



# Federal Register

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**Monday,  
June 28, 2004**

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**Part XXXVII**

## **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 during the six-

month period following publication. This agenda carries out OPM's responsibilities to publish a semiannual agenda under Executive Order 12866 "Regulatory Planning and Review" and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline D. Carter, (202) 606-1973.

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

U.S. Office of Personnel Management.

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

Office of Personnel Management—Proposed Rule Stage

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3581	Employment in the Excepted Service .....	3206-AH83
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3583	Strategic Human Capital Management Assessment .....	3206-AJ92
3584	Merit Promotion and Internal Placement .....	3206-AI20
3585	Other Than Full-Time Employment (Part-Time, Seasonal, Intermittent) .....	3206-AI22
3586	Representative Rate; Order of Release from Competitive Level; Assignment Rights .....	3206-AI96
3587	Reemployment Rights .....	3206-AI19
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3589	Agency Reporting Requirements .....	3206-AK49
3590	Executive Performance and Accountability .....	3206-AJ86
3591	Classification Under the General Schedule .....	3206-AH38
3592	Miscellaneous Changes and Standardization of Pay and Leave Regulations .....	3206-AJ85
3593	Superior Qualifications Appointments .....	3206-AI00
3594	General Schedule Locality Pay Areas .....	3206-AJ45
3595	Within-Grade Increases .....	3206-AK50
3596	Pay Administration; Availability Pay for Criminal Investigators .....	3206-AJ49
3597	Reemployment of Civilian Retirees To Meet Exceptional Employment Needs .....	3206-AI32
3598	Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 ..	3206-AK38
3599	Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 ..	3206-AK55
3600	Retirement—State Income Tax Withholding Instrumentalities .....	3206-AH62
3601	Federal Employees' Group Life Insurance Federal Acquisition Regulation .....	3206-AI65
3602	Competitive Service and Competitive Status .....	3206-AJ75
3603	Enterprise Human Resource Integration (EHRI) .....	3206-AK40
3604	Freedom of Information Act (FOIA) Regulations .....	3206-AK53
3605	Privacy Act Regulations .....	3206-AK54
3606	Probation on Initial Appointment to a Competitive Position .....	3206-AI47
3607	Examining System .....	3206-AK35
3608	Employee Surveys .....	3206-AK39
3609	Senior Executive Service Pay and Performance Awards and Aggregate Limitation on Pay .....	3206-AK34
3610	Repayment of Student Loans .....	3206-AK37
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3612	Retirement—Court Orders Awarding Survivor Annuities; Correcting or Supplementing the First Order Dividing Mar-ital Property .....	3206-AG28
3613	Retirement—FERS Elections of Coverage .....	3206-AG96
3614	Federal Employees' Group Life Insurance Program: Miscellaneous Changes and Clarifications .....	3206-AG63
3615	Federal Employees' Health Benefits Program: Continuing FEHB Coverage Into Retirement .....	3206-AI62

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## Office of Personnel Management—Final Rule Stage

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3616	Basic Concepts and Definitions (General) .....	3206-AJ98
3617	Excepted Service—Career and Career-Conditional Employment .....	3206-AJ28
3618	Excepted Service—Temporary Organizations .....	3206-AJ70
3619	Excepted Service—Privacy Procedures for Personnel Records, Career and Career-Conditional Employment, Temp. Assignment of Employees Between Federal Agencies and State, Local, and Indian Tribal Govts. ....	3206-AK27
3620	Detail of Government Employees Between the Executive Branch and the Legislative Branch .....	3206-AK05
3621	Reasonable Accommodation Language for Vacancy Announcements .....	3206-AJ11
3622	Employment of Relatives .....	3206-AK03
3623	Senior Executive Service Pay and Performance Awards .....	3206-AK32
3624	Recruitment and Selection Through Competitive Examination .....	3206-AJ52
3625	Temporary Assignment of Employees Between Federal, State, Local, and Indian Tribal Governments .....	3206-AJ94
3626	Awards .....	3206-AJ65
3627	Locality-Based Comparability Payments .....	3206-AK56
3628	Job Grading Reviews and Appeals of Federal Wage System Employees ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	3206-AI14
3629	Prevailing Rate Systems; Redefinition of the San Francisco, California, Nonappropriated Fund Wage Area .....	3206-AK26
3630	Premium Pay Limitations .....	3206-AJ56
3631	Pretax Allotments for Flexible Spending Accounts .....	3206-AJ88
3632	Retention Allowances .....	3206-AJ48
3633	Extended Assignment Incentives .....	3206-AJ87
3634	Cost-of-Living Allowances (Nonforeign Areas); Methodology Changes .....	3206-AK29
3635	Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 ..	3206-AJ93
3636	Retirement; Coverage—Nonappropriated Fund Instrumentalities .....	3206-AH57
3637	Coverage for Certain Employees of the District of Columbia .....	3206-AI02
3638	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
3639	Law Enforcement Officer and Firefighter Retirement .....	3206-AJ39
3640	Continuation of Eligibility for Certain Civil Service Benefits for Former Federal Employees of the Civilian Marksmanship Program .....	3206-AJ55
3641	Voluntary Early Retirement Under the Homeland Security Act of 2004 .....	3206-AJ82
3642	Federal Employees Retirement System; Death Benefits and Employee Refunds .....	3206-AK57
3643	Federal Long-Term Care Insurance Regulations .....	3206-AJ71
3644	Federal Employees' Health Benefits Children's Equity .....	3206-AJ34
3645	Changes in Health Benefits Enrollment .....	3206-AK04
3646	Federal Employee Health Benefits Program: Removal of Two-Option Limitation for Health Benefits Plan and Continuation of Coverage for Annuitants Whose Plan Terminates an Option .....	3206-AK48
3647	Employees Responsible for the Management or Use of Federal Computer Systems .....	3206-AJ84
3648	General and Miscellaneous .....	3206-AJ97
3649	Federal Employees' Health Benefits Acquisition Regulation: Large Provider Agreements, Subcontracts, and Miscellaneous Changes .....	3206-AJ20
3650	Implementation of Additional Cost Principles in the Federal Employees' Health Benefits Program .....	3206-AJ10
3651	OPM Employee Responsibilities and Conduct .....	3206-AJ69
3652	Posting Regulations .....	3206-AJ73
3653	Information Technology Exchange Program .....	3206-AJ91
3654	Grade and Pay Retention .....	3206-AI88
3655	Human Capital Performance Fund .....	3206-AK33
3656	Voluntary Separation Incentive Payments (VSIPs) .....	3206-AJ76
3657	Employee Responsibilities and Conduct .....	3206-AJ74
3658	Retirement—Debt Collection .....	3206-AE72
3659	Correction of Retirement Coverage Errors Under the Federal Erroneous Retirement Coverage Correction Act .....	3206-AJ38
3660	Retirement—General Administration .....	3206-AI83
3661	Retirement—FERS Basic Annuity .....	3206-AE73
3662	Retirement—Credit for Military Service .....	3206-AG58
3663	Retirement Coverage and Service Credit Elections Available to Current and Former Nonappropriated Fund Employees .....	3206-AJ72
3664	Federal Employees' Health Benefits Program: Payment of Premiums for Periods of Leave Without Pay or Insufficient Pay .....	3206-AG66
3665	Agency Reporting Requirements; Training .....	3206-AK46

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Office of Personnel Management—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3666	Implementation of Flexible Spending Accounts for Executive Branch Federal Employees Participating in the Federal Employees' Health Benefits Program .....	3206-AJ66
3667	Federal Executive Boards .....	3206-AJ68
3668	Department of Homeland Security (DHS) Human Resources Management Systems .....	3206-AK31

Office of Personnel Management—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3669	Personnel Security and Related Programs .....	3206-AC21
3670	Investigations .....	3206-AB92

Office of Personnel Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3671	Personnel Management in Agencies .....	3206-AJ95
3672	Promotion and Internal Placement; Accelerated Qualifications .....	3206-AG19
3673	Performance Management .....	3206-AJ80
3674	Official Duty Station Determinations for Pay Purposes .....	3206-AH84
3675	Pay Under the General Schedule; Subpart F—Locality-Based Comparability Payments .....	3206-AJ62
3676	Prevailing Rate Systems; Change in Federal Wage System Survey Job and Miscellaneous Change .....	3206-AJ79
3677	Post Differentials (Nonforeign Areas); Palmyra Atoll .....	3206-AK00
3678	Pay Administration (General) .....	3206-AK47
3679	Prevailing Rate Systems; Change in the Survey Month for the Bureau of Reclamation Mid-Pacific Region Survey ..	3206-AK06
3680	Physician's Comparability Allowances .....	3206-AJ96
3681	Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees .....	3206-AJ77
3682	Federal Employees' Health Benefits Program: Effective Dates .....	3206-AI37
3683	Financial Sanctions of Health Care Providers in the Federal Employees' Health Benefits Program .....	3206-AJ42
3684	Personnel Management Research Programs and Demonstration Projects .....	3206-AJ67
3685	Prevailing Rate Systems; Redefinition of the North Dakota and Duluth, Minnesota, Appropriated Fund Wage Areas	3206-AJ78
3686	List of Agents Designated to Accept Legal Process .....	3206-AJ83
3687	Federal Employees' Group Life Insurance: Removal of Premiums and Age Bands from Regulations .....	3206-AJ46
3688	Governmentwide Debarment and Suspension (Nonprocurement) .....	3206-AK30

Office of Personnel Management (OPM)

Proposed Rule Stage

**3579. TIME-IN-GRADE RESTRICTIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 5 CFR 300

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management will eliminate the requirement that employees serve one year in-grade to be eligible for promotion above the GS-5 level. The

requirement to be eliminated is separate from the qualifications requirement for one year's experience at the next lowest grade or equivalent for promotion.

**Timetable:**

Action	Date	FR Cite
NPRM	06/15/94	59 FR 30717
NPRM Comment	01/10/95	60 FR 2546
Period End		
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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**RIN:** 3206-AG06

## OPM

## Proposed Rule Stage

**3580. AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3328**CFR Citation:** 5 CFR 300**Legal Deadline:** None

**Abstract:** The Office of Personnel Management proposes regulations to delegate to agencies the determination whether a Federal job applicant's failure to register with the Selective Service was knowing and willful. This change is authorized by an amendment to 5 U.S.C. 3328.

**Timetable:**

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

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

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**RIN:** 3206-AI52**3581. 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	12/00/04	

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

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**RIN:** 3206-AH83**3582. VETERANS RECRUITMENT APPOINTMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-288**CFR Citation:** 5 CFR 307**Legal Deadline:** None

**Abstract:** The Office of Personnel Management proposes to revise its regulations regarding Veterans Readjustment Appointments to implement the provisions of Public Law 107-288, the Jobs for Veterans Act, signed into law on November 7, 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

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

**Agency Contact:** Michael J. Mahoney, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ90**3583. STRATEGIC HUMAN CAPITAL MANAGEMENT ASSESSMENT****Priority:** Other Significant**Legal Authority:** PL 107-296**CFR Citation:** 5 CFR 250**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is issuing proposed regulations to implement the requirement in Public Law 107-296, section 1304 for OPM to design a set of systems for assessing human capital management by Federal agencies. These regulations describe the framework for these systems, including the metrics, that agencies will use.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

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

**Agency Contact:** Diane Tyrrell, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ92**3584. MERIT PROMOTION AND INTERNAL PLACEMENT****Priority:** Other Significant**Legal Authority:** 5 USC 3301; 5 USC 3302**CFR Citation:** 5 CFR 316; 5 CFR 335**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

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

**Agency Contact:** Karen Jacobs, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AI20**3585. OTHER THAN FULL-TIME EMPLOYMENT (PART-TIME, SEASONAL, INTERMITTENT)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3301

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

**Legal Deadline:** None

**Abstract:** These proposed regulations will grant agencies and employees more flexibility by clarifying agency authority to schedule part-time employees on a pay period, rather than weekly, basis; defines job sharing; and modifies seasonal employment, and includes plain language changes.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Diane Tyrrell, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AI22

**3586. REPRESENTATIVE RATE; ORDER OF RELEASE FROM COMPETITIVE LEVEL; ASSIGNMENT RIGHTS**

**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	10/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Thomas A. Glennon, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AI96

**3587. REEMPLOYMENT RIGHTS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 5 CFR 352

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael J. Mahoney, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AI19

**3588. TRAINING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 4118

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

**Legal Deadline:** None

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

Proposed regulations will also clarify distinctions between training and meetings.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	
Final Action	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ19

**3589. AGENCY REPORTING REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 54 USC 4118

**CFR Citation:** 5 CFR 410

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is proposing a revision to its regulations concerning agency reporting requirements. The proposed change requires agencies to electronically transfer training data to OPM's Governmentwide electronic data collection system on a regular basis. The proposed regulatory change will also facilitate reporting Governmentwide training information data using OPM's electronic data collection system.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	05/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** LaVeen Ponds, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AK49

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**3590. EXECUTIVE PERFORMANCE AND ACCOUNTABILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-296; 5 USC 5307; PL 103-89**CFR Citation:** 5 CFR 430**Legal Deadline:** None

**Abstract:** The Office of Personnel Management, jointly with the Office of Management and Budget, is issuing interim regulations to implement a statutory amendment establishing the performance appraisal systems, certification requirements that must be met to pay senior executives up to the rate for level II of the Executive Schedule and to use the higher aggregate limitation on pay (up to the Vice President's salary) for senior executives and employees in senior level and scientific or professional positions.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** www.opm.gov/fedregis

**Agency Contact:** Barbara Colchao, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7412, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ86**3591. CLASSIFICATION UNDER THE GENERAL SCHEDULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5112**CFR Citation:** 5 CFR 511, subpart F; 5 CFR 511, subpart G**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

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

**Agency Contact:** Leslie J. Pollack, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AH38**3592. MISCELLANEOUS CHANGES AND STANDARDIZATION OF PAY AND LEAVE REGULATIONS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5304; 5 USC 5305; 5 USC 5548; 5 USC 5550a; 5 USC 6124; 5 USC 6133(a); 5 USC 6304(d)(3); PL 102-484; PL 103-337; PL 103-329; EO 11228; 5 USC 6305; 5 USC 6306; 5 USC 6311; PL 103-356; 5 USC 6326; 5 USC 6332; 5 USC 6362; PL 100-566; PL 103-103; PL 105-18; 5 USC 6387; PL 103-3; 5 USC 6391; PL 102-25

**CFR Citation:** 5 CFR 530; 5 CFR 531; 5 CFR 550, subpart J; 5 CFR 610; 5 CFR 630

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing proposed regulations to clarify and standardize the rules governing the pay and leave of Federal employees. The proposed regulations are being issued to aid and support the standardization of payroll processes under the e-Payroll initiative and enhance understanding of the administration of pay and leave policies and procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

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

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**RIN:** 3206-AJ85**3593. SUPERIOR QUALIFICATIONS APPOINTMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5333**CFR Citation:** 5 CFR 531**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	

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

**Agency Contact:** Jeanne D. Jacobson, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AI00**3594. GENERAL SCHEDULE LOCALITY PAY AREAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5304**CFR Citation:** 5 CFR 531, subpart F**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing proposed regulations (and plans to issue final regulations) on behalf of the President's Pay Agent to link the definitions of General Schedule locality pay area boundaries to the geographic scope of metropolitan area definitions established by the Office of Management and Budget, change the criteria used to evaluate areas adjacent to locality pay areas, and merge the

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## Proposed Rule Stage

existing Kansas City, Orlando, and St. Louis locality pay areas into the rest of U.S. locality pay area. (The President's Pay Agent consists of the Secretary of Labor and the Directors of the Office of Management and Budget and OPM.)

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ45

**3595. • WITHIN-GRADE INCREASES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5335

**CFR Citation:** 5 CFR 531

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) proposes to revise regulations concerning equivalent increase determinations for within-grade increases. Section 9814 of Public Law 108-201 authorizes the National Aeronautics and Space Administration to set pay for its current employees at any step within the pay range for the grade of the position when the employee possesses unusually high or unique qualifications and is assigned new duties (called "qualifications pay"). This new authority requires OPM to propose a change in the regulations to provide that a qualifications pay increase is not considered an equivalent increase for within-grade increase purposes when an employee moves within one year to a nonqualifications pay position.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
Final Action	05/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AK50

**3596. 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
NPRM	03/00/05	
Final Action	09/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Vicki Draper, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ49

**3597. REEMPLOYMENT OF CIVILIAN RETIREES TO MEET EXCEPTIONAL EMPLOYMENT NEEDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8344; 5 USC 8468

**CFR Citation:** 5 CFR 553

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 3206-AI32

**3598. • IMPLEMENTATION OF TITLE II OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-174, sec 204; Presidential Memorandum dated July 8, 2003

**CFR Citation:** 5 CFR 724

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) will issue regulations that would implement title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. The Act requires that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. The regulations would clarify Federal agency notification and training requirements under the Act.



## OPM

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 3206-AK38

### 3599. • IMPLEMENTATION OF TITLE II OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002

Priority: Substantive, Nonsignificant

**Legal Authority:** PL 107-174, sec 204; Presidential Memorandum dated July 8, 2003

CFR Citation: 5 CFR 724

Legal Deadline: None

**Abstract:** The Office of Personnel Management (OPM) will issue regulations that would implement title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. The Act requires that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. The regulations would clarify Federal agency reporting requirements under the Act and address agency best practices regarding appropriate disciplinary actions against employees who violate antidiscrimination and whistleblower protection laws.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Gary D. Wahlert, Human Resources System Service, Family Programs and Employee

Relations Div., Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2920

RIN: 3206-AK55

### 3600. 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	12/00/04	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Patricia A. Rochester, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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RIN: 3206-AH62

### 3601. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE FEDERAL ACQUISITION REGULATION

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

**CFR Citation:** 48 CFR 2101 to 2105; 48 CFR 2109; 48 CFR 2110; 48 CFR 2115; 48 CFR 2116; 48 CFR 2131; 48 CFR 2132; 48 CFR 2137; 48 CFR 2144; 48 CFR 2146; 48 CFR 2149; 48 CFR 2152

Legal Deadline: None

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

insurance contracts for Federal employees.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	
Final Action	08/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Karen Leibach, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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RIN: 3206-AI65

### 3602. COMPETITIVE SERVICE AND COMPETITIVE STATUS

Priority: Other Significant

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

CFR Citation: 5 CFR 212

Legal Deadline: None

**Abstract:** The Office of Personnel Management (OPM) is rewriting its regulations in plain language to make them more readable. This includes part 212 that contains the definitions of competitive service and competitive status. This is one aspect of a broader review of OPM's regulations. This regulatory rewrite supports the Administration's effort to use "plain language" when disseminating information throughout the Federal community and to the general public.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	
Final Action	07/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Karen Jacobs, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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RIN: 3206-AJ75

## OPM

## Proposed Rule Stage

**3603. • ENTERPRISE HUMAN RESOURCE INTEGRATION (EHRI)**

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

**Legal Authority:** 5 USC 2951

**CFR Citation:** 5 CFR 293

**Legal Deadline:** None

**Abstract:** To support the goals of EHRI, the Office of Personnel Management will make regulatory changes to allow the electronic processing, maintenance and storage of Federal employee personnel files.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	
Final Action	03/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Joan Andre, Personnel Records Management Specialist, Office of Personnel Management, 1900 E Street NW., Suite 3336, Washington, DC 20415  
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Debra Chiles, HR Specialist (Information Systems), Office of Personnel Management, 1900 E Street NW., Suite 3336, Washington, DC 20415  
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**RIN:** 3206-AK40

**3604. • FREEDOM OF INFORMATION ACT (FOIA) REGULATIONS**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 552

**CFR Citation:** 5 CFR 294

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing proposed regulations to revise the agency's e-FOIA regulations. The revisions include incorporating the E-FOIA Act of 1996, the agency reorganization of 2003 and to make plain language modifications.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

Action	Date	FR Cite
NPRM Comment	11/00/04	
Period End		
Final Action	04/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Mary Beth Smith-Toomey, Office of the Chief Information Officer, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-7900  
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**RIN:** 3206-AK53

**3605. • PRIVACY ACT REGULATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 552

**CFR Citation:** 5 CFR 297

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing proposed regulations to revise the agency's Privacy Act regulations. The revisions include incorporating the agency reorganization of 2003 and to make plain language modifications.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment	11/00/04	
Period End		
Final Action	04/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Nancy G. Miller, Division for Management & Chief Financial Officer, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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Email: ngmiller@opm.gov

**RIN:** 3206-AK54

**3606. 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	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Watson, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AI47

**3607. • EXAMINING SYSTEM**

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

**Legal Authority:** Not Yet Determined

**CFR Citation:** 5 CFR 337

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is issuing an interim regulation to: a) designate two sections of the Alternative Ranking and Selection Procedures from the Homeland Security Act of 2002 as a veterans' preference requirement to align the regulation with others covering veterans' preference; and b) amend the direct-hire authority human resources flexibility allowing agencies to recruit and appoint highly qualified individuals for certain Federal acquisition positions deemed as a shortagecategory under Public Law 108-136.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## OPM

## Proposed Rule Stage

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**RIN:** 3206-AK35

**3608. • EMPLOYEE SURVEYS**

**Priority:** Substantive, Nonsignificant  
**Legal Authority:** PL 108-136, sec 1128  
of the National Defense Authorization  
Act for Fiscal Year 2004

**CFR Citation:** 5 CFR 420

**Legal Deadline:** None

**Abstract:** The Office of Personnel  
Management (OPM) is issuing interim  
regulations implementing the National  
Defense Authorization Act for Fiscal  
Year 2004 (Pub. L. 108-136) that  
requires agencies to conduct an annual  
survey of their employees to assess  
leadership and management practices  
that contribute to agency performance  
and employee satisfaction. The  
regulations add a new part to the Code  
of Federal Regulations (CFR) and  
provide a list of questions that must  
appear in all agency surveys.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Larry Lorenz,  
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**RIN:** 3206-AK39

**3609. • SENIOR EXECUTIVE SERVICE  
PAY AND PERFORMANCE AWARDS  
AND AGGREGATE LIMITATION ON  
PAY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5307; 5 USC  
5382; 5 USC 5383

**CFR Citation:** 5 CFR 451; 5 CFR 530;  
5 CFR 534; 5 CFR 575

**Legal Deadline:** None

**Abstract:** The Office of Personnel  
Management (OPM) is issuing interim  
regulations to implement statutory  
provisions that establish a new  
performance-based pay system for the  
Senior Executive Service (SES) and a  
higher aggregate limitation on pay for  
SES members and employees in senior-  
level (SL) and scientific or professional  
(ST) positions. These regulations  
prescribe the criteria for the  
administration of rates of basic pay and  
performance awards under the SES  
performance-based pay system and the  
rules for applying the aggregate  
limitation on pay.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**URL For More Information:**

[www.opm.gov/fedregis](http://www.opm.gov/fedregis)

**Agency Contact:** Jo Ann Perrini,  
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Policy, Office of Personnel  
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**RIN:** 3206-AK34

**3610. • REPAYMENT OF STUDENT  
LOANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5379

**CFR Citation:** 5 CFR 537

**Legal Deadline:** None

**Abstract:** The Office of Personnel  
Management is issuing final regulations  
to implement provisions of the Federal  
Employee Student Loan Assistance Act  
(Pub. L. 108-123, November 11, 2003)  
which increased the maximum amounts  
Federal agencies are authorized to  
repay under the Federal Student loan  
repayment program.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Vicki Draper,  
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**RIN:** 3206-AK37

**3611. • REPAYMENT OF STUDENT  
LOANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5379

**CFR Citation:** 5 CFR 537

**Legal Deadline:** None

**Abstract:** The Office of Personnel  
Management (OPM) proposes to revise  
the rules implementing 5 USC 5379,  
which permits agencies to provide  
student loan repayment benefits to  
candidates for Federal jobs or current  
Federal employees when necessary to  
recruit and retain highly qualified  
personnel. Except as otherwise stated  
in the supplementary information, the  
purpose of the revision to part 537 is  
not to make substantive changes, but  
rather to make part 537 more readable.  
As part of this rewriting effort, the  
proposed regulations have been  
reorganized and converted to a  
question-and-answer format (except for  
the introductory sections on purpose  
and definitions).

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Vicki Draper,  
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**RIN:** 3206-AK51

## OPM

## Proposed Rule Stage

**3612. 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	09/00/04	

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

**Agency Contact:** John Panagakos, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AG28**3613. 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	07/00/04	
Final Action	07/00/05	

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

**Agency Contact:** Cynthia Reinhold, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0299  
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**RIN:** 3206-AG96**3614. 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

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

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

**Agency Contact:** Karen Leibach, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AG63**3615. 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	07/00/04	
Final Action	07/00/05	

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

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**RIN:** 3206-AI62

## Office of Personnel Management (OPM)

Final Rule Stage

**3616. BASIC CONCEPTS AND DEFINITIONS (GENERAL)**

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

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

**CFR Citation:** 5 CFR 210

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/30/03	68 FR 38644
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ98

**3617. 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	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ28

**3618. EXCEPTED SERVICE—TEMPORARY ORGANIZATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3161

**CFR Citation:** 5 CFR 213

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/08/03	68 FR 24605
Interim Final Rule Effective	05/08/03	
Interim Final Rule Comment Period End	07/07/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Larry Lorenz, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ70

**3619. • EXCEPTED SERVICE—PRIVACY PROCEDURES FOR PERSONNEL RECORDS, CAREER AND CAREER-CONDITIONAL EMPLOYMENT, TEMP. ASSIGNMENT OF EMPLOYEES BETWEEN FEDERAL AGENCIES AND STATE, LOCAL, AND INDIAN TRIBAL GOVTS.**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3301; 5 USC 3302; 5 USC 307; 5 USC 2103; 5 USC 4301

**CFR Citation:** 5 CFR 213; 5 CFR 297; 5 CFR 315; 5 CFR 334; 5 CFR 362; 5 CFR 537; 5 CFR 550

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is issuing proposed regulations modifying the Presidential Management Intern Program.

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/04	69 FR 3526
Final Action	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Larry Lorenz, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AK27

**3620. DETAIL OF GOVERNMENT EMPLOYEES BETWEEN THE EXECUTIVE BRANCH AND THE LEGISLATIVE BRANCH**

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

**Legal Authority:** 5 USC 1103

**CFR Citation:** 5 CFR 300

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/09/03	68 FR 53054

## OPM

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment	10/24/03	
Period End		
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AK05

**3621. REASONABLE ACCOMMODATION LANGUAGE FOR VACANCY ANNOUNCEMENTS**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/11/01	66 FR 63905
Interim Final Rule Effective	01/10/02	
Final Action	04/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Watson, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ11

**3622. EMPLOYMENT OF RELATIVES**

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

**Legal Authority:** 5 USC 3110

**CFR Citation:** 5 CFR 310

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/22/03	68 FR 55012
NPRM Comment	11/21/03	
Period End		
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AK03

**3623. • SENIOR EXECUTIVE SERVICE PAY AND PERFORMANCE AWARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 3161; 5 USC 3392; 5 USC 3393; 5 USC 3395; ...

**CFR Citation:** 5 CFR 317; 5 CFR 352; 5 CFR 531; 5 CFR 534

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing interim regulations to establish a new pay-for-performance system for the Senior Executive Service (SES). The new SES pay system replaces the current six-level system with an open-range "payband" and allows a higher annual maximum rate of basic pay. These regulations set forth the requirements for converting SES members to the new pay system and adjusting SES rates of basic pay.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/13/04	69 FR 2048
Final Action	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AK32

**3624. RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 5 CFR 332

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/15/02	67 FR 7055
Interim Final Rule Effective	02/15/02	
Final Action	06/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Linda Watson, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ52

## OPM

## Final Rule Stage

**3625. TEMPORARY ASSIGNMENT OF EMPLOYEES BETWEEN FEDERAL, STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS**

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

**Legal Authority:** 5 USC 3376

**CFR Citation:** 5 CFR 334

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/22/03	68 FR 50726
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ94

**3626. AWARDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 4506

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/13/02	67 FR 52595
Interim Final Rule Effective	09/12/02	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 3206-AJ65

**3627. • LOCALITY-BASED COMPARABILITY PAYMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5304

**CFR Citation:** 5 CFR 531

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing interim regulations to provide that a locality rate of pay is considered basic pay for the purpose of computing danger pay allowances and post differentials for certain employees temporarily assigned to work in foreign areas for which the Department of State has established danger pay allowances. These regulations will aid agencies in responding to emergency, mission-critical staffing needs in support of the Global War on Terrorism and other international activities in imminently dangerous overseas work locations by increasing the danger pay allowance and post differential benefits for employees temporarily assigned to such locations.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AK56

**3628. JOB GRADING REVIEWS AND APPEALS OF FEDERAL WAGE SYSTEM EMPLOYEES (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 5346

**CFR Citation:** 5 CFR 532, subpart G

**Legal Deadline:** None

**Abstract:** The job grading reviews and appeals regulations require updating to reflect current organizational nomenclature following a reorganization within OPM.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 202 606-2920

**RIN:** 3206-AI14

**3629. PREVAILING RATE SYSTEMS; REDEFINITION OF THE SAN FRANCISCO, CALIFORNIA, NONAPPROPRIATED FUND WAGE AREA**

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

**Legal Authority:** 5 USC 5343

**CFR Citation:** 5 CFR 532

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/03	68 FR 64493
NPRM Comment Period End	12/15/03	
Final Action	07/00/04	

## OPM

## Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mark Allen, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415

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**RIN:** 3206-AK26**3630. 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	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Vicki Draper, Strategic Human Resources Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415

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**RIN:** 3206-AJ56**3631. PRETAX ALLOTMENTS FOR FLEXIBLE SPENDING ACCOUNTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5527; EO 10982; 3 CFR, 1959-1963 Comp, p. 263**CFR Citation:** 5 CFR 550**Legal Deadline:** None**Abstract:** The Office of Personnel Management is issuing interim regulations to enable employees to contribute to pre-tax flexible spending accounts (FSAs) through two new allotments from the employee's pay to the employing agency. One of the new allotments will be available for a health care FSA and the other for a dependent care FSA. FSAs become effective on July 1, 2003.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sharon Herzberg, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., 7H31, Washington, DC 20415

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**RIN:** 3206-AJ88**3632. 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	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jeanne D. Jacobson, Division for Strategic Human Resources

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**RIN:** 3206-AJ48**3633. EXTENDED ASSIGNMENT INCENTIVES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5757; PL 107-273**CFR Citation:** 5 CFR 575**Legal Deadline:** None**Abstract:** The Office of Personnel Management is issuing interim regulations to implement a recent statutory amendment that authorizes the payment of extended assignment incentives to certain categories of Federal employees in positions located in a territory or possession of the United States, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands. The interim regulations will establish the criteria and procedures for the payment of extended assignment incentives.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/12/03	68 FR 53667
Interim Final Rule Effective	09/12/03	
Final Action	08/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Vicki Draper, Strategic Human Resources Policy Division, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415

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**RIN:** 3206-AJ87**3634. • COST-OF-LIVING ALLOWANCES (NONFOREIGN AREAS); METHODOLOGY CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5941**CFR Citation:** 5 CFR 591



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**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) will publish final regulations making technical changes in the methodology used to determine nonforeign area cost-of-living allowances (COLAs). The changes correct minor drafting errors; provide consistent treatment of sale prices; allow the use of non-housing price data collected on St. John, U.S. Virgin Islands; correct and clarify the definition of COLA survey areas; and allow a one-time prospective index adjustment for the Caribbean and Alaska areas concurrent with the effective date of any COLA rate changes resulting from the 2004 Pacific COLA surveys.

**Timetable:**

Action	Date	FR Cite
NPRM	02/09/04	69 FR 6020
Final Action	07/00/04	

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

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**RIN:** 3206-AK29

### 3635. IMPLEMENTATION OF TITLE II OF THE NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-174, sec 204; Presidential Memorandum dated July 8, 2003

**CFR Citation:** 5 CFR 724

**Legal Deadline:** Final, Statutory, October 1, 2003, Presidential Memorandum dated July 8, 2003. The President assigned the responsibility to the Office of Personnel Management to issue regulations implementing title II of the Act by October 1, 2003.

**Abstract:** The Office of Personnel Management is proposing interim

regulations that would implement title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. The Act requires that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. The regulations would clarify Federal agency reporting and training requirements under the Act and prescribe the procedures for reimbursement of the Judgment Fund.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/22/04	69 FR 2997
Final Action	08/00/04	

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

**Agency Contact:** Gary D. Wahlert, Human Resources System Service, Family Programs and Employee Relations Div., Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ93

### 3636. RETIREMENT; COVERAGE—NONAPPROPRIATED FUND INSTRUMENTALITIES

**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8347**CFR Citation:** 5 CFR 831; 5 CFR 837; 5 CFR 841 to 844; 5 CFR 847

**Legal Deadline:** Final, Statutory, August 9, 1996.

**Abstract:** These regulations implement the provisions of Public Law 104-106 and Public Law 107-107, which allow employees who have been employed by nonappropriated fund instrumentalities under the jurisdiction of the armed forces to obtain retirement credit under limited circumstances.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/09/96	61 FR 41714
Final Action	12/00/04	

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

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**Related RIN:** Related to 3206-AJ72**RIN:** 3206-AH57

### 3637. 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 Comment Period End	12/01/97	
Final Action	09/00/04	

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

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**RIN:** 3206-AI02

OPM

Final Rule Stage

**3638. 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 Comment Period End	06/29/99	
Final Action	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AI55

**3639. LAW ENFORCEMENT OFFICER AND FIREFIGHTER RETIREMENT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347; 5 USC 8461

**CFR Citation:** 5 CFR 831; 5 CFR 842

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/25/01	66 FR 38523
Interim Final Rule Effective	07/25/01	
Final Action	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ39

**3640. CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF THE CIVILIAN MARKSMANSHIP PROGRAM**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/02	67 FR 38210
NPRM Comment Period End	08/02/02	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ55

**3641. VOLUNTARY EARLY RETIREMENT UNDER THE HOMELAND SECURITY ACT OF 2004**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-296

**CFR Citation:** 5 CFR 831, 5 CFR 842

**Legal Deadline:** None

**Abstract:** Public Law 107-296 authorized agencies to request voluntary early retirement authority (VERA) based on a need for workforce reshaping. Previously, agencies could only request VERA based on demonstrated need to downsize. Public Law 107-296 also provided workforce reshaping flexibility to agencies requesting the authority to offer voluntary separation incentive payments (VSIP). Interim regulations amending 5 CFR part 576 have already been issued to cover the VSIP flexibility. Interim regulations revising parts 831 and 842 of 5 CFR are urgently needed so that agencies can request both VERA and VSIP based on the need for workforce reshaping. At the moment, they can only request VSIP on this basis—which hampers their ability to accomplish the goals set out in the President's management agenda.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/13/03	68 FR 35270
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ82

## OPM

## Final Rule Stage

**3642. • FEDERAL EMPLOYEES RETIREMENT SYSTEM; DEATH BENEFITS AND EMPLOYEE REFUNDS**

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

**Legal Authority:** 5 USC 8347; 5 USC 8461

**CFR Citation:** 5 CFR 841; 5 CFR 842; 5 CFR 843

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is revising: 1) the table of reduction factors for early commencing dates of survivor annuities for spouses of separated employees who die before the date on which they would be eligible for unreduced deferred annuities; and 2) the annuity factor for spouses of deceased employees who die in service when those spouses elect to receive the basic employee death benefit in 36 installments under the Federal Employees Retirement System (FERS) Act of 1986. These rules are necessary to conform the tables to the previously published economic assumptions approved by the Board of Actuaries. OPM is also making nonsubstantive changes to parts 841, 842, and 843 of title 5, Code of Federal Regulations, to correct and clarify the regulations.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patrick Jennings, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-0001  
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**RIN:** 3206-AK57

**3643. FEDERAL LONG-TERM CARE INSURANCE REGULATIONS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 9008

**CFR Citation:** 5 CFR 875

**Legal Deadline:** None

**Abstract:** On September 19, 2000, the Long-Term Care Security Act became

law. As directed by the Act, OPM published interim regulations on February 4, 2003, which establish the basic rules under which the Federal Long Term Care Insurance Program operates. Final Regulations are in clearance.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/04/03	68 FR 5531
Interim Final Rule Effective	02/04/03	
Interim Final Rule Comment Period End	04/07/03	
Final Action	08/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** John Cutler, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AJ71

**3644. 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 child(ren), 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	10/01/03	68 FR 56523
Interim Final Rule Effective	10/31/03	
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ34

**3645. CHANGES IN HEALTH BENEFITS ENROLLMENT**

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

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

**CFR Citation:** 5 CFR 890

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/09/04	69 FR 59356
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AK04

OPM

Final Rule Stage

**3646. • FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM: REMOVAL OF TWO-OPTION LIMITATION FOR HEALTH BENEFITS PLAN AND CONTINUATION OF COVERAGE FOR ANNUITANTS WHOSE PLAN TERMINATES AN OPTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 890

**CFR Citation:** 5 CFR 890

**Legal Deadline:** None

**Abstract:** This regulation removes the prohibition against FEHB plans offering more than two options, to allow FEHB plans to offer two options plus a high deductible plan. It also modifies what happens when an annuitant's health plan terminates an option, and the annuitant does not make a health benefits change.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	06/06/04	
Interim Final Rule Final Action	06/07/04	69 FR 31721
	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AK48

**3647. EMPLOYEES RESPONSIBLE FOR THE MANAGEMENT OR USE OF FEDERAL COMPUTER SYSTEMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 100-235

**CFR Citation:** 5 CFR 930, subpart C

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing proposed regulations to revise the rules that govern the training of employees responsible for the management or use of Federal computer systems. The proposal refers the user to the National Institute of Standards and Technology (NIST) website, which will have the most current information on computer

security awareness and training guidelines and removes text that is included on the NIST website, thus, streamlining the regulation where appropriate.

**Timetable:**

Action	Date	FR Cite
NPRM	09/04/03	68 FR 52528
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 3206-AJ84

**3648. GENERAL AND MISCELLANEOUS**

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

**Legal Authority:** 5 CFR 1

**CFR Citation:** 5 CFR 990

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/27/03	68 FR 28806
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 3206-AJ97

**3649. 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; 48 CFR 1646; ...

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/15/03	68 FR 10000
Final Action	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 3206-AJ20

**3650. IMPLEMENTATION OF ADDITIONAL COST PRINCIPLES IN THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

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**Timetable:**

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15774
Final Action	12/00/04	

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

**Agency Contact:** Anne Easton, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0004  
Email: aseaston@opm.gov  
**RIN:** 3206-AJ10

**3651. OPM EMPLOYEE RESPONSIBILITIES AND CONDUCT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552a; 5 USC 7301**CFR Citation:** 5 CFR 1001**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/20/02	67 FR 70029
Final Action	12/00/04	

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

**Agency Contact:** Wade Plunkett, Office of the General Counsel, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-1700  
**RIN:** 3206-AJ69

**3652. POSTING REGULATIONS****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 1103**CFR Citation:** 5 CFR 110**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing proposed

regulations to revise the rules relating to notice of new regulations and information collection requirements. The revisions include eliminating one subpart and renaming the remaining subpart, and making plain language modifications.

**Timetable:**

Action	Date	FR Cite
NPRM	03/06/03	68 FR 10667
NPRM Comment Period End	05/05/03	
Final Action	12/00/04	

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

**Agency Contact:** Robert T. Coco, Division for Management and Chief Financial Officer, Office of Personnel Management, Contracting, Facilities, and Administrative Services Group, Publications Management Branch, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-1822  
Fax: 202 606-0909  
Email: rtcoco@opm.gov  
**RIN:** 3206-AJ73

**3653. INFORMATION TECHNOLOGY EXCHANGE PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-347**CFR Citation:** 5 CFR 370**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/04	69 FR 3526
Final Action	12/00/04	

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

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

**RIN:** 3206-AJ91**3654. 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	10/00/04	

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

**Agency Contact:** Jeanne D. Jacobson, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2858  
Fax: 202 606-0824  
Email: pay-performance-policy@opm.gov  
**RIN:** 3206-AI88

**3655. HUMAN CAPITAL PERFORMANCE FUND****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 54**CFR Citation:** 5 CFR 540**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing interim regulations to implement legislation

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creating the Human Capital Performance Fund (HCPF). Agencies may use funds from the HCPF to increase the pay of those employees who demonstrate exceptional performance contributing to the achievement of their agency's mission. These regulations provide the criteria and rules for allocating and managing funds appropriated for the HCPF and granting and administering payments made from the HCPF to employees.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/04	

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

**Agency Contact:** Sharon Herzberg, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., 7H31, Washington, DC 20415  
Phone: 202 606-2858  
Fax: 202 606-0824  
Email: pay-performance-policy@opm.gov

**RIN:** 3206-AK33**3656. VOLUNTARY SEPARATION INCENTIVE PAYMENTS (VSIPS)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-296**CFR Citation:** 5 CFR 576**Legal Deadline:** None

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

**Timetable:**

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

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

**Agency Contact:** Charles Gray, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0960  
Fax: 202 606-2329  
Email: cwgray@opm.gov

**RIN:** 3206-AJ76**3657. EMPLOYEE RESPONSIBILITIES AND CONDUCT****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 7301; EO 12674, 3 CFR, 1989 Comp, p. 215, as modified by EO 12731; EO 12731, 3 CFR, 1989 Comp, p. 306

**CFR Citation:** 5 CFR 735**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/15/03	68 FR 1987
Final Action	12/00/04	

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

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

**RIN:** 3206-AJ74**3658. RETIREMENT—DEBT COLLECTION****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347; 5 USC 8461

**CFR Citation:** 5 CFR 835, subpart E**Legal Deadline:** None

**Abstract:** These regulations will amend the Civil Service Retirement System (CSRS) and Federal Employees

Retirement System (FERS) regulations by consolidating and updating existing regulations in three different subparts of the CSRS regulations, and 5 CFR 845 in the FERS regulations to eliminate duplication of the provisions governing debt collection. This item is for subpart E of the new part 835, which will address collections of Government claims from payments made by OPM.

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/92	57 FR 45753
Final Action	12/00/04	

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

**Agency Contact:** Patricia A. Rochester, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-2099  
Email: combox@opm.gov

**RIN:** 3206-AE72**3659. CORRECTION OF RETIREMENT COVERAGE ERRORS UNDER THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTION ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-265**CFR Citation:** 5 CFR 839**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is amending its regulations to include new rules for correcting certain retirement coverage errors. We are amending the regulations to implement the provisions of the Federal Erroneous Retirement Coverage Corrections Act (FERCCA), title II of Public Law 106-265. The regulations will allow agencies to correct affected coverage errors.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/19/01	66 FR 15605
Interim Final Rule Effective	03/19/01	
Final Action	12/00/04	

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

**Agency Contact:** Cynthia Reinhold, Division for Strategic Human Resources

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

RIN: 3206-AJ38

### 3660. 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	09/00/04	

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

RIN: 3206-AI83

### 3661. 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	12/00/04	

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

**Agency Contact:** Patrick Jennings, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-0001  
Phone: 202 606-0299  
Email: combox@opm.gov

RIN: 3206-AE73

### 3662. 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 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
Final Action	01/00/05	

#### Regulatory Flexibility Analysis Required: No

**Government Levels Affected:** None

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

RIN: 3206-AG58

### 3663. RETIREMENT COVERAGE AND SERVICE CREDIT ELECTIONS AVAILABLE TO CURRENT AND FORMER NONAPPROPRIATED FUND EMPLOYEES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8347; 5 USC 8461; PL 107-107, sec 1131; PL 107-107, sec 1132

**CFR Citation:** 5 CFR 847, subpart H; 5 CFR 847, subpart I

**Legal Deadline:** None

**Abstract:** These regulations amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations to establish procedures for employees who want to elect to use service they performed for a Nonappropriated Fund Instrumentality (NAFI) of the Department of Defense or Coast Guard to qualify for immediate retirement under CSRS or FERS annuity when employees elect to use NAFI service to qualify for immediate CSRS or FERS retirement.

#### Timetable:

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

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Related RIN:** Related to 3206-AH57

RIN: 3206-AJ72

### 3664. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: PAYMENT OF PREMIUMS FOR PERIODS OF LEAVE WITHOUT PAY OR INSUFFICIENT PAY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8913

**CFR Citation:** 5 CFR 890

**Legal Deadline:** None

**Abstract:** These regulations establish a requirement that Federal agencies

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/22/96	61 FR 37807
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Agnes M. Kalland, Division for Strategic Human Resources Policy, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0004  
Email: amkallan@opm.gov

**RIN:** 3206-AG66

**3665. • AGENCY REPORTING REQUIREMENTS; TRAINING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 8913

**CFR Citation:** 5 CFR 890

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is proposing a revision to its regulations concerning agency reporting requirements. The proposed change requires agencies to electronically transfer training data to OPM's governmentwide electronic data collection system on a regular basis. This proposed regulatory change will also facilitate reporting governmentwide training information data using OPM's electronic data collection system.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 3206-AK46

**3666. IMPLEMENTATION OF FLEXIBLE SPENDING ACCOUNTS FOR EXECUTIVE BRANCH FEDERAL EMPLOYEES PARTICIPATING IN THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 26 USC 125; 26 USC 129; 26 USC 152

**CFR Citation:** 5 CFR 892

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management plans to issue regulations that 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	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael W. Kaszynski, Retirement and Insurance Services, Office of Personnel Management, Insurance Policy and Information Division, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-0004  
Fax: 202 606-0633  
Email: mwkaszyn@opm.gov

**RIN:** 3206-AJ66

**3667. FEDERAL EXECUTIVE BOARDS**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 CFR 960, Memorandum of the President for Heads of Departments and Agencies

**CFR Citation:** 5 CFR 960

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) proposes

regulations designed to make plain language updates, and general or routine modifications with no cost implications. These regulations also will clarify language based on modifications to OPM programs.

**Timetable:**

Action	Date	FR Cite
NPRM	11/25/02	67 FR 70559
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Paula L. Bridgham, Division for Human Capital Leadership and Merit System Accountability, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
Phone: 202 606-1000  
Fax: 202 606-3350  
Email: plbridgh@opm.gov

**RIN:** 3206-AJ68

**3668. • DEPARTMENT OF HOMELAND SECURITY (DHS) HUMAN RESOURCES MANAGEMENT SYSTEMS**

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 5 USC 9701

**CFR Citation:** 5 CFR 970

**Legal Deadline:** None

**Abstract:** The Department of Homeland Security (DHS) and the Office of Personnel Management (OPM) are issuing proposed regulations to establish a new human resources (HR) management system within DHS, as authorized by the Homeland Security Act of 2002. The affected subsystems include the systems governing basic pay, classification, performance management, labor relations, adverse actions (e.g., disciplinary actions), and employee appeals. These changes are designed to ensure that DHS' human resources management system aligns with the Department's critical mission requirements and protects the civil service rights of its employees.

**Timetable:**

Action	Date	FR Cite
NPRM	02/20/04	69 FR 8030
Final Action	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** No



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**Small Entities Affected:** No  
**Government Levels Affected:** Federal  
**Federalism:** Undetermined  
**Agency Contact:** Donald J. Winstead,  
 Office of Pay and Performance,

Personnel Systems and Oversight  
 Group, Office of Personnel  
 Management, 1900 E Street NW.,  
 Washington, DC 20415  
 Phone: 202 606-2818

Email: pay-performance-  
 policy@opm.gov

**RIN:** 3206-AK31

## Office of Personnel Management (OPM)

## Long-Term Actions

**3669. 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	10/17/94	
Effective Date		
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 3206-AC21

**3670. INVESTIGATIONS**

**Priority:** Other Significant

**Legal Authority:** PL 93-579; 5 USC 552a

**CFR Citation:** 5 CFR 736

**Legal Deadline:** None

**Abstract:** With the abolishment of the Federal Personnel Manual (FPM),

certain policies and procedures enunciated in the FPM are being considered for publication in another format.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 3206-AB92

## Office of Personnel Management (OPM)

## Completed Actions

**3671. PERSONNEL MANAGEMENT IN AGENCIES**

**Priority:** Other Significant

**CFR Citation:** 5 CFR 250

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/23/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Diane Tyrrell  
 Phone: 202 606-0960  
 Fax: 202 606-2329  
 Email: dmtyrrel@opm.gov

**RIN:** 3206-AJ95

**3672. PROMOTION AND INTERNAL PLACEMENT; ACCELERATED QUALIFICATIONS**

**Priority:** Substantive, Nonsignificant

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

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/23/04	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Jacobs  
 Phone: 202 606-0830  
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 Email: kkjacobs@opm.gov

**RIN:** 3206-AG19

**3673. PERFORMANCE MANAGEMENT**

**Priority:** Other Significant

**CFR Citation:** 5 CFR 430, subpart A; 5 CFR 430, subpart B

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/20/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Barbara Colchao  
 Phone: 202 606-2720  
 Fax: 202 606-2395  
 Email: pay-performance-  
 policy@opm.gov

**RIN:** 3206-AJ80

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## Completed Actions

**3674. OFFICIAL DUTY STATION DETERMINATIONS FOR PAY PURPOSES****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 530; 5 CFR 531; 5 CFR 591**Completed:**

Reason	Date	FR Cite
Withdrawn	04/23/04	

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

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Fax: 202 606-0824

Email: pay-performance-policy@opm.gov

**RIN:** 3206-AH84**3675. PAY UNDER THE GENERAL SCHEDULE; SUBPART F—LOCALITY-BASED COMPARABILITY PAYMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 531**Completed:**

Reason	Date	FR Cite
Final Action	04/22/03	68 FR 19707

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Allan G. Hearne

Phone: 202 606-2838

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Email: aghearne@opm.gov

**RIN:** 3206-AJ62**3676. PREVAILING RATE SYSTEMS; CHANGE IN FEDERAL WAGE SYSTEM SURVEY JOB AND MISCELLANEOUS CHANGE****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 532**Completed:**

Reason	Date	FR Cite
Final Action	05/13/04	69 FR 26475
Final Action Effective	06/14/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mark Allen

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**RIN:** 3206-AJ79**3677. POST DIFFERENTIALS (NONFOREIGN AREAS); PALMYRA ATOLL****Priority:** Info./Admin./Other**CFR Citation:** 5 CFR 591**Completed:**

Reason	Date	FR Cite
Withdrawn	04/23/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Donald L. Paquin

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**RIN:** 3206-AK00**3678. • PAY ADMINISTRATION (GENERAL)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5542(a)(2)**CFR Citation:** 5 CFR 550.113(b)**Legal Deadline:** None

**Abstract:** The Office of Personnel Management is issuing final regulations to implement a provision of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-1136, November 24, 2003) which modified the hourly overtime pay cap for certain Federal employees who are exempt from the Fair Labor Standards Act of 1938, as amended.

**Timetable:**

Action	Date	FR Cite
Final Action	05/13/04	69 FR 26475
Final Action Effective	05/13/04	

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

**Agency Contact:** Vicki Draper, Strategic Human Resources Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415  
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**RIN:** 3206-AK47**3679. PREVAILING RATE SYSTEMS; CHANGE IN THE SURVEY MONTH FOR THE BUREAU OF RECLAMATION MID-PACIFIC REGION SURVEY****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 5 CFR 532**Completed:**

Reason	Date	FR Cite
NPRM	10/31/03	68 FR 62027
Final Action	02/13/04	69 FR 7105

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Mark Allen

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**RIN:** 3206-AK06**3680. PHYSICIAN'S COMPARABILITY ALLOWANCES****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 595**Completed:**

Reason	Date	FR Cite
Final Action	05/17/04	69 FR 27817
Final Action Effective	06/16/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Vicki Draper

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**RIN:** 3206-AJ96**3681. AGENCY USE OF APPROPRIATED FUNDS FOR CHILD CARE COSTS FOR LOWER INCOME EMPLOYEES****Priority:** Other Significant**CFR Citation:** 5 CFR 792, subpart B**Completed:**

Reason	Date	FR Cite
Final Action	02/24/04	69 FR 8325

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

## OPM

## Completed Actions

**Agency Contact:** Bonnie Storm  
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**RIN:** 3206-AJ77

**3682. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: EFFECTIVE DATES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 5 CFR 890

**Completed:**

Reason	Date	FR Cite
Withdrawn	12/24/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Anne Easton

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**RIN:** 3206-AI37

**3683. FINANCIAL SANCTIONS OF HEALTH CARE PROVIDERS IN THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 5 CFR 890, subpart J

**Completed:**

Reason	Date	FR Cite
Final Action	03/03/04	69 FR 9919

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ42

**3684. PERSONNEL MANAGEMENT RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 5 CFR 470

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/23/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ67

**3685. PREVAILING RATE SYSTEMS; REDEFINITION OF THE NORTH DAKOTA AND DULUTH, MINNESOTA, APPROPRIATED FUND WAGE AREAS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 5 CFR 532

**Completed:**

Reason	Date	FR Cite
Final Action	02/04/04	69 FR 5257

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ78

**3686. LIST OF AGENTS DESIGNATED TO ACCEPT LEGAL PROCESS**

**Priority:** Info./Admin./Other

**CFR Citation:** 5 CFR 581, app

**Completed:**

Reason	Date	FR Cite
Withdrawn	04/23/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ83

**3687. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE: REMOVAL OF PREMIUMS AND AGE BANDS FROM REGULATIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 5 CFR 870

**Completed:**

Reason	Date	FR Cite
Final Action	10/14/03	68 FR 59081
Final Action Effective	11/13/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AJ46

**3688. • GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Sec 2455, PL 103-355, 108 Stat 3327; EO 12549, CFR, 1986 Comp., p. 189; EO 12689, 3 CFR 1989 Comp., p. 235

**CFR Citation:** 5 CFR 919; 5 CFR 970

**Legal Deadline:** None

**Abstract:** The Office of Personnel Management (OPM) is issuing a final rule to redesignate part 970 of title 5 of the Code of Federal Regulations as part 919. OPM intends to use part 970 in the near future as the location for new regulations issued jointly by the Department of Homeland Security and OPM, which will establish a new human resources management system within DHS.

**Timetable:**

Action	Date	FR Cite
Final Action	12/23/03	68 FR 74161

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 3206-AK30

[FR Doc. 04-13539 Filed 06-25-04; 8:45 am]

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