



Federal Register

**Monday,
December 22, 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.

FOR FURTHER INFORMATION CONTACT: Valerie Kline, (202) 606-1973.

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 continue to do so as the project progresses.

This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. OPM's Statement of Regulatory Priorities is included in part II.

U.S. Office of Personnel Management.
Kay Coles James,
Director.

Office of Personnel Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3710	Personnel Management in Agencies	3206—AJ95
3711	Amendment to Selective Service Registration Requirements	3206—AI52
3712	Employment in the Excepted Service	3206—AH83
3713	Veterans Recruitment Appointments	3206—AJ90
3714	Employment of Relatives	3206—AK03
3715	Merit Promotion and Internal Placement	3206—AI20
3716	Other Than Full—Time Employment (Part—Time, Seasonal, Intermittent)	3206—AI22
3717	Order of Release from Competitive Level	3206—AI96
3718	Reemployment Rights	3206—AI19
3719	Training	3206—AJ19
3720	Performance Management	3206—AJ80
3721	Certified Performance Appraisal Systems and Aggregate Limitation on Pay	3206—AJ86
3722	Personnel Management Research Programs and Demonstration Projects	3206—AJ67
3723	Classification Under the General Schedule	3206—AH38
3724	Miscellaneous Changes and Standardization of Pay and Leave Regulations	3206—AJ85
3725	Superior Qualifications Appointments	3206—AI00
3726	Locality—Based Comparability Payments; Redefinition of Locality Pay Areas	3206—AJ45
3727	Post Differentials (Nonforeign Areas); Palmyra Atoll	3206—AK00
3728	Prevailing Rate Systems; Redefinition of the San Francisco, California, Nonappropriated Fund Wage Area	3206—AK26
3729	Reemployment of Civilian Retirees To Meet Exceptional Employment Needs	3206—AI32
3730	List of Agents Designated to Accept Legal Process	3206—AJ83
3731	Retirement—State Income Tax Withholding Instrumentalities	3206—AH62
3732	Federal Employees' Health Benefits Program: Continuing FEHB Coverage Into Retirement	3206—AI62
3733	Changes in Health Benefits Enrollment	3206—AK04
3734	Federal Employees' Group Life Insurance Federal Acquisition Regulation	3206—AI65
3735	Implementation of Additional Cost Principles in the Federal Employees' Health Benefits Program	3206—AJ10
3736	Retirement—Court Orders Awarding Survivor Annuities; Correcting or Supplementing the First Order Dividing Marital Property	3206—AG28
3737	Retirement—Credit for Military Service	3206—AG58
3738	Retirement—FERS Elections of Coverage	3206—AG96
3739	Probation on Initial Appointment to a Competitive Position	3206—AI47
3740	Competitive Service and Competitive Status	3206—AJ75
3741	Information Technology Exchange Program	3206—AJ91
3742	Strategic Human Capital Management Assessment	3206—AJ92

OPM

Office of Personnel Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3743	Basic Concepts and Definitions (General)	3206—AJ98
3744	Excepted Service—Career and Career—Conditional Employment	3206—AJ28
3745	Excepted Service—Temporary Organizations	3206—AJ70
3746	Detail of Government Employees Between the Executive Branch and the Legislative Branch	3206—AK05
3747	Reasonable Accommodation Language for Vacancy Announcements	3206—AJ11
3748	Recruitment and Selection Through Competitive Examination	3206—AJ52
3749	Temporary Assignment of Employees Between Federal, State, Local, and Indian Tribal Governments	3206—AJ94
3750	Promotion and Internal Placement; Accelerated Qualifications	3206—AG19
3751	Awards	3206—AJ65
3752	Official Duty Station Determinations for Pay Purposes	3206—AH84
3753	Pay Under the General Schedule; Subpart F—Locality—Based Comparability Payments	3206—AJ62
3754	Job Grading Reviews and Appeals of Federal Wage System Employees	3206—AI14
3755	Prevailing Rate Systems; Redefinition of the North Dakota and Duluth, Minnesota, Appropriated Fund Wage Areas	3206—AJ78
3756	Prevailing Rate Systems; Change in Federal Wage System Survey Job and Miscellaneous Change	3206—AJ79
3757	Pay Administration; Availability Pay for Criminal Investigators	3206—AJ49
3758	Premium Pay Limitations	3206—AJ56
3759	Pretax Allotments for Flexible Spending Accounts	3206—AJ88
3760	Retention Allowances	3206—AJ48
3761	Extended Assignment Incentives	3206—AJ87
3762	Voluntary Separation Incentive Payments (VSIPs)	3206—AJ76
3763	Prevailing Rate Systems; Change in the Survey Month for the Bureau of Reclamation Mid—Pacific Region Survey	3206—AK06
3764	Physician's Comparability Allowances	3206—AJ96
3765	Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 ..	3206—AJ93
3766	Employee Responsibilities and Conduct	3206—AJ74
3767	Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees	3206—AJ77
3768	Retirement; Coverage—Nonappropriated Fund Instrumentalities	3206—AH57
3769	Coverage for Certain Employees of the District of Columbia	3206—AI02
3770	Retirement, Health, and Life Insurance Coverage for Certain Employees of the District of Columbia Under the Dis-	
	trict of Columbia Courts and Justice Technical Corrections Act of 1998	3206—AI55
3771	Law Enforcement Officer and Firefighter Retirement	3206—AJ39
3772	Continuation of Eligibility for Certain Civil Service Benefits for Former Federal Employees of the Civilian Marks-	
	manship Program	3206—AJ55
3773	Retirement—Federal Employees Retirement System; Basic Annuity	3206—AJ82
3774	Retirement—Debt Collection	3206—AE72
3775	Correction of Retirement Coverage Errors Under the Federal Erroneous Retirement Coverage Correction Act	3206—AJ38
3776	Retirement Coverage and Service Credit Elections Available to Current and Former Nonappropriated Fund Em-	
	ployees	3206—AJ72
3777	Federal Employees' Group Life Insurance Program: Miscellaneous Changes and Clarifications	3206—AG63
3778	Federal Employees' Group Life Insurance: Removal of Premiums and Age Bands from Regulations	3206—AJ46
3779	Federal Long—Term Care Insurance Regulations	3206—AJ71
3780	Federal Employees' Health Benefits Program: Payment of Premiums for Periods of Leave Without Pay or Insuffi-	
	cient Pay	3206—AG66
3781	Federal Employees' Health Benefits Children's Equity	3206—AJ34
3782	Financial Sanctions of Health Care Providers in the Federal Employees' Health Benefits Program	3206—AJ42
3783	Employees Responsible for the Management or Use of Federal Computer Systems	3206—AJ84
3784	General and Miscellaneous	3206—AJ97
3785	Retirement—FERS Basic Annuity	3206—AE73
3786	Time—In—Grade Restrictions	3206—AG06
3787	Federal Employees' Health Benefits Program: Effective Dates	3206—AI37
3788	Grade and Pay Retention	3206—AI88
3789	Federal Employees' Health Benefits Acquisition Regulation: Large Provider Agreements, Subcontracts, and Mis-	
	cellaneous Changes	3206—AJ20
3790	Implementation of Flexible Spending Accounts for Executive Branch Federal Employees Participating in the Fed-	
	eral Employees Health Benefits Program	3206—AJ66
3791	Federal Executive Boards	3206—AJ68
3792	OPM Employee Responsibilities and Conduct	3206—AJ69
3793	Posting Regulations	3206—AJ73

OPM

Office of Personnel Management—Long—Term Actions

Sequence Number	Title	Regulation Identification Number
3794	Personnel Security and Related Programs	3206—AC21
3795	Investigations	3206—AB92
3796	Retirement—General Administration	3206—AI83

Office of Personnel Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
3797	Implementation of Premium Conversion for Executive Branch Federal Employees Participating in the Federal Employees' Health Benefits (FEHB) Program	3206—AJ17
3798	Governmentwide Debarment and Suspension (Nonprocurement)	3206—AJ31
3799	Protests, Disputes, and Appeals	3206—AK07

Office of Personnel Management (OPM)

Proposed Rule Stage

3710. ● PERSONNEL MANAGEMENT IN AGENCIES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: PL 107—296

CFR Citation: 5 CFR 250

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ95

3711. 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.

Timetable:

Action	Date	FR Cite
NPRM	03/29/99	64 FR 14842
NPRM Comment Period End	04/28/99	
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AI52

3712. 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.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AH83

OPM

Proposed Rule Stage

3713. 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 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

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RIN: 3206—AJ90**3714. • EMPLOYMENT OF RELATIVES****Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 3110**CFR Citation:** 5 CFR 310**Legal Deadline:** None

Abstract: A plain language rewrite of the regulations to make them more readable.

Timetable:

Action	Date	FR Cite
NPRM	09/22/03	68 FR 55012
NPRM Comment Period End	11/21/03	

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

Agency Contact: Raleigh M. Neville, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
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Fax: 202 606—0023

RIN: 3206—AK03**3715. 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 provide agencies with greater flexibility and to clarify existing flexibility, the Office of Personnel Management 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

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

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RIN: 3206—AI20**3716. 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: These proposed regulations will grant 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, includes plain language changes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

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

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RIN: 3206—AI22**3717. 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:

Action	Date	FR Cite
NPRM	07/00/04	

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
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RIN: 3206—AI96**3718. 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

OPM

Proposed Rule Stage

certain conditions to maintain FERS and FICA retirement coverage. The current regulations require updates because they mention only CSRS retirement.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AI19

3719. TRAINING

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410; 5 CFR 410.309; 5 CFR 410.404; 5 CFR 410.505

Legal Deadline: None

Abstract: The Office of Personnel Management is issuing proposed regulations to address continued service requirements in light of new legislation authorizing the expanded authority for payment of academic degrees. Proposed changes will restore the allowance for agency heads to delegate authority to define requirements for continued service and provide guidance concerning circumstances when the requirement for continued service can be waived. Proposed regulations will also clarify distinctions between training and meetings.

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	
Final Action	02/00/05	

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

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RIN: 3206—AJ19

3720. 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:

Action	Date	FR Cite
NPRM	05/00/04	

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
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RIN: 3206—AJ80

3721. CERTIFIED PERFORMANCE APPRAISAL SYSTEMS AND AGGREGATE LIMITATION ON PAY

Priority: Substantive, Nonsignificant

Legal Authority: PL 107—296; 5 USC 5305; 5 USC 5307; EO 12748, 3 CFR, 1991 Comp, PL 101—509; PL 103—89

CFR Citation: 5 CFR 430

Legal Deadline: None

Abstract: The Office of Personnel Management, jointly with the Office of Management and Budget, is issuing proposed regulations to implement a recent statutory amendment increasing the aggregate limitation on pay for employees in Senior Executive Service and scientific or professional positions to the total annual compensation payable to the Vice President. The proposed regulations establish the performance appraisal systems certification requirements that must be

met to use the higher aggregate limitation on pay.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

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
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RIN: 3206—AJ86

3722. PERSONNEL MANAGEMENT RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 4703

CFR Citation: 5 CFR 470

Legal Deadline: None

Abstract: The Personnel Management Research Programs and Demonstration Projects regulations require revision to increase understanding, clarify interpretation, and ease implementation. Such revisions will enhance the freedom to manage within the Federal Government by providing clarity and eliminating ambiguities in the language of the regulations and making clear the intent and requirements of the law. The revisions will also serve to streamline the current provisions for research programs and demonstration projects, and provide more flexibility to agencies for testing and establishing alternatives to recruit, retain, and manage a high quality workforce.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

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

OPM

Proposed Rule Stage

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RIN: 3206—AJ67

3723. CLASSIFICATION UNDER THE GENERAL SCHEDULE

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5112

CFR Citation: 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:

Action	Date	FR Cite
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Leslie J. Pollack,
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RIN: 3206—AH38

3724. 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 6387; 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:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ85

3725. SUPERIOR QUALIFICATIONS APPOINTMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5333

CFR Citation: 5 CFR 531

Legal Deadline: None

Abstract: The Office of Personnel Management proposes to revise regulations concerning the appointment of superior candidates above the minimum rate of pay for General Schedule positions. The proposed changes clarify and modify what agencies should consider when making these superior qualifications appointments.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AI00

3726. LOCALITY—BASED COMPARABILITY PAYMENTS; REDEFINITION OF LOCALITY PAY AREAS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5304

CFR Citation: 5 CFR 531, subpart F

Legal Deadline: None

Abstract: The Office of Personnel Management plans to issue a proposed rule that would redefine one or more existing locality pay areas for General Schedule employees based on recommendations of the Federal Salary Council.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ45

3727. • POST DIFFERENTIALS (NONFOREIGN AREAS); PALMYRA ATOLL

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 5941

CFR Citation: 5 CFR 591

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is issuing interim regulations to establish Palmyra Atoll as a place at which the Government pays a post differential. The Government pays post differentials to certain civilian Federal employees in specified nonforeign areas as a recruitment incentive based on conditions of environment in the local area compared with conditions in the continental United States. The Department of Interior has asked OPM to establish Palmyra Atoll as a post differential area.

OPM

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

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

Agency Contact: Donald L. Paquin, Human Resources and Systems Service, Office of Compensation Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606—2838

RIN: 3206—AK00

3728. ● PREVAILING RATE SYSTEMS; REDEFINITION OF THE SAN FRANCISCO, CALIFORNIA, NONAPPROPRIATED FUND WAGE AREA

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 5343**CFR Citation:** 5 CFR 532**Legal Deadline:** None

Abstract: The Office of Personnel Management plans to issue a rule that would abolish the San Francisco, CA, nonappropriated fund Federal Wage System wage area. San Francisco County, the sole county of the wage area, would be placed in the Santa Clara, CA, nonappropriated fund wage area as an area of application.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	01/00/04	
Final Action	04/00/04	

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

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RIN: 3206—AK26

3729. 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

Abstract: The Office of Personnel Management proposes regulations to establish new criteria for granting exceptions for key positions in temporary organizations established by law or Executive order. This rule will also expand and clarify the criteria used in exercising this authority.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

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

Agency Contact: Larry Lorenz, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
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RIN: 3206—AI32

3730. 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	04/00/04	

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

Agency Contact: Darlene M. Carr, Office of the General Counsel, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415—1300

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RIN: 3206—AJ83

3731. 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.

Timetable:

Action	Date	FR Cite
NPRM	06/23/99	64 FR 33429
Second NPRM	02/00/04	

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

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RIN: 3206—AH62

3732. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: CONTINUING FEHB COVERAGE INTO RETIREMENT

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

Abstract: This proposed regulation would increase OPM's ability to waive requirements for continuing health benefits coverage into retirement when it is to the advantage of the Government to do so.

OPM

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AI62

3733. • CHANGES IN HEALTH BENEFITS ENROLLMENT

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 8913; 50 USC 403p; 22 USC 4069c

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: OPM is issuing proposed regulation on changes in health benefits enrollment for annuitants or survivor annuitants when a carrier terminates participation in the Federal Employees Health Benefits (FEHB) Program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AK04

3734. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE FEDERAL ACQUISITION REGULATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8716; 40 USC 486(C)

CFR Citation: 48 CFR 1.301

Legal Deadline: None

Abstract: This proposed regulation would revise the existing Federal Employees' Group Life Insurance Federal Acquisition Regulation (LIFAR) by updating and revising policy regulations with respect to the acquisition and administration of life insurance contracts for Federal employees.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	
Final Action	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AI65

3735. 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ10

3736. RETIREMENT—COURT ORDERS AWARDING SURVIVOR ANNUITIES; CORRECTING OR SUPPLEMENTING THE FIRST ORDER DIVIDING MARITAL PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 838

Legal Deadline: None

Abstract: These regulations would establish standards for determining which supplemental or correcting court orders are not "modifications" and the procedures applicable to such orders. They also provide for the continuation of the former spouse's survivor coverage and the reduction in the retiree's annuity until the State court decides the extent of the former spouse's rights to retirement benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3206—AG28

3737. 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 8347(a); 5 CFR 8461(g); 5 CFR 842.306; 5 CFR 842.307

Legal Deadline: None

Abstract: These regulations implement changes in the treatment of certain military service under CSRS and FERS required under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

OPM

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	05/00/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 3206—AG58**3738. 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:

Action	Date	FR Cite
Interim Final Rule	05/21/87	52 FR 19235
Interim Final Rule	09/13/93	58 FR 47821
Interim Final Rule	06/18/98	63 FR 33231
NPRM	12/00/03	
Final Action	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 3206—AG96**3739. 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.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

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

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RIN: 3206—AI47**3740. 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 (OPM) 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	06/00/04	

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

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RIN: 3206—AJ75**3741. 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 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

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

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RIN: 3206—AJ91**3742. STRATEGIC HUMAN CAPITAL MANAGEMENT ASSESSMENT****Priority:** Other Significant**Legal Authority:** PL 107—296**CFR Citation:** 5 CFR 250

OPM

Proposed Rule Stage

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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RIN: 3206—AJ92

Office of Personnel Management (OPM)

Final Rule Stage

3743. • BASIC CONCEPTS AND DEFINITIONS (GENERAL)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 210

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is proposing a plain language rewrite of its regulations on basic concepts and definitions of part 210 as part of a broader review of OPM's regulations. The purpose of the revisions is to make the regulations more readable.

Timetable:

Action	Date	FR Cite
NPRM	06/30/03	68 FR 38644
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ98

3744. 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:

Action	Date	FR Cite
Interim Final Rule	12/14/00	65 FR 78077
Interim Final Rule Effective	12/14/00	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ28

3745. EXCEPTED 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:

Action	Date	FR Cite
Interim Final Rule	05/08/03	68 FR 24605
Interim Final Rule Effective	05/08/03	
Interim Final Rule Comment Period End	07/07/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ70

3746. • DETAIL OF GOVERNMENT EMPLOYEES BETWEEN THE EXECUTIVE BRANCH AND THE LEGISLATIVE BRANCH

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 1103

CFR Citation: 5 CFR 300

Legal Deadline: None

Abstract: OPM is proposing new regulations regarding the detail of executive branch employees to the legislative branch. The purpose of the revision is to set forth guidelines for

OPM

Final Rule Stage

executive branch detailees to the legislative branch.

Timetable:

Action	Date	FR Cite
NPRM	09/09/03	68 FR 53054
NPRM Comment Period End	10/24/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AK05

3747. 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:

Action	Date	FR Cite
Interim Final Rule	12/11/01	66 FR 63905
Interim Final Rule Effective	01/10/02	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ11

3748. RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 332

Legal Deadline: None

Abstract: OPM is issuing an interim regulation to allow agencies to decide how candidates are referred for competitive appointment when agencies fill multiple vacancies simultaneously. We are codifying a long-standing practice (5 U.S.C. 3301 and 5 U.S.C. 3302) of providing agencies with the option of either certifying a candidate for only one vacancy at a time, or certifying a candidate simultaneously for all vacancies for which that candidate expresses an interest, is eligible, and is within reach.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/02	67 FR 7055
Interim Final Rule Effective	02/15/02	
Final Action	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ52

3749. • TEMPORARY ASSIGNMENT OF EMPLOYEES BETWEEN FEDERAL, STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 3376

CFR Citation: 5 CFR 334

Legal Deadline: None

Abstract: These regulations address the temporary assignment of employees to and from State and local governments, colleges, and universities, Indian tribal

governments and selected nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	08/22/03	68 FR 50726
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ94

3750. 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:

Action	Date	FR Cite
NPRM	02/20/96	61 FR 6324
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3206—AG19

3751. AWARDS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 4506

OPM

Final Rule Stage

CFR Citation: 5 CFR 450, subpart C

Legal Deadline: None

Abstract: Regulations at 5 C.F.R. 450, subpart C (new), implement provisions of Public Law 107—67 (5 U.S.C. 4507a) that extend eligibility for Presidential Rank Awards to certain senior level employees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/13/02	67 FR 52595
Interim Final Rule Effective	09/12/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ65

3752. 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: These interim regulations 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:

Action	Date	FR Cite
Interim Final Rule	05/09/97	62 FR 25423
Interim Final Rule Comment Period End	07/08/97	
Final Action	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AH84

3753. PAY UNDER THE GENERAL SCHEDULE; SUBPART F—LOCALITY—BASED COMPARABILITY PAYMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5304

CFR Citation: 5 CFR 531

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.

Timetable:

Action	Date	FR Cite
NPRM	09/11/02	67 FR 57536
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ62

3754. 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:

Action	Date	FR Cite
Interim Final Rule	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gary D. Wahlert, Human Resources System Service, Family Programs and Employee Relations Div., Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
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RIN: 3206—AI14

3755. 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 Mahnonen County, Minnesota, from the North Dakota to the Duluth, Minnesota, Federal Wage System Wage Area.

Timetable:

Action	Date	FR Cite
NPRM	08/22/03	68 FR 50727
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

OPM

Final Rule Stage

Government Levels Affected: None

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RIN: 3206—AJ78

3756. 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:

Action	Date	FR Cite
NPRM	08/12/03	68 FR 47877
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ79

3757. 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	FR Cite
Interim Final Rule	12/23/94	59 FR 66149
Second Interim Final Rule	01/29/99	64 FR 4517
Final Action	09/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ49

3758. 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/19/02	67 FR 19319
Interim Final Rule Effective	04/29/02	
Final Action	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ56

3759. PRETAX ALLOTMENTS FOR FLEXIBLE SPENDING ACCOUNTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5527; EO 10982; 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ88

3760. RETENTION ALLOWANCES

Priority: Other Significant. Major under 5 USC 801.

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.

OPM

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/10/01	66 FR 5491
NPRM Comment Period End	03/20/01	
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ48

3761. 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 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/12/03	68 FR 53667
Interim Final Rule Effective	09/12/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ87

3762. VOLUNTARY SEPARATION INCENTIVE PAYMENTS (VSIPS)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107—296

CFR Citation: 5 CFR 576

Legal Deadline: None

Abstract: Public Law 106—297, the Homeland Security Act of 2002, requires that most Federal agencies request the authority to offer VSIPs to their employees from the Office of Personnel Management. This change in VSIP procedures has been incorporated into 5 CFR 576 through interim regulations published February 4, 2003. The law also contains the VSIP repayment waiver provisions that were previously found in the interim regulations published under RIN 3206—AG20.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/04/03	68 FR 5529
Interim Final Rule Effective	02/04/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ76

3763. • PREVAILING RATE SYSTEMS; CHANGE IN THE SURVEY MONTH FOR THE BUREAU OF RECLAMATION MID—PACIFIC REGION SURVEY

Priority: Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 5343

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: The Office of Personnel Management plans to issue a proposed

rule that would change the timing of annual wage surveys conducted by the Bureau of Reclamation to determine prevailing rates of pay for supervisors of negotiated rate wage employees in its Mid—Pacific Region.

Timetable:

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62027
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AK06

3764. • PHYSICIAN'S COMPARABILITY ALLOWANCES

Priority: Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 5948; 5 USC 5548

CFR Citation: 5 CFR 595

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is issuing proposed regulations as part of OPM's plain language rewrite initiative. The proposed regulations have been converted to a question—and—answer format and rewritten to ease reader understanding and improve the administration of this program.

Timetable:

Action	Date	FR Cite
NPRM	07/29/03	68 FR 44489
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ96

OPM

Final Rule Stage

3765. IMPLEMENTATION OF TITLE II OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107—174, sec. 204; Presidential Memorandum dated July 8, 2003**CFR Citation:** 5 CFR 724**Legal Deadline:** Final, Statutory, October 1, 2003, Final.

The President assigned the responsibility to the Office of Personnel Management to issue regulations implementing title II of the Act by October 1, 2003 .

Abstract: The Office of Personnel Management is proposing interim regulations that would implement Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. The Act requires that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. The regulations would clarify Federal agency reporting and training requirements under the Act and prescribe the procedures for reimbursement of the Judgment Fund.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/03	

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

Agency Contact: Gary D. Wahler, Human Resources System Service, Family Programs and Employee Relations Div., Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606—2920

RIN: 3206—AJ93**3766. EMPLOYEE RESPONSIBILITIES AND CONDUCT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 7301; EO 12674, 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.

Timetable:

Action	Date	FR Cite
NPRM	01/15/03	68 FR 1987
Final Action	12/00/03	

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
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RIN: 3206—AJ74**3767. AGENCY USE OF APPROPRIATED FUNDS FOR CHILD CARE COSTS FOR LOWER INCOME EMPLOYEES****Priority:** Other Significant**Legal Authority:** PL 106—58, sec 643; PL 107—76**CFR Citation:** 5 CFR 792, subpart B**Legal Deadline:** None

Abstract: The Office of Personnel Management (OPM) is issuing interim regulations to revise the final regulations issued March 14, 2000, implementing the child care subsidy program legislation. We are issuing interim regulations because Congress made permanent the law authorizing agencies in the executive branch of the Federal Government to assist lower income employees with their child care costs, thus making child care more affordable for those employees. OPM is also issuing these revisions as part of a broader review of OPM's regulations to make the regulations more readable.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/24/03	68 FR 14127
Final Action	12/00/03	

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

Agency Contact: Bonnie Storm, Division for Strategic Human Resources

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Phone: 202 606—1313

RIN: 3206—AJ77**3768. 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, Final.

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:

Action	Date	FR Cite
Interim Final Rule	08/09/96	61 FR 41714
Final Action	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 3206—AH57**3769. 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

OPM

Final Rule Stage

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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/97	62 FR 50995
Interim Final Rule	12/01/97	
Comment Period End		
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3206—AI02

3770. RETIREMENT, HEALTH, AND LIFE INSURANCE COVERAGE FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA UNDER THE DISTRICT OF COLUMBIA COURTS AND JUSTICE TECHNICAL CORRECTIONS ACT OF 1998

Priority: Substantive, Nonsignificant

Legal Authority: PL 105—274

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 interim regulations implement the District of Columbia Courts and Justice Technical Corrections Act of 1998. The effect of these regulations is to extend Federal retirement, health insurance, and life insurance coverage to employees of the Public Defender Service of the District of Columbia under section 7 of the Act, and to exclude certain former employees of the District of Columbia, who are hired by the Department of Justice or by the Court Services and Offender Supervision Agency, from Federal retirement coverage if they elect, under section 3 of the Act, to continue their coverage under a

retirement system for employees of the District of Columbia.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/99	64 FR 15286
Interim Final Rule	06/29/99	
Comment Period End		
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AI55

3771. LAW ENFORCEMENT OFFICER AND FIREFIGHTER RETIREMENT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 831; 5 CFR 842

Legal Deadline: None

Abstract: The Office of Personnel Management is issuing an interim rule that permits certain police officers with the Metropolitan Washington Airports Authority to elect coverage under the special retirement provisions for law enforcement officers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/25/01	66 FR 38523
Interim Final Rule	07/25/01	
Effective		
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ39

3772. CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF THE CIVILIAN MARKSMANSHIP PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: Sec 1622(b), PL 104—106, 110 Stat 515

CFR Citation: 5 CFR 831; 5 CFR 842; 5 CFR 870; 5 CFR 890

Legal Deadline: None

Abstract: These regulations describe conditions and procedures applicable to continuation of eligibility for certain Civil Service benefits for former Federal employees of the Civilian Marksmanship Program.

Timetable:

Action	Date	FR Cite
NPRM	06/03/02	67 FR 38210
NPRM Comment Period End	08/02/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ55

3773. 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: Public Law 107—296 authorized agencies to request voluntary early retirement authority (VERA) based on a need for workforce reshaping. Previously, agencies could only request VERA based on demonstrated need to downsize. Public Law 107—296 also provided workforce reshaping flexibility to agencies requesting the authority to offer voluntary separation incentive payments (VSIP). Interim regulations amending 5 CFR part 576 have already been issued to cover the VSIP

OPM

Final Rule Stage

flexibility. Interim regulations revising parts 831 and 842 of 5 CFR are urgently needed so that agencies can request both VERA and VSIP based on the need for workforce reshaping. At the moment, they can only request VSIP on this basis—which hampers their ability to accomplish the goals set out in the President's management agenda.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/03	68 FR 35270
Final Action	01/00/04	

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

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RIN: 3206—AJ82**3774. 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.

Timetable:

Action	Date	FR Cite
NPRM	10/05/92	57 FR 45753
Final Action	02/00/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

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RIN: 3206—AE72**3775. 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	FR Cite
Interim Final Rule	03/19/01	66 FR 15605
Interim Final Rule Effective	03/19/01	
Final Action	05/00/04	

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

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RIN: 3206—AJ38**3776. 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	12/28/01	
Interim Final Rule Final Action	01/16/03	68 FR 2175
	03/00/04	

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

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RIN: 3206—AJ72**3777. 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:

Action	Date	FR Cite
NPRM	10/27/00	65 FR 64530
Final Action	06/00/04	

OPM

Final Rule Stage

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

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RIN: 3206—AG63**3778. 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/03	68 FR 17315
Final Action	10/04/03	68 FR 59081
Final Action Effective	11/13/03	

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

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RIN: 3206—AJ46**3779. 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 ended on April 7, 2003.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/04/03	68 FR 5531
Interim Final Rule Effective	02/04/03	
Interim Final Rule Comment Period End	04/07/03	
Final Action	12/00/03	

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

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RIN: 3206—AJ71**3780. 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:

Action	Date	FR Cite
Interim Final Rule	07/22/96	61 FR 37807
Final Action	12/00/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 3206—AG66**3781. 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

OPM

Final Rule Stage

how this requirement will be implemented in the FEHB Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/03	68 FR 56523
Interim Final Rule Effective	10/31/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ34

3782. 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 1998 (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:

Action	Date	FR Cite
NPRM	02/10/03	68 FR 6649
NPRM Comment Period End	04/11/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ42

3783. 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 revise the rules that govern the training of employees responsible for the management or use of Federal computer systems. The proposal refers the user to the National Institute of Standards and Technology (NIST) website, which will have the most current information on computer security awareness and training guidelines and removes text that is included on the NIST website, thus, streamlining the regulation where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	09/04/03	68 FR 52528
Final Action	05/00/04	

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
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RIN: 3206—AJ84

3784. • GENERAL AND MISCELLANEOUS

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 CFR 1

CFR Citation: 5 CFR 990

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is proposing to remove its regulation concerning the submission of claims by preference eligibles to OPM and the recognition of representatives by OPM. The existing regulation is now obsolete.

Timetable:

Action	Date	FR Cite
NPRM	05/27/03	68 FR 28806
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Raleigh M. Neville, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
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RIN: 3206—AJ97

3785. RETIREMENT—FERS BASIC ANNUITY

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 842, subparts B to G

Legal Deadline: None

Abstract: These final regulations will amend FERS Basic Annuity regulations governing Eligibility (subpart B), Credit for Service (subpart C), Computations (subpart F), and Alternative Forms of Annuity (subpart G). These regulations have been published at various times in interim final form, and have been affected by statutory changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/87	52 FR 2061
Interim Final Rule	01/16/87	52 FR 2067
Interim Final Rule	02/11/87	52 FR 4473
Interim Final Rule	02/11/87	52 FR 4479
Interim Final Rule	05/14/87	52 FR 18193
Interim Final Rule	04/08/88	53 FR 11635
Interim Final Rule	02/09/90	55 FR 4598
Final Rule	12/27/90	55 FR 53136
Interim Final Rule	02/19/91	56 FR 6549
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No

OPM

Final Rule Stage

Government Levels Affected: None

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RIN: 3206—AE73

3786. 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:

Action	Date	FR Cite
NPRM	06/15/94	59 FR 30717
NPRM Comment Period End	01/10/95	60 FR 2546
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3206—AG06

3787. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: EFFECTIVE DATES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: This final regulation would adopt January 1 as the effective date for all open season enrollment changes and new enrollment in the Federal Employees' Health Benefits Program.

Timetable:

Action	Date	FR Cite
NPRM	08/31/98	63 FR 46180
NPRM Comment Period End	09/30/98	
Final Action	08/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AI37

3788. 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 discretionary authority 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:

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33785
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AI88

3789. 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 1602; ...

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/15/03	68 FR 10000
Final Action	06/00/04	

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
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RIN: 3206—AJ20

3790. 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 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

OPM

Final Rule Stage

Spending Account (DCFSA) in accordance with sections 125, 129, and 152 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael W. Kaszynski, Retirement and Insurance Services, Office of Personnel Management, Insurance Policy and Information Division, 1900 E Street NW., Washington, DC 20415
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RIN: 3206—AJ66

3791. 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 (OPM) 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	FR Cite
NPRM	11/25/02	67 FR 70559
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

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

3792. 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's 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.

Timetable:

Action	Date	FR Cite
NPRM	11/20/02	67 FR 70029
Final Action	12/00/03	

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

3793. 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 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.

Timetable:

Action	Date	FR Cite
NPRM	03/06/03	68 FR 10667
NPRM Comment Period End	05/05/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AJ73

Office of Personnel Management (OPM)

Long-Term Actions

3794. 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	FR Cite
Interim Final Rule	04/23/91	56 FR 18650
Interim Final Rule	09/16/94	59 FR 47527
Interim Final Rule Effective Date	10/17/94	
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

OPM

Long-Term Actions

Phone: 202 606—1042

RIN: 3206—AC21

3795. 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	FR Cite
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

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

3796. 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/00	65 FR 21119
Interim Final Rule Effective	04/20/00	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3206—AI83

Office of Personnel Management (OPM)

Completed Actions

3797. 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.

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	10/01/03	68 FR 56525
Final Action Effective	10/31/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Nataya Battle
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RIN: 3206—AJ17

3798. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 970

Completed:

Reason	Date	FR Cite
Final Action	11/26/03	68 FR 66533

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3206—AJ31

3799. ● PROTESTS, DISPUTES, AND APPEALS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 1733

Legal Deadline: None

Abstract: OPM is issuing a final rule to reflect the change of address for the Interior Board of Contract Appeals.

Timetable:

Action	Date	FR Cite
Final Rule	10/31/03	68 FR 62022
Final Rule Effective	10/31/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Alfred F. Chatterton III, Chief, Procurement Division, Administration Group, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
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RIN: 3206—AK07

[FR Doc. 03—27744 Filed 12—19—03; 8:45 am]

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