d) *Internet filing option.* An appeal may be filed electronically by using the Board's Internet filing option available at the Board's Web site (<http://www.mspb.gov/e-appeal.html>).

■ 29. Section 1209.8 is amended by revising paragraphs (a) and (d) and by adding new paragraphs (e) and (f) to read as follows:

§ 1209.8 Filing a request for a stay.

(a) *Time of filing.* An appellant may request a stay of a personnel action allegedly based on whistleblowing at any time after the appellant becomes eligible to file an appeal with the Board under § 1209.5 of this part, but no later than the time limit set for the close of discovery in the appeal. The request may be filed prior to, simultaneous with, or after the filing of an appeal.

* * * * *

(d) *Method of filing.* A stay request must be filed with the appropriate Board regional or field office by personal delivery, by facsimile, by mail, or by commercial delivery.

(e) *Internet filing option.* An appeal may be filed electronically by using the Board's Internet filing option available at the Board's Web site (<http://www.mspb.gov/e-appeal.html>).

(f) *Electronic mail option.* A stay request, made after the filing of an appeal, may be filed by electronic mail after the filing of the appeal, provided the requirements in § 1201.5 of this chapter are satisfied.

Dated: October 10, 2003.

Bentley M. Roberts,

Clerk of the Board.

[FR Doc. 03-26172 Filed 10-17-03; 8:45 am]

BILLING CODE 7400-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM81; Special Conditions No. 25-ANM-84A]

Special Conditions: Extended Range Operation of Boeing Model 777 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amended special conditions.

SUMMARY: These special conditions amend Special Conditions No. 25-ANM-84, applicable to Boeing Model 777 series airplanes. They revise the extended range operations with two-engine airplanes (referred to as "ETOPS") test requirements defined in the original special conditions. The revisions include changing the airplane demonstration test requirement from a required 1000 flight cycles to a demonstration of capability in ETOPS flight conditions, and allowing more than one airplane to be used for the airplane demonstration test. In addition, this revision adds post-test inspection requirements for both the engine demonstration test and the airplane demonstration test articles.

EFFECTIVE DATE: October 8, 2003.

FOR FURTHER INFORMATION CONTACT: Steve Clark, FAA, ETOPS Project Manager, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; telephone (425) 917-6496; facsimile (425) 227-1180.

SUPPLEMENTARY INFORMATION:

Background

Because of concerns over engine and airplane reliability, for many years 14 CFR 121.161 has generally prohibited operations of two-engine airplanes on routes including segments that are more than one hour flight time from a suitable airport. This regulation contains an exception that allows such operations when specifically authorized by the Administrator. These extended range operations with two-engine airplanes are referred to as ETOPS. Advisory Circular (AC) 120-42A describes a method for obtaining ETOPS authorization if an operator can demonstrate sufficient engine and airplane reliability. This method is based on a combination of various design features and operational and maintenance procedures. The AC states that eligibility for 120-minute ETOPS