

Section 2(b) of the Service Contract Act of 1995 (SCA) (41 U.S.C. 351(b)(1)) generally obligates all contractors and subcontractors who are awarded contracts principally for the furnishing of services through the use of service employees, regardless of contract amount, to pay not less than the Federal minimum wage under § 6(a)(1) of the Fair Labor Standards Act (FLSA) to the employees engaged in the performance of such contracts. Unlike § 2(a) of the SCA which requires every service contract in excess of \$2,500 to include particular stipulations relating to the Act's prevailing wage and fringe benefit provisions and other labor standard protections, § 2(b) does not statutorily require a "clause" to implement the obligation of covered service contractors or subcontractors to pay service employees not less than the minimum wage under § 6(a)(1) of the FLSA. Because the clause mandated by § 2(a) of the SCA for covered contracts in excess of \$2,500 advises contractors and subcontractors of the obligation to pay FLSA minimum wages in the absence of prevailing wage attachment for the contract (see paragraph (d)(1) of § 4.6), a counterpart minimum wage clause was considered appropriate for contracts not exceeding \$2,500, and the requirement has been a part of the regulations since their inception.

The Department believes that the deletion of the requirement for a minimum wage clause in SCA-covered contracts not exceeding \$2,500 will not adversely affect labor standards protections afforded service employees engaged in the performance of such contracts. Although the proposal removes the obligation of contractors and subcontractors to pay not less than minimum wages to their service employees as a condition of contract, the obligation to pay at least the minimum wage to any service employee performing on an SCA-covered contract is specifically contained in § 2(b) of the SCA, and is also set forth in § 6(e)(1) of the FLSA. This statutory obligation is defined further in the existing regulations at § 4.2 of 29 CFR part 4. Accordingly, the proposal is considered necessary and proper to facilitate the streamlining objectives of FASA's § 4301.

#### **Executive Order 12866/§ 202 of the Unfunded Mandates Reform Act of 1995**

This proposed rule is not a "significant regulatory action" within the meaning of Executive Order 12866, nor does it require a § 202 statement under the Unfunded Mandates Reform Act of 1995. It will facilitate the

handling of Federal agency purchases of \$2,500 or less. The proposed change eliminates a contract clause, which impedes the efficiency contemplated by the use of purchase cards on small purchases authorized by the micro-purchase authority under the Federal Acquisition Streamlining Act of 1994. The proposed revision, however, will not eliminate the obligation of contractors and subcontractors to pay employees on such contracts not less than the minimum wage under § 6 of the FLSA.

Because the deletion of the contract clause would not affect contractor's responsibilities, the proposed change is not expected to result in a rule that may: (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. Furthermore, deletion of the clause would facilitate credit card purchases (thereby resulting in savings in paperwork processing) of services—estimated to be about 12 percent of all credit card purchases. Therefore, no regulatory impact analysis has been prepared.

#### **Regulatory Flexibility Analysis**

This proposed rule will not have a significant economic impact on a substantial number of small entities. The rule simplifies the handling of small purchases of services and will primarily affect Federal agencies through reductions in burdensome paperwork. While small entities will benefit from less burdensome procurement procedures, the impact is believed to be insignificant because the purchase of services appropriate for credit card use is relatively small, *i.e.*, the bulk of purchases appropriate for credit card use is supplies. Thus, this proposal is not expected to have a "significant economic impact on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act, and the Department has certified to this effect to the Chief Counsel for Advocacy of the Small

Business Administration. A regulatory flexibility analysis is not required.

#### **Document Preparation**

This document was prepared under the direction and control of Maria Echaveste, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

#### **List of Subjects in 29 CFR Part 4**

Administrative practice and procedures, Employee benefit plans, Government contracts, Investigations, Labor, Law enforcement, Minimum wages, Penalties, Recordkeeping requirements, Reporting requirements, Wages.

Signed at Washington, D.C., on this 13th day of June, 1995.

**Maria Echaveste,**

*Administrator, Wage and Hour Division.*

For the reasons set forth in the preamble, subtitle A of title 29 is proposed to be amended as follows:

#### **PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS**

1. Authority citation for part 4 continues to read as follows:

**Authority:** 41 U.S.C. 351, *et seq.*, 79 Stat. 1034, as amended in 86 Stat. 789, 90 Stat. 2358; 41 U.S.C. 38 and 39; and 5 U.S.C. 301.

#### **§ 4.7 [Removed and Reserved]**

2. In subpart A, § 4.7 is proposed to be removed and reserved.

[FR Doc. 95-14780 Filed 6-15-95; 8:45 am]

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#### **DEPARTMENT OF THE INTERIOR**

#### **Office of Surface Mining Reclamation and Enforcement**

#### **30 CFR Part 935**

[OH-235; Amendment Number 70R]

#### **Ohio Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; reopening and extension of public comment period.

**SUMMARY:** OSM is reopening the public comment period for a revised amendment to the Ohio regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977. The amendment was initiated by Ohio and is intended to make the Ohio program as effective as the corresponding Federal regulations

concerning the frequency of inspections at abandoned coal mining operations.

This document sets forth the times and locations that the Ohio program and the proposed amendment to that program will be available for public inspection, the comment period during which interest persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments must be received on or before 4 p.m., E.D.T. on July 3, 1995. If requested, a hearing on the proposed amendment will be held at 1 p.m., E.D.T. on June 26, 1995. Requests to speak at the hearing must be received on or before 4 p.m., E.D.T. on June 23, 1995.

**ADDRESSES:** Written comments and requests to testify at the hearing should be mailed or hand-delivered to Ms. Beverly C. Brock, Acting Director, Columbus Field Office, at the address listed below.

Copies of the Ohio program, the proposed amendment, and all written comments received in response to this document will be available for public review at the address listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 4480 Refugee Road, Suite 201, Columbus, Ohio 43232, telephone: (614) 866-0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H-3, Columbus, Ohio 43224, telephone: (614) 265-6675.

**FOR FURTHER INFORMATION CONTACT:** Ms. Beverly C. Brock, Acting Director, Columbus Field Office, (614) 866-0578.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Ohio Program**

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1983, **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

**II. Discussion of the Proposed Amendment**

The Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted proposed Program Amendment Number 70 by letter dated March 28, 1995 (Administrative Record No. OH-2104). In this amendment, Ohio proposed to revise one rule at Ohio Administrative Code (OAC) section 1501:13-14-01 to make the Ohio program as effective as the corresponding Federal regulations concerning the frequency of inspections at abandoned coal mining operations.

OSM announced receipt of PA 70 in the April 11, 1995, **Federal Register** (60 FR 18380), and, in the same document, opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public period closed on May 11, 1995.

On May 11, 1995, OSM notified Ohio of its one comment about PA 70 (Administrative Record No. OH-2128). In response to the OSM comment, Ohio submitted Revised Program Amendment Number 70 (PA 70R) by letter dated May 31, 1995 (Administrative Record No. OH-2127). In PA 70R, Ohio is proposing one further revision to OAC section 1501:13-14-01 paragraph (A)(3)(c)(ii) to cross-reference Ohio's rule on individual civil penalties and Ohio's statute on criminal penalties.

**III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Ohio satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Ohio program.

**Written Comments**

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time limit indicated under **DATES** or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

**Public Hearing**

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., E.D.T. on June 23, 1995. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

**Public Meeting**

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each public meeting will be made a part of the Administrative Record.

**IV. Procedural Determinations**

**Executive Order 12866**

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

**Executive Order 12778**

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 752.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based

solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

#### *National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

#### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### *Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

#### **List of Subjects in 30 CFR Part 935**

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 8, 1995.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 95-14764 Filed 6-15-95; 8:45 am]

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#### **Bureau of Land Management**

##### **43 CFR Part 3100**

[WO-610-4110-02 1A]

RIN 1004-AC26

#### **Promotion of Development, Reduction of Royalty on Heavy Oil**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of proposed rulemaking; notice of reopening of comment period.

**SUMMARY:** On April 10, 1995, the Bureau of Land Management (BLM) published in the **Federal Register** (60 FR 18081) a notice of proposed rulemaking to amend the regulations related to the waiver, suspension, or reduction of rental, royalty, or minimum royalty on "heavy oil" (crude oil with a gravity of less than 20 degrees). The notice allowed a comment period of 60 days, closing on June 9, 1995.

The Department of Energy (DOE) is currently developing new information on the potential impacts of the proposed rule. DOE is focusing particularly on the effects of raising the qualifying crude oil gravity to more than 20 degrees. In order to allow all interested parties sufficient time to review the new DOE information, BLM is reopening the comment period for an additional 30 days. Information on the DOE findings is available from Dr. John Bebout, at the address shown below under **FOR FURTHER INFORMATION CONTACT**.

**DATES:** Comments should be submitted by July 17, 1995. Comments received or postmarked after the above date may not be considered in the decisionmaking process on the final rule.

**ADDRESSES:** Comments should be sent to Director (140), Bureau of Land Management, Room 5555, 1849 C Street, NW., Washington, DC 20240. Comments can also be sent to internet!WO140@attmail.com. Please include "attn: AC26" and your name and return address in your internet message. Comments will be available for public review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Dr. John W. Bebout, Bureau of Land Management (310), 1849 C Street, NW., Washington, DC 20240. (202) 452-0340.

**Micheal A. Ferguson,**

*Acting Assistant Director, Resource Use and Protection.*

[FR Doc. 95-14785 Filed 6-15-95; 8:45 am]

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#### **Fish and Wildlife Service**

##### **50 CFR Part 17**

#### **Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Swift Fox as Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 12-month finding for a petition to list the swift fox (*Vulpes velox*) under the Endangered Species Act of 1973, as amended. After review of all available scientific and commercial information, the Service finds that listing this species is warranted but precluded by other higher priority actions to amend the List of Endangered and Threatened Wildlife and Plants.

**DATES:** The finding announced in this document was made on June 12, 1995.

**ADDRESSES:** Information, comments, or questions concerning this petition should be submitted to the Field Supervisor, Fish and Wildlife Service, Ecological Services, 420 South Garfield Avenue, Suite 400, Pierre, South Dakota 57501-5408. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Donald R. (Pete) Gober, Field Supervisor, at the above address, telephone (605) 224-8693.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 4(b)(3)(B) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the List of Endangered and Threatened Wildlife and Plants that contains substantial scientific and commercial information, the Fish and Wildlife Service (Service) make a finding within 12 months of the date of the receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority. Notice of the finding is to be published promptly in the **Federal Register**. This notice meets that requirement for a 12-month finding made earlier for the petition discussed below. Information contained in this notice is a summary of the information in the 12-month finding, which is the Service's decision