Data Collection and Response Rate

Collection of survey data was through a network of Federal Procurement Executives and Federal agency Data Collection Coordinators designated for this survey. Survey introductory materials were transmitted to the Federal Procurement Executives in September 1995. In October, all Data Collection Coordinators were provided with a comprehensive package of survey orientation materials. Later in October, and early November, agency procurement offices responsible for contracts selected for the sample were provided with survey questionnaires and materials. From December through March, Data Collection Coordinators were provided with their agency response rates and the list of contracts for which data were not yet received; an additional mailing was made to the Federal Procurement Executives; copies of the *Service Contract Act Directory Of Occupations* were provided on request; and data review and follow-up with submitting offices were carried-out.

The survey usable response rate—20.2 percent—varied somewhat by industry and Federal agency. In general the highest response rates, weighted by value, were for those industries that account for the majority of covered employment. For example, for the four industries that account for over two-thirds of population contract value (SICs 87, 73, 37, and 89), the sample contracts represented in the responses were valued at over $3.4 billion, or 39.7 percent of the total value in the sample for those industries, and averaged over $850 million per SIC (and not falling below $303 million). The responses therefore appear to be similar to the FPDS data in the universe by industry, providing a measure of external validity that appears to limit the potential for bias of the estimates obtained from the sample data. For this reason it is believed that the responses received follow the general industry framework and represent the best picture the Department was able to obtain of employment in the various industries that make up the SCA universe. The process whereby FTE/contract value ratios (by occupational group within industry group), once established, are applied to the *population* (not the sample) to estimate FTE totals (as explained more fully in ''Using Sample Data to Estimate the Population'', above), is another factor that would tend to limit the potential for bias caused by the low response rate. However, the low response rate does not allow for a reasonable measure of internal validity to be assigned to the sample data.

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 in Washington, DC, on this 21st day of October, 1996.

Maria Echaveste,

Administrator, Wage and Hour Division.

[FR Doc. 96–27402 Filed 10–24–96; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–208–FOR]

Kentucky Regulatory Program

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

ACTION: Proposed rules; reopening of comment period.

SUMMARY: OSM is reopening the public comment period on a proposed amendment to the Kentucky permanent regulatory program (hereinafter referred to as the ''Kentucky program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to sections of the Kentucky Administrative Regulations (KAR) dealing with the assessment of civil penalties. The amendment is intended to revise the Kentucky program to be consistent with the corresponding Federal regulations.

DATES: Written comments must be received by 4:00 p.m., [E.D.T.] November 12, 1996.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to William J. Kovacic, Field Office Director, at the address listed below.

Copies of the Kentucky program, the proposed amendment, a listing of any scheduled public hearings, 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 one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky, 40503. Telephone: (606) 233–2896.

Department of Surface Mining Reclamation, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601. Telephone: (502) 564–6940.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Field Office Director, Lexington Field Office, Telephone: (606) 233–2896.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 18, 1982, Federal Register (47 FR 21404). Subsequent actions concerning conditions of approval and program amendments can be found at 30 CFR 917.11, 917.15, 197.16, and 917.17.

II. Description of the Proposed Amendment

By letter dated July 19, 1994 (Administrative Record No. KY–1304), Kentucky submitted a proposed amendment to its program pursuant to SMCRA at its own initiative. The proposed amendments were announced in the August 9, 1994, Federal Register (59 FR 40503). By letter dated January 11, 1995 (Administrative Record No. KY–1331), Kentucky resubmitted a proposed amendment that completed its regulation promulgation process. OSM reopened the public comment period in the February 17, 1995, Federal Register (60 FR 9314). By letter dated March 2, 1995 (Administrative Record KY–1347), Kentucky submitted additional revisions to the proposed amendment pertaining civil penalty assessment and revegetation. Based on the revised information, OSM reopened the comment period in the April 17, 1995, Federal Register (60 FR 19193). During its review of the proposed revisions, OSM noted that Kentucky did not submit the January 6, 1995, ''Procedures for Assessment of Civil Penalties'' incorporated by reference in the March 2, 1995, submission. Because the document was not made part of the administrative record, it was not subject

to public comment. OSM is, therefore, reopening the comment period at this time.

''Procedures for Assessment of Civil Penalties'' replaces the June 15, 1994, version and includes a general description of the assessment process, an explanation of the assessment factors, the assessment mechanism, and the application of the assessment factors to specific violations. Specific changes include the following. Chapter I: at section B(1), the provision that a penalty may be assessed if the violation is noncorrectable is deleted. At section D(1), the language is revised to require that the penalty for a cessation order issued for failure to abate be assessed pursuant to 405 KAR 7:092, section 13(2). At section D(2), the language is revised to require that the penalty for an imminent danger cessation order be issued pursuant to 405 KAR 7:092 section 13(1). The assessment shall be based on the four criteria in 405 KAR 7:095 section 3. Additional penalties shall be assessed in the event a failure to abate cessation order is issued. At section D(3), the language is revised to require that the penalty for an illegal mining cessation order be assessed pursuant to 405 KAR 7:092 section 13(3). Chapter IV: at section B(5)b, the ''Topsoil Affected'' damage point chart is revised.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. Specifically, OSM is seeking comments on the revision to the State's regulation that was submitted on July 19, 1994 (Administration Record No. KY–1304), with the subsequent revisions and additions as noted above. Comments should address whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kentucky 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 indicated under **DATES** or at locations other than the Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in 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 12988

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12988 (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 732.17(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 counterpart 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 counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 16, 1996.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96–27404 Filed 10–24–96; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 166

[CGD 93–044]

Port Access Routes off the Coast of California

AGENCY: Coast Guard, DOT.

ACTION: Notice of study results.

SUMMARY: The Coast Guard is publishing the results of a port access route study which evaluated the need for vessel routing measures in the approaches to California ports. The study concluded that the southern approach lanes of the existing traffic separation scheme (TSS) off San Francisco should be shifted seven miles seaward; the existing TSS in the Santa Barbara Channel should be extended from Point Conception to Point Arguello; and a precautionary area should be established at the northwest end of the Santa Barbara Channel TSS. The remaining TSS approach lanes, precautionary areas, areas to be avoided, and the shipping safety fairways within the studied area should remain as presently configured. No navigational need for additional offshore routing measures was identified.

FOR FURTHER INFORMATION CONTACT: CDR Chip Sharpe, Project Officer, Eleventh Coast Guard District at (510) 437–2975 or Margie G. Hegy. Project Manager, Coast Guard Headquarters at (202) 267–0415