

implementing regulations and their contract clause forms to incorporate the new provisions. Solicitations for bids are ordinarily advertised for at least 30 to 60 days before a contract may be awarded. In accordance with the Department's usual practice, an effective date at least 60 days after publication would be afforded if the Department were to begin implementation of the suspended rule today.

Conforming changes then have to be made by the appropriate responsible federal agencies to the Federal Acquisition Regulations (FAR) and the Defense Acquisition Regulations (DAR), which are applicable to contracts subject to the Davis-Bacon Act. It is likely that such changes would also have an effective date 60 days after their publication, as did amendments to the FAR and DAR following the Department's 1992 notice of implementation (September 1992–November 1992). In fact, when the Department implemented the helper rule in January 1992, conforming changes in the FAR and the DAR did not actually become effective until November 1992, approximately ten months after the Department issued its notice implementing the rule.

Moreover, under the suspended rule, helpers could be used on a given contract only after the Department determines that the use of helpers is the prevailing practice in a particular job classification in the area in which the work will be performed. Thus, the time necessary for the Department to perform surveys in response to requests to use helper classifications adds further delay before contractors may lawfully pay their workers at helper rates.

Thus, the suspended regulation would be fully effective for only a brief period, if at all, before the Department expects it would complete substantive rulemaking proceedings to consider amending the regulation. Given the pendency of those proceedings, and the history of the regulation, contractors would be uncertain to reconfigure their staffing patterns and work site procedures for the purpose of submitting bids in reliance upon a regulation which they are aware the Department may amend shortly thereafter. Similarly, repeated changes in the regulations within a short period of time would create unwarranted disruption in the contracting process of federal agencies which would be required to amend their regulations and contract forms on an interim basis only to repeat the entire process if proposed amendments to the helper regulation are finalized. Finally, the Department of Labor would have to postpone or

abandon planned surveys needed to update prevailing wage determinations in order to divert resources to the collection and analysis of prevailing practice and wage data under helper regulations which may be modified shortly thereafter.

In short, the Department believes that the disruption and uncertainty associated with implementation of the suspended helper regulations for such a brief period would be unwarranted. The Department expects to complete its analysis of public comments on this proposed rule to continue the suspension of the helper regulations, and publish a final rule within 120 days after the date of publication.

IV. Executive Order 12866; § 202 of the Unfunded Mandates Reform Act of 1995; Small Business Regulatory Enforcement Fairness Act

This proposed rule is not “economically significant” within the meaning of Executive Order 12866; nor does it require a statement under § 202 of the Unfunded Mandates Reform Act of 1995. This rule merely continues the suspension of the helper regulations that has been in effect since November 1993 in order that the Department may proceed with rulemaking while avoiding the unnecessary disruption and confusion that would result from implementation of the helper regulations during the interim. Therefore, there would be no cost or savings that would result from continuing the suspension since this would merely preserve the status quo. Moreover, as discussed above, a substantial period of time is required before the regulations would be implemented by their incorporation in contracts, and the Department's experience in the brief period in 1992 and 1993 when the suspended regulation was in effect was that relatively few surveys were completed in which helpers were found to prevail.

Thus, any theoretical savings that would be lost from a failure to implement the helper regulations during the rulemaking period would be minimal. Accordingly, it is expected that this proposal will not result in a rule that may have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy or a sector of the economy. Because this rule will not have a significant economic impact, no economic analysis is required. For the same reason, this rule does not constitute a “major rule” within the meaning of section 804(2) of the Small Business Regulatory Enforcement Fairness Act.

Because the alternative to the proposed rule—lifting of the suspension and implementing the helper regulations while rulemaking is ongoing—could possibly interfere with actions planned or taken by other government agencies, the Department has concluded that it will treat the proposed rule as a “significant regulatory action” within the meaning of section 3(f)(2) of Executive Order 12866.

V. Regulatory Flexibility Act

The Department has determined that the proposed rule will not have a significant economic impact on a substantial number of small entities. As a continuation of the status quo, there is no economic impact. Furthermore, the Department has determined that if the suspension were lifted and the regulation implemented, there would not be a significant economic impact on a substantial number of small entities during the interim period prior to completion of rulemaking action on the helper regulations—expected to be completed within a year. Because of the lag times in agency procedures to amend their regulations and incorporate the contract clauses, and the relatively small number of helper classifications which the Department found prevailing in its surveys in 1992 and 1993, it is unlikely that a substantial number of small entities would have the opportunity to use helper classifications during the period before the rulemaking is completed. Accordingly, the proposed rules are 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. Thus, a regulatory flexibility analysis is not required.

VII. 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.

Signed at Washington, D.C., this 29th day of July 1996.

John R. Fraser,

Deputy Administrator, Wage and Hour Division.

[FR Doc. 96–19649 Filed 7–31–96; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedure Governing Advisory Opinions and Rules Governing Summary Judgment Motions and Advisory Opinions

AGENCY: National Labor Relations Board.

ACTION: Notice of extension of time for filing comments to proposed rulemaking.

SUMMARY: Pursuant to a request from the American Bar Association Subcommittee on NLRB Practice and Procedure, the NLRB gives notice that it is extending by approximately 30 days the time for filing comments on the proposed rule changes published on July 5, 1996 (61 FR 35172) which would eliminate the notice-to-show-cause procedure in summary judgment cases and remove provisions which permit parties to pending state proceedings to file petitions with the Board for an advisory opinion on jurisdiction.

DATES: The comment period which currently ends on August 5, 1996, is extended to September 5, 1996.

ADDRESSES: Comments on the proposed rulemaking should be sent to: Office of the Executive Secretary, 1099 14th Street, NW, Rm 11600, Washington, D.C. 20570.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, Telephone: (202) 273-1940.

Dated, Washington, D.C., July 29, 1996.

By direction of the Board.

John J. Toner,

Executive Secretary.

[FR Doc. 96-19696 Filed 8-1-96; 8:45 am]

BILLING CODE 7545-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

[SPATS No. OK-019-FOR]

Oklahoma Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Oklahoma

regulatory program (hereinafter, the "Oklahoma program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of additions and revisions to Oklahoma's regulations pertaining to repair or compensation for material damage resulting from subsidence caused by underground coal mining operations and to replacement of water supplies adversely impacted by underground coal mining operations. The amendment is intended to revise the Oklahoma program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., c.d.t., September 3, 1996. If requested, a public hearing on the proposed amendment will be held on August 27, 1996. Requests to present oral testimony at the hearing must be received by 4:00 p.m., c.d.t. on August 19, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to Jack R. Carson, Acting Director, Tulsa Field Office at the address listed below.

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

Jack R. Carson, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430.

Oklahoma Department of Mines, 4040 N. Lincoln Blvd., Suite 107, Oklahoma City, Oklahoma 73105, Telephone: (404) 521-3859.

FOR FURTHER INFORMATION CONTACT: Jack R. Carson, Telephone (918) 581-6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. General background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Oklahoma program can be found in the January 19, 1981, Federal Register (46 FR 4902). Subsequent actions concerning Oklahoma's program and program amendments can be found at 30 CFR 936.15 and 936.16.

II. Proposed Amendment

By letter dated July 17, 1996, Oklahoma submitted a proposed amendment to its program pursuant to SMCRA (Administrative Record No. OK-975). Oklahoma submitted the proposed amendment in response to a May 20, 1996, letter that OSM sent to Oklahoma in accordance with 30 CFR 732.17(c). Oklahoma proposed to revise the Oklahoma Coal Rules and Regulations at Oklahoma Administrative Code (OAC) 460:20-3-5, definitions; OAC 460:20-31-7, hydrologic information; OAC 460:20-31-13, subsidence control plan; OAC 460:20-45-8, hydrologic-balance protection; and OAC 460:20-45-47, subsidence control. Specifically, Oklahoma proposes the following additions and revisions to its regulations.

1. OAC 460:20-3-5 Definitions

Oklahoma proposes to add definitions for the terms "drinking, domestic or residential water supply"; "material damage"; "non-commercial building"; and "replacement of water supply."

2. OAC 460:20-31-7 Hydrologic Information

Oklahoma proposes to add a new provision at OAC 460:20-31-7(e)(3)(D) that requires the PHC determination to include findings on "whether the underground mining activities conducted after October 24, 1992 may result in contamination, diminution or interruption of a well or spring in existence at the time the permit application is submitted and used for domestic, drinking, or residential purposes within the permit or adjacent areas."

3. OAC 460:20-31-13 Subsidence Control Plan

Oklahoma proposes to remove the existing introductory paragraph and to replace it with new subsections (a) and (b). Paragraphs (a) (1) through (3) contain requirements for an application to include a map, a narrative, and a pre-subsidence survey indicating the location, type, and condition of structures and renewable resource lands that subsidence may materially damage or diminish in value and of drinking, domestic, and residential water supplies that subsidence may contaminate, diminish, or interrupt.

Subsection (b) contains revised requirements for a subsidence control plan. A new introductory paragraph provides that no further information need be provided in the application if the survey conducted under paragraph (a) shows that no structures; drinking,