

with appropriate standards. The State is to notify the FHWA when a project is complete and/or ready for such inspection.

(e) Final vouchers will be submitted to the FHWA with the State certifying that the plans, design, and construction for the project were in accord with the laws, regulations, directives, and standards contained in the State certification or such project exceptions as were approved by the FHWA.

(f) Revisions or amendments to State certifications will be made when necessary and processed as provided in § 640.111(c). The existing State certification is to be reviewed periodically to determine its adequacy in light of this part, the statutes in effect at the time of the review, and the operational reviews made by FHWA.

§ 640.115 Evaluations.

(a) The FHWA may conduct periodic evaluations, as deemed appropriate, of the State's operations under CA. These evaluations may include coverage of any or all areas of the State's administration of CA projects.

(b) If a failure to comply with Federal or State laws occurs and the State is unable or unwilling to effect corrective action of the deficiency, an evaluation report, including recommendations, will be prepared by the FHWA as a basis for considering whether acceptance of the State certification should be rescinded under § 640.117.

§ 640.117 Rescission of State certification.

The acceptance of a State certification may be rescinded at any time upon request of the State or if considered necessary by the FHWA to protect the Federal interest. The rescission may be applied to all or part of the programs or projects covered in the State certification.

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DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 697

Industries in American Samoa; Wage Order

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

ACTION: Final rule.

SUMMARY: Under the Fair Labor Standards Act (FLSA), minimum wage rates in American Samoa are set by a

special industry committee appointed by the Secretary of Labor. This document puts into effect the minimum wage rates recommended for various industry categories by Industry Committee No. 21, which met in Pago Pago, American Samoa during the week of June 12, 1995. The new minimum wage rates are effective 15 days after their publication in the **Federal Register**.

EFFECTIVE DATE: This rule is effective on September 28, 1995.

FOR FURTHER INFORMATION CONTACT:

Daniel F. Sweeney, Deputy Assistant Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-3028, Washington, DC 20210; telephone: (202) 219-8353. This is not a toll free number.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

There are no reporting or recordkeeping requirements contained in this rule.

II. Background

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064), as amended (29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., P. 1004), and by means of Administrative Order No. 662 (60 FR 19099), the Secretary of Labor appointed and convened Industry Committee No. 21 for Industries in American Samoa, referred to the Committee the question of the minimum rates of wages to be paid under section 8 of FLSA to employees within the industries, and gave notice of a hearing to be held by the Committee.

As required by the Secretary's notice, Industry Committee No. 21 conducted an investigation and hearing in Pago Pago, American Samoa during the week of June 12, 1995. Subsequently, the Committee filed with the Administrator of the Wage and Hour Division a report, dated June 19, 1995, containing its findings of fact and recommendations with respect to minimum wages for various industry classifications.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 and 29 CFR 511.18, this rule revises §§ 697.1 and 697.3 of 29 CFR Part 697 to implement the recommendations of Industry Committee No. 21.

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

This rule is not a "significant regulatory action" within the meaning of Executive Order 12866, and no regulatory impact analysis is required. This document puts into effect the wage rates recommended by Industry Committee No. 21 that met in Pago Pago, American Samoa during the week of June 12, 1995. The Committee recommended increases in various industry categories, ranging from 5 cents per hour for fish canning and processing and can manufacturing, the largest private industry in American Samoa, the 35 cents per hour, in two steps, in finance and insurance and private hospitals and educational institutions. When these increases are fully implemented, wage rates will range from \$2.45 an hour (government and miscellaneous industries) to \$3.75 an hour, shipping and transportation, classification A (stevedoring, lighterage, and maritime shipping agency). There are approximately 16,000 employees in the various industry classifications. Based on the number of workers whose wages must be increased to the new minimum wage levels in 1995 and/or 1996, and assuming that employees currently paid at or in excess of the new minimum wages will also receive commensurate wage increases to maintain relative pay comparability, increases in the overall annual wage bill are expected to be modest—approximately \$7 million in 1995 and \$5 million in 1996. Thus, this rule 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.

For similar reasons, the rule does not require a § 202 statement under the Unfunded Mandates Reform Act of 1995. In this regard, wage order procedures under 29 CFR Part 511 require residents of American Samoa to be included in the composition of any industry committee. Individuals are

nominated by the American Samoa government to serve of committees and its representatives also provide testimony and make commendations at hearing proceedings.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for the rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* pertaining to regulatory flexibility analysis, do not apply to this rule. See 5 U.S.C. 601(2).

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 on 29 CFR Part 697

Minimum wages, American Samoa.

Promulgation of Final Rule

Because, under sections 5, 6, and 8 of the Fair Labor Standards Act and 29 CFR 511.18, the Department has no authority to approve or modify the rates recommended by the industry committee, the Department finds, pursuant to 5 U.S.C. 553.(b)(3)(B), that notice and public comment thereon under the Administrative Procedure Act are not necessary.

Accordingly, Part 697 of Chapter V of Title 29, *Code of Federal Regulations* is amended as set forth below.

Signed at Washington, D.C. this 31st day of August, 1995.

Maria Echaveste,

Administrator, Wage and Hour Division.

PART 697—INDUSTRIES IN AMERICAN SAMOA

1. The authority citation for Part 697 continues to read as follows:

Authority: Secs. 5, 6, 8, 52 Stat. 1062, 1064; 29 U.S.C. 205, 206, 208.

2. Section 697.1 is amended by revising paragraphs (a)(1), (b)(1), (b)(2)(ii), (b)(2)(iii), (c)(1), (d)(1), (e)(1), (f)(1), (g)(1), (h)(1), (i)(1), (j)(1), (k)(1), (l)(1), (m)(1), and (n)(1) to read as follows:

§ 697.1 Wage rates and industry definitions.

* * * * *

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is \$3.10 an hour effective July 1, 1996.

* * * * *

(b) *Shipping and transportation industry.* (1) The minimum wage for classification A, stevedoring, lighterage and maritime shipping agency activities, is \$3.65 an hour effective on September 28, 1995, the date specified in § 697.3; and \$3.75 an hour effective July 1, 1996. The minimum wage for classification B, unloading of fish, is \$3.60 an hour effective on September 28, 1995, the date specified in § 697.3; and \$3.70 an hour effective July 1, 1996. The minimum wage for classification C, all other activities, is \$3.50 an hour effective on September 28, 1995, the date specified in § 697.3; and \$3.62 an hour effective July 1, 1996.

(2) * * *

(ii) *Classification B: Unloading of fish.* This classification shall include the unloading of raw and/or frozen fish from vessels.

(iii) *Classification C: All other activities.* All other activities in the shipping and transportation industry.

(c) *Tour and travel service industry.* (1) The minimum wage for this industry is \$3.00 an hour effective on September 28, 1995, the date specified in § 697.3; and \$3.10 an hour effective July 1, 1996.

(d) *Petroleum marketing industry.* (1) The minimum wage for this industry is \$3.45 an hour effective on September 28, 1995, the date specified in § 697.3; and \$3.55 an hour effective July 1, 1996.

(e) *Construction industry.* (1) The minimum wage for this industry is \$3.05 an hour effective on September 28, 1995, the date specified in § 697.3; and \$3.20 an hour effective July 1, 1996.

(f) *Hotel industry.* (1) The minimum wage for this industry is \$2.45 an hour effective on September 28, 1995, the date specified in § 697.3; and \$2.60 an hour effective July 1, 1996.

(g) *Retailing, wholesaling, and warehousing industry.* (1) The minimum wage for this industry is \$2.70 an hour effective on September 28, 1995, the date specified in § 697.3; and \$2.80 an hour effective July 1, 1996.

(h) *Ship maintenance industry.* (1) The minimum wage for this industry is \$3.00 an hour effective on September 28, 1995, the date specified in § 697.3; and \$3.10 an hour effective July 1, 1996.

(i) *Bottling, brewing, and dairy products industry.* (1) The minimum wage for this industry is \$2.85 an hour effective on September 28, 1995, the

date specified in § 697.3; and \$2.95 an hour effective July 1, 1996.

* * * * *

(j) *Printing and publishing industry.* (1) The minimum wage for this industry is \$3.05 an hour effective on September 28, 1995, the date specified in § 697.3; and \$3.20 an hour effective July 1, 1996.

* * * * *

(k) *Finance and insurance industry.* (1) The minimum wage for this industry is \$3.45 an hour effective on September 28, 1995, the date specified in § 697.3; and \$3.60 an hour effective July 1, 1996.

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(l) *Private hospitals and educational institutions.* (1) The minimum wage for this industry is \$3.00 an hour effective on September 28, 1995, the date specified in § 697.3; and \$3.10 an hour effective July 1, 1996.

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(m) *Government employees industry.* (1) The minimum wage for this industry is \$2.45 an hour effective October 1, 1996.

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(n) *Miscellaneous activities industry.* (1) The minimum wage for this industry is \$2.35 an hour effective on September 28, 1995, the date specified in § 697.3; and \$2.45 an hour effective July 1, 1996.

* * * * *

3. Section 697.3 is revised to read as follows:

§ 697.3 Effective dates.

The wage rates specified in § 697.1 shall be effective on September 28, 1995, except as otherwise specified.

[FR Doc. 95-22138 Filed 9-12-95; 8:45 am] BILLING CODE 4510-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[W156-01-7019a; FRL-5289-3]

Designation of Areas for Air Quality Planning Purposes; Wisconsin

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: In this action USEPA is removing all total suspended particulate (TSP) area designations in the State of Wisconsin. This direct final action was prompted by the Wisconsin Department of Natural Resources' (WDNR) April 20, 1994 request to redesignate portions of the cities of Brokaw, Green Bay, Kenosha, Madison, Manitowac, Marshfield, Milwaukee, Oshkosh,