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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

RIN 3206-AK62

Computation of Pay for Biweekly Pay Periods

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final regulations to implement a change in law that requires the pay of heads of agencies and other designated employees to be calculated and paid on a biweekly basis instead of on a monthly basis. The final regulations also prescribe the circumstances under which an agency may calculate the pay of an employee on a biweekly pay period basis whose pay otherwise would be calculated on a monthly or other basis.

DATES: The regulations are effective June 9, 2005.

FOR FURTHER INFORMATION CONTACT: Jeanne Jacobson by telephone at (202) 606-2858; by FAX at (202) 606-0824; or by e-mail at *pay-performance-policy@opm.gov*.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management (OPM) is issuing final regulations to calculate pay on a biweekly pay period basis for employees whose pay was formerly calculated on a monthly basis. Section 1124 of Public Law 108-136 (November 24, 2003) amended 5 U.S.C. 5504 to require the pay of heads of agencies (including the heads of military departments) to be calculated and paid on a biweekly basis instead of on a monthly basis. This law also amended 5 U.S.C. 5504 to cover members of the Foreign Service, the Senior Foreign Service, and the Federal Bureau of Investigation and Drug Enforcement

Administration Senior Executive Service. In addition, 5 U.S.C. 5504(c)(3), as amended, allows an agency to make exceptions and elect to calculate the pay of employees on a biweekly pay period basis whose pay otherwise would be calculated on a monthly or other basis. The law requires OPM to issue regulations providing guidelines for such exceptions.

OPM issued proposed regulations on October 7, 2004, providing guidelines for agencies to use when electing to calculate the pay of employees on a biweekly pay period basis whose pay otherwise would be calculated on a monthly or other basis (69 FR 60097). The comment period for these proposed regulations ended on December 6, 2004. During the comment period, OPM received one comment from a Federal agency. The agency's concern dealt with the discussion in the Supplementary Information section of the **Federal Register** notice for the proposed regulations regarding how an agency head would be paid when he or she worked only a portion of a pay period. The agency thought the information in the "Computation of Pay" paragraph implied that an agency head who separated in the middle of a pay period would be paid for a full pay period of service. This was not the intent. An agency head who works only a portion of a pay period may be paid only for the number of hours worked in that pay period. Under 5 U.S.C. 5504, an agency must calculate the pay for fractional pay periods of work by dividing the agency head's annual salary by 2,087 to determine an hourly rate, and multiplying the hourly rate by the number of hours worked in the pay period.

Since this was the only comment received, the proposed regulations are being adopted as final without any changes.

Regulatory Flexibility Act

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

E.O. 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 550

Administrative practice and procedure, Claims, Government employees, Wages.

Office of Personnel Management.

Dan G. Blair,

Acting Director.

■ Accordingly, OPM is amending part 550 of title 5 of the Code of Federal Regulations as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

■ 1. A new subpart F is added to part 550 to read as follows:

Subpart F—Computation of Pay for Biweekly Pay Periods

Sec.

550.601 Purpose.

550.602 Coverage.

550.603 Definitions.

550.604 Biweekly pay periods and computation of pay.

550.605 Exceptions.

550.606 Reporting exceptions to OPM.

Authority: 5 U.S.C. 5504; Public Law 108-136, 117 Stat. 1637.

Subpart F—Computation of Pay for Biweekly Pay Periods

§ 550.601 Purpose.

This subpart provides regulations to implement 5 U.S.C. 5504 to compute pay on a biweekly pay period basis for employees in an agency, as defined in § 550.603.

§ 550.602 Coverage.

- (a) This subpart applies to—
- (1) An employee in or under an agency, except an employee excluded by paragraph (b) of this section;
 - (2) The head of an agency;
 - (3) The head of a military department, as defined in 5 U.S.C. 102;
 - (4) A Foreign Service officer;
 - (5) A member of the Senior Foreign Service;
 - (6) A member of the Senior Executive Service; or
 - (7) A member of the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.

(b) This subpart does not apply to—

- (1) An employee on the Isthmus of Panama in the service of the Panama Canal Commission; or
- (2) An employee or individual excluded from the definition of

employee in 5 U.S.C. 5541(2), except employees excluded by 5 U.S.C. 5541(2)(ii), (iii), and (xiv) through (xvii) are covered by this subpart.

§ 550.603 Definitions.

In this subpart—

Agency means an executive agency, as defined in 5 U.S.C. 105.

Employee has the meaning given that term in 5 U.S.C. 2105.

§ 550.604 Biweekly pay periods and computation of pay.

Agencies must apply the biweekly pay period and computation of pay provisions of 5 U.S.C. 5504 for employees covered by § 550.602(a).

§ 550.605 Exceptions.

An agency head or designee may deem that an employee excluded from coverage under § 550.602(b)(2) is covered by 5 U.S.C. 5504 in situations where he or she determines that continuing to calculate the pay of such employees on a monthly or other basis would diminish the level of services provided to the public by the agency. An agency head or designee also may deem that otherwise excluded employees are covered by 5 U.S.C. 5504 when he or she determines that computing the pay of such employees under that provision of law would provide cost savings in agency operations.

§ 550.606 Reporting exceptions to OPM.

Each agency must notify OPM in writing of any exceptions made under § 550.605.

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BILLING CODE 6325-39-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM306; Special Conditions No. 25-287-SC]

Special Conditions: Cessna Aircraft Company Model 650 Citation III Airplanes; High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Cessna Aircraft Company Model 650 Citation III airplanes modified by Pro Star Aviation, LLC. These airplanes will have novel and

unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The modification incorporates the installation of Honeywell Primus Epic Control Display System (CDS)/Retrofit Electronic Flight Instrument System (EFIS) system, and a second air data computer. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity-radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is April 27, 2005. Comments must be received on or before June 24, 2005.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM-113), Docket No. NM306, 1601 Lind Avenue, SW., Renton, Washington, 98055-4056; or delivered in duplicate to the Transport Airplane Directorate at the above address. Comments must be marked: Docket No. NM306.

FOR FURTHER INFORMATION CONTACT: Greg Dunn, FAA, Airplane and Flight Crew Interface Branch, ANM-111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington, 98055-4056; telephone (425) 227-2799; facsimile (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that notice and opportunity for prior public comment is impracticable because these procedures would significantly delay certification of the airplanes and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance; however, we invite interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that

you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions in light of the comments received.

If you want the FAA to acknowledge receipt of your comments on these special conditions, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

Background

On March 18, 2005, Pro Star Aviation, LLC, Manchester Airport, 5 Industrial Drive, Londonderry, NH 03053, applied for a supplemental type certificate (STC) to modify Cessna Aircraft Company Model 650 Citation III airplanes. These models are currently approved under Type Certificate No. A9NM. These Cessna airplane models are small transport category airplanes powered by two Garrett engines. The Cessna Model 650 airplanes carry a total of 15 people (a pilot, co-pilot, and 13 passengers), and have two wing tanks and a fuselage tank. The modification incorporates the installation of the Honeywell Primus Epic CDS/Retrofit EFIS system, EGPWS, and a second air data computer. The avionics/electronics and electrical systems installed in these airplanes have the potential to be vulnerable to high-intensity radiated fields (HIRF) external to the airplanes.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Pro Star Aviation, LLC must show that the Cessna Aircraft Company Model 650 Citation III airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A9NM, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The certification