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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 362 and 315

RIN 3206-AH53

#### Presidential Management Intern Program

**AGENCY:** Office of Personnel Management.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing interim regulations for the Presidential Management Intern (PMI) Program. Part 362 is amended to clarify nomination, selection, and employment procedures, to modify the career development portion of the Program, and to make editorial changes. We are amending part 315 to clarify that PMI's do not serve probation when converted to career or career-conditional appointments.

**DATES:** Effective date: January 22, 1997. Written comments will be considered if received on or before March 24, 1997.

**ADDRESSES:** Send or deliver written comments to Joseph Stix, Director, Philadelphia Service Center, U.S. Office of Personnel Management, Federal Building, Room 3400, 600 Arch Street, Philadelphia, PA 19106.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. McMaster, Jr. 215-597-7136 or Kathleen Keeney, 215-597-1920, FAX 215-597-8136.

**SUPPLEMENTARY INFORMATION:** To revitalize the PMI Program, the President's Management Council requested that OPM and the Human Resources Development Council (an interagency group of training officials) analyze the PMI Program and meet with agencies that use the Program. Their recommendations were adopted by the President's Management Council. The

goals are to encourage maximum use of the PMI Program as authorized in Executive Order 12645 (July 12, 1988) and to assure uniformity in Program operations. The recommendations are incorporated into these regulations.

The clarification of part 315 reflects longstanding policy that PMI's do not serve a probationary period when they are converted to career or career-conditional because the 2-year intern program serves the same purpose as a probation.

Originally, interim regulations on the PMI Program were issued in March 1995. No final regulations were issued. Because of program changes needed to implement the President's Management Council recommendations, we are again issuing interim regulations for comment.

Under section 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because the current PMI applicants have already started the evaluation process for final selection. A delay would result in the postponement of job offers and loss to the Federal Government of the most highly qualified participants in the program.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

Executive Order 12866, Regulatory Review

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

List of Subjects in 5 CFR Parts 315 and 362

Administrative practice and procedure, Government employees.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM is amending part 315 and part 362 of title 5, Code of Federal Regulations, as follows:

## PART 315—CAREER AND CAREER- CONDITIONAL EMPLOYMENT

1. The authority citation for part 315 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954-1958 Comp., page 218, unless otherwise noted.

Secs. 315.601 and 315.609 also issued under 22 U.S.C. 3651 and 3652.

Secs. 315.602 and 315.604 also issued under 5 U.S.C. 1104.

Sec. 315.603 also issued under 5 U.S.C. 8151.

Sec. 315.605 also issued under E.O. 12034, 3 CFR, 1978 Comp., p. 111.

Sec. 315.606 also issued under E.O. 11219, 3 CFR, 1964-1965 Comp., p. 303.

Sec. 315.607 also issued under 22 U.S.C. 2506.

Sec. 315.608 also issued under E.O. 12721, 3 CFR, 1990 Comp., p. 293.

Sec. 315.610 also issued under 5 U.S.C. 3304(d).

Sec. 315.710 also issued under E.O. 12596, 3 CFR, 1987 Comp., p. 229.

Subpart I also issued under 5 U.S.C. 3321, E.O. 12107, 3 CFR, 1978 Comp., p. 264.

2. Section 315.708 is revised to read as follows:

#### § 315.708 Conversion based on service as a Presidential Management Intern.

(a) Agency authority. An agency may convert noncompetitively to career or career-conditional employment, a Presidential Management Intern who:

(1) Has satisfactorily completed a 2-year Presidential Management Internship, under § 213.3102(ii) of this chapter, at the time of conversion;

(2) Is recommended for conversion within 90 calendar days before completion of the Internship; and

(3) Meets the citizenship requirement.

(b) Tenure on conversion. (1) Except as provided in paragraph (b)(2) of this section, a person appointed under paragraph (a) of this section becomes a career-conditional employee.

(2) A person appointed under paragraph (a) of this section becomes a career employee when he or she has completed the service requirement for career tenure or is excepted from it under § 315.201(c) of this chapter.

(c) Acquisition of competitive status. A person converted to career or career conditional employment under this section does not serve probation and acquires competitive status immediately upon conversion.

3. Part 362 is revised to read as follows:

**PART 362—PRESIDENTIAL  
MANAGEMENT INTERN PROGRAM****Subpart A—Purpose and Definitions**

Sec.

- 362.101 Purpose.  
362.102 Definitions.

**Subpart B—Program Administration**

- 362.201 Nomination and selection.  
362.202 Appointment and extensions.  
362.203 Conversion to competitive service.  
362.204 Resignation, termination, and reduction in force.  
362.205 Movement of interns between departments or agencies.  
362.206 Career development.

Authority: E.O. 12364, of May 24, 1982, 3 CFR, 1982 Comp., p. 185.

**Subpart A—Purpose and Definitions****§ 362.101 Purpose.**

The Presidential Management Intern (PMI) Program is designed to attract to Federal service outstanding men and women from a wide variety of academic disciplines who have a clear interest in, and commitment to, a career in the analysis and management of public policies and programs.

**§ 362.102 Definitions.**

(a) A *Presidential Management Intern* is appointed in the excepted service under § 213.3102(ii) of this chapter, in an executive agency or department. The individual must have completed a graduate course of study at a qualifying college or university, received the nomination of the dean or academic program director, successfully completed an OPM-administered assessment process, and been selected and appointed by an agency for a 2-year Presidential Management Internship.

(b) A *qualifying college or university* is an academic institution formally accredited by an accrediting organization recognized by the Secretary of the U.S. Department of Education (34 CFR part 602).

**Subpart B—Program Administration****§ 362.201 Nomination and selection.**

(a) Eligibility. Individuals eligible to be nominated for the Program are graduate students from a variety of academic disciplines completing or expecting to complete, during the current academic year, an advanced degree from a qualifying college or university. These individuals must demonstrate an exceptional ability, a clear interest in, and a commitment to a career in the analysis and management of public policies and programs.

(b) Nomination procedure. (1) The college or university making

nominations for the Program shall establish a competitive nomination process to ensure that all eligible students are aware of the PMI Program and how to apply for nomination. The process will also ensure that applicants receive careful and thorough review, and that all receive equal opportunity for nomination.

(2) Students must be nominated by the dean, chairperson, or academic program director.

(3) Students who apply to be nominated must be rated qualified or not qualified for nomination. Nominations are made by school officials through completion of the PMI application form.

(4) Students eligible for veterans' preference who apply for nomination and are found qualified must be nominated. Based on the documentation provided by the student, the college or university must determine preliminary eligibility for veterans' preference. Students eligible for veterans' preference who believe they met the college or university's nomination qualification requirements, but were not nominated, may request a review by the OPM PMI Program office.

(c) Selection. Selection of Program finalists will be based on an OPM evaluation of the PMI application and a structured assessment center process. Veterans' preference will be adjudicated by OPM.

**§ 362.202 Appointment and extensions.**

(a) Appointing Authority. The appointment authority for Presidential Management Interns is 5 CFR 213.3102(ii). Appointments cannot exceed 2 years unless extended for up to 1 additional year by the agency with the approval of OPM under § 362.202(b).

(b) Completion of degree requirements. Agencies must assure that all graduate degree requirements have been met at the time of appointment. Interns may not be appointed prior to the completion of all graduate degree requirements. Exceptions may be made on an individual basis, but in no case will an intern be allowed to remain in the program if all degree requirements are not completed by August 31 of the year in which the intern was selected as a finalist.

(c) Time period. Agencies may appoint individuals with formal notification of their selection as PMI finalists no later than December 31 of the year in which they were selected as finalists. Exceptions may be granted on a case-by-case basis upon request of the agency to the OPM PMI Program office no later than December 15 of the year in which the interns were finalists.

(d) Grade and pay. Initial appointments must be made at the grade 9, step 1 level of the General Schedule. If an intern has had prior higher level Federal Government service, the individual may be placed at a higher step within the GS-9 rate consistent with the maximum payable rate rules under 5 CFR 531.203(c). Promotion to the GS-11 level may occur after satisfactory completion of 1 year of continuous service. Under 5 CFR 213.3102(ii), intern positions are authorized only at the GS-9 and GS-11 levels. Therefore, the agency has the option of promoting an intern to the GS-12 level on or after the date of conversion to the competitive service.

(e) Citizenship. Interns do not need to be United States citizens during their internship. However, if a noncitizen intern is hired, the agency must make sure that:

(1) The intern is lawfully admitted to the United States as a permanent resident or otherwise is authorized to be employed by the U.S. Immigration and Naturalization Service;

(2) The agency is authorized to pay the noncitizen under the annual appropriations act ban or any agency-specific enabling appropriation statute; and

(3) The intern acquires United States citizenship prior to conversion under 5 CFR 315.708.

(f) Extensions. Agencies must request, in writing, OPM approval to extend an internship for up to 1 additional year beyond the authorized 2 years in order to provide the intern with additional training and developmental activities. The request should be submitted no later than 60 days prior to the end of the initial 2-year period.

**§ 362.203 Conversion to competitive service.**

(a) In accordance with 5 CFR 315.708, employees who are United States citizens and have successfully completed Presidential Management Internships may be converted noncompetitively to career or career-conditional appointments in positions for which they are qualified.

(b) Conversions will be effective on the date the 2-year service requirement is met, unless the internship is extended by the agency, with approval of OPM, for up to one additional year.

(c) Agencies must inform the OPM PMI Program office when an individual will not be converted.

**§ 362.204 Resignation, termination, and reduction in force.**

(a) Resignation. An employee who resigns during the internship does not

have reinstatement eligibility for competitive service positions and cannot be re-interneed to the PMI Program.

(b) Termination. The appointment of a Presidential Management Intern expires at the end of the 2-year internship period. At that time, the employing agency may, with no break in service, convert the intern to a career or career-conditional appointment in accordance with 5 CFR 315.708, or extend the internship in accordance with § 362.202(b). If neither action is taken, the PMI appointment terminates.

(c) Reduction in Force. Presidential Management Interns are in the excepted service Tenure Group II for purposes of § 351.502 of this chapter.

**§ 362.205 Movement of interns between departments or agencies.**

To move from one agency to another during the internship, the intern must separate from the current agency and be reappointed under PMI appointment by the new employing agency without a break in service. The intern does not begin a new 2-year internship period; the time previously served under the PMI Program counts toward the completion of the 2-year period. The new employing agency must notify the OPM PMI Program office of the action.

**§ 362.206 Career development.**

(a) OPM responsibilities. OPM will:

- (1) Provide orientation and graduation programs for each intern class; and
- (2) Serve as a clearinghouse of available training opportunities.

(b) Agency responsibilities. Each agency will:

(1) Work with the intern to develop a written outline of core competencies and technical skills (called an individual development plan) the intern must gain before conversion to a target position;

(2) Provide at least 80 hours of formal training a year, including training in core competencies targeted to a functional area into which the intern will most likely be converted; and

(3) Provide at least one rotational assignment to another functional area, made at the discretion of the agency.

[FR Doc. 97-1419 Filed 1-21-97; 8:45 am]

BILLING CODE 6325-01-M

**5 CFR Part 532**

RIN 3206-AH59

**Prevailing Rate Systems; Abolishment of San Joaquin, CA, Nonappropriated Fund Wage Area**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a final rule to abolish the San Joaquin, CA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and redefine its sole county (San Joaquin County) as an area of application to the Sacramento, CA, NAF wage area for pay-setting purposes.

**EFFECTIVE DATE:** February 21, 1997.

Employees currently paid rates from the San Joaquin, CA, NAF wage schedule will continue to be paid from that schedule until their conversion to the Sacramento, CA, NAF wage schedule on April 18, 1997, 1 day before the effective date of the next Sacramento, CA, wage schedule.

**FOR FURTHER INFORMATION CONTACT:** Angela Graham Humes, (202) 606-2848.

**SUPPLEMENTARY INFORMATION:** On September 17, 1996, OPM published an interim rule to abolish the San Joaquin, CA, NAF wage area and redefine its sole remaining county (San Joaquin County) as an area of application to the Sacramento, CA, NAF wage area. This change was necessary because the Stockton Naval Communication Station, host installation for the wage area, closed on September 30, 1996. The remaining installation in the area, the Defense Distribution Region West, has approximately 18 FWS employees and no longer meets the minimum FWS employment criterion (26 employees) required to be a survey area. The interim rule provided a 30-day comment period. OPM received no comments during the comment period. Therefore, the interim rule is being adopted as a final rule.

**Regulatory Flexibility Act**

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

**List of Subjects in 5 CFR Part 532**

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule amending 5 CFR part 532 published on September

17, 1996 (61 FR 48817), is adopted as final without any changes.

Office of Personnel Management.

Lorraine A. Green,

*Deputy Director.*

[FR Doc. 97-1417 Filed 1-21-97; 8:45 am]

BILLING CODE 6325-01-M

**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

**7 CFR Part 1439**

RIN 0560-AF11

**Disaster Reserve Assistance Program**

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Interim rule.

**SUMMARY:** The Commodity Credit Corporation (CCC) is announcing the availability of assistance under the Disaster Reserve Assistance Program to relieve the distress of livestock producers whose production of livestock feed has been adversely affected by natural disasters.

**DATES:** Interim rule effective January 10, 1997. Comments on this rule must be received on or before February 21, 1997. Comments on the information collection must be received on or before March 24, 1997.

**ADDRESSES:** Comments may be mailed to the Director, Emergency and Noninsured Assistance Program Division, Farm Service Agency (FSA), U.S. Department of Agriculture, STOP 0527, P.O. Box 2415, Washington, DC 20013-2415.

**FOR FURTHER INFORMATION CONTACT:** Leona Dittus, Director, Emergency and Noninsured Assistance Program Division, Farm Service Agency, United States Department of Agriculture, STOP 0526, P.O. Box 2415, Washington, DC 20013-2415, 202-720-3168.

**SUPPLEMENTARY INFORMATION:**

Executive Order 12866

This interim rule is issued in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

**Regulatory Flexibility Act**

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a