preference based on a common law marriage. Such a claim should be referred to OPM's General Counsel for decision.

PART 230—ORGANIZATION OF THE **GOVERNMENT FOR PERSONNEL** MANAGEMENT

2. The authority citation for part 230 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR 1954—1958 Comp., p. 218; sec. 230.402 also issued under 5 U.S.C. 1104.

3. In §230.402, paragraphs (a) through (h) are redesignated as paragraphs (b) through (i), respectively; a new paragraph (a) is added; and newly redesignated paragraphs (b), (d)(1), and (h)(2) are revised to read as follows:

§230.402 Agency authority to make emergency-indefinite appointments in a national emergency.

(a) When a national emergency exists—(1) Definition. A national emergency must meet all of the following conditions:

(i) It was declared by the President or Congress.

(ii) It involves a danger to the United States' safety, security, or stability that results from specified circumstances or conditions and that is national in scope.

(iii) It requires a national program specifically intended to combat the threat to national safety, security, or stability.

(2) Termination of a national emergency. A national emergency no longer exists if it is officially terminated by the President or Congress, or if the specific circumstances, conditions, or program cited in the original declaration are terminated or corrected.

(b) Basic authority. Agencies may make emergency-indefinite appointments without OPM approval during any national emergency as defined in paragraph (a) of this section. The head of an agency with a defenserelated mission may request OPM's approval to make emergency-indefinite appointments without a declared national emergency when the President has authorized the call-up of some portion of the military reserves for some military purpose. The request must demonstrate that normal hiring procedures cannot meet surge employment requirements and that use of emergency-indefinite appointments is necessary for economy and efficiency. Except as provided by paragraphs (c) and (d) of this section, agencies must make emergency-indefinite appointments from appropriate registers

of eligibles as long as there are available eligibles.

(d)(1) Persons who were recruited on a standby basis prior to the national emergency;

(h) * * *

(2) The selection procedures of part 333 of this chapter apply to emergencyindefinite employees appointed outside the register under paragraph (c) of this section. *

PART 300—EMPLOYMENT (GENERAL)

4. The authority citation for part 300 is revised to read as follows:

Authority: 5 U.S.C. 552, 3301, and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., page 218, unless otherwise noted.

Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7201, 7204, and 7701; E.O.

11478, 3 CFR 1966-1970 Comp., page 803. Sec. 300.301 also issued under 5 U.S.C.

1104 and 3341.

Secs. 300.401 through 300.408 also issued under 5 U.S.C. 1302(c), 2301, and 2302. Secs. 300.501 through 300.507 also issued

under 5 U.S.C. 1103(a)(5)

Sec. 300.603 also issued under 5 U.S.C. 1104.

5. In § 300.104, paragraph (b) is revised to read as follows:

§ 300.104 Appeals, grievances and complaints.

(b) Examination ratings. A candidate may file an appeal with the Office from his or her examination rating or the rejection of his or her application, except that, where the Office has delegated examining authority to an agency, the candidate should appeal directly to that agency. The appeal and supporting documents shall be filed with the agency office that determined the rating.

6. In §300.201, paragraphs (b) through (e) are redesignated as paragraphs (c) through (f), respectively and a new paragraph (b) is added to read as follows:

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§300.201 Examinations.

(b) The Office maintains control over the security and release of testing and examination materials which it has developed and made available to agencies for initial competitive appointment or inservice use unless the materials were developed specifically for an agency through a reimbursable contractual agreement. These testing and examination materials include, and are subject to the same controls as, those described in paragraphs (a)(1) and (a)(2)of this section.

7. A new subpart C, consisting of § 300.301, is added to read as follows:

Subpart C—Details of Employees

300.301 Authority.

Sec.

§300.301 Authority.

(a) In accordance with 5 U.S.C. 3341, an agency may detail an employee in the competitive service to a position in either the competitive or excepted service.

(b) In accordance with 5 U.S.C. 3341, an agency may detail an employee in the excepted service to a position in the excepted service and may also detail an excepted service employee serving under Schedule A, Schedule B, or the Veterans Readjustment Act, to a position in the competitive service.

(c) Any other detail of an employee in the excepted service to a position in the competitive service may be made only with the prior approval of the Office of Personnel Management or under a delegated agreement between the agency and OPM.

8. In § 300.407, paragraph (b) is revised to read as follows:

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§ 300.407 Documentation. *

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(b) When requested by OPM, agencies will provide reports on the use of commercial recruiting firms, based on the records required in paragraph (a) of this section.

PART 301—OVERSEAS EMPLOYMENT

9. The authority citation for part 301 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218, as amended by E.O. 10641, 3 CFR, 1954-1958 Comp., p. 274, unless otherwise noted.

10. In § 301.203, paragraph (c) is revised and paragraph (d) is added to read as follows:

§ 301.203 Duration of appointment.

(c) An agency may make an overseas limited appointment for 1 year or less to meet administrative needs for temporary employment. An agency may extend such an appointment for up to a maximum of 1 additional year.

(d) Upon request from the headquarters level of a Department or agency, OPM may approve, or delegate to agencies the authority to approve, exceptions to the time limits set out in paragraph (c) of this section.