those actions in the future if this AD were not adopted.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95–18–04 Beech Aircraft Corporation: Amendment 39–9352. Docket 95–NM–31–AD.

Applicability: Model 400 airplanes, serial RJ–61; and Model 400A airplanes, serials RK–1 through RK–77 inclusive, and RK–79 through RK–92 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane, accomplish the following:

(a) At the next scheduled inspection, but no later than 200 hours time-in-service after the effective date of this AD, install an autopilot and rudder boost improvement kit in accordance with Beechcraft Service Bulletin No. 2533, dated October 1994.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The installation shall be done in accordance with Beechcraft Service Bulletin No. 2533, dated October 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Beech Aircraft Corporation, Commercial Service Department, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, Small Airplane Directorate, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on October 10, 1995.

Issued in Renton, Washington, on August 22, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–21256 Filed 9–7–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 552

RIN 1215–AA82

Application of the Fair Labor Standards Act to Domestic Service

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: This rule revises regulations to incorporate changes necessitated by amendments to Title II of the Social Security Act which were enacted October 22, 1994, as Public Law 103–387 (Social Security Domestic Employment Reform Act), and makes other updating and technical revisions. A separate document published elsewhere in this issue reopens the comment period regarding the proposed revision to § 552.109, which was published in the **Federal Register** on December 30, 1993 (58 FR 69310), to clarify the minimum wage and overtime exemption under the Fair Labor Standards Act (FLSA) for certain employees of third-party employers who provide domestic companionship services.

DATES: This regulation is effective October 10, 1995.

FOR FURTHER INFORMATION CONTACT: Richard M. Brennan, Acting Director, Division of Policy and Analysis, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, room s–3506, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219–8412. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

This regulation contains no reporting or recordkeeping requirements subject to the Paperwork Reduction Act of 1980 (Pub. L. 96–511). The general FLSA information collection requirements (including requirements contained in part 552) were approved by the Office of Management and Budget under the control number 1215–0017.

II. Background

The Department published a notice of proposed rulemaking in the **Federal Register** on December 30, 1993 (58 FR 69310), inviting public comments until February 28, 1994, on the following technical modifications to 29 CFR part 552:

(1) Revise § 552.100(a)(1) to delete references to former minimum wage

levels that have been overtaken by subsequent statutory increases in the minimum wage since part 552 was last revised;

(2) Revise § 552.100(c) to reflect updated credits, in a percentage format, that can be taken by an employer for meals and lodging furnished to a domestic service employee;

(3) Revise § 552.101(a)(1) to change the reference ''20 CFR 404.1027(j)'' to ''20 CFR 404.1057'' pursuant to a redesignation in regulations issued under the Social Security Act;

(4) Revise § 552.105(a) to change the FLSA reference ''section 3(s)(4)'' to ''section 3(s)(1)(B)'' in accordance with the Fair Labor Standards Amendments of 1989, 103 Stat. 938;

(5) Revise § 552.2(b) to change the reference in the third sentence from ''Section 7(1)'' to ''Section 7(l) (substituting a lower case letter ''l'' for the number ''1'' in the parentheses); and

(6) Revise the last sentence of § 552.104(b) to correct two spelling errors.

In addition, the Department invited public comments on a proposal to revise § 552.109 to clarify that, in order for the exemptions in FLSA sections 13(a)(15) and 13(b)(21) to apply, employees engaged in providing companionship services and live-in domestic service employees who are employed by a third-party employer or agency must also be ''jointly'' employed by the family or household using their services.

A total of 7 comments were received in response to the notice. All focused their remarks on the proposed revision to § 552.109 concerning joint employment and third-party employers. The Department is continuing to consider this particular proposal, and a separate document published elsewhere in this issue reopens and extends the comment period regarding the proposed revision to § 552.109.

III. Summary of Final Rule

A. Updates and Technical Revisions

No public comments were received on the updating and technical changes that were proposed in the December 1993 notice, and such revisions are adopted in the final rule as proposed.

B. Revisions Required by the ''Social Security Domestic Employment Reform Act of 1994''

The Social Security Domestic Employment Reform Act of 1994 (Pub. L. 103–387, 108 Stat. 4071) was enacted into law on October 22, 1994. Among other things, this law amended section 3121(x) of the Internal Revenue Code of 1986 to change the ''threshold'' for withholding and paying social security taxes on domestic workers from $50 per quarter to $1,000 annually in 1995. In the case of years after 1995, the applicable $1000 threshold is to be indexed in $100 increments rounded down to the nearest $100. The new law also amended section 209(a)(6) (formerly designated as 209(g)) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) to exclude from the term ''wages'' cash remuneration paid by an employer for domestic service employment if the cash remuneration is less than the applicable dollar threshold as defined in section 3121(x) of the Internal Revenue Code of 1986.

As a consequence, the reference in § 552.2(b)(1) to FLSA's coverage of domestic service employees under section 6(f) of FLSA based on section 209(g) of the Social Security Act and to a $50 cash threshold must be modified to conform the regulatory language to the recent statutory changes. This revision of § 552.2(b)(1) is technical in nature and based on the Social Security Domestic Employment Reform Act of 1994 (Pub. L. 103–387, 108 Stat. 4071), about which the Department has no discretion under section 6(f) of the FLSA. Pursuant to 5 U.S.C. 553(b)(3) (A) and (B), this minor, clarifying revision does not require prior notice and comment.

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

This final rule is not a ''significant regulatory action'' within the meaning of Executive Order 12866, nor does it require a section 202 statement under the Unfunded Mandates Reform Act of 1995. The revisions adopted in this rule are technical in nature or are otherwise required by a recent statutory enactment of the Congress. In any event, the revisions will not have a significant impact on the employment of domestic service employees. Accordingly, these changes are 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. Therefore, no regulatory impact analysis has been prepared.

Regulatory Flexibility Analysis

This final rule will not have a significant economic impact on a substantial number of small entities. The changes being adopted in this rule simply conform the regulations to updates in related legislation and are technical in nature. Therefore, the rule is not expected to have a ''significant economic impact on a substantial number of small entities'' within the meaning of the Regulatory Flexibility Act. 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 552

Domestic service workers, Employment, Labor, Minimum wages, Overtime pay, Wages.

Accordingly, part 552 of title 29 of the Code of Federal Regulations is amended as set forth below.

Signed at Washington, DC, on this 31st day of August, 1995.

Maria Echaveste,

Administrator, Wage and Hour Division.

PART 552—APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

1. The authority citation for part 552 is revised to read as follows:

Authority: Secs. 13(a)(15) and 13(b)(21) of the Fair Labor Standards Act, as amended (29 U.S.C. 213(a)(15), (b)(21)), 88 Stat. 62; Sec. 29(b) of the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259, 88 Stat. 76), unless otherwise noted.

2. Section 552.2(b)(1) is revised to read as follows:

§ 552.2 Purpose and scope.

(a) * * *

(b) * * *

(1) If the employee's compensation for such services from his/her employer would constitute wages under section 209(a)(6) of title II of the Social Security Act, that is, if the cash remuneration during a calendar year is not less than $1,000 in 1995, or the amount designated for subsequent years pursuant to the adjustment provision in

section 3121(x) of the Internal Revenue Code of 1986; or

* * * * *

§ 552.2 [Amended]

3. In § 552.2, paragraph (b), the reference in the first sentence of the concluding text is revised to read ''Section 7(l)'' instead of ''Section 7(1)'' (substituting a lower case letter ''l'' for the number ''1'' in the parentheses).

4. In Section 552.100 (paragraphs (a)(1), (c) and (d) are revised to read as follows:

§ 552.100 Application of minimum wage and overtime provisions.

(a)(1) Domestic service employees must receive for employment in any household a minimum wage of not less than that required by section 6(a) of the Fair Labor Standards Act.

* * * * *

(c) For enforcement purposes, the Administrator will accept a credit taken by the employer of up to 37.5 percent of the statutory minimum hourly wage for a breakfast (if furnished), up to 50 percent of the statutory minimum hourly wage for a lunch (if furnished), and up to 62.5 percent of the statutory minimum hourly wage for a dinner (if furnished), which meal credits when combined do not in total exceed 150 percent of the statutory minimum hourly wage for any day. Nothing herein shall prevent employers from crediting themselves with the actual cost or fair value of furnishing meals, whichever is less, as determined in accordance with part 531 of this chapter, if such cost or fair value is different from the meal credits specified above: *Provided, however,* That employers keep, maintain and preserve (for a period of 3 years) the records on which they rely to justify such different cost figures.

(d) In the case of lodging furnished to live-in domestic service employees, the Administrator will accept a credit taken by the employer of up to seven and one-half times the statutory minimum hourly wage for each week lodging is furnished. Nothing herein shall prevent employers from crediting themselves with the actual cost or fair value of furnishing lodging, whichever is less, as determined in accordance with part 531 of this chapter, if such cost or fair value is different from the amount specified above, *provided however,* that employers keep, maintain, and preserve (for a period of 3 years) the records on which they rely to justify such different cost figures. In determining reasonable cost or fair value, the regulations and rulings in 29 CFR part 531 are applicable.

§ 552.101 [Amended]

5. In § 552.101, the parenthetical reference in the first sentence of paragraph (a) is revised to read ''(20 CFR 404.1057)''.

6. In § 552.104, paragraph (b) is revised to read as follows:

§ 552.104 Babysitting services performed on a casual basis.

* * * * *

(b) Employment in babysitting services would usually be on a ''casual basis,'' whether performed for one or more employees, if such employment by all such employers does not exceed 20 hours per week in the aggregate. Employment in excess of these hours may still be on a ''casual basis'' if the excessive hours of employment are without regularity or are for irregular or intermittent periods. Employment in babysitting services shall also be deemed to be on a ''casual basis'' (regardless of the number of weekly hours worked by the babysitter) in the case of individuals whose vocations are not domestic service who accompany families for a vacation period to take care of the children if the duration of such employment does not exceed 6 weeks.

* * * * *

§ 552.105 [Amended]

7. In § 552.105, the reference in the fourth sentence of paragraph (a) is revised to read ''section 3(s)(1)(B) of the Act * * *''

[FR Doc. 95–22141 Filed 9–7–95; 8:45 am]

BILLING CODE 4510–27–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 52–1–7109, PA 53–1–7110, PA 55–1–7111, PA 61–1–7112, PA 66–1–7113; FRL–5272–6]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Source-Specific VOC and NOx RACT and Synthetic Minor Permit Conditions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires reasonably available control technology (RACT) on eleven major sources and establishes permit conditions to limit one source's emissions to below major source levels. The intended effect of this action is to approve source-specific plan approvals and operating permits, which establish the above-mentioned requirements in accordance with the Clean Air Act. This action is being taken under section 110 of the Clean Air Act.

DATES: This final rule is effective November 7, 1995 unless notice is received on or before October 10, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Stahl, (215) 597–9337, at the EPA Region III address above.

SUPPLEMENTARY INFORMATION: On January 6, 1995, April 24, 1995 and May 31, 1995, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). The SIP revision consists of a group of plan approvals and operating permits for individual sources of volatile organic compounds and/or nitrogen oxides located in Pennsylvania. This rulemaking addresses those plan approvals and operating permits pertaining to the following sources: (1) PECO Energy—Eddystone, (2) Gilberton Power Company, (3) Bethlehem Steel Structural Products Corp., (4) Westwood Energy Properties, Inc., (5) PECO Energy Co.—Front Street, (6) Crawford Furniture Manufacturing Corp., (7) Schuylkill Energy Resources, (8) Panther Creek Partners, (9) Columbia Gas Transmission Co.—Milford, (10) Texas Eastern Transmission Corp.—Entriken, (11) Columbia Gas Transmission Corp.—Greencastle, (12) Lord Corporation. The other plan approvals and operating permits submitted together with these being