mortality in birds which have suffered an attack of air-sacculitis is changed. The level subject to interim approval has been recalculated and is changed from ''100 to 150 g/ton and 35 to 100 g/ton'' to ''100 to 150 g/ton and 35 to 105 g/ton''.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.15 [Amended]

2. Section 558.15 *Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals* is amended in the table, in paragraph (g)(1), in the column ''Drug sponsor'' by removing the ''do'' following the entry ''Hoffman La-Roche, Inc.'' and adding in its place ''Pfizer, Inc.''; and in the table in paragraph (g)(2) in the entry for ''Pfizer, Inc., Pennfield Oil Co., and VPO, Inc.'' for Type A medicated article ''Oxytetracycline and neomycin base,'' for the species ''Turkeys (first 4 weeks),'' by removing the use level ''100 to 150 g/ton and 35 to 100 g/ton'' and adding in its place ''100 to 150 g/ton and 35 to 105 g/ton.''

Dated: December 18, 1998.

Andrew J. Beaulieu,

Acting Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 99–328 Filed 1–6–99; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[FL–75–1–9806a; FRL–6196–8]

Designation of Areas for Air Quality Planning Purposes Florida: Redesignation of the Duval County Sulfur Dioxide Unclassifiable Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On January 28, 1997, the Florida Department of Environmental Protection (DEP) submitted a request for redesignation to attainment for sulfur dioxide (SO_2) in Duval County, Florida. The redesignation request included five years of quality assured monitoring data which showed no exceedances of the National Ambient Air Quality Standards (NAAQS) for SO_2. Duval County was originally designated as an unclassifiable area in 1978 due to a lack of adequate monitoring data. Sufficient data have now been collected to make an affirmative declaration of attainment status. The EPA is redesignating Duval County from unclassifiable to attainment for SO_2.

DATES: This direct final rule is effective on March 8, 1999 without further notice, unless EPA receives adverse comment by February 8, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

FOR FURTHER INFORMATION CONTACT: Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia 30303. The telephone number is 404–562–9036.

SUPPLEMENTARY INFORMATION: In a **Federal Register** document published March 3, 1978, (43 FR 8962) the Duval County area was designated as unclassifiable for SO_2 due to lack of adequate monitoring data. On January 28, 1997, the State of Florida, through the DEP, submitted a request for redesignation of the Duval County SO_2 unclassifiable area to attainment. Included with this request was five years of quality assured monitoring data which showed that Duval County had not violated the NAAQS for SO_2. The State of Florida has met all the Clean Air Act Amendments of 1990 (CAA) requirements for redesignation pursuant to section 107(d)(3)(E).

Section 107(d)(3)(E)(i) The Administrator has determined that the area has attained the NAAQS.

Florida submitted air quality data demonstrating attainment with both the primary and secondary SO_2 NAAQS for the years 1990 through 1995. As required by the EPA for SO_2 redesignations, a nonattainment area must demonstrate attainment by showing no more than one exceedance annually for two complete, consecutive calendar years and must continue in attainment status until the final notice approving such redesignation is effective. During that period there were no exceedances in the Duval County area, and hence, no violations of the SO_2 NAAQS. The area has continued to monitor attainment of the SO_2 NAAQS to date.

Section 107(d)(3)(E)(ii) The Administrator has fully approved the applicable implementation plan for the area under Section 110(k).

The Florida SO_2 State Implementation Plan (SIP) is fully approved and meets all requirements under section 110(k) which are applicable to the Duval County area.

Section 107(d)(3)(E)(iii) The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions.

Duval County was originally designated as an unclassifiable area in 1978 due to lack of adequate monitoring data. Monitoring data was submitted for the years 1990 through 1995 which shows Duval County is attaining the NAAQS for SO_2. Additionally, a modeling demonstration was submitted which was completed in accordance with the EPA air quality modeling guidelines. The modeling indicated a need for state operating permits on three facilities. The State submitted permits for SCM Glidco Organics Corporation (now Millennium Specialty Chemicals), Anheuser Bush, Inc., and the Celotex Corporation for approval into the SIP which show reductions in SO_2

emissions. These permits will be replaced by title V permits for the facilities however, the SO_2 emission limitations will remain the same.

Section 107(d)(3)(E)(iv) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A.

Duval County was originally designated as an unclassifiable area for SO_2 and maintenance plans are not required for unclassifiable areas requesting redesignation to attainment.

Section 107(d)(3)(E)(v) The State containing such area has met all requirements applicable to the area under Section 110 and Part D.

Florida has complied with all requirements of section 110 and part D of the CAA. Additionally, the State of Florida submitted permits for three plants in the area that provide emission reductions for inclusion in the SIP. These requirements will protect the SO_2 NAAQS in the Duval County area. Therefore, Florida has complied with all requirements of section 110 and part D of the CAA and has satisfied all requirements of section 107(d)(3)(E).

Permit Approval

EPA is approving the following permit conditions into the SIP:

Permit A016–169138 SCM Glidco Organics conditions 1 through 18. Permit A016–222421 Anheuser-Busch, Inc., conditions 1 through 18. Permit AO16–185805 The Celotex Corporation conditions 11 through 16.

Final Action

In this action, EPA is approving the request to redesignate Duval County, Florida, to attainment for the SO_2 NAAQS. Additionally, EPA is approving the permit conditions for the SCM Glidco Organics Corporation, Anheuser Bush, Inc., and the Celotex Corporation.

The SO_2 SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the SO_2 NAAQS. This final redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the SO_2 emission limitations and restrictions contained in the approved SO_2 SIP. Changes to SO_2 SIP regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of non-implementation [section 173(b) of the CAA] and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the CAA.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective March 8, 1999 without further notice unless the Agency receives relevant adverse comments by February 8, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Only parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on March 8, 1999 and no further action will be taken on the proposed rule.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective

and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA 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 EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 8, 1999. 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 rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: November 10, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart K—Florida

2. Section 52.520, is amended by adding paragraph (c)(101) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(101) Revisions to the Florida SIP adding SO_2 permits to specify SO_2 emission limits for three sources in Duvall County, Florida submitted on January 28, 1997.

(i) Incorporation by reference. The following source specific SO_2 permits of the Florida Department of Environmental Protection.

SO_2 Permits:

(A) Permit AO16–169138 SCM Glidco Organics conditions 1 through 18.

(B) Permit AO16–222421 Anheuser-Busch, Inc., conditions 1 through 18.

(C) Permit AO16–185805 The Celotex Corporation conditions 11 through 16.

(ii) Other material. None.

PART 81—[AMENDED]

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

Authority: 42.U.S.C. 7401–7671q.

Subpart C—Section 107 Attainment Status Designations

2. In § 81.310, the ''Florida-SO_2'' table is amended by revising the entry for ''Duvall County'' to read as follows:

§ 81.310 Florida.

* * * * *

FLORIDA—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Duvall County				X
*	*	*	*	*

* * * * *

[FR Doc. 99–229 Filed 1–6–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment,* 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications,* 8 FCC Rcd 4735 (1993).

EFFECTIVE DATE: January 7, 1999.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted December 2, 1998, and released December 11, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 228C3 and adding Channel 228C2 at Show Low.

3. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 274C3 and adding Channel 274C2 at Van Buren, and by removing Channel 276C3 and adding Channel 276C2 at Waldron.

4. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 272C3 and adding Channel 272C1 at Jensen Beach.

5. Section 73.202(b), the Table of FM Allotments under Georgia is amended by removing Channel 287A and adding Channel 287C3 at Quitman.

6. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by removing Channel 274A and adding Channel 274C3 at Northwood.

7. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 290A and adding Channel 290C1 at Ingalls.

8. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 235C3 and adding Channel 235C2 at Coushatta.

9. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 275A and adding Channel 275C3 at Bonanza and by removing Channel 268C2 and adding Channel 268C1 at Corvallis.

10. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 242C3 and adding Channel 242C2 at Royal City.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–276 Filed 1–6–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

48 CFR Part 5315

Types of Contracts

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rules.

SUMMARY: The Department of the Air Force is amending Title 48, Chapter 53 of the CFR by removing Part 5315, Types of Contracts. This rule is removed because it does not meet the requirement for codification. It was revised as part of the Federal Acquisition Regulation Part 15 rewrite, and was changed in the AFFARS on an interim basis by Contracting Policy memo 98–C–02 on January 8, 1998. It contains internal operating procedures that will be finalized in AFAC 96–2.

EFFECTIVE DATE: December 28, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. David Powell, Contracting Policy Branch, SAF/AQCP, 1060 Air Force Pentagon, Washington, DC 20330–1060, telephone (703) 588–7062.

SUPPLEMENTARY INFORMATION:

Authority: Under the authority of 5 U.S.C. 301 and FAR 1.301 48 CFR, Chapter 53, is amended by removing Part 5315.

Carolyn A. Lunsford,

Air Force Federal Register Liaison Officer.

[FR Doc. 99–286 Filed 1–6–99; 8:45 am]

BILLING CODE 5001–05–U