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 trigger the “significance” section of Executive Order § 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:


§ 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]
BILLING CODE 4510–27–M
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, telephone: (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.

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 SMERA (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.
section 102(2)(C) of the National
Environmental Policy Act (42 U.S.C.
4332(2)(C)).

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]
BILLING CODE 4310-05-M

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

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@W0140@gmail.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:
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.