

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AH22

#### Prevailing Rate Systems; Abolishment of Philadelphia, PA, Nonappropriated Fund Wage Area

**AGENCY:** Office of Personnel Management.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Office of Personnel Management is issuing interim regulations to abolish the Philadelphia, PA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and redefine the five counties having continuing FWS employment as areas of application to nearby NAF wage areas for pay-setting purposes. No employee's wage rate will be reduced as a result of this change.

**DATES:** This interim rule becomes effective on November 14, 1995. Comments must be received by December 14, 1995. Employees currently paid rates from the Philadelphia, PA, NAF wage schedule will continue to be paid from that schedule until their conversion to the schedules of the wage areas to which their counties of employment are being redefined by this rule on December 1, 1995, the first day of the month in which their new wage schedule would have been effective.

**ADDRESSES:** Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, room 6H31, 1900 E Street NW., Washington, DC 20415, or FAX: (202) 606-0824.

**FOR FURTHER INFORMATION CONTACT:** Paul Shields, (202) 606-2848.

**SUPPLEMENTARY INFORMATION:** The Department of Defense recommended to the Office of Personnel Management that the Philadelphia, PA, FWS NAF wage area be abolished and that the five counties having continuing FWS employment be redefined as areas of application to nearby NAF wage areas. Philadelphia County and Chester County, PA, are being redefined to the Montgomery, PA, wage area. New Castle County, DE; Cape May County, NJ; and Salem County, NJ; are being redefined to the Burlington, NJ, wage area. The remaining Philadelphia wage area counties (Camden and Gloucester, NJ) have no FWS employees and are being deleted. This change is necessary because the pending closure of Naval Station Philadelphia leaves the Philadelphia wage area without an activity having the capability to conduct a wage survey.

As required in regulation, 5 CFR 532.219, the following criteria were considered in redefining these wage areas:

- (1) Proximity of largest activity in each county;
- (2) Transportation facilities and commuting patterns; and
- (3) Similarities of the counties in:
  - (i) Overall population;
  - (ii) Private employment in major industry categories; and
  - (iii) Kinds and sizes of private industrial establishments.

All regulatory factors favor redefinition of Philadelphia County to the adjacent Montgomery, PA, wage area.

For Chester County, population and industrial patterns more closely resemble Burlington, NJ. However the remaining regulatory factors, proximity and commuting patterns, both favor redefinition to the Montgomery, PA, wage area. Overall, redefinition to the Montgomery, PA, wage area is favored.

Regulatory factors for New Castle County, DE, are mixed but on balance favor redefinition to the Burlington, NJ, wage area. While New Castle County is closest to Harford, MD, population and industrial patterns are very similar to Burlington, NJ, and bear little resemblance to Harford, MD. The highest commuting rate is to Montgomery, PA, but this is not a determining factor in that commuting rates to the various candidate survey areas are very similar.

Regulatory factors are mixed for Salem County, NJ, but on balance favor redefinition to the Burlington, NJ, wage area. The closest survey area is Montgomery, PA. However, Burlington is fairly close to Salem, and Salem geographically falls between New Castle (being redefined to Burlington) and the Burlington survey area. Commuting patterns favor Burlington, PA. Although population and industrial patterns favor Lebanon, PA, Lebanon County is about double the size of Salem County in terms of population and industry.

Regulatory factors are mixed for Cape May County, NJ, but on balance favor redefinition to the Burlington, NJ, wage area. Proximity and commuting patterns favor Burlington, NJ. Population and industrial patterns favor Lebanon, PA. However, Lebanon County is very far removed from coastal Cape May County, with intervening wage areas.

The Federal Prevailing Rate Advisory Committee reviewed this recommendation and by consensus recommended approval.

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because preparations for the 1995 Philadelphia, PA, NAF wage area survey must otherwise begin immediately.

#### Regulatory Flexibility Act

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

#### List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Lorraine A. Green,

*Deputy Director.*

Accordingly, OPM is amending 5 CFR part 532 as follows:

**PART 532—PREVAILING RATE SYSTEMS**

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

**Appendix B to Subpart B of Part 532 [Amended]**

2. In appendix B to subpart B, the listing for the State of Pennsylvania is amended by removing the entry for Philadelphia.

3. Appendix D to subpart B is amended by removing the wage area list for Philadelphia, Pennsylvania, and by revising the lists for Burlington, New Jersey, and Montgomery, Pennsylvania, to read as follows:

**Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas**

\* \* \* \* \*

New Jersey  
Burlington  
Survey Area

**New Jersey:**

Burlington  
Area of application. Survey area plus:

Delaware:  
New Castle

New Jersey:  
Atlantic  
Cape May  
Ocean  
Salem

\* \* \* \* \*

Pennsylvania

\* \* \* \* \*

Montgomery  
Survey area

Pennsylvania:

Montgomery  
Area of Application. Survey area plus:

Pennsylvania:  
Bucks  
Chester  
Luzerne  
Philadelphia

\* \* \* \* \*

[FR Doc. 95-28051 Filed 11-13-95; 8:45 am]

BILLING CODE 6325-01-M

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 201**

**Seed Certifying Agency Standards and Procedures**

*CFR Correction*

In title 7 of the Code of Federal Regulations, parts 53 to 209, revised as of January 1, 1995, the centered heading above § 201.67 was incorrectly amended, and § 201.67 and the heading of § 201.68 were inadvertently removed. The text as it should appear is set forth below.

**CERTIFIED SEED**

**§ 201.67 Seed certifying agency standards and procedures.**

In order to qualify as a seed certifying agency for purposes of section 101(a)(25) of the Federal Seed Act (7 U.S.C. 1551(a)(25)) an agency must enforce standards and procedures, as conditions for its certification of seed, that meet or exceed the standards and procedures specified in § 201.68 through 201.78.

[38 FR 25662, Sept. 14, 1973]

**§ 201.68 Eligibility requirements for certification of varieties.**

\* \* \* \* \*

BILLING CODE 1505-01-D

**Food and Consumer Service**

**7 CFR Parts 210 and 220**

**National School Lunch Program and School Breakfast Program: School Meals Initiative for Healthy Children: Correction**

**AGENCY:** Food and Consumer Service, USDA.

**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Consumer Service is correcting errors in the regulatory text of the final rule published on June 13, 1995, (60 FR 31188) entitled National School Lunch

Program and School Breakfast Program: School Meals Initiative for Healthy Children.

**EFFECTIVE DATE:** November 14, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Consumer Service, USDA, 3101 Park Center Drive, Alexandria, Virginia, 22302; by telephone at 703-305-2620.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 13, 1995, the Department published a final rule incorporating provisions from proposals published on June 10, 1994, and January 27, 1995. The final rule implemented provisions of Public Law 103-448, the Healthy Meals for Healthy Americans Act of 1994, requiring that a variety of meal planning approaches be made available to school food authorities, including "food-based menu systems," and that school meals comply with the *Dietary Guidelines for Americans*. In addition, the final rule contained provisions to streamline the administration of the school meal programs. However, the final rule, as published, contained errors in the regulatory text that need correction.

**Correction of Publication**

Accordingly, the publication on June 13, 1995, is corrected as follows:

**§ 210.10 [Corrected]**

1. On page 31209, § 210.10, in the table entitled "MINIMUM REQUIREMENTS FOR NUTRIENT LEVELS FOR SCHOOL LUNCHESES/ NUTRIENT ANALYSIS (SCHOOL WEEK AVERAGES), in the first column, line 4, "RDA for protein" is corrected to read "RDA for protein (g)".

2. On page 31212, the table in § 210.10(k)(2) is corrected by adding a column containing an option for kindergarten through grade 3 which was inadvertently omitted. The entire table is republished for the convenience of readers.

Meal component	Minimum quantities required for				Option for
	Ages 1-2	Preschool	Grades K-6	Grades 7-12	K-Grade 3
Milk (as a beverage) .....	6 Ounces .....	6 Ounces .....	8 Ounces .....	8 Ounces .....	8 Ounces.
Meat or Meat Alternate (quantity of the edible portion as served).					
Lean meat, poultry or fish .....	1 Oz .....	1½ Oz .....	2 Oz .....	2 Oz .....	1½ Oz.
Cheese .....	1 Oz .....	1½ Oz .....	2 Oz .....	2 Oz .....	1½ Oz.
Large egg .....	½ .....	¾ .....	1 .....	1 .....	¾.
Cooked dry beans or peas .....	¼ Cup .....	⅜ Cup .....	½ Cup .....	½ Cup .....	⅜ Cup.
Peanut butter or other nut or seed butters .....	2 Tbsp .....	3 Tbsp .....	4 Tbsp .....	4 Tbsp .....	3 Tbsp.