qualified'' in § 930.105(a)(4) conforms to appropriate terminology in part 339 of this chapter; it has nothing to do with drug testing.

Comments did lead us to change wording in 12 places in this final rule, either to clarify provisions or to adhere more closely to existing policy. In redesignated § 230.402(d)(1) a

In redesignated § 230.402(d)(1) a reference to the Federal Personnel Manual (FPM) is deleted.

Since paragraphs were re-lettered in § 230.402, redesignated § 230.402(h)(2) is amended to refer to previous paragraph (c), not paragraph (b).

A reference to the FPM is deleted from § 300.104(b).

Added wording in § 307.104 clarifies the second year appeal rights of persons holding veterans readjustment appointments.

<sup>1</sup>A line is restored to § 316.201. It inadvertently had been dropped from the proposed rule. It does not change the thrust of the section, but clarifies how long a position should last for there to be a TAPER appointment.

In § 330.202, paragraph (c) is revised for clarity.

In § 330.203, paragraph (d)(2)(iv) is revised to clarify that a person is ineligible for RPL if that person separates for a reason other than RIF on the date scheduled for a RIF separation.

Paragraph (d)(3) of § 330.203 is also reworded to more faithfully reflect existing policy and to avoid adding a new requirement for agencies.

In § 330.208, paragraph (a)(1) is revised to recognize single agency qualification standards.

Section 333.102 is revised to use terms consistently.

In § 353.301, paragraph (a) is corrected so the title and content agree.

# Executive Order 12866, Regulatory Review

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

## **Regulatory Flexibility Act**

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they apply only to Federal agencies and employees.

## List of Subjects

5 CFR Part 211

Government employees, Veterans.

5 CFR Part 230

Civil defense, Government employees.

#### 5 CFR Part 300

Freedom of information, Government employees, Reporting and

recordkeeping requirements, Selective Service System.

5 CFR Part 301

Government employees.

5 CFR Part 307

Government employees, Veterans.

## 5 CFR Part 310

Government employees.

## 5 CFR Part 316

Government employees.

#### 5 CFR Part 330

Armed forces reserves, Government employees.

## 5 CFR Part 333

Government employees.

## 5 CFR Part 339

Equal employment opportunity, Government employees, Health, Individuals with disabilities.

## 5 CFR Part 340

Government employees.

## 5 CFR Part 351

Administrative practice and procedure, Government employees.

## 5 CFR Part 353

Administrative practice and procedure, Government employees.

## 5 CFR Part 930

Administrative practice and procedure, Computer technology, Government employees, Motor vehicles.

Office of Personnel Management.

#### James B. King, Director

Accordingly, 5 CFR parts 211, 230,

300, 301, 307, 310, 316, 330, 333, 339, 340, 351, 353, and 930 are amended as set forth below.

## PART 211—VETERAN PREFERENCE

1. Part 211 is revised to read as follows:

# PART 211—VETERAN PREFERENCE

Sec.

- 211.101 Purpose.
- 211.102 Definitions.
- 211.103 Administration of preference. Authority: 5 U.S.C. 1302.

# §211.101 Purpose.

The purpose of this part is to define veterans' preference and the administration of preference in Federal employment. (5 U.S.C. 2108)

## §211.102 Definitions.

For purposes of preference in Federal employment the following definitions apply:

(a) Veteran means a person who was separated with an honorable discharge or under honorable conditions from active duty in the armed forces performed—

(1) In a war; or,

(2) In a campaign or expedition for which a campaign badge has been authorized; or

(3) During the period beginning April 28, 1952, and ending July 1, 1995; or,

(4) For more than 180 consecutive days, other than for training, any part of which occurred during the period beginning February 1, 1955, and ending October 14, 1976.

(b) *Disabled veteran* means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(c) *Preference eligible* means veterans, spouses, widows, or mothers who meet the definition of "preference eligible" in 5 U.S.C. 2108. Preference eligibles are entitled to have 5 or 10 points added to their earned score on a civil service examination (see 5 U.S.C. 3309). They are also accorded a higher retention standing in the event of a reduction in force (see 5 U.S.C. 3502). Preference does not apply, however, to inservice placement actions such as promotions.

(d) *Armed forces* means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(e) Uniformed services means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(f) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except for training or for determining physical fitness and except for service in the Reserves or National Guard.

(g) Separated under honorable conditions means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

#### §211.103 Administration of preference.

Agencies are responsible for making all preference determinations except for