Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AI36

Prevailing Rate Systems; Environmental Differential Pay for Working at High Altitudes

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed regulation to establish an 8 percent environmental differential pay (EDP) category for Federal Wage System (FWS) employees who work at land-based worksites located at more than 3900 meters (12,795 feet) in altitude, provided such employees are required to commute to their worksites on the same day from a substantially lower altitude under circumstances in which the rapid change in altitude may result in acclimation problems. OPM is creating this new EDP category so that Federal agencies may provide additional compensation to FWS employees who are exposed to unusual health risks caused by these working conditions.

DATES: Comments must be received on or before November 12, 1998.

ADDRESSES: Comments may be sent or delivered 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, FAX: (202) 606–4264, or email at maallen@opm.gov.

FOR FURTHER INFORMATION CONTACT: Mark A. Allen, (202) 606–2848,FAX: (202) 606–4264, or email at maallen@opm.gov.

SUPPLEMENTARY INFORMATION: The Smithsonian Institution has asked the Office of Personnel Management (OPM) to establish an environmental differential pay (EDP) category for Federal Wage System (FWS) employees who must work at the Smithsonian Astrophysical Observatory (SAO) near the 4206 meter (13,800 foot) summit of Mauna Kea, an extinct volcano on the Island of Hawaii. The Smithsonian Institution states that suitable employee housing is available only near sea level and that SAO employees must therefore commute back and forth from their homes to the SAO worksite each workday. The Smithsonian Institution submitted research evidence that indicates work at high altitudes may have negative physiological effects such as impaired judgment, increased heart rates, and nausea, especially if employees have not had time to acclimate to lower atmospheric pressures and oxygen levels that exist at high altitudes. In addition, employees are exposed to the possibility of experiencing severe health problems such as high altitude pulmonary edema, high altitude cerebral edema, and acute mountain sickness.

As stated in 5 U.S.C. 5343(c)(4), OPM is responsible for establishing EDP categories that Federal agencies may use to provide additional compensation to FWS employees whose duties involve unusually severe working conditions or unusually severe hazards. This proposed regulation would authorize a new EDP category for FWS employees who must work at land-based worksites more than 3900 meters (12,795 feet) in altitude, provided such employees are required to commute to the worksite on the same day from a substantially lower altitude under circumstances in which the rapid change in altitude could result in acclimation problems. The establishment of this new EDP category would not relieve an agency of its responsibility to take whatever measures are feasible to minimize the harmful effects of commuting to work at high altitudes.

The proposal for this new EDP category was presented to the Federal Prevailing Rate Advisory Committee. The Committee recommended approval of the new EDP category by consensus. OPM issued a proposed rule to establish a similar hazard pay differential for General Schedule employees on June 30, 1998 (63 FR 35543).

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that these regulations would not have a significant impact on a substantial number of small entities because they would apply only to 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, OPM is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

Subpart E—Premium Pay and Differentials

1. The authority for subpart E of part 532 continues to read as follows:

Authority: 5 U.S.C. 5343.

2. Appendix A to subpart E of part 532 is amended by adding a new category to the schedule of environmental differentials at the end of Part II of the appendix to read as follows:

Appendix A to Subpart E of Part 532—Schedule of Environmental Differentials Paid for Exposure to Various Degrees of Hazards, Physical Hardships, and Working Conditions of an Unusual Nature

PART II.—PAYMENT ON BASIS OF HOURS IN PAY STATUS

Differential rate (percent)	Category for which payable	Effective date
*	* * * * * *	*
8	17. Working at high altitudes. Performing work at a land-based worksite more than 3900 meters (12,795 feet) in altitude, provided the employee is required to commute to the worksite on the same day from a substantially lower altitude under circumstances in which the rapid change in altitude may result in acclimation problems.	[Date of effectivenss of the final rule].

[FR Doc. 98–27344 Filed 10–9–98; 8:45 am]
BILLING CODE 6325–01–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 225

RIN 0584–AC06

Summer Food Service Program: Program Meal Service During the School Year, Paperwork Reduction, and Targeted State Monitoring

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rulemaking proposes a change to the Summer Food Service Program (SFSP) which was mandated by the Healthy Meals for Healthy Americans Act of 1994. The change allows SFSP meal service to be provided at non-school sites to children who are not in school due to unanticipated school closures during the months of October through April caused by a natural disaster, building repair, court order, or similar occurrence. In addition, this rulemaking proposes discretionary changes to simplify the SFSP sponsor application and State monitoring requirements in order to eliminate unnecessary paperwork and reduce administrative burden for sponsors and State agencies.

DATES: To be assured of consideration, comments must be postmarked on or before December 14, 1998.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, Department of Agriculture, 3101 Park Center Drive, Room 1007, Alexandria, Virginia 22302. All written submissions will be available for public inspection at this location Monday through Friday, 8:30 a.m.–5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eadie or Ms. Melissa Rothstein at the above address or by telephone at 703–305–2620.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The Administrator of the Food and Nutrition Service (FNS) has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. The provisions of this rule will streamline requirements and reduce administrative burden for State agencies and sponsors of the SFSP.

Executive Order 12372

The SFSP is listed in the Catalog of Federal Domestic Assistance under 10.559 and is 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 notices published at 48 FR 29114, June 24, 1983 and 49 FR 22676, May 31, 1984).

Notice of Information Collection

In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on proposed information collection.

Written comments must be submitted on or before December 14, 1998.

Comments concerning the information collection aspects of this proposed rule should be sent to the Office of Information and Regulatory Affairs, OMB, Room 3208, New Executive Office Building, Washington, DC 20503, Attention: Laura Oliven, Desk Officer for the Food and Nutrition Service. A copy of these comments may also be sent to Mr. Robert Eadie at the address listed in the **ADDRESSES** section of this preamble. Commenters are asked to separate their comments on the information collection requirements from their comments on the remainder of the proposed rule.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3504), FNS has submitted a request to OMB for a revision of the currently approved SFSP information collection requirements. OMB is required to make a decision concerning the collection(s) of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. All comments will be summarized and will become a matter of public record.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The title, description, and respondent description of the proposed information collections are shown below with an estimate of the annual reporting and recordkeeping burdens. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Title: 7 CFR part 225, Summer Food Service Program.

OMB Number: 0584–0280.

Expiration Date: December 31, 1999.

Type of Request: Revision of existing collection.