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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

RIN 3206-AJ70

Excepted Service—Temporary Organizations

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final regulation amending the Governmentwide excepted service Schedule A authority for temporary organizations. This regulation revises the definition of the term "temporary organization" to comply with legislation. It also establishes criteria with which temporary organizations must comply if they wish to extend an employee's appointment.

DATES: Effective March 24, 2006.

FOR FURTHER INFORMATION CONTACT: Sharon K. Ginley at (202) 606-0960, FAX at (202) 606-2329, TDD at (202) 418-3134, or e-mail at sharon.ginley@opm.gov.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management issued an interim regulation (68 FR 24605, May 8, 2003) to implement changes to the current Governmentwide excepted service Schedule A authority for temporary organizations. The interim regulation reflected the addition of a new subchapter IV to chapter 31 of title 5, United States Code. The new subchapter defined the term "temporary organization"; permitted the head of a temporary organization to make excepted service appointments of up to 3 years to fill positions in these organizations; permitted appointment extensions for no more than 2 years; and gave return rights to those who transfer or convert (with agency head approval)

to these appointments from career or career-conditional appointments if certain conditions are met.

We received comments from two agencies supporting the change. One agency suggested adding information to 5 CFR part 352, to include reemployment rights for those in temporary organizations. Although we appreciate the value of making our regulations as comprehensive as possible, we note that the statutory provision regarding return rights at 5 U.S.C. 3161(g) is specific and clear, and we encourage individuals with questions about this topic to consult this provision for guidance. We are adopting the interim regulation as final with no change.

Regulatory Flexibility Act

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

Executive Order 12866, Regulatory Review

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

List of Subjects in 5 CFR Part 213

Government employees, Reporting and recordkeeping requirements.

Office of Personnel Management.

Linda M. Springer,
Director.

■ Accordingly, OPM is adopting the interim regulations (68 FR 24605) amending 5 CFR part 213, published on May 8, 2003 as final with no change.

[FR Doc. 06-1607 Filed 2-21-06; 8:45 am]

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AK64

Prevailing Rate Systems; Environmental Differential Pay for Asbestos Exposure

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule to implement a statutory change that requires the use of the Occupational Safety and Health Administration permissible exposure limit standard for concentrations of airborne asbestos fibers for an environmental differential pay category that covers Federal prevailing rate (wage) employees.

DATES: The final rule is effective on February 22, 2006.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, (202) 606-2838; e-mail pay-performance-policy@opm.gov; or FAX: (202) 606-4264.

SUPPLEMENTARY INFORMATION: On April 27, 2005, the Office of Personnel Management (OPM) published an interim rule (70 FR 21613) to incorporate the Occupational Safety and Health Administration (OSHA) permissible exposure limit (PEL) standard for concentrations of airborne asbestos in the Federal Wage System (FWS) environmental differential pay (EDP) category for asbestos, as required by section 1122 of the National Defense Authorization Act for 2004 (Pub. L. 108-136, November 24, 2003). The interim rule revised the asbestos category in appendix A to subpart E of 5 CFR part 532 to implement section 1122 for prevailing rate employees and required Federal agencies to apply occupational safety and health standards consistent with the OSHA PEL standard for asbestos. The 60-day comment period ended on June 27, 2005. OPM received comments from an agency, a labor organization, and an institute dedicated to occupational and environmental health research.

The labor organization and the institute objected to the use of the OSHA PEL standard to determine an employee's pay entitlement under the FWS EDP asbestos category. The labor organization stated that it is a well-documented, scientific fact that no exposure to airborne asbestos fibers is safe. The institute asserted that there is a preponderance of data indicating that there is no threshold below which there is no risk of exposure to asbestos, and only the constraints of what OSHA considers feasible in terms of monitoring and abatement prevents OSHA from setting a lower PEL for asbestos exposure. The institute expressed the belief that exposure to asbestos at any level is hazardous.