

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.

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(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.

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(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.

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(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.

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(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.

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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,

Racine, Superior and Waukesha from secondary TSP nonattainment to attainment or unclassifiable for PM. On June 3, 1993 (58 FR 31622), USEPA published a final rule revising the prevention of significant deterioration (PSD) particulate matter increments, which became effective on June 4, 1994, so that the increments are measured in terms of particulate matter with an aerodynamic diameter less than 10 microns (PM). Section 107(d)(4)(B) of the Clean Air Act (Act) authorizes USEPA to eliminate all area TSP designations once the increments for PM are promulgated. The June 3, 1993 action also established the method by which USEPA deletes such TSP designations.

EFFECTIVE DATE: This final rule is effective November 13, 1995, unless USEPA receives adverse or critical comments by October 13, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the documents relevant to this action are available for inspection during normal business hours at the following location: (It is recommended that you telephone Christos Panos at (312) 353-8328, before visiting the Region 5 office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Toxics and Radiation Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Environmental Engineer, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, (312) 353-8328.

SUPPLEMENTARY INFORMATION:

Background

In 1971, USEPA promulgated primary and secondary National Ambient Air Quality Standards (NAAQS) for particulate matter to be measured as TSP. On July 1, 1987 (52 FR 242634), USEPA revised the NAAQS for particulate matter, replacing the TSP indicator with the PM indicator. On the same date, USEPA promulgated final regulations under 40 CFR part 51 for State implementation of the revised NAAQS (52 FR 24672). In the preamble to that action, USEPA announced that, because of the importance of the section 107 area designations to the applicability of the TSP increments, it would retain the TSP designations beyond the date on which USEPA

approves a State's revised PM State Implementation Plan (SIP). This would protect the applicability of the TSP increments until a PM increment system could be established.

The 1990 Amendments to the Act contained several pertinent provisions relating to or affecting the TSP area designations. Under section 107(d)(4)(B) of the amended Act, Congress established by operation of law the first nonattainment area designations for PM, and mandated that areas not initially defined as nonattainment are considered to be unclassifiable. The entire State of Wisconsin was designated unclassifiable for PM under the 1990 Amendments to the Act. Moreover, section 107(d)(4)(B) provided that any designation for particulate matter (measured in terms of TSP) that the Administrator promulgated prior to the date of enactment of the 1990 Amendments shall remain in effect for purposes of implementing the maximum allowable concentrations of particulate matter (measured in terms of TSP) increments until the Administrator determines that such designation is no longer necessary for that purpose.

On June 3, 1993 (58 FR 31622), under the authority of section 166(f) of the Act, USEPA published the final rulemaking replacing the TSP increments with equivalent PM increments. As a result, the PSD increments and NAAQS will be measured by the same indicator. As stated at 58 FR 31635, for States already having delegated authority to implement the Federal PSD regulations "USEPA will eliminate the TSP designations when the PM increments become effective under § 52.21 on June 3, 1994." The USEPA has delegated to the State of Wisconsin the authority to implement the PSD program. The delegation agreement provides for automatic adoption of the revised PM increments once the increments become effective. In addition, USEPA approved the State's PM rules as a revision to the Wisconsin SIP on June 28, 1993 (58 FR 34528).

As suggested above, because the revised Act sets out the narrow purpose of maintaining the TSP designations only until promulgation of the PM increments, USEPA believes it is not required to examine the TSP air quality considerations of a TSP redesignation. However, there may be other air quality implications, especially PM impacts, which follow not from a TSP redesignation, but from a revision to existing TSP requirements. Sections 110(l) and 193 of the Act contain very specific restrictions on modifications or revisions to applicable implementation plans that may interfere with

requirements of the Act or result in relaxations of control requirements. If the applicable TSP plan for the area has provisions which result in the automatic relaxation of control requirements upon the deletion of the area designations for TSP, then any such deletion should not be approved unless, consistent with section 193, such modification is accompanied with at least equivalent emission reductions. Similarly, if the applicable TSP implementation plan automatically is modified upon the deletion of the area designations for TSP, then any such deletion should not be approved unless such modification is accompanied with a demonstration that the revision does not interfere with requirements of the Act. The USEPA's technical support document dated May 25, 1995 discusses how the modifications and the TSP plan revision automatically occurring upon the deletion of the TSP designations will not interfere with any requirement of the Act, such as maintenance of the PM NAAQS, and will not result in an increase in particulate matter emissions.

Final Action

Because TSP designations are no longer necessary and Wisconsin has already been designated as unclassifiable for PM, USEPA is taking action to delete all TSP area designations in the State of Wisconsin. The Agency believes that this is administratively more efficient than redesignating the TSP secondary nonattainment areas to attainment.

Miscellaneous

Comment and Approval Procedure

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this **Federal Register** publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on November 13, 1995, unless USEPA receives adverse or critical comments by October 13, 1995.

Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on November 13, 1995.

Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or

establishing a precedent for any future request for revision to any SIP. Each request for a revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Executive Order 12866

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). The Office of Management and Budget has exempted this regulatory action from review under Executive Order 12866.

Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. Sections 603 and 604). Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. This approval does not create any new requirements.

Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 256-66 (1976).

Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, USEPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, USEPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires USEPA to establish a plan for informing and advising any small governments that may be

significantly or uniquely impacted by the rule.

The USEPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such a rule. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 17, 1995.

Valdas V. Adamkus,

Regional Administrator.

40 CFR part 81 is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

§ 81.350 [Amended]

2. In § 81.350 the table entitled "Wisconsin-TSP" is removed.

[FR Doc. 95-22620 Filed 9-12-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 180

[PP 4F4389/R2163; FRL-4973-3]

RIN 2070-AB78

CryIA(c) and CryIC Derived Delta Endotoxins of *Bacillus Thuringiensis* Encapsulated in Killed *Pseudomonas fluorescens*; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of CryIA(c) and CryIC derived *Pseudomonas fluorescens* (MATTCH Biosecticide) in or on all raw agricultural commodities. Mycogen Corp. submitted a request for an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of this pesticide in or on all raw agricultural commodities.

EFFECTIVE DATE: Effective on September 13, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4389/R2163], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St. SW., Washington, DC 20460. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (tolerance fees) P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in