

confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** June 11, 1980.

**FOR FURTHER INFORMATION CONTACT:**

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Bobbie Gross, Department of Justice, 202-633-1846.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3310 (i)(2) is added as set out below:

**§ 213.3310 Department of Justice.**

• • • • •  
(i) *Drug Enforcement Administration.*

(2) One Secretary (Typing) to the Deputy Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-0829 Filed 4-2-81; 8:45 am]

**BILLING CODE 6325-01-M**

**5 CFR Part 213**

**Excepted Service; Department of Justice**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C one Secretary and Confidential Assistant to the U.S. Attorney, Department of Justice, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** May 19, 1980.

**FOR FURTHER INFORMATION CONTACT:**

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Roberta Gross, Department of Justice, 202-633-1846.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3310(o)(1) is revised as set out below:

**§ 213.3310 Department of Justice.**

• • • • •  
(o) *Office of the U.S. Attorney.*

(1) Secretary and Confidential Assistant to the U.S. Attorney (25 positions).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-0830 Filed 4-2-81; 8:45 am]

**BILLING CODE 6325-01-M**

**5 CFR Part 213**

**Excepted Service; Metric Board**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment changes the title of a position at the U.S. Metric Board from Secretary (Steno) to the Executive Director, to Secretary (Typing) to the Executive Director to more appropriately reflect the duties of the position.

**EFFECTIVE DATE:** May 13, 1980.

**FOR FURTHER INFORMATION CONTACT:**

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Cassandra Browner, National Capital Region, 202-472-9214.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3383(a) is revised as set out below:

**§ 213.3383 U.S. Metric Board.**

(a) One Special Assistant and one Secretary (Typing) to the Executive Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-0853 Filed 4-2-81; 8:45 am]

**BILLING CODE 6325-01-M**

**5 CFR Part 213**

**Excepted Service; National Foundation on the Arts and the Humanities**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C one Special Assistant to the Chairman, National Endowment for the Arts, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** April 4, 1980.

**FOR FURTHER INFORMATION CONTACT:**

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Thomas Johnstone, National Endowment for the Arts, 202-632-4853.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3382(b) is revised as set out below:

**§ 213.3382 National Foundation on the Arts and the Humanities.**

• • • • •

(b) One Special Assistant for Minority Concerns, two Special Assistants and two Assistants to the Chairman, National Endowment for the Arts.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-0852 Filed 4-2-81; 8:45 am]

**BILLING CODE 6325-01-M**

**5 CFR Part 213**

**Excepted Service; Office of Personnel Management**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment (1) excepts from the competitive service under Schedule C one Supervisory Legislative Analyst to the Director, Office of Congressional Relations, because it is confidential in nature; and (2) removes one Assistant for Congressional Liaison, because there is no longer a need for this position. Appointments may be made to these positions without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** September 9, 1980.

**FOR FURTHER INFORMATION CONTACT:**

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Pat Taylor

Church, Office of Personnel Management, 202-632-6158.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3391(i) is removed and (l) is added as set out below:

**§ 213.3391 Office of Personnel Management.**

• • • • •

(i) [Removed]

• • • • •

(l) One Supervisory Legislative Analyst to Director, Office of Congressional Relations.



(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-9950 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

## 5 CFR Part 213

### Excepted Service; Department of State

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C one Public Information Specialist to the Ambassador-at-Large/U.S. Coordinator for Refugee Affairs, Department of State, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** March 7, 1980.

**FOR FURTHER INFORMATION CONTACT:** On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Frances Jones, Department of State, 202-632-5350.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3304(a)(2) is added as set out below:

#### § 213.3304 Department of State.

(a) *Office of the Secretary.* \* \* \*

(2) One Public Information Specialist to the Ambassador-at-Large/U.S. Coordinator for Refugee Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-9947 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

## 5 CFR Part 213

### Excepted Service; Department of State

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C one Special Assistant to the Under Secretary for Economic Affairs, Department of State, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management. This amendment also revokes a position because there is no longer a need for the job.

**EFFECTIVE DATE:** June 5, 1980.

#### FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Frances Jones, Department of State, 202-632-5350.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3304(a)(21) is revised and (q)(1) is added as set out below:

#### § 213.3304 Department of State.

(a) *Office of the Secretary.* \* \* \*

(21) One Special Assistant to the Deputy Secretary.

\* \* \*

(q) *Office of the Under Secretary for Economic Affairs.*

(1) One Special Assistant to the Deputy Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-9827 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

## 5 CFR Part 213

### Excepted Service; Department of Transportation

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C Director, Office of Intergovernmental Affairs, Department of Transportation, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

**EFFECTIVE DATES:** May 22, 1980.

#### FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Jean O'Donnell, Department of Transportation, 202-426-4122.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3394(a)(23) is added as set out below:

#### § 213.3394 Department of Transportation.

(a) *Office of the Secretary.* \* \* \*

(23) Director, Office of Intergovernmental Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-9805 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

## 5 CFR Part 213

### Excepted Service; Department of Transportation

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C one Regional Representative of the Secretary, Department of Transportation, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** June 3, 1980.

#### FOR FURTHER INFORMATION CONTACT:

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Jean O'Donnell, Department of Transportation, 202-426-4122.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3394(a)(24) is added as set out below:

#### § 213.3394 Department of Transportation.

(a) *Office of the Secretary.* \* \* \*

(24) Regional Representative of the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-9850 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

## 5 CFR Part 213

### Excepted Service; Department of Transportation

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Administrator of the Federal Railroad Administration because the position is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** September 19, 1980.



**FOR FURTHER INFORMATION CONTACT:**

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Jean O'Donnell, Department of Transportation, 202-426-4122.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3394(e)(7) is revised as set out below:

**§ 213.3394 Department of Transportation.**

(e) *Federal Railroad Administration.* \* \* \*

(7) Two Special Assistants to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-9837 Filed 4-2-81; 8:43 am]

BILLING CODE 6325-01-M

**5 CFR Part 213****Excepted Service; Department of Transportation**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Administrator, National Highway Traffic Safety Administration, because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** September 24, 1980.

**FOR FURTHER INFORMATION CONTACT:**

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Jean O'Donnell, Department of Transportation, 202-426-4122.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3394(i)(8) is revised as set out below:

**§ 213.3394 Department of Transportation.**

(i) *National Highway Traffic Safety Administration.* \* \* \*

(8) Two Special Assistants to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-9856 Filed 4-2-81; 8:43 am]

BILLING CODE 6325-01-M

**5 CFR Part 213****Excepted Service; Department of the Treasury**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** This amendment excepts from the competitive service under Schedule C one Staff Assistant to the Assistant Secretary (Legislative Affairs), Department of the Treasury because it is confidential in nature. This amendment also revokes a position because there is no longer a need for the job. Appointments may be made to this position without examination by the Office of Personnel Management.

**EFFECTIVE DATE:** April 18, 1980.

**FOR FURTHER INFORMATION CONTACT:**

On position authority: William Bohling, Office of Personnel Management, 202-632-6000.

On position content: Charlene Robinson, Department of the Treasury, 202-566-2258.

Office of Personnel Management.

Beverly M. Jones,

*Issuance System Manager.*

Accordingly, 5 CFR 213.3305(a) (41) and (51) are revised as set out below:

**§ 213.3305 Department of the Treasury.**

(a) *Office of the Secretary.* \* \* \*

(41) Two Staff Assistants to the Assistant Secretary (Legislative Affairs).

(51) Three Special Assistants to the Assistant Secretary (Legislative Affairs).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 81-9828 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

**5 CFR Part 213****Excepted Service; Listing of Appointing Authorities**

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is eliminating from its regulations the individual listings of excepted service appointing authorities. This change improves OPM's procedures for (1) providing timely information to

agencies, and (2) codifying the personnel regulations annually.

**EFFECTIVE DATE:** December 31, 1980.

**FOR FURTHER INFORMATION CONTACT:**

William Bohling, (202) 632-6000.

**SUPPLEMENTARY INFORMATION:** The final regulations carry out the intent of Executive Order 12291, Federal Regulation, and superseded E.O. 12044, Improving Government Regulations, to reduce regulations to the necessary minimum. The regulations will also bring OPM's procedures with respect to individual excepted appointing authorities into line with the provisions of E.O. 12043, Amending the Civil Service Rules regarding Notice of Exemptions from the Competitive Service, which provides only for public notice of exceptions and revocations with no provision for a public comment period. Under the regulations establishments, revocations and substantive modifications of individual excepted appointing authorities will be published as notices in the *Federal Register*. A consolidated notice of all authorities current as of June 30 will be published each year in the *Federal Register*. Information on authorities available to all agencies will continue to be published in the *Federal Personnel Manual*.

Proposed regulations were published for comment in the *Federal Register* of December 23, 1980 (45 FR 84808). Three comments were received, all from Federal offices.

One commentator expressed concern that information on individual appointing authorities would not be as readily located through the *Federal Register* as through the consolidated listing previously codified in 5 CFR Part 213. The consolidated listing published each year in the *Federal Register* will include all the information previously provided in the 5 CFR listing. To aid interested offices in keeping track of changes to the listing during the year, publication of notices of establishment or revocation of individual authorities will be scheduled, to the extent feasible, on either the second or fourth Tuesday of each month.

Another commentator requested publication of notices more frequently than once a month, as proposed. While once a month is the minimum publication schedule, notices will be published more frequently if volume warrants. To ensure that information about individual authorities reaches interested offices in a timely manner, notices of any establishments and revocations will be published within 1



month after the most recent date of Federal Register publication.

The third commentor questioned whether individual Schedule A, B and C appointing authorities will be identifiable. They will be. The present numbering system will be continued, and each new authority will be assigned a number upon establishment. The agency will be informed of this number by letter. Agencies will show the individual authority number in the space for "Civil Service or Other Legal Authority" on personnel action forms, just as they have done in the past. However, instead of showing "5 CFR" before the number, the agency will show "Sch. A," "Sch. B," or "Sch. C," as appropriate. The number will be an appointing authority, not a regulatory citation, comparable to a certificate number cited in a competitive appointment action.

Under these regulations, the listings of individual authorities will be eliminated from the January 1, 1981, volume of Title 5. The first consolidated listing in the Federal Register will be published as soon as possible after June 30, 1981.

#### E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management,  
Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM is revising 5 CFR Part 213 to read as follows:

### PART 213—EXCEPTED SERVICE

#### Subpart A—General Provisions

Sec.

213.101 Definitions.

213.102 Identification of positions in Schedule A, B, or C.

#### Subpart B—[Reserved]

#### Subpart C—Excepted Schedules

##### Schedule A

213.3101 Positions other than those of a confidential or policy-determining character for which it is impracticable to examine.

##### Schedule B

213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

##### Schedule C

213.3301 Positions of a confidential or policy-determining character.

213.3302 Revocation of exceptions.

213.3303 Temporary Schedule C positions during a presidential transition, as a result of changes in department or agency heads, or at the time of the creation of a new department or agency.

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1058 Comp. p. 218, unless otherwise noted.

#### Subpart A—General Provisions

##### § 213.101 Definitions.

In this chapter:

(a) Excepted service has the meaning given that term by section 2103 of title 5, United States Code, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Office of Personnel Management, and which are not in the Senior Executive Service.

(b) "Excepted position" means a position in the excepted service.

(5 U.S.C. 2103)

##### § 213.102 Identification of positions in Schedule A, B, or C.

The Office of Personnel Management shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C. Authority to establish positions under Schedule C may be delegated under terms of an agreement between OPM and employing agencies. Establishment of Schedule C positions under terms of such an agreement would be subject to existing criteria set forth in § 213.3301, to quotas established by OPM, and to any additional instructions prepared by OPM.

(5 U.S.C. 1104; Pub. L. 95-454, sec. 3(5))

#### Subpart B—[Reserved]

#### Subpart C—Excepted Schedules

##### SCHEDULE A

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is impracticable to examine.

(a) Upon specific authorization by OPM, agencies may make appointments under this section to positions which are not of a confidential or policy-determining character, and which are not in the Senior Executive Service, for which it is not practicable to examine. Examining for this purpose means application of the qualification standards and requirements established for the competitive service. Positions filled under this authority are excepted from the competitive service and constitute Schedule A. For each authorization under this section, OPM shall assign an identifying number from 213.3102 through 213.3199 to be used by the appointing agency in recording appointments made under that authorization.

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for student employment within the United States.

(c) An agency (including a military department) may appoint the son or daughter of a civilian employee of that agency or the son or daughter of a member of its uniformed service to a summer position when:

(1) The opportunities for employment have been publicized in the summer announcement, OPM regional and/or area office supplements, or through Federal job information centers and State Employment Services for a minimum 2-week period;

(2) There are no eligible available with the same or higher rating under merit staffing plans for which the ranking criteria satisfy job-relatedness requirements of FPM Supplement 271-2, "Tests and Other Applicant Appraisal Procedures," or for which ranking is not appropriate and qualified candidates are considered on a strictly random basis; and

(3) The appointment is not prohibited by section 3110 of title 5, United States Code, or Part 310 of this chapter relating to the employment of relatives.

(d) Paragraphs (b) and (c) of this section do not restrict the appointment of persons:



(1) Who are eligible for placement assistance under OPM's Displaced Employees (DE) Program;

(2) Who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property;

(3) Who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by OPM and published in the Federal Personnel Manual; or

(4) Who are severely physically handicapped or mentally retarded when appointed under § 213.3102 (t) or (u).

(e) An agency may appoint for summer employment within the United States in positions under Schedule A only in accordance with the terms of OPM's summer employment program. This restriction does not apply to positions that are excepted only when filled by particular types of individuals.

(f) In this section "summer employment" means any employment beginning after May 12 which will end before October 1 of the same year. "Student employment" means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning; a resident student, for this purpose, is a student in actual physical attendance at a school as distinguished from a correspondence student.

#### SCHEDULE B

**§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not possible to hold a competitive examination.**

(a) Upon specific authorization by OPM, agencies may make appointments under this section to positions which are not of a confidential or policy-determining character, and which are not in the Senior Executive Service, for which it is impracticable to hold open competition or to apply usual competitive examining procedures. Appointments under this authority are subject to the basic qualification standards established by the Office of Personnel Management for the occupation and grade level. Positions filled under this authority are excepted from the competitive service and constitute Schedule B. For each authorization under this section, OPM shall assign a number from 213.3202 through 213.3299 to be used by the appointing agency in recording

appointments made under that authorization.

(b) Except as provided in § 213.3101, an agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position filled under Schedule B for student employment in the United States.

#### SCHEDULE C

**§ 213.3301 Positions of a confidential or policy-determining character.**

Upon specific authorization by OPM, or under the terms of an agreement with OPM, agencies may make appointments under this section to positions in grades GS-15 and below which are policy-determining or which involve a close and confidential working relationship with the head of an agency or other key appointed officials. Positions filled under this authority are excepted from the competitive service and constitute Schedule C. Each position authorized under this section will be assigned a number from 213.3304 to 213.3399 to be used by the appointing agency in recording appointments made under that authorization.

**§ 213.3302 Revocation of exceptions.**

(a) Except as provided by paragraph (b) of this section, the exception from the competitive service for each Schedule C position at GS-15 and below in the executive branch is revoked when the position has been vacant for 60 calendar days or more.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Office of Personnel Management may delay the revocation action for an additional 60 calendar days when the agency demonstrates that it (1) has been actively recruiting for the position; (2) has made a tentative selection; and (3) has set an appointment date within the additional 60-day period.

(c) An agency shall notify the Office of Personnel Management within 3 work days after a Schedule C position at GS-15 and below has been vacated or filled.

**§ 213.3303 Temporary Schedule C positions during a presidential transition, as a result of changes in department or agency heads, or at the time of a creation of a new department or agency.**

(a) An agency may establish temporary positions at the GS-15 grade level and below necessary to assist a department or agency head during the period immediately following a change in presidential administration, when a new department or agency head has entered on duty, or at the time of the

creation of a new department or agency. Such positions shall be either:

(1) Identical to an existing Schedule C position if intent to vacate that position has been put in writing by management or the present incumbent, such position to be designated as identical Temporary Schedule C (ITC); or

(2) A new temporary Schedule C position, to be designated New Temporary Schedule C (NTC), when it is determined that the department or agency head's needs cannot be met through establishment of an identical Schedule C position. The number of NTC positions established by any one agency may not exceed 25 percent of the total number of permanent Schedule C positions authorized for that agency as of March 31, 1980. In the case of the creation of a new department or agency, the number of NTC positions should be reasonable in light of the size and program responsibilities of that department or agency. For those agencies with delegated authority to except positions under Schedule C, the total number of NTC positions established may not exceed 25 percent of that agency's quota of permanent Schedule C positions as approved by the Office of Personnel Management or 25 percent of the total number of permanent Schedule C positions authorized for that agency as of March 31, 1980, whichever is greater.

(b) Service under this authority may not exceed 120 days. These positions must be of a confidential or policy-determining character, and are subject to instructions issued by the Office of Personnel Management.

[FR Doc. 81-10297 Filed 4-2-81; 8:45 am]

BILLING CODE 6325-01-M

#### DEPARTMENT OF AGRICULTURE

##### Agricultural Marketing Service

##### 7 CFR Part 910

[Lemon Reg. 299]

##### Lemons Grown in California and Arizona; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period April 5-11, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.