Tuesday,
May 27, 2003

Part XXXVIII

Office of Personnel Management

Semiannual Regulatory Agenda
OFFICE OF PERSONNEL MANAGEMENT (OPM)

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following Office of Personnel Management (OPM) regulations are scheduled for development or review during the six-month period following publication. This agenda carries out OPM’s responsibilities to publish a semiannual agenda under Executive Order 12866, “Regulatory Planning and Review,” and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the Federal Register does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.


SUPPLEMENTARY INFORMATION: OPM has begun a comprehensive, systematic review of its Governmentwide personnel regulations. OPM has undertaken this initiative to make the regulations more readable wherever possible, to eliminate duplication, and to weed out obsolete references. OPM will incorporate any necessary substantive changes as part of this project. OPM has begun publishing these regulations as proposed regulations and will as proposed regulations continue to do so as the project progresses.


Kay Coles James,

Director.

Office of Personnel Management—Proposed Rule Stage

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Office of Personnel Management (OPM) Proposed Rule Stage

3539. • POSTING REGULATIONS

Priority: Info./Admin./Other
Legal Authority: 5 USC 1103
CFR Citation: 5 CFR 110
Legal Deadline: None
Abstract: The Office of Personnel Management (OPM) is issuing proposed regulations to revise the rules relating to notice of new regulations and information collection requirements. The revisions include eliminating one subpart and renaming the remaining subpart, and making plain language modifications.
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Robert T. Coco,
Division for Management and Chief Financial Officer, Office of Personnel Management, Contracting, Facilities, and Administrative Services Group, Publications Management Branch, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-1822
Fax: 202 606-0909
Email: rtcoco@opm.gov
RIN: 3206–AJ73

3540. • COMPETITIVE SERVICE AND COMPETITIVE STATUS

Priority: Other Significant
Legal Authority: 5 USC 3301, 5 USC 3302
CFR Citation: 5 CFR 212
Legal Deadline: None
Abstract: The Office of Personnel Management is rewriting its regulations in plain language to make them more readable. This includes part 212 that contains the definitions of competitive service and competitive status. This is one aspect of a broader review of OPM’s regulations. This regulatory rewrite supports the Administration’s effort to use “plain language” when disseminating information throughout the Federal community and to the general public.
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Karen Jacobs,
Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0390
Email: kkJacobs@opm.gov
RIN: 3206–AJ75

3541. • STRATEGIC HUMAN CAPITAL MANAGEMENT ASSESSMENT

Priority: Other Significant
Legal Authority: PL 107-296
CFR Citation: 5 CFR 250
Legal Deadline: None
Abstract: The Office of Personnel Management is issuing proposed regulations to implement the requirement in Public Law 107-296, section 1304 for OPM to design a set of systems for assessing human capital management by Federal agencies. These regulations describe the framework for these systems, including the metrics, that agencies will use.
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Karen Jacobs,
### Regulatory Flexibility Analysis

**Required:** Undetermined  
**Government Levels Affected:** None  
**Agency Contact:** Diane Tyrrell, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0960  
Fax: 202 606-2329  
Email: dmtyrrel@opm.gov  
**RIN:** 3206–AJ92

### NPRM 08/00/03

#### 3542. EMPLOYMENT IN THE EXCEPTED SERVICE

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 8151; EO 10577  
**CFR Citation:** 5 CFR 302  
**Legal Deadline:** None  
**Abstract:** The revised regulations will make it easier for agencies to understand how to run the excepted service employment system, so they can create better and more efficient employment procedures.

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**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** None  
**Agency Contact:** Tina Vay, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0390  
Email: cmvay@opm.gov  
**RIN:** 3206–AH83

### NPRM 09/00/03

#### 3544. PROBATION ON INITIAL APPOINTMENT TO A COMPETITIVE POSITION

**Priority:** Other Significant  
**Legal Authority:** 5 USC 3321  
**CFR Citation:** 5 CFR 315, subpart H  
**Legal Deadline:** None  
**Abstract:** This regulation will permit agencies to use a competitive service probationary period of up to three years, when the work of the position cannot be properly evaluated in only one year. It will also establish one year as the minimum probationary period.

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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Linda Watson, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0390  
Email: lmwatson@opm.gov  
**RIN:** 3206–AJ90

### NPRM 12/00/03

#### 3543. • VETERANS RECRUITMENT APPOINTMENTS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 107-288  
**CFR Citation:** 5 CFR 307  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management (OPM) proposes to revise its regulations regarding Veterans Readjustment Appointments to implement the provisions of Public Law 107-288, the Jobs for Veterans Act, signed into law on November 7, 2002.

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**Regulatory Flexibility Analysis Required:** Undetermined  
**Government Levels Affected:** None  
**Agency Contact:** Michael J. Mahoney, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0390  
Email: mjmahone@opm.gov  
**RIN:** 3206–AJ90

### NPRM 05/00/03

#### 3545. • TEMPORARY AND TERM EMPLOYMENT; RECRUITMENT AND SELECTION FOR TEMPORARY AND TERM APPOINTMENTS OUTSIDE THE REGISTER; EXAMINING SYSTEM AND TRAINING

**Priority:** Other Significant  
**Legal Authority:** PL 107-296

### NPRM 05/00/03

#### 3546. AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 3328  
**CFR Citation:** 5 CFR 300  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management proposes regulations to delegate to agencies the determination whether a Federal job applicant’s
failure to register with the Selective Service was knowing and willful. This change is authorized by an amendment to 5 U.S.C. 3328.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Barbara J. Bell, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-0830
Email: bbjbell@opm.gov

**RIN:** 3206–AI52

### 3547. MERIT PROMOTION AND INTERNAL PLACEMENT

**Priority:** Other Significant

**Legal Authority:** 5 USC 3301; 5 USC 3302

**CFR Citation:** 5 CFR 316; 5 CFR 335

**Legal Deadline:** None

**Abstract:** In an effort to streamline selection procedures and provide agencies with greater flexibility, the Office of Personnel Management (OPM) is proposing to revise the regulations covering merit promotion and internal placement. These regulations will provide a framework within which agencies may develop merit-based programs for internal selections.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-0830
Fax: 202 606-0390
Email: kkjacobs@opm.gov

**RIN:** 3206–AI20

### 3548. OTHER THAN FULL-TIME EMPLOYMENT (PART-TIME, SEASONAL, INTERMITTENT)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3301

**CFR Citation:** 5 CFR 340; 5 CFR 110

**Legal Deadline:** None

**Abstract:** Grants agencies and employees more flexibility by clarifying agency authority to schedule part-time employees on a pay period, rather than weekly, basis; defines job sharing; and modifies seasonal employment.

**Timetable:**

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<td>NPRM</td>
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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Diane Tyrrell, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-0960
Fax: 202 606-2329
Email: dmtyrrell@opm.gov

**RIN:** 3206–AI22

### 3549. ORDER OF RELEASE FROM COMPETITIVE LEVEL

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 1302; 5 USC 3502; 5 USC 3503

**CFR Citation:** 5 CFR 351

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is proposing retention regulations covering the order in which agencies release competing employees from their competitive levels in a reduction in force.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Thomas A. Glennon, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-0960
Fax: 202 606-2329
Email: taglenno@opm.gov

**RIN:** 3206–AI96

### 3550. REEMPLOYMENT RIGHTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3582; 5 USC 3301; PL 103-296

**CFR Citation:** 5 CFR 352

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management proposes regulations to update provisions to conform to law allowing employees assigned to international organizations under certain conditions to maintain FERS and FICA retirement coverage. The current regulations require updates because they mention only CSRS retirement.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael J. Mahoney, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-0830
Fax: 202 606-0390
Email: mjmahoney@opm.gov

**RIN:** 3206–AI19

### 3551. INFORMATION TECHNOLOGY EXCHANGE PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-347

**CFR Citation:** 5 CFR 370

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is issuing proposed regulations to implement Governmentwide provisions contained in the E-Government Act (Pub. L. 107-347). This law authorizes the temporary assignment of employees in the field of information technology (IT) management between the Federal Government and private sector organizations. It also authorizes Federal agencies to accept, on a volunteer basis, the services of non-Federal IT employees.
3552. TRAINING

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 4118
CFR Citation: 5 CFR 410
Legal Deadline: None

Abstract: Section 410.309 of title 5, CFR (continued service agreements) and 5 CFR 410.404 (expenses of training and meetings) need clarification. 5 CFR 410.309, as written, omits allowance for agency heads to delegate authority to define requirements for continued service. It also omits circumstances when the requirement for continued service can be waived, which has caused confusion for agencies in developing their continued service agreements. Amending 5 CFR 410.309 returns to the regulation language removed in 1996. The deletion had the unintended effect of limiting agency head authority in the area of continued service agreements for training. With increasing interest in academic education and service agreements, agencies have expressed concern about their legal authority with regard to these agreements.

As written, 5 CFR 410.404 does not sufficiently clarify distinctions between training and meetings. 5 U.S.C. 4109 provides agencies authority to pay the expenses of training. 5 U.S.C. 4110 provides them authority to pay the expenses of meetings. However, 5 CFR 410.404 blurs the distinctions between these two; amending it would make clear the distinctions and clarify conditions under which a meeting may be considered training.

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Regulatory Flexibility Analysis
Required: Undetermined

Government Levels Affected: None
Agency Contact: Michael J. Mahoney, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0390
Email: mjmahone@opm.gov
RIN: 3206–AJ91

3553. PERFORMANCE MANAGEMENT

Priority: Other Significant
Legal Authority: 5 USC 4305
CFR Citation: 5 CFR 430, subpart A; 5 CFR 430, subpart B
Legal Deadline: None

Abstract: Part 430, subparts A and B, are being revised to improve the readability of the existing regulatory language and to codify existing policies and procedures that are not currently in the regulations.

Timetable:

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: LaVeen Ponds, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-1394
Email: lmponds@opm.gov
RIN: 3206–AJ19

3555. CLASSIFICATION UNDER THE GENERAL SCHEDULE

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5112
CFR Citation: 5 CFR 511, subpart A; 5 CFR 511, subpart B; 5 CFR 511, subpart F; 5 CFR 511, subpart G
Legal Deadline: None

Abstract: The general schedule classification regulations require updating to reflect current organizational nomenclature following a reorganization within OPM.

Timetable:

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Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Nancy H. Kichak, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0722
Email: nhkichak@opm.gov
RIN: 3206–AJ67

3554. PERSONNEL MANAGEMENT RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 4703
CFR Citation: 5 CFR 470
Legal Deadline: None
3556. • MISCELLANEOUS CHANGES AND STANDARDIZATION OF PAY AND LEAVE REGULATIONS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5304; 5 USC 5305; 5 USC 5548; 5 USC 5550a; 5 USC 6124; 5 USC 6133(a); 5 USC 6304(d)(3); PL 102-484; PL 103-337; PL 103-329; EO 11228; 5 USC 6305; 5 USC 6306; 5 USC 6311; PL 103-356; 5 USC 6326; 5 USC 6332; 5 USC 6362; PL 100-566; PL 103-103; PL 105-18; 5 USC 6367; PL 103-3; 5 USC 6391; PL 102-25
CFR Citation: 5 CFR 530; 5 CFR 531; 5 CFR 550, subpart J; 5 CFR 610; 5 CFR 630

Legal Deadline: None
Abstract: The Office of Personnel Management is issuing proposed regulations to clarify and standardize the rules governing the pay and leave of Federal employees. The proposed regulations are being issued to aid and support the standardization of payroll processes under the e-Payroll initiative and enhance understanding of the administration of pay and leave policies and procedures.

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Agency Contact: Jeanne D. Jacobson, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415 Phone: 202 606-2858 Fax: 202 606-0824 Email: payleave@opm.gov

RIN: 3206–AI00

3558. JOB GRADING REVIEWS AND APPEALS OF FEDERAL WAGE SYSTEM EMPLOYEES

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5346
CFR Citation: 5 CFR 532, subpart G

Legal Deadline: None
Abstract: The job grading reviews and appeals regulations require updating to reflect current organizational nomenclature following a reorganization within OPM.

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Agency Contact: Mark Allen, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415 Phone: 202 606-2848 Fax: 202 606-4264 Email: maallen@opm.gov

RIN: 3206–AJ78

3559. • PREVAILING RATE SYSTEMS; REDEFINITION OF THE NORTH DAKOTA AND DULUTH, MINNESOTA, APPROPRIATED FUND WAGE AREAS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5343
CFR Citation: 5 CFR 532

Legal Deadline: None
Abstract: The Office of Personnel Management is issuing a proposed rule to redefine the White Earth Indian Reservation portion of Becker County, Clearwater County, and Mahnomen County, from the North Dakota to the Duluth, Minnesota, Federal Wage System Wage Area.

Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Agency Contact: Leslie J. Pollack, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415 Phone: 202 606-1426 Email: ljpollac@opm.gov

RIN: 3206–AI14

3560. • PREVAILING RATE SYSTEMS; CHANGE IN FEDERAL WAGE SYSTEM SURVEY JOB AND MISCELLANEOUS CHANGE

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5343
CFR Citation: 5 CFR 532

Legal Deadline: None
Abstract: The Office of Personnel Management is issuing a proposed rule to change the grade level of the Industrial Electronic Controls Repairer Federal Wage System survey job description.

Timetable:

<table>
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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Agency Contact: Leslie J. Pollack, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415 Phone: 202 606-1426 Email: ljpollac@opm.gov

RIN: 3206–AH38
Agency Contact: Mark Allen, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-2848
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Email: maallen@opm.gov

3561. REEMPLOYMENT OF CIVILIAN RETIREES TO MEET EXCEPTIONAL EMPLOYMENT NEEDS

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8344; 5 USC 8468
CFR Citation: 5 CFR 553
Legal Deadline: None

Agency Contact: Larry Lorenz, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0830
Email: ltlorenz@opm.gov

3562. LIST OF AGENTS DESIGNATED TO ACCEPT LEGAL PROCESS

Priority: Info./Admin./Other
Legal Authority: 42 USC 659; 15 USC 1673; EO 12105; 3 CFR 262
CFR Citation: 5 CFR 581, app
Legal Deadline: None

Abstract: Appendix A to 5 CFR part 581 is being amended to update the addresses and telephone numbers for agents designated to receive legal process. This appendix is also being amended to add a new agency and designated agents.

3563. RETIREMENT; CREDIT FOR MILITARY SERVICE

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8347(a); 5 USC 8461(g); 38 USC 4331
CFR Citation: 5 CFR 8437(a); 5 CFR 8461(g); 5 CFR 842.306; 5 CFR 842.307
Legal Deadline: None

Agency Contact: Darlene M. Carr, Office of the General Counsel, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-1300
Phone: 202 606-1700
Fax: 202 606-2609
Email: dmccarr@opm.gov

3564. RETIREMENT; STATE INCOME TAX WITHHOLDING INSTRUMENTALITIES

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8345; 5 USC 8347; 5 USC 8461; 5 USC 8469
CFR Citation: 5 CFR 831, subpart S; 5 CFR 841, subpart J

Legal Deadline: None

Abstract: These regulations modify existing regulations to reflect changes designed to expand and streamline the process of withholding State income tax from CSRS and FERS annuities.
### 3566. RETIREMENT; FERS ELECTIONS OF COVERAGE

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 8347(a); 5 USC 8461(g); PL 99-335, sec 301(d)(3)  
**CFR Citation:** 5 CFR 846  
**Legal Deadline:** None

**Abstract:** These regulations implement title III of the Federal Employees Retirement System (FERS) Act of 1986, as amended, dealing with the election of FERS coverage by employees under the Civil Service Retirement System and certain other employees. The regulations contain regulatory and interpretative rules concerning employees’ eligibility to elect FERS coverage, procedures for electing FERS coverage, and basic benefits based on the service for employees who elect FERS coverage.

**Timetable:**

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**Regulatory Flexibility Analysis:** Required: No

**Government Levels Affected:** None

**Agency Contact:** Cynthia Reinhold, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299  
Email: payleave@opm.gov

**RIN:** 3206–A162

### 3568. FINANCIAL SANCTIONS OF HEALTH CARE PROVIDERS IN THE FEDERAL EMPLOYEES’ HEALTH BENEFITS PROGRAM

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 8902a  
**CFR Citation:** 5 CFR 890, subpart J  
**Legal Deadline:** None

**Abstract:** These regulations will implement the financial sanctions provisions of the Federal Employees’ Health Care Protection Act of 1996 (Pub. L. 105-266). In cases where a health care provider knowingly: (1) submitted false, fraudulent, or misleading claims; (2) failed to provide claims-related information requested by OPM or a FEHBP carrier; or (3) submitted claims while debarred, the statute authorizes OPM to effectuate civil monetary penalties. These financial sanctions may be imposed in addition to suspension or debarment, which are the other forms of sanctions authorized by the statute. The regulatory provisions for suspension and debarment are being implemented in an earlier amendment to 5 CFR 890, subpart J.

**Timetable:**

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**Regulatory Flexibility Analysis:** Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** J. David Cope, Debarring Official, Office of the Inspector General, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2851  
Fax: 202 606-2153  
Email: jdcope@opm.gov

**RIN:** 3206–A162

### 3569. IMPLEMENTATION OF THE ADMINISTRATIVE SIMPLIFICATION PROVISIONS OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 FOR THE FEDERAL EMPLOYEES’ HEALTH BENEFITS PROGRAM

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 104-191

**CFR Citation:** 5 CFR 890  
**Legal Deadline:** None

**Abstract:** The administrative simplification provisions on the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires covered entities (providers, health plans, and clearinghouses) to ensure the privacy of individually identifiable personal health information. The Federal Employees’ Health Benefits (FEHB) Program has been deemed a health plan, and as such must comply with the security, privacy, and transaction standards that are part of the administrative simplification provisions of HIPAA.

**Timetable:**

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**Regulatory Flexibility Analysis:** Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Abby L. Block, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0770

**RIN:** 3206–AJ42

### 3570. EMPLOYEES RESPONSIBLE FOR THE MANAGEMENT OR USE OF FEDERAL COMPUTER SYSTEMS

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 100-235

**CFR Citation:** 5 CFR 930, subpart C  
**Legal Deadline:** None
Abstract: The Office of Personnel Management is issuing proposed regulations to delete 5 CFR 930 subpart C and to move appropriate information concerning Computer Security training to 5 CFR 410. The proposal streamlines the regulation and refers the user to the National Institute of Standards and Technology (NIST) Web site, which contains the most current information on computer security training guidelines.

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LaVeen Ponds, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-1394
Email: lmponds@opm.gov

RIN: 3206–AJ84

3571. FEDERAL EMPLOYEES’ HEALTH BENEFITS ACQUISITION REGULATION: LARGE PROVIDER AGREEMENTS, SUBCONTRACTS, AND MISCELLANEOUS CHANGES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8913; 40 USC 486(c); 48 CFR 1.301

CFR Citation: 48 CFR 1602; 48 CFR 1604; 48 CFR 1615; 48 CFR 1632; 48 CFR 1644; 48 CFR 1652; 48 CFR 1660; 48 CFR 1672; 48 CFR 1692; ...

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is proposing a new policy that establishes notification and information requirements, including audits, for Federal Employees’ Health Benefits (FEHB) experience-rated carrier large provider agreements. The proposed regulation also revises the threshold for advance approval of carrier subcontracts.

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mike Kaszynski, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0004
Email: mwkaszyn@opm.gov

RIN: 3206–AJ20

3572. IMPLEMENTATION OF ADDITIONAL COST PRINCIPLES IN THE FEDERAL EMPLOYEES’ HEALTH BENEFITS PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8913; 40 USC 486(c); 48 CFR 1.301

CFR Citation: 48 CFR 1630; 48 CFR 1631; 48 CFR 1652

Legal Deadline: None

Abstract: The Office of Personnel Management is proposing a regulation that would inform experience-rated carriers in the Federal Employees’ Health Benefits Program how it intends to implement additional cost principles.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Anne Easton, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0004
Email: aseaston@opm.gov

RIN: 3206–AJ10

Office of Personnel Management (OPM)

3573. • OPM EMPLOYEE RESPONSIBILITIES AND CONDUCT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552a; 5 USC 7301

CFR Citation: 5 CFR 1001

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is proposing a plain language rewrite of its regulations regarding the standards that govern OPM employee responsibilities and conduct as part of a broader review of OPM’s regulations. The purpose of the revisions is to make the regulations more readable.

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Wade Plunkett, Office of the General Counsel, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-1700

RIN: 3206–AJ69

3574. EXCEPTED SERVICE—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

Priority: Other Significant

Legal Authority: EO 13162

CFR Citation: 5 CFR 213; 5 CFR 315

Legal Deadline: None

Abstract: These regulations implement Executive Order 13162, which establishes the Federal Career Intern Program. This program will be used to attract exceptional men and women to the Federal workforce who have diverse professional experiences, academic training, or competencies and prepare...
them for careers in analyzing and implementing public programs.

This regulation supports the Administration’s effort to recruit the highest caliber people to the Federal Government, develop their professional abilities, and retain them in Federal departments and agencies.

**Timetable:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-0830
Fax: 202 606-0390
Email: kkjacobs@opm.gov

RIN: 3206–AJ70

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**3576. TIME-IN-GRADE RESTRICTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3301; 5 USC 3302; EO 10577

**CFR Citation:** 5 CFR 300

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management will eliminate the requirement that employees serve one year in-grade to be eligible for promotion above the GS-5 level. The requirement to be eliminated is separate from the qualifications requirement for one year’s experience at the next lowest grade or equivalent for promotion.

**Timetable:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tina Vay, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

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Fax: 202 606-0390
Email: cmvay@opm.gov

RIN: 3206–AJ28

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**3575. EXCEPTIONED SERVICE—TEMPORARY ORGANIZATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3161

**CFR Citation:** 5 CFR 213

**Legal Deadline:** None

**Abstract:** Since the new law on temporary organizations provides new limitations on temporary organizations, we are amending excepted service appointing authority for hiring persons in temporary organizations to reflect these changes.

**Timetable:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Tina Vay, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-0830
Fax: 202 606-0390
Email: cmvay@opm.gov

RIN: 3206–AG06

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**3577. REASONABLE ACCOMMODATION LANGUAGE FOR VACANCY ANNOUNCEMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3304(f); 5 USC 3327; ...

**CFR Citation:** 5 CFR 302; 5 CFR 317; 5 CFR 330; 5 CFR 333; 5 CFR 335

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is publishing interim regulations requiring a reasonable accommodation statement in agency vacancy announcements.

**Timetable:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Suzy Barker, Division for Strategic Human Resources Policy, Office of Personnel Management, Employment Service, Washington, DC 20415

Phone: 202 606-0830
**OPM**

**3579. PROMOTION AND INTERNAL PLACEMENT; ACCELERATED QUALIFICATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3301; 5 USC 3302; 5 USC 3304

**CFR Citation:** 5 CFR 316; 5 CFR 335; 5 CFR 338

**Legal Deadline:** None

**Abstract:** OPM will issue final regulations on accelerated qualifications only to authorize agencies to establish intensive training programs for acquiring qualifications at an accelerated rate.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415 Phone: 202 606-0830 Fax: 202 606-0390 Email: kkjacobsc@opm.gov

**RIN:** 3206–AJ52

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**3581. AWARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 4506

**CFR Citation:** 5 CFR 450, subpart C

**Legal Deadline:** None

**Abstract:** These proposed regulations would clarify the location-based pay entitlements of Federal employees who are detailed or temporarily assigned to work at a new location, including telework situations. Location-based pay entitlements include locality payments, special salary rates, and nonforeign area cost-of-living allowances.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Barbara Colchao, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7412, 1900 E Street NW., Washington, DC 20415 Phone: 202 606-2720 Fax: 202 606-2395 Email: perform-mgmt@opm.gov

**RIN:** 3206–AJ86

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**3582. OFFICIAL DUTY STATION DETERMINATIONS FOR PAY PURPOSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5305; 5 USC 5304; 5 USC 5941; EO 10000; PL 101-509, sec 404

**CFR Citation:** 5 CFR 530; 5 CFR 531; 5 CFR 591

**Legal Deadline:** None

**Abstract:** Under current regulations, locality pay area boundaries change automatically whenever the Office of Management and Budget (OMB) modifies the geographic coverage of a metropolitan statistical area (MSA) or a consolidated metropolitan statistical area. OMB plans wholesale modifications in metropolitan area definitions in 2003 based on new...
criteria and 2000 census data. We plan to tie our locality pay area definitions to the geographic coverage of MSAs as defined in OMB Bulletin 99-4 so that locality pay area boundaries will not automatically change when OMB revises its metropolitan area definitions. This will allow the President’s Pay Agent and the Federal Salary Council the opportunity to review the new metropolitan area definitions to see if they are appropriate for use in the locality pay program.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Agency Contact:** Allan G. Hearne, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415 Phone: 202 606-2838 Fax: 202 606-4264 Email: aghearne@opm.gov

**RIN:** 3206–AJ88

### 3585. PREMIUM PAY LIMITATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5547; 5 USC 5548

**CFR Citation:** 5 CFR 550

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing interim regulations to implement recent statutory amendments dealing with the premium pay limitations for Federal employees. Those amendments raise the premium pay caps for most employees, provide authority to use an annual cap instead of a biweekly cap in additional circumstances, and make certain other changes.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Agency Contact:** Allan G. Hearne, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415 Phone: 202 606-2838 Fax: 202 606-4264 Email: aghearne@opm.gov

**RIN:** 3206–AJ62

### 3584. GRADE AND PAY RETENTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5361; 5 USC 5366

**CFR Citation:** 5 CFR 536

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing final regulations giving agencies discretion to grant pay retention to certain employees moving to positions under pay systems other than the General Schedule or the Federal Wage System. This new flexibility would allow agencies to prevent eligible employees from suffering a reduction in pay that would otherwise result from a management action.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Agency Contact:** Allan G. Hearne, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415 Phone: 202 606-2838 Fax: 202 606-4264 Email: aghearne@opm.gov

**RIN:** 3206–AJ56

### 3586. PRETAX ALLOTMENTS FOR FLEXIBLE SPENDING ACCOUNTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5527; EO 10962; 3 CFR, 1959-1963 Comp. p.263

**CFR Citation:** 5 CFR 550

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing interim regulations to enable employees to contribute to pre-tax flexible spending accounts (FSAs) through two new allotments from the employee’s pay to the employing agency. One of the new allotments will be available for a health care FSA and the other for a dependent care FSA. Flexible spending accounts become effective on July 1, 2003.

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**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Agency Contact:** Allan G. Hearne, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415 Phone: 202 606-2838 Fax: 202 606-4264 Email: aghearne@opm.gov

**RIN:** 3206–AJ56

**Legal Authority:** 5 USC 5754

**CFR Citation:** 5 CFR 575, subpart C

**Legal Deadline:** None

**Abstract:** These final regulations would provide agencies with greater flexibility in the use of retention allowances by allowing them to pay such allowances to employees who are likely to leave their positions for other Federal employment under certain limited circumstances.

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3588. • EXTENDED ASSIGNMENT INCENTIVES

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5757, PL 107-273
CFR Citation: 5 CFR 575
Legal Deadline: None
Abstract: The Office of Personnel Management (OPM) is issuing interim regulations to implement a recent statutory amendment that authorizes the payment of extended assignment incentives to certain categories of Federal employees in positions located in a territory or possession of the United States, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands. The interim regulations will establish the criteria and procedures for the payment of extended assignment incentives.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Charles Gray, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0960
Fax: 202 606-2329
Email: cwgray@opm.gov
RIN: 3206–AJ76

3590. • EMPLOYEE RESPONSIBILITIES AND CONDUCT

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 7301; EO 12874, 3 CFR, 1989 Comp, p. 215, as modified by EO 12731; EO 12731, 3 CFR, 1989 Comp, p. 306
CFR Citation: 5 CFR 735
Legal Deadline: None
Abstract: The Office of Personnel Management (OPM) is proposing a plain language rewrite of its regulations regarding the standards that govern employee responsibilities and conduct as part of a broader review of OPM's regulations. The purpose of the revisions is to make the regulations more readable.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Bonnie Storm, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-1313
Fax: 202 606-4264
Email: payleave@opm.gov
RIN: 3206–AJ77

3592. RETIREMENT; COVERAGE—NONAPPROPRIATED FUND INSTRUMENTALITIES

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8347
CFR Citation: 5 CFR 831; 5 CFR 837; 5 CFR 841 to 844; 5 CFR 847
Legal Deadline: Final, Statutory, August 9, 1996.
Abstract: These regulations implement the provisions of Public Law 104-106 and Public Law 107-107, which allow
employees who have been employed by nonappropriated fund instrumentalities under the jurisdiction of the armed forces to obtain retirement credit under limited circumstances.

**Timetable:**

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**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** James Giuseppe,
Division for Strategic Human Resources Policy, Office of Personnel
Management, 1900 E Street NW.,
Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov

**Related RIN:** Related To 3206-AJ72

**RIN:** 3206-AH57

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### 3593. COVERAGE FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347(a); 5 USC 8361(g); PL 105-33, sec 11202(f), 11232(e), 11246(b); PL 106-522, sec 145

**CFR Citation:** 5 CFR 831; 5 CFR 837; 5 CFR 842; 5 CFR 846; 5 CFR 870; 5 CFR 890

**Legal Deadline:** None

**Abstract:** These regulations implement provisions of the National Capital Revitalization and Self-Government Improvement Act of 1997, which requires that nonjudicial employees of the District of Columbia Courts, and under certain conditions, the District of Columbia Corrections Trustee, and the District of Columbia Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee and their respective employees be considered Federal employees for purposes of Federal retirement, health, and life insurance coverage.

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**Regulatory Flexibility Analysis Required:** No
3597. • RETIREMENT—FEDERAL EMPLOYEES RETIREMENT SYSTEM; BASIC ANNUITY

Priority: Substantive, Nonsignificant
Legal Authority: PL 107-296
CFR Citation: 5 CFR 831, 5 CFR 842
Legal Deadline: None
Abstract: These regulations will amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations by consolidating and updating existing regulations in three different subparts of the CSRS regulations, and 5 CFR 845 in the FERS regulations to eliminate duplication of the provisions governing debt collection. This item is for subpart E of the new part 835, which will address collections of Government claims from payments made by OPM.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Agency Contact: Howard T. Newland Jr., Strategic Human Resources Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov

RIN: 3206–AJ82

3598. RETIREMENT—DEBT COLLECTION

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8347; 5 USC 8461
CFR Citation: 5 CFR 835, subpart E
Legal Deadline: None
Abstract: These regulations will amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations by consolidating and updating existing regulations in three different subparts of the CSRS regulations, and 5 CFR 845 in the FERS regulations to eliminate duplication of the provisions governing debt collection. This item is for subpart E of the new part 835, which will address collections of Government claims from payments made by OPM.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No

Agency Contact: Patricia A. Rochester, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov

RIN: 3206–AE72

3599. RETIREMENT—GENERAL ADMINISTRATION

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8347
CFR Citation: 5 CFR 841
Legal Deadline: None
Abstract: These regulations would allow an agency to retain the individual retirement record when an employee transfers within the same agency even though the employee would be serviced by another intra-agency payroll.

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: None

Agency Contact: Charles Gray, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-0001
Phone: 202 606-0299
### 3601. Retirement Coverage and Service Credit Elections Available to Current and Former Nonappropriated Fund Employees

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 8347; 5 USC 8461; PL 107-107, sec 1131; PL 107-107, sec 1132  
**CFR Citation:** 5 CFR 847, subpart H; 5 CFR 847, subpart I  
**Legal Deadline:** None  
**Abstract:** These regulations amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations to establish procedures for employees who want to elect to use service they performed for a Nonappropriated Fund Instrumentality (NAFI) of the Department of Defense or Coast Guard to qualify for immediate retirement under CSRS or FERS annuity when employees elect to use NAFI service to qualify for immediate CSRS or FERS retirement.  
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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Agency Contact:** James Giuseppe, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
**Email:** combox@opm.gov  
**Phone:** 202 606-0299  
**RIN:** 3206–AE73

### 3602. Federal Employees’ Group Life Insurance Program: Miscellaneous Changes and Clarifications

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 8716  
**CFR Citation:** 5 CFR 870  
**Legal Deadline:** None  
**Abstract:** These regulations include changes to FEGLI regulations that clarify procedures for signing and witnessing designations of beneficiary, accepting designations of beneficiary by facsimile, accepting DNA evidence to establish paternity, etc. They also change the time frame for electing optional insurance when first eligible from 31 days to 60 days and add information on Basic insurance for certain Department of Defense employees under Public Law 106-398.  
**Timetable:**  
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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Agency Contact:** Karen Leibach, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
**Email:** kjleibac@opm.gov  
**Phone:** 202 606-0004  
**RIN:** 3206–AG63

### 3603. Federal Employees’ Group Life Insurance: Removal of Premiums and Age Bands From Regulations

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 5 USC 8716; PL 106-398  
**CFR Citation:** 5 CFR 870  
**Legal Deadline:** None  
**Abstract:** Public Law 105-311 allowed retiring employees to elect to continue their option B and/or option C coverage on an unreduced basis. Since this means that more people over age 65 will have these coverages and will continue to pay premiums, the previous age band structure (with the top age band being 60 and over) needed to be expanded. OPM previously added additional age bands to option C; we now need to expand these further and to add age bands to option B. In addition, the actuaries have determined that changes in mortality rates warrant further changes to the FEGLI premiums. Since the current regulatory process does not allow OPM the flexibility to change premiums quickly and in an efficient and timely manner, we are removing the premiums from regulations. We will announce future premium changes in a public notice in the Federal Register.  
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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Agency Contact:** Terry L. Schleicher, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
**Email:** ksherid@opm.gov  
**Phone:** 202 606-0004  
**RIN:** 3206–AJ46

### 3604. Federal Long-Term Care Insurance Regulations

**Priority:** Other Significant  
**Legal Authority:** 5 USC 9008  
**CFR Citation:** 5 CFR 875  
**Legal Deadline:** None  
**Abstract:** On September 19, 2000, the Long-Term Care Security Act became law. As directed by the Act, OPM published interim regulations on February 4, 2003, which establish the basic rules under which the Federal Long Term Care Insurance Program operates. The public comment period ends on April 7, 2003.  
**Timetable:**  
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**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Agency Contact:** Kathleen Healy Sheridan, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
**Email:** kjsherid@opm.gov  
**Phone:** 202 606-0004  
**RIN:** 3206–AJ46
3605. FEDERAL EMPLOYEES’ HEALTH BENEFITS PROGRAM: PAYMENT OF PREMIUMS FOR PERIODS OF LEAVE WITHOUT PAY OR INSUFFICIENT PAY

Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 8913
CFR Citation: 5 CFR 890
Legal Deadline: None

Abstract: These regulations establish a requirement that Federal agencies counsel employees entering nonpay status, or whose pay is insufficient to cover their FEHB premium payments, of the options of continuing or terminating their FEHB coverage, and if continuing, of paying premiums directly on a current basis or incurring a debt to be withheld from future salary. These regulations are intended to ensure employees are fully aware of these alternatives. We have received comments on the interim final rule, which are under review.

Timetable:

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Barbara Myers, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0004
RIN: 3206–AJ17

3607. IMPLEMENTATION OF PREMIUM CONVERSION FOR EXECUTIVE BRANCH FEDERAL EMPLOYEES PARTICIPATING IN THE FEDERAL EMPLOYEES’ HEALTH BENEFITS (FEHB) PROGRAM

Priority: Economically Significant
Major under 5 USC 801.
Legal Authority: 26 USC 125
CFR Citation: 5 CFR 890
Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) issued regulations under the Federal Employees’ Health Benefits (FEHB) Program to enable employees of all executive branch agencies to pay their share of FEHB premiums with pre-tax dollars in accordance with section 125 of the Internal Revenue Code. OPM simultaneously amended salary allotment regulations at 5 CFR 550, because employees participating in premium conversion must allot a portion of salary to their employing agency, which agencies then use to pay the employee share of FEHB premiums.

Timetable:

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Nataya Battle, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW, Washington, DC 20515
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RIN: 3206–AJ17

3608. FEDERAL EMPLOYEES’ HEALTH BENEFITS CHILDREN’S EQUITY

Priority: Substantive, Nonsignificant
Legal Authority: PL 106-394
CFR Citation: 5 CFR 890; 5 CFR 892
Legal Deadline: None

Abstract: Public Law 106-394 requires mandatory self and family coverage for Federal Employees’ Health Benefits (FEHB) eligible employees who do not comply with a court or administrative order to provide health benefits for their children. This regulation requires that employees subject to such an order be enrolled in self and family coverage in a plan that provides full benefits to his/her child(ren) in the area where they live or provide documentation to his/her employing office that he/she has other health coverage for the children. If the employee does not enroll in an appropriate health plan or provide documentation of other coverage for the children, the employing office will enroll the employee for self and family coverage in the option of the Blue Cross and Blue Shield Service Benefit Plan that provides the lower level of coverage. This type of mandatory coverage has been in effect for several years in the private sector. This regulation defines how this requirement will be implemented in the FEHB Program.

Timetable:

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Regulatory Flexibility Analysis
Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Nataya Battle, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW, Washington, DC 20515
Phone: 202 606-1874
Email: nbattle@opm.gov
RIN: 3206–AJ34
### 3609. IMPLEMENTATION OF FLEXIBLE SPENDING ACCOUNTS FOR EXECUTIVE BRANCH FEDERAL EMPLOYEES PARTICIPATING IN THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** 26 USC 125; 26 USC 129; 26 USC 152  
**CFR Citation:** 5 CFR 892  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management (OPM) plans to issue regulations to enable employees of all executive branch agencies to elect a Health Care Flexible Spending Account (HCFSA) and/or a Dependent Care Flexible Spending Account (DCFSA) in accordance with sections 125, 129, and 152 of the Internal Revenue Code.

| Timetable: |  
| --- | --- |
| Action | Date |
| NPRM | 11/25/02 67 FR 70559 |
| Final Action | 05/00/03 |

**Regulatory Flexibility Analysis**  
**Small Entities Affected:** No  
**Government Levels Affected:** None

**Agency Contact:** Laurie Bodenheimer, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206–AJ66

### 3610. FEDERAL EXECUTIVE BOARDS

**Priority:** Info./Admin./Other  
**Legal Authority:** 5 CFR 960, Memorandum of the President for Heads of Departments and Agencies  
**CFR Citation:** 5 CFR 960  
**Legal Deadline:** None  
**Abstract:** The Office of Personnel Management proposes regulations designed to make plain language updates, and general or routine modifications with no cost implications. These regulations also will clarify language based on modifications to OPM programs.

| Timetable: |  
| --- | --- |
| Action | Date |
| Interim Final Rule | 05/00/03 |

**Regulatory Flexibility Analysis**  
**Small Entities Affected:** No  
**Government Levels Affected:** None

**Agency Contact:** Paula L. Bridgham, Division for Human Capital Leadership and Merit System Accountability, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206–AJ68

### 3611. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** EO 12549  
**CFR Citation:** 5 CFR 970  
**Legal Deadline:** None  
**Abstract:** These regulations will implement within OPM the provisions of the Governmentwide nonprocurement suspension and debarment common rule.

| Timetable: |  
| --- | --- |
| Action | Date |
| NPRM | 01/23/02 67 FR 3266 |
| NPRM Comment Period End | 03/25/02 |
| Final Action | 05/00/03 |

**Regulatory Flexibility Analysis**  
**Small Entities Affected:** None  
**Government Levels Affected:** None

**Agency Contact:** Anne Easton, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0004  
Email: aseaston@opm.gov  
**RIN:** 3206–AI65
3613. PAY ADMINISTRATION; AVAILABILITY PAY FOR CRIMINAL INVESTIGATORS
Priority: Substantive, Nonsignificant
Legal Authority: 5 USC 5545(h); 5 USC 5548
CFR Citation: 5 CFR 550
Legal Deadline: None
Abstract: These final regulations will clarify a number of issues relating to the administration of availability pay, a form of premium pay for criminal investigators who are required to work, or be available to work, substantial amounts of unscheduled overtime duty based on the needs of the employing agency.

Timetable:
Action Date
Interim Final Rule 04/23/91 56 FR 18650
Interim Final Rule 09/16/94 59 FR 47527
Interim Final Rule 10/17/94
Effective Date
Next Action Undetermined

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Kevin Kitchelt, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415
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Email: payleave@opm.gov
RIN: 3206–AJ49

3614. PERSONNEL SECURITY AND RELATED PROGRAMS
Priority: Other Significant
Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577
CFR Citation: 5 CFR 732
Legal Deadline: None
Abstract: With the abolishment of the Federal Personnel Manual (FPM), certain policies and procedures enunciated in the FPM are being considered for publication in another format.

Timetable:
Action Date
Interim Final Rule 03/19/01 66 FR 15605
Interim Final Rule 03/19/01 Effective
Final Action 05/00/04

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Cynthia Reinhold, Division for Strategic Human Resources Policy, Office of Personnel Management, Division for Strategic Human Resources Policy, 1900 E Street NW., Washington, DC 20415
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Email: payleave@opm.gov
RIN: 3206–AJ38

3615. INVESTIGATIONS
Priority: Other Significant
Legal Authority: PL 93-579; 5 USC 552a
CFR Citation: 5 CFR 736
Legal Deadline: None
Abstract: With the abolishment of the Federal Personnel Manual (FPM), certain policies and procedures enunciated in the FPM are being considered for publication in another format.

Timetable:
Action Date
Interim Final Rule 04/23/91 56 FR 18650
Begin Review 10/01/93
Interim Final Rule 09/16/94 59 FR 47527
Next Action Undetermined

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None

Agency Contact: Kathy Dillaman, Associate Director, Investigations Service, Office of Personnel Management, Division for Strategic Human Resources Policy, 1900 E Street NW., Washington, DC 20415-4000
Phone: 202 606-1042
RIN: 3206–AC21

3616. CORRECTION OF RETIREMENT COVERAGE ERRORS UNDER THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTION ACT
Priority: Substantive, Nonsignificant
Legal Authority: PL 106-265
CFR Citation: 5 CFR 839
Legal Deadline: None
Abstract: The Office of Personnel Management is amending its regulations to include new rules for correcting certain retirement coverage errors. We are amending the regulations to implement the provisions of the Federal Erroneous Retirement Coverage Corrections Act (FERCCA), title II of Public Law 106-265. The regulations will allow agencies to correct affected coverage errors.

Timetable:
Action Date
Interim Final Rule 03/19/01 66 FR 15605
Interim Final Rule 03/19/01 Effective
Final Action 05/00/04

Regulatory Flexibility Analysis Required: No
Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Kathy Dillaman, Associate Director, Investigations Service, Office of Personnel Management, Division for Strategic Human Resources Policy, 1900 E Street NW., Washington, DC 20415-4000
Phone: 202 606-1042
RIN: 3206–AB92
### 3617. EXCEPTED SERVICE—SCHEDULE A AUTHORITY FOR CHINESE, JAPANESE, AND HINDI INTERPRETERS

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 5 CFR 213

**Completed:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Agency Levels Affected:** None

**Agency Contact:**  
Tina Vay  
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Email: cmvay@opm.gov

**RIN:** 3206–AJ43

### 3618. PREVAILING RATE SYSTEMS; DEFINITION OF SANTA CLARA, CALIFORNIA, NONAPPROPRIATED FUND WAGE AREA

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 5 CFR 532

**Completed:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Agency Levels Affected:** None

**Agency Contact:**  
Mark Allen  
Phone: 202 606-2848  
Fax: 202 606-4264  
Email: maallen@opm.gov

**RIN:** 3206–AJ63

### 3619. PREVAILING RATE SYSTEMS; CHANGE IN FEDERAL WAGE SYSTEM SURVEY JOB

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 5 CFR 532

### Completed Actions

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**Regulatory Flexibility Analysis**

**Required:** No

**Agency Levels Affected:** None

### 3620. PREVAILING RATE SYSTEMS; REDEFINITION OF THE SCRANTON-WILKES-BARRE, PENNSYLVANIA, APPROPRIATED FUND WAGE AREA

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 5 CFR 532

**Completed:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Agency Levels Affected:** None

**Agency Contact:**  
Chenty Carpenter  
Phone: 202 606-2848  
Fax: 202 606-4264  
Email: cola@opm.gov

**RIN:** 3206–AJ64

### 3621. BASIC PAY FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS

**Priority:** Substantive, Nonsignificant  
**CFR Citation:** 5 CFR 534

**Completed:**

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**Regulatory Flexibility Analysis**

**Required:** No

**Agency Levels Affected:** None

**Agency Contact:**  
J. David Cope  
Phone: 202 606-2851  
Fax: 202 606-2153  
Email: jdcope@opm.gov

**RIN:** 3206–AD76

[FR Doc. 03–11813 Filed 05/16/03; 8:45 am]  
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