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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 315 and 362

RIN 3206-AH53

Presidential Management Intern Program

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is revising its regulations to clarify the nomination, selection, and employment procedures of the Presidential Management Intern (PMI) Program. The revised regulations also clarify that PMI's do not serve probation when converted to career or career-conditional appointments.

EFFECTIVE DATES: August 20, 1997.

FOR FURTHER INFORMATION CONTACT: Kathleen Keeney, 215-597-1920, FAX 215-597-8136.

SUPPLEMENTARY INFORMATION: OPM issued interim regulations with a request for comments on January 22, 1997 (62 FR 3193). Comments were received from one Federal agency. The agency suggested that the reference in § 362.202(a), concerning OPM approval of internship extensions under § 362.202(b), is incorrect. The reference will now read § 362.203(b). In addition, in § 362.202(d) addressing grade and pay, we are inserting the word "range" in front of "consistent" which was inadvertently omitted.

The agency also suggested that OPM take the lead in providing agencies with individual development plan models, and inform agency components that they are responsible for the 80-hour training requirement and the required one rotational assignment. We did not adopt these suggestions as regulatory additions, but OPM will provide additional guidance to agencies

concerning various aspects of the PMI Program on a continuing and regular basis. However, we believe that the agency headquarters office also has a responsibility to remind their components of their responsibilities to PMI's. Ultimately, the headquarters office remains accountable for its components' actions concerning the PMI program.

With these changes, we are adopting the proposed regulations as final.

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Parts 315 and 362

Administrative practice and procedure, Government employees.

U.S. Office of Personnel Management.

James B. King,
Director.

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

PART 315—CAREER AND CAREER- CONDITIONAL EMPLOYMENT

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

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

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

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

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

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

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

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

Secs. 315.608 also issued under E.O. 12721, CFR, Comp., p. 293.

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

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

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

2. Section 315.708 is revised to read as follows:

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

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

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

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

(3) Meets the citizenship requirement.

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

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

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

3. Part 362 is revised to read as follows:

PART 362—PRESIDENTIAL MANAGEMENT INTERN PROGRAM

Subpart A—Purpose and Definitions

Sec.

362.101 Purpose.

362.102 Definitions.

Subpart B—Program Administration

362.201 Nomination and selection.

362.202 Appointment and extensions.

362.203 Conversion to competitive service.

362.204 Resignation, termination, and reduction in force.

362.205 Movement of interns between Departments or Agencies.

362.206 Career development.

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

Subpart A—Purpose and Definitions

§ 362.101 Purpose.

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

§ 362.102 Definitions.

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

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

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

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

(b) *Nomination procedure.* (1) The college or university making nominations for the Program shall establish a competitive nomination process to ensure that all eligible students are aware of the PMI Program and how to apply for nomination. The process will also ensure that applicants receive careful and thorough review, and that all receive equal opportunity for nomination.

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

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

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

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

§ 362.202 Appointment and extensions.

(a) *Appointing authority.* The appointment authority for Presidential Management Interns is 5 CFR 213.3102(ii). Appointments cannot exceed 2 years unless extended for up to 1 additional year by the agency with the approval of OPM under § 362.203(b).

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

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

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

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

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

(2) The agency is authorized to pay the noncitizen under the annual appropriations act ban or any agency-

specific enabling appropriation statute; and

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

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

§ 362.203 Conversion to competitive service.

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

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

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

§ 362.204 Resignation, termination, and reduction in force.

(a) *Resignation.* An employee who resigns during the internship does not have reinstatement eligibility for competitive service positions and cannot be re-interested to the PMI Program.

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

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

§ 362.205 Movement of interns between Departments or Agencies.

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

new employing agency must notify the OPM PMI Program office of the action.

§ 362.206 Career development.

(a) *OPM responsibilities.* OPM will:

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

(b) *Agency responsibilities.* Each agency will:

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

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

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

[FR Doc. 97-21981 Filed 8-19-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 97-085-1]

Mexican Fruit Fly Regulations; Removal of Regulated Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations to remove the regulated portion of Los Angeles County, CA, from the list of areas regulated because of the Mexican fruit fly, and to remove California from the list of States quarantined because of the Mexican fruit fly. We have determined that the Mexican fruit fly has been eradicated from California and that restrictions on the interstate movement of regulated articles from California are no longer necessary to prevent the spread of the Mexican fruit fly into noninfested areas of the United States. This action relieves unnecessary restrictions on the interstate movement of regulated articles from the previously regulated area.

DATES: Interim rule effective August 15, 1997. Consideration will be given only to comments received on or before October 20, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97-085-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 97-085-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-8247; or e-mail: mstefan@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Mexican fruit fly, *Anastrepha ludens* (Loew), is a destructive pest of citrus and other types of fruit. The short life cycle of the Mexican fruit fly allows rapid development of serious outbreaks that can cause severe economic losses in commercial citrus-producing areas. The Mexican fruit fly regulations, contained in 7 CFR 301.64 through 301.64-10 (referred to below as the regulations), quarantine infested States, designate regulated areas, and restrict the interstate movement of specified fruits and other regulated articles from regulated areas in order to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. Quarantined States are listed in § 301.64(a), and regulated areas are listed in § 301.64-3(c).

In an interim rule effective January 22, 1996, and published in the **Federal Register** on January 26, 1996 (61 FR 2391-2393, Docket No. 95-089-1), we quarantined the State of California and designated a portion of Los Angeles County as a regulated area because that area had been found to be infested with the Mexican fruit fly.

Based on insect trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the Mexican fruit fly has been eradicated from Los Angeles County, CA. The last finding of Mexican fruit fly thought to be associated with the infestation in this area was made on February 24, 1997.

Since then no evidence of Mexican fruit fly infestations has been found in

this area, and we have determined that the Mexican fruit fly no longer exists in Los Angeles County. Therefore, we are removing this area from the list of areas in § 301.64-3(c) regulated because of the Mexican fruit fly. As a result of this action there is no longer an area in California regulated because of the Mexican fruit fly. Because we have determined that the Mexican fruit fly no longer exists in California, we are removing California from the list in § 301.64(a) of States quarantined because of the Mexican fruit fly.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the public. The area in California affected by this document was regulated due to the possibility that the Mexican fruit fly could be spread to noninfested areas of the United States. Since this situation no longer exists, the continued regulated status of this area would impose unnecessary restrictions.

Because prior notice and other public procedures with respect to this action are contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This rule removes restrictions on the interstate movement of regulated articles from a portion of Los Angeles County, CA. Within this regulated area, there are 833 small entities that may be affected by this rule. These include 486 fruit sellers, 259 distributors, 47 nurseries, 30 swap meets, 4 food banks, 4 growers, 2 community gardens, and 1 food processor. These 830 entities comprise less than 1 percent of the total number of similar enterprises operating in the State of California.

These small entities sell regulated articles primarily for local intrastate, not