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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-A186

Prevailing Rate Systems; Definition of Napa County, CA, to a Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing an interim rule that will define Napa County, California, as an area of application to the Solano, CA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area. This change is necessary because there will be NAF FWS employees stationed in Napa County, and the county is not currently defined to an NAF wage area.

DATES: This interim rule is effective on December 15, 1999. Comments must be received by December 15, 1999.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415-8200, or FAX: (202) 606-4264.

FOR FURTHER INFORMATION CONTACT: Jennifer Hopkins, (202) 606-2848, FAX: (202) 606-0824, or email: jdhopkin@opm.gov.

SUPPLEMENTARY INFORMATION:

The Office of Personnel Management (OPM) is redefining the Solano, California, Federal Wage System (FWS) nonappropriated fund (NAF) wage area to add Napa County, CA, as an area of application. The Army and Air Force Exchange Service (AAFES) recently

acquired the Yountville Retail Facility located in Napa County and plans to staff the new activity with approximately eight employees, two of whom will be paid under the FWS. Under section 532.219 of title 5, Code of Federal Regulations, each NAF wage area "shall consist of one or more survey areas, along with nonsurvey areas, having nonappropriated fund employees." Currently, the Solano wage area consists of one survey county, Solano County, and two areas of application counties, Marin and Sonoma Counties, CA.

Section 532.219 of title 5, Code of Federal Regulations, lists the regulatory criteria that OPM considers when defining FWS wage area boundaries:

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

Based on an analysis of the regulatory criteria for defining NAF wage areas, OPM is defining Napa County, CA, as an area of application to the Solano, CA, NAF FWS wage area. The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, reviewed and concurred by consensus with this change.

Napa County does not meet the regulatory criteria under 5 CFR 532.219 to be established as a separate NAF wage area; however, nonsurvey counties may be combined with a survey area to form a wage area. Therefore, Napa County will be defined as an area of application to an existing NAF wage area. The closest major Federal installation to Yountville is Travis Air Force Base (AFB) in the Solano survey area. Travis AFB has approximately 444 NAF FWS employees. Yountville is approximately 43 km (27 miles) from Travis AFB. Commuting patterns, which indicate that 11 percent of the Napa County resident workforce commutes to work in the Solano survey area, favor the Solano wage area. Transportation facilities consist of major interstates and highways and do not favor one wage area more than another.

A review of employment and kinds and sizes of industrial establishments shows that the Solano survey area is composed of a moderately sized population and workforce that most closely resembles Napa County. The Solano survey area also has a similar distribution of employment in surveyable industries to Napa County, with a high proportion of employment in the services sector.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because it is necessary to define Napa County, CA, to an NAF wage area as soon as possible to set pay for new FWS employees.

Regulatory Flexibility Act

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

Janice R. Lachance,
Director.

Accordingly, the Office of Personnel Management 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.

2. Appendix D to subpart B is amended by revising the wage area listing for the Solano, California, wage area to read as follows:

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

*	*	*	*	*
CALIFORNIA				
*	*	*	*	*

SOLANO

Survey Area

California:
Solano

Area of Application. Survey area plus:

California:
Marin
Napa
Sonoma

* * * * *

[FR Doc. 99-29686 Filed 11-12-99; 8:45 am]

BILLING CODE 6325-01-P

DEPARTMENT OF AGRICULTURE**Food and Nutrition Service****7 CFR Parts 210, 220 and 226**

[RIN 0584-AB81]

National School Lunch Program, School Breakfast Program and Child and Adult Care Food Program: Amendments to the Infant Meal Pattern**AGENCY:** Food and Nutrition Service, USDA.**ACTION:** Interim rule with request for comments.

SUMMARY: This rule amends the regulations for the National School Lunch Program, School Breakfast Program and Child and Adult Care Food Program to eliminate the option of serving whole cow's milk as part of reimbursable meals for infants under one year of age. Instead, schools and institutions are required to serve either breast milk or iron-fortified formula with all reimbursable meals served to those infants. This rule responds to scientific data demonstrating that infants who consume cow's milk during their first year receive an inappropriate level of nutrients and experience more nutrition-related health problems than children who are fed breast milk or iron-fortified formula. This rule also amends the definition of "infant formula" currently in the Child and Adult Care Food Program regulations to conform to the definition of "infant formula" for the National School Lunch and School Breakfast Programs, because the latter definition more accurately describes the role of formula in infants' diet. This rule further makes technical amendments to the regulations and charts outlining the Infant Meal Patterns to clarify the role of breast milk in these programs. Finally, this regulation authorizes reimbursement for meals containing only breast milk. These amendments support America's breastfeeding promotion campaign and the Healthy People 2000 goal of increasing the

incidence and duration of breastfeeding to at least 75 percent in the early postpartum period and 50 percent at 5 to 6 months and beyond, by increasing the incentive for day care providers to encourage breast feeding and will result in children receiving improved nutrition benefits during their first year of life.

DATES: This rule is effective December 15, 1999. To be assured of consideration, comments must be postmarked on or before May 15, 2000.

ADDRESSES: Comments should be addressed to Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302 or via the Internet at CNDProposal@FNS.USDA.GOV. All written submissions will be available for public inspection in Room 1007, 3101 Park Center Drive, Alexandria, Virginia during regular business hours (8:30 a.m. to 5:00 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eadie at the above address or by telephone at (703) 305-2620.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant under Executive Order 12866 and was reviewed by the Office of Management and Budget.

Public Law 104-4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, the Food and Nutrition Service generally prepares a written statement including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local or tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires the Food and Nutrition Service to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This interim rule contains no Federal mandates (under regulatory provisions of Title II of the UMRA) for State, local and tribal governments or the private sector of \$100 million or more in any one year. Thus, this interim rule is not

subject to the requirements of sections 202 and 205 of the UMRA. However, a Regulatory Cost/Benefit Assessment is provided in the Appendix to this preamble.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The Under Secretary for Food, Nutrition and Consumer Services has certified that this rule will not have a significant economic impact on a substantial number of small entities because the number of infants who would be affected constitutes a tiny portion of the total participation in these programs. The principal effect of this rule will be to enhance the nutritional benefit of meals served to infants under these programs.

Executive Order 12372

The National School Lunch Program, School Breakfast Program and Child and Adult Care Food Program are listed in the Catalog of Federal Domestic Assistance under Nos. 10.555, 10.553 and 10.558 respectively, and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, and final rule-related notice published in 48 FR 29114, June 24, 1983).

Paperwork Reduction Act

This rule contains no new information collection requirements. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the reporting and recordkeeping requirements included in this rule have been previously approved by the Office of Management and Budget under clearances 0584-0006, 0584-0012 and 0584-0055.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the **EFFECTIVE DATE** section of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted.

In the National School Lunch Program and School Breakfast Program, the