



# Federal Register

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**Monday,  
December 9, 2002**

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**Part XXXVIII**

## **Office of Personnel Management**

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**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 from October 1, 2002 through September 30, 2003. 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:** Jacqueline D. Carter, (202) 606-1973.

**SUPPLEMENTARY INFORMATION:** For this edition of OPM's regulatory agenda, the Statement of Regulatory Priorities appears in part II of this issue of the **Federal Register**.

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 intends to publish the revised regulations as proposed regulations during the coming year.

U.S. Office of Personnel Management.

**Kay Coles James,**  
*Director.*

Office of Personnel Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3670	Employment in the Excepted Service .....	3206-AH83
3671	Probation on Initial Appointment to a Competitive Position .....	3206-AI47
3672	Reemployment Priority List .....	3206-AI34
3673	Amendment to Selective Service Registration Requirements .....	3206-AI52
3674	Merit Promotion and Internal Placement .....	3206-AI20
3675	Other Than Full-Time Employment (Part-Time, Seasonal, Intermittent) .....	3206-AI22
3676	Order of Release from Competitive Level .....	3206-AI96
3677	Re-Employment Rights .....	3206-AI19
3678	Training .....	3206-AJ19
3679	Personnel Management Research Programs and Demonstration Projects .....	3206-AJ67
3680	Coverage of the General Schedule, Position Classification Appeals, Definitions, and Effective Dates .....	3206-AH38
3681	Superior Qualifications Appointments .....	3206-AI00
3682	Job Grading Reviews and Appeals of Federal Wage System Employees .....	3206-AI14
3683	Miscellaneous Changes in Pay and Leave Regulations .....	3206-AJ59
3684	Reemployment of Military and Civilian Retirees To Meet Exceptional Employment Needs .....	3206-AI32
3685	Retirement; Credit for Military Service .....	3206-AG58
3686	Retirement; State Income Tax Withholding Instrumentalities .....	3206-AH62
3687	Retirement; Debt Collection .....	3206-AE72
3688	Retirement; Court Orders Awarding Survivor Annuities; Correcting or Supplementing the First Order Dividing Marital Property .....	3206-AG28
3689	Retirement; FERS Elections of Coverage .....	3206-AG96
3690	Federal Employees' Group Life Insurance Program: Miscellaneous Changes and Clarifications .....	3206-AG63
3691	Federal Employees' Health Benefits Program: Continuing FEHB Coverage Into Retirement .....	3206-AI62
3692	Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996 for the Federal Employees' Health Benefits Program .....	3206-AJ45
3693	Financial Sanctions of Health Care Providers in the Federal Employees' Health Benefits Program .....	3206-AJ42
3694	Federal Employees' Health Benefits Acquisition Regulation: Large Provider Agreements, Subcontracts, and Miscellaneous Changes .....	3206-AJ20
3695	Implementation of Additional Cost Principles in the Federal Employees' Health Benefits Program .....	3206-AJ10

Office of Personnel Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3696	Excepted Service—Career and Career-Conditional Employment .....	3206-AJ28
3697	Excepted Service—Schedule A Authority for Chinese, Japanese, and Hindi Interpreters .....	3206-AJ43
3698	Time-In-Grade Restrictions .....	3206-AG06
3699	Reasonable Accommodation Language for Vacancy Announcements .....	3206-AJ11

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## Office of Personnel Management—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3700	Recruitment and Selection Through Competitive Examination .....	3206-AJ52
3701	Promotion and Internal Placement; Accelerated Qualifications .....	3206-AG19
3702	Awards .....	3206-AJ65
3703	Official Duty Station Determinations for Pay Purposes .....	3206-AH84
3704	Pay Under the General Schedule; Subpart F—Locality-Based Comparability Payments .....	3206-AJ62
3705	Prevailing Rate Systems; Definition of Santa Clara, California, Nonappropriated Fund Wage Area .....	3206-AJ61
3706	Prevailing Rate Systems; Change in Federal Wage System Survey Job .....	3206-AJ63
3707	Prevailing Rate Systems; Redefinition of the Scranton-Wilkes-Barre, PA, Appropriated Fund Wage Area .....	3206-AJ64
3708	Basic Pay for Employees of Temporary Organizations .....	3206-AJ47
3709	Grade and Pay Retention .....	3206-AI88
3710	Pay Administration; Availability Pay for Criminal Investigators .....	3206-AJ49
3711	Premium Pay Limitations .....	3206-AJ56
3712	Administratively Uncontrollable Overtime Pay .....	3206-AJ57
3713	Retention Allowances .....	3206-AJ48
3714	Voluntary Separation Incentive Repayment Waivers .....	3206-AG20
3715	Retirement; Coverage—Nonappropriated Fund Instrumentalities .....	3206-AH57
3716	Coverage for Certain Employees of the District of Columbia .....	3206-AI02
3717	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 .....	3206-AI55
3718	Law Enforcement Officer and Firefighter Retirement .....	3206-AJ39
3719	Continuation of Eligibility for Certain Civil Service Benefits for Former Federal Employees of the Civilian Marksmanship Program .....	3206-AJ55
3720	Correction of Retirement Coverage Errors Under the Federal Erroneous Retirement Coverage Correction Act .....	3206-AJ38
3721	Retirement; General Administration .....	3206-AI83
3722	Retirement; FERS Basic Annuity .....	3206-AE73
3723	Federal Employees' Group Life Insurance: Removal of Premiums and Age Bands from Regulations .....	3206-AJ46
3724	Federal Employees' Health Benefits Program: Payment of Premiums for Periods of Leave Without Pay or Insufficient Pay .....	3206-AG66
3725	Federal Employees' Health Benefits Program: Effective Dates .....	3206-AI37
3726	Implementation of Premium Conversion for Executive Branch Federal Employees Participating in the Federal Employees' Health Benefits (FEHB) Program .....	3206-AJ17
3727	Federal Employees' Health Benefits Children's Equity .....	3206-AJ34
3728	Debarments and Suspensions of Health Care Providers From the Federal Employees' Health Benefits Program .....	3206-AD76
3729	Implementation of Flexible Spending Accounts for Executive Branch Federal Employees Participating in the Federal Employees Health Benefits Program .....	3206-AJ66
3730	Federal Employees' Group Life Insurance Federal Acquisition Regulation .....	3206-AI65

## Office of Personnel Management—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3731	Personnel Security and Related Programs .....	3206-AC21
3732	Investigations .....	3206-AB92
3733	Governmentwide Debarment and Suspension (Nonprocurement) .....	3206-AJ31

## Office of Personnel Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
3734	Excepted Service—Schedule A Authority for Nontemporary Part-Time or Intermittent Positions .....	3206-AJ06
3735	Prevailing Rate Systems; Definition of San Joaquin County, California, to a Nonappropriated Fund Wage Area .....	3206-AJ35
3736	Prevailing Rate Systems; Change in the Survey Cycle for the Portland, Oregon, Wage Area .....	3206-AJ60
3737	Pay for Administrative Appeals Judge Positions .....	3206-AJ44
3738	Repeal of Dual Compensation Reduction for Military Retirees .....	3206-AI92

**OPM**

Office of Personnel Management—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
3739	Cost-of-Living Allowances (Nonforeign Areas); Commissary/Exchange Rates; Survey Frequency; Gradual Reductions .....	3206-AJ40
3740	Cost-of-Living Allowances (Nonforeign Areas); Methodology Changes .....	3206-AJ41
3741	Suspension of Enrollment in the Federal Employees' Health Benefits Program To Enroll in the CHAMPVA or TRICARE Programs .....	3206-AJ36

Office of Personnel Management—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
3206-AH86	Holidays and Premium Pay	08/30/2002	Withdrawn
3206-AI44	Miscellaneous Leave Regulations	08/30/2002	Withdrawn

**Office of Personnel Management (OPM)**

**Proposed Rule Stage**

**3670. 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	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tina Vay, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0390

**RIN:** 3206-AH83

**3671. 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	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Watson, Employment Service, Examining and Qualification Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023  
Email: lmwatson@opm.gov

**RIN:** 3206-AI47

**3672. REEMPLOYMENT PRIORITY LIST**

**Priority:** Other Significant

**Legal Authority:** 5 USC 1315; 5 USC 8151

**CFR Citation:** 5 CFR 330, subpart B

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is proposing regulations covering the operation and administration of the Reemployment Priority List (RPL). The RPL provides competitive service employees, separated by reduction in force, with the first opportunity for reemployment in their former agency over candidates who do not work for the agency. The RPL also provides the same priority to former employees who were separated or downgraded because of a compensable injury or disability and have fully recovered more than one year after compensation began. These proposed regulations would update RPL procedures in order to assist agencies in providing displaced employees with maximum reemployment opportunities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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## Proposed Rule Stage

**Agency Contact:** Jacqueline Yeatman, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0960  
Fax: 202 606-2329

**RIN:** 3206-AI34

### 3673. AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3328

**CFR Citation:** 5 CFR 300

**Legal Deadline:** None

**Abstract:** Delegates to agencies' 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	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Larry Lorenz, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830

**RIN:** 3206-AI52

### 3674. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

**RIN:** 3206-AI20

### 3675. 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; modifies seasonal employment.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Diane Tyrrell, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 9th Floor, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0960  
Fax: 202 606-2329

**RIN:** 3206-AI22

### 3676. 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	01/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Thomas A. Glennon, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0960  
Fax: 202 606-2329

**RIN:** 3206-AI96

### 3677. RE-EMPLOYMENT RIGHTS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 5 CFR 352

**Legal Deadline:** None

**Abstract:** Updates provisions to conform to law allowing employees assigned to international organizations under certain conditions to maintain FERS and FICA retirement coverage; current regulations only mention CSRS retirement.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mike Mahoney, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

**RIN:** 3206-AI19

### 3678. 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)

## OPM

## Proposed Rule Stage

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.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** LaVeen Ponds, Office of Workforce Relations, Office of Personnel Management, Office of Human Resource Development, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-1394  
Email: lmponds@opm.gov

**RIN:** 3206-AJ19

### 3679. ● 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	12/00/02	
Final Action	03/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Paul R. Thompson, Office of Merit Systems Oversight and Effectiveness, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2820  
Fax: 202 606-3577  
Email: hrinnovation@opm.gov

**RIN:** 3206-AJ67

### 3680. COVERAGE OF THE GENERAL SCHEDULE, POSITION CLASSIFICATION APPEALS, DEFINITIONS, AND EFFECTIVE DATES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5112

**CFR Citation:** 5 CFR 511, subpart A; 5 CFR 511, subpart F; 5 CFR 511, subpart G

**Legal Deadline:** None

**Abstract:** The position classification appeals regulations require updating to reflect current organizational nomenclature following a reorganization within OPM.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Melissa Drummond, Office of Merit Systems Oversight and Effectiveness, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2530  
Fax: 202 606-2663  
Email: fedclass-appeals@opm.gov

**RIN:** 3206-AH38

### 3681. SUPERIOR QUALIFICATIONS APPOINTMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5333

**CFR Citation:** 5 CFR 531

**Legal Deadline:** None

**Abstract:** Revises regulations concerning the appointment of superior candidates above the minimum rate of pay for General Schedule positions. Clarifies and modifies what agencies should consider when making these superior qualifications appointments.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2858  
Fax: 202 606-0824  
Email: payleave@opm.gov

**RIN:** 3206-AI00

### 3682. 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.

## OPM

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	
Final Action	02/00/03	

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

**Agency Contact:** Melissa Drummond, Office of Merit Systems Oversight and Effectiveness, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2530  
Fax: 202 606-2663  
Email: fedclass-appeals@opm.gov

**RIN:** 3206-AI14**3683. MISCELLANEOUS CHANGES IN PAY AND LEAVE REGULATIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5307; 5 USC 5514; 5 USC 5527; 5 USC 5334; 5 USC 5338; 5 USC 5542(c); 5 USC 5548; 5 USC 6311; 5 USC 4301 et seq; Fair Labor Standards Act of 1939, as amended, sec 4(f)

**CFR Citation:** 5 CFR 531; 5 CFR 550; 5 CFR 551; 5 CFR 630

**Legal Deadline:** None

**Abstract:** These interim regulations will correct or clarify several provisions dealing with the pay and leave of Federal employees. The changes are needed to make regulations consistent with law and current practice and to eliminate unnecessary agency reports to OPM. Questions and comments from users of the regulations prompted the changes. The interim regulations will assist agencies in administering pay and leave programs in a consistent manner and in accordance with applicable law.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/02	

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

**Agency Contact:** Bryce Baker, Workforce Compensation and Performance Service, Office of Personnel Management, Office of

Compensation Administration, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2858

Fax: 202 606-0824

Email: payleave@opm.gov

**RIN:** 3206-AJ59**3684. REEMPLOYMENT OF MILITARY AND 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:** Establishes 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	12/00/02	

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

**Agency Contact:** Larry Lorenz, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830

**RIN:** 3206-AI32**3685. 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).

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/03	
Final Action	06/00/03	

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

**Agency Contact:** Christopher H. Ziebarth, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AG58**3686. 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	02/00/03	

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

**Agency Contact:** Patricia A. Rochester, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AH62**3687. 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

## OPM

## Proposed Rule Stage

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
Second NPRM	11/00/02	
Final Action	02/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Patricia A. Rochester, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AE72

**3688. 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	11/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** John Panagakos, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299

Email: combox@opm.gov

**RIN:** 3206-AG28

**3689. 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	02/00/03	
Final Action	06/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** James Giuseppe, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AG96

**3690. 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
Second NPRM	03/00/03	
Final Action	03/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Leibach, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AG63

**3691. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
Final Action	04/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Barbara Myers, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0004

**RIN:** 3206-AI62



## OPM

## Proposed Rule Stage

**3692. 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:**

Action	Date	FR Cite
NPRM	04/00/03	

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

**Agency Contact:** Abby L. Block, Assistant Director, Office of Insurance Programs, Office of Personnel Management, Retirement and Insurance Group Room 3425, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0770

**RIN:** 3206-AJ45**3693. 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 had 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	12/00/02	

**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  
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**RIN:** 3206-AJ42**3694. 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 (OPM) is proposing a new policy that establishes notification and information requirements, including audit, 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:**

Action	Date	FR Cite
NPRM	12/00/02	

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

**Agency Contact:** Mike Kaszynski, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ20**3695. 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	11/00/02	

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

**Agency Contact:** Anne Easton, Retirement and Insurance Services, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ10

## Office of Personnel Management (OPM)

## Final Rule Stage

**3696. 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	12/00/02	

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

**Agency Contact:** Karen Jacobs, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0023

**RIN:** 3206-AJ28**3697. EXCEPTED SERVICE—SCHEDULE A AUTHORITY FOR CHINESE, JAPANESE, AND HINDI INTERPRETERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3301**CFR Citation:** 5 CFR 213**Legal Deadline:** None

**Abstract:** The Office of Personnel Management proposes to revoke the schedule A excepted service appointing authority for Chinese, Japanese and Hindi interpreters because the conditions justifying the original exception no longer exist.

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3128
Final Action	12/00/02	

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

**Agency Contact:** Tina Vay, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0830  
Fax: 202 606-0390

**RIN:** 3206-AJ43**3698. 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:** Eliminates requirement that employees serve one year in-grade to be eligible for promotion above the GS-5 level. This 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	01/00/03	

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

**Agency Contact:** Tina Vay, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AG06**3699. 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	06/00/03	

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

**Agency Contact:** Linda Watson, Employment Service, Examining and Qualification Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ11**3700. 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 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	06/00/03	

**Regulatory Flexibility Analysis****Required:** No

## OPM

## Final Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Suzy Barker, Director, Examination and Qualification Policy Division, Office of Personnel Management, Employment Service, Washington, DC 20415  
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**RIN:** 3206-AJ52

### 3701. 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	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AG19

### 3702. ● AWARDS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 4506

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

**Legal Deadline:** None

**Abstract:** Regulations at 5 CFR 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	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Anne Kirby, Office of Executive Resources Management, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-1610

**RIN:** 3206-AJ65

### 3703. 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 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:**

Action	Date	FR Cite
Interim Final Rule	05/09/97	62 FR 25423
Interim Final Rule Comment Period End	07/08/97	
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AH84

### 3704. 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	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Allan G. Hearne, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ62

## OPM

## Final Rule Stage

**3705. PREVAILING RATE SYSTEMS; DEFINITION OF SANTA CLARA, CALIFORNIA, NONAPPROPRIATED FUND WAGE AREA****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5343**CFR Citation:** 5 CFR 532**Legal Deadline:** None

**Abstract:** Because of the closure of the Army and Air Force Exchange Service Oakland Distribution Center, the Office of Personnel Management (OPM) is abolishing the Alameda-Contra Costa, CA, nonappropriated fund Federal Wage System wage area. OPM will establish a new Santa Clara, CA, nonappropriated fund wage area with Santa Clara County defined as the wage area's survey area and Alameda, Contra Costa, and San Mateo Counties defined as the wage area's area of application.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/17/02	67 FR 46839
Interim Final Rule Effective	08/16/02	
Final Action	12/00/02	

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

**Agency Contact:** Chenty Carpenter, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., 7H31, Washington, DC 20415

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**RIN:** 3206-AJ61**3706. • PREVAILING RATE SYSTEMS; CHANGE IN FEDERAL WAGE SYSTEM SURVEY JOB****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5343**CFR Citation:** 5 CFR 532**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is issuing a proposed rule that would permit the Department of Defense to survey the Federal Wage System's Maintenance Mechanic job on an optional basis rather than having to seek OPM's

permission each time it wants to add the job to a local wage survey.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/02	67 FR 49879
Final Action	11/00/02	

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

**Agency Contact:** Chenty Carpenter, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., 7H31, Washington, DC 20415

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**RIN:** 3206-AJ63**3707. • PREVAILING RATE SYSTEMS; REDEFINITION OF THE SCRANTON-WILKES-BARRE, PA, APPROPRIATED FUND WAGE AREA****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 Tioga County, Pennsylvania, from the Scranton-Wilkes-Barre, PA, Federal Wage System wage area to the Rochester, New York, wage area.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/02	67 FR 49878
Final Action	11/00/02	

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

**Agency Contact:** Chenty Carpenter, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., 7H31, Washington, DC 20415

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**RIN:** 3206-AJ64**3708. BASIC PAY FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3161(d)**CFR Citation:** 5 CFR 534**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing final regulations on setting the rate of basic pay for employees of temporary organizations, as defined in 5 U.S.C. 3161(a).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/05/02	67 FR 3581
Interim Final Rule Comment Period End	03/26/02	
Final Action	11/00/02	

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

**Agency Contact:** Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-2858

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**RIN:** 3206-AJ47**3709. 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	06/00/03	

## OPM

## Final Rule Stage

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

**Agency Contact:** Sharon Herzberg, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., 7H31, Washington, DC 20415

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**RIN:** 3206-AI88**3710. 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	09/00/03	

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

**Agency Contact:** Kevin Kitchelt, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415

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**RIN:** 3206-AJ49**3711. 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	12/00/02	

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

**Agency Contact:** Bryce Baker, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-2858

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Email: payleave@opm.gov

**RIN:** 3206-AJ56**3712. ADMINISTRATIVELY UNCONTROLLABLE OVERTIME PAY****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5547**CFR Citation:** 5 CFR 550.151**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing interim regulations concerning the rules governing payment of administratively uncontrollable overtime (AUO) pay. This interim rule permits agencies to pay AUO pay to an employee during a temporary assignment that would not otherwise warrant the payment of AUO pay, if the temporary assignment is directly related to a national emergency.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/13/02	67 FR 6640
Interim Final Rule Comment Period End	04/15/02	
Final Action	11/00/02	

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

**Agency Contact:** Kevin Kitchelt, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415

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**RIN:** 3206-AJ57**3713. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	01/10/01	66 FR 5491
NPRM Comment Period End	03/20/01	
Final Action	12/00/02	

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

**Agency Contact:** Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415

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**RIN:** 3206-AJ48

## OPM

## Final Rule Stage

**3714. VOLUNTARY SEPARATION INCENTIVE REPAYMENT WAIVERS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 103-226**CFR Citation:** 5 CFR 576**Legal Deadline:** None

**Abstract:** Public Law 103-226 authorized OPM to waive repayment of a voluntary separation incentive payment under certain circumstances if a former employee, who accepted the incentive payment, is reemployed by an executive agency of the United States within five years of separation. Later Public Laws, written for specific agencies, usually contain a waiver of repayment provision.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/09/94	59 FR 55808
Final Action	01/00/03	

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

**Agency Contact:** Charles Gray, Employee Service, Office of Personnel Management, Staffing Restructuring Policy Division, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0960

**RIN:** 3206-AG20**3715. 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 certain 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
Interim Final Rule	11/00/02	
Final Action	12/00/02	

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

**Agency Contact:** James Giuseppe, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AH57**3716. 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.

**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	03/00/03	

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

**Agency Contact:** Robert Girouard, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AI02**3717. 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	03/00/03	

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

**Agency Contact:** Robert Girouard, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AI55**3718. 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

## OPM

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing interim rules that permit 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 Effective	07/25/01	
Final Action	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Jennings, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-0001  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AJ39

**3719. 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	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Howard T. Newland Jr., Retirement and Insurance Service,

Retirement Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AJ55

**3720. 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 (the 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	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James Giuseppe, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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Email: combox@opm.gov

**RIN:** 3206-AJ38

**3721. 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	02/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Girouard, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299  
Email: combox@opm.gov

**RIN:** 3206-AI83

**3722. 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	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Girouard, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299

## OPM

## Final Rule Stage

Email: combox@opm.gov

RIN: 3206-AE73

### 3723. 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 doesn't allow OPM the flexibility to change premiums as quickly 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	12/00/02	
Final Action	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Kathleen Healy Sheridan, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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Email: khsherid@opm.gov

RIN: 3206-AJ46

### 3724. 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:** Regulations that 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 rules, which are under review.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/22/96	61 FR 37807
Interim Final Rule	12/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Barbara Myers, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0004

RIN: 3206-AG66

### 3725. 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 proposed 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

Action	Date	FR Cite
NPRM Comment	09/30/98	
Period End		
Final Action	01/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Barbara Myers, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0004

RIN: 3206-AI37

### 3726. 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:** At the President's direction, 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 that agencies then use to pay the employee share of FEHB premiums.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/19/00	65 FR 44644
Interim Final Rule Effective	09/18/00	
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Laurie Bodenheimer, Retirement and Insurance Services, Office of Insurance Programs, Office of



## OPM

## Final Rule Stage

Personnel Management, 1900 E Street NW., Washington, DC 20415  
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RIN: 3206-AJ17

### 3727. 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:

Action	Date	FR Cite
Interim Final Rule	11/00/02	
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nataya Battle, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20515  
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Email: nbattle@opm.gov

RIN: 3206-AJ34

### 3728. DEBARMENTS AND SUSPENSIONS OF HEALTH CARE PROVIDERS FROM 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 section 2 of Public Law 105-266, which amends 5 U.S.C. section 8902a, authorizing OPM to debar health care providers who have committed certain types of legal offenses or program-related violations from participation in the Federal Employees' Health Benefits Program (FEHBP), and to levy monetary penalties and assessments against individuals who have improperly obtained payments of FEHBP funds. This legislation removes unnecessary administrative constraints on the agency, provides more flexible and less time-consuming procedures, and will improve OPM's administration of sanctions against unfit health care providers.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/89	54 FR 43939
NPRM	12/12/01	66 FR 64160
NPRM Comment Period End	02/11/02	
Final Action	12/00/02	

**Regulatory Flexibility Analysis Required:** 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: jdcopes@opm.gov

RIN: 3206-AD76

### 3729. • 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	FR Cite
Interim Final Rule	04/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Laurie Bodenheimer, Retirement and Insurance Services, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0770

RIN: 3206-AJ66

### 3730. 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 regulation with respect to the acquisition and administration of life insurance contract(s) for Federal employees.

#### Timetable:

Action	Date	FR Cite
Final Action	11/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Anne Easton, Retirement and Insurance Services, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0004

## OPM

## Final Rule Stage

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RIN: 3206-AI65

## Office of Personnel Management (OPM)

## Long-Term Actions

**3731. 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, 1900 E Street NW., Washington, DC 20415-4000  
Phone: 202 606-1042

RIN: 3206-AC21

**3732. 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, 1900 E Street NW., Washington, DC 20415-4000  
Phone: 202 606-1042

RIN: 3206-AB92

**3733. 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	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** J. David Cope, Debarment Official, Office of the Inspector General, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2851  
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RIN: 3206-AJ31

## Office of Personnel Management (OPM)

## Completed Actions

**3734. EXCEPTED SERVICE—SCHEDULE A AUTHORITY FOR NONTEMPORARY PART-TIME OR INTERMITTENT POSITIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 213**Completed:**

Reason	Date	FR Cite
Final Action	09/04/02	67 FR 56475
Final Action Effective	09/04/02	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Tina Vay  
Phone: 202 606-0830  
Fax: 202 606-0390

RIN: 3206-AJ06

**3735. PREVAILING RATE SYSTEMS; DEFINITION OF SAN JOAQUIN COUNTY, CALIFORNIA, TO A NONAPPROPRIATED FUND WAGE AREA****Priority:** Routine and Frequent**CFR Citation:** 5 CFR 532**Completed:**

Reason	Date	FR Cite
Final Action	08/01/02	67 FR 49855
Final Action Effective	09/03/02	

## OPM

## Completed Actions

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Chenty Carpenter

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**RIN:** 3206-AJ35**3736. PREVAILING RATE SYSTEMS; CHANGE IN THE SURVEY CYCLE FOR THE PORTLAND, OREGON, WAGE AREA****Priority:** Routine and Frequent**CFR Citation:** 5 CFR 532**Completed:**

Reason	Date	FR Cite
Interim Final Rule	04/24/02	67 FR 20009
Interim Final Rule Effective	04/24/02	
Final Action	08/01/02	67 FR 49878
Final Action Effective	09/03/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Chenty Carpenter

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Email: cola@opm.gov

**RIN:** 3206-AJ60**3737. PAY FOR ADMINISTRATIVE APPEALS JUDGE POSITIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 534, subpart F**Completed:**

Reason	Date	FR Cite
Final Action	06/07/02	67 FR 39249
Final Action Effective	07/08/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Jeanne D. Jacobson

Phone: 202 606-2858

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**RIN:** 3206-AJ44**3738. REPEAL OF DUAL COMPENSATION REDUCTION FOR MILITARY RETIREES****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 553**Completed:**

Reason	Date	FR Cite
Final Action	06/14/02	67 FR 40837
Final Action Effective	07/15/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Larry Lorenz

Phone: 202 606-0830

**RIN:** 3206-AI92**3739. COST-OF-LIVING ALLOWANCES (NONFOREIGN AREAS); COMMISSARY/EXCHANGE RATES; SURVEY FREQUENCY; GRADUAL REDUCTIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 591**Completed:**

Reason	Date	FR Cite
Final Action	05/03/02	67 FR 22339
Final Action Effective	06/03/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Kurt Springmann

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**RIN:** 3206-AJ40**3740. COST-OF-LIVING ALLOWANCES (NONFOREIGN AREAS); METHODOLOGY CHANGES****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 591**Completed:**

Reason	Date	FR Cite
Final Action	05/03/02	67 FR 22339
Final Action Effective	06/03/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Kurt Springmann

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**RIN:** 3206-AJ41**3741. SUSPENSION OF ENROLLMENT IN THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM TO ENROLL IN THE CHAMPVA OR TRICARE PROGRAMS****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 890**Completed:**

Reason	Date	FR Cite
Final Action	06/18/02	67 FR 41305
Final Action Effective	06/18/02	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Michael W. Kaszynski

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**RIN:** 3206-AJ36

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