

annual bulk mailing fee for that permit; this fee is in addition to the fee for an application to use permit imprints.

Mailing Online customers pay fees in accordance with G093 and are not required to pay the annual mailing fee.

\* \* \* \* \*

#### 4.9 Preparation

Each bulk rate mailing is subject to these general standards:

\* \* \* \* \*

[Amend 4.9 by adding a reference to Mailing Online in G093 as follows:]

b. Each mailing must contain at least 200 pieces or 50 pounds of pieces or be provided for entry using Mailing Online service under G093. Other volume standards can also apply, based on the rate claimed.

\* \* \* \* \*

#### G General Information

\* \* \* \* \*

[Amend the title to add "Market Test" as follows:]

*G090 Market Test and Experimental Classifications and Rates*

\* \* \* \* \*

[G091 Reserved.]

\* \* \* \* \*

[Add new G093 as follows:]

*G093 Mailing Online*

#### 1.0 BASIC ELIGIBILITY

##### 1.1 Description

The standards in G093 apply to documents produced by a properly registered customer who has paid the appropriate fees established for the Mailing Online market test, and to mailpieces presented for entry by a printer under contract with USPS.

##### 1.2 Customer Eligibility

Test participation is subject to the following conditions:

The customer must be registered as a user of PostOffice Online via the PostOffice Online Web site ([www.postofficeonline.com](http://www.postofficeonline.com)). Registration requires an intent to use PostOffice Online and actual usage at least once each 30 calendar days. Registration is also currently limited based on the customer's ZIP Code.

##### 1.3 Mailings

Electronic documents submitted to the postal Web site will be batched and sent to a commercial printer under contract with USPS, who then prints the document, finishes it, and places it in a letter or flat envelope bearing a delivery point barcode, and enters it as mail at a postal facility. First-Class Mail will be

charged postage at the automation basic rates and Standard Mail (A) will be charged postage at the automation basic rates. There is a limit of 5,000 addresses per mailing. Special services are not available during the market test.

##### 1.4 Address Quality

Address quality requirements for automation rate pieces contained in E140 do not apply for customers who submit job orders under the market test.

##### 1.5 Rates and Fees

The rates and fees applicable to documents created using Mailing Online are as follows:

a. Documents presented through Mailing Online during the market test are eligible for the following rate categories only:

- First-Class Mail Letters and Sealed Parcels—Automation Basic Letters and Flats

- Standard Mail (A) Regular—Automation Basic Letters and Flats

b. Fees are as follows:

Feature	Fee
Paper (per sheet):	
8½ x 11 .....	\$0.006
8½ x 14 .....	\$0.009
11 x 17 .....	\$0.014
Printing (per impression):	
Simplex (8½ x 11) .....	\$0.026
Simplex (8½ x 14) .....	\$0.026
Duplex (8½ x 11) .....	\$0.026
Duplex (8½ x 14) .....	\$0.026
Spot Color (per impression) .....	\$0.013
Finishing:	
Folding (per fold) .....	\$0.013
Stapling (per staple) .....	\$0.010
Saddle Stitch (per finished piece) .....	\$0.250
Tape Binding (8½ x 11) (per finished piece) .....	\$0.563
Tape Binding (8½ x 14) (per finished piece) .....	\$0.688
Applying Tabs to Self Mailer .....	\$0.088
Envelopes:	
#10 Envelope .....	\$0.019
Flat Envelope .....	\$0.068
Inserting (per envelope):	
#10 Envelope .....	\$0.017
Flat Envelope .....	\$0.194

##### 1.6 Sealed Against Inspection

Documents will be treated as sealed against postal inspection while they are in an electronic form. Once the documents are printed and entered as mail, they will be treated in accordance with the provisions of E110.1.3 and E611.1.2, which, respectively, state that First-Class Mail is closed against postal inspection and that Standard Mail is not sealed against postal inspection.

\* \* \* \* \*

#### P040 Permit Imprints

\* \* \* \* \*

#### 5.0 MAILINGS

##### 5.1 Minimum Quantity

\* \* \* \* \*

[Amend 5.1 by adding a provision for Mailing Online as follows:]

Permit imprint mailings must contain at least 200 pieces or 50 pounds, except:

\* \* \* \* \*

d. A mailing may contain fewer pieces if provided for entry using Mailing Online service in G093.

\* \* \* \* \*

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. As provided by 39 CFR 111.3, notice of issuance will be published in the **Federal Register**.

**Neva R. Watson,**

*Attorney, Office of Legal Policy.*

[FR Doc. 98-28348 Filed 10-21-98; 8:45 am]

BILLING CODE 7710-12-P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[FL-065-9623a; FRL-6167-4]

##### Approval and Promulgation of Implementation Plans; State of Florida

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Dade County, Broward County and Palm Beach County portions of the Florida State Implementation Plan (SIP) submitted on November 15, 1995, through the Florida Department of Environmental Protection (FDEP). The submittal revises emissions budgets for transportation conformity. The purpose of this action is to incorporate revised motor vehicle emissions budgets into the Southeast Florida maintenance plan for use in demonstration of conformity of transportation plans, programs, and projects with the Florida SIP for the Southeast Florida maintenance area. This action is in accordance with the Transportation Conformity Rule promulgated on November 24, 1993, and subsequent amendments.

**DATES:** This direct final rule will become effective on December 21, 1998, without further notice unless EPA receives adverse comments by November 23, 1998. Should the EPA receive such comments, it will publish a timely document in the **Federal Register** withdrawing this rule and

informing the public that this rule will not take effect.

**ADDRESSES:** *Written comments should be addressed to:* Kelly Sheckler at the Region 4, Environmental Protection Agency, Air Planning Branch, 61 Forsyth Street, 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 persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file number FL-065-9623. The Region 4 office may have additional background documents not available at the other locations.

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

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

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

**FOR FURTHER INFORMATION CONTACT:** Kelly Sheckler at (404) 562-9042. Reference file FL-065-9623.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act, as amended in 1990 (CAA), defines conformity to an implementation plan to mean conformity to the plan's purpose of reducing the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and achieving expeditious attainment of such standards. Specifically, the CAA requires determinations that federally funded or approved actions will not cause or contribute to any new violation, increase the frequency or

severity of any existing violation, or delay timely attainment of any standard or any required interim emission reductions or other milestones in any area. Therefore, the emissions expected from implementation of such transportation plans and programs must be consistent with estimates of emissions from a maintenance plan.

The State of Florida through the FDEP submitted an attainment and maintenance plan for the Southeast Florida counties of Dade, Broward and Palm Beach on November 13, 1993. The State of Florida's request for redesignation of the Southeast Florida area was approved by EPA because the area attained the ozone NAAQS, met all relevant requirements under section 110 and part D of the CAA, had a fully approved SIP under section 110(k) of the CAA, demonstrated permanent and enforceable air quality improvement, and had maintenance plan satisfying the requirements of section 175A of the CAA. For further detail on this rulemaking refer to 60 FR 10325, dated February 24, 1995. On November 16, 1992, the State of Florida submitted comprehensive inventories of VOC, NO<sub>x</sub>, and CO emissions from the Southeast Florida area. The inventories include biogenic, area, stationary, and mobile sources using 1990 as the base year for calculations to demonstrate maintenance. The 1990 inventory is considered representative of attainment conditions because the NAAQS was not violated during 1990. EPA approved this revision of the Florida SIP and redesignated the area from nonattainment to attainment for ozone effective April 27, 1995. At the time of this submittal, EPA had not finalized the Transportation Conformity rule which provides the criteria and procedures by which the transportation planning authorities must show that transportation plans and projects

conform to the emission estimates in the applicable state maintenance plan. As a result the State's maintenance plan did not provide an explicit motor vehicles emissions budget for the purposes of showing conformity.

The Transportation Conformity regulations at 40 CFR 51.456 were promulgated on November 24, 1993, establishing the criteria and procedures for determining conformity of transportation activities to the SIP. Under these provisions states may revise their emissions budgets at any time through the standard SIP revision process, provided the SIP demonstrates that the revised emissions budget will not threaten attainment and maintenance of the standard or any milestones in the required time frame. The conformity rule provides states the option to revise the emission budget to reallocate emissions among sources or between pollutants and precursors so long as this budget overall maintains total emissions for the area below the attainment inventory levels. The difference between the attainment inventory levels and the projected emissions levels is referred to as a safety margin.

The total emissions in the revised emissions budget for the Southeast Florida maintenance area are below the 1990 levels through the period of projection necessary for the attainment and maintenance plan, 2005. Due to reductions expected from new and/or future federal emission standards, non-road source emissions are projected to decrease below the levels projected in the original maintenance plan. The safety margin created from this category is allotted to the on-road mobile source emissions budget. As provided in the Table below, the reallocated emissions budget maintains the 1990 levels and is consistent with the redesignation/maintenance demonstration SIP.

#### DADE COUNTY VOC EMISSIONS INVENTORY SUMMARY

[Tons per day]

Category	1990	1994	1997	2000	2005
Point .....	14.24	14.57	11.17	8.09	8.59
Area .....	158.60	146.39	111.00	111.92	107.18
On-Road Mobile .....	156.60	96.88	88.89	82.79	79.40
Off-Road Mobile .....	65.09	66.10	69.98	72.96	77.86
Biogenic .....	154.89	154.89	154.89	154.89	154.89
Total .....	549.42	478.83	435.93	430.65	427.92
Available Safety Margin .....	n/a	70.59	113.49	118.77	121.50
Allocated Safety Margin .....	n/a	51.89	59.88	65.98	69.37
Total Emissions Budget (includes mobile budget) .....		530.72	495.81	496.63	497.29
Total Mobile Source Budget (on-road) .....		148.77	148.77	148.77	148.77

## BROWARD COUNTY VOC EMISSIONS INVENTORY SUMMARY

[Tons per day]

Category	1990	1994	1997	2000	2005
Point .....	14.03	15.73	14.87	14.89	14.16
Area .....	52.55	49.67	38.18	41.23	35.03
On-Road Mobile .....	109.84	66.46	60.44	55.91	53.31
Off-Road Mobile .....	37.84	40.29	42.24	44.29	47.95
Biogenic .....	46.80	46.80	46.80	46.80	46.80
Total .....	261.06	219.00	246.44	251.56	248.29
Available Safety Margin .....	n/a	42.06	58.53	57.94	63.81
Allocated Safety Margin .....	n/a	37.89	43.91	48.44	51.04
Total Emissions Budget (includes mobile budget) .....	.....	256.89	246.44	251.56	248.29
Total Mobile Source Budget (onroad) .....	.....	104.35	104.35	104.35	104.35

## PALM BEACH COUNTY VOC EMISSIONS INVENTORY SUMMARY

[Tons per day]

Category	1990	1994	1997	2000	2005
Point .....	1.16	1.22	1.29	1.36	1.51
Area .....	84.06	84.84	81.30	79.02	78.29
On-Road Mobile .....	70.20	43.49	40.53	38.04	37.54
Off-Road Mobile .....	26.05	28.42	40.53	32.54	32.54
Biogenic .....	123.64	123.34	123.34	123.34	123.34
Total .....	305.11	281.61	277.41	274.60	273.52
Available Safety Margin .....	n/a	23.50	27.70	30.51	31.59
Allocated Safety Margin .....	n/a	23.20	26.16	28.65	29.15
Total Emissions Budget (includes mobile budget) .....	.....	304.81	303.57	303.25	302.67
Total Mobile Source Budget (onroad) .....	.....	66.69	66.69	66.69	66.69

DADE COUNTY NO<sub>x</sub> EMISSIONS INVENTORY SUMMARY

[Tons per day]

Category	1990	1994	1997	2000	2005
Point .....	47.26	48.65	31.97	31.98	32.00
Area .....	5.97	6.06	6.28	6.43	6.65
On-Road Mobile .....	117.70	111.19	107.01	101.92	98.99
Off-Road Mobile .....	47.92	48.13	50.89	52.99	56.52
Total .....	218.85	214.03	196.15	193.32	194.16
Available Safety Margin .....	n/a	4.82	17.89	15.63	11.86
Allocated Safety Margin .....	n/a	.63	4.81	9.90	12.83
Total Emissions Budget (includes mobile budget) .....	.....	214.66	200.96	203.22	206.99
Total Mobile Source Budget (On-Road) .....	.....	111.82	111.82	111.82	111.82

BROWARD COUNTY NO<sub>x</sub> EMISSIONS INVENTORY SUMMARY

[Tons per day]

Category	1990	1994	1997	2000	2005
Point .....	95.30	92.82	85.16	85.16	85.16
Area .....	6.94	7.51	7.94	8.21	8.55
On-Road Mobile .....	80.20	74.24	70.76	66.87	64.47
Off-Road .....	27.66	30.42	32.06	33.80	36.98
Total .....	210.10	204.99	195.92	194.04	195.16
Available Safety Margin .....	n/a	5.11	14.18	16.06	14.94

**BROWARD COUNTY NO<sub>x</sub> EMISSIONS INVENTORY SUMMARY—Continued**  
[Tons per day]

Category	1990	1994	1997	2000	2005
Allocated Safety Margin .....	n/a	1.95	5.43	9.32	11.72
Total Emissions Budget (includes mobile budget) .....	.....	206.94	201.35	203.36	206.88
Total Mobile Sources Budget (on-road) .....	.....	76.19	76.19	76.19	76.19

**PALM BEACH COUNTY NO<sub>x</sub> EMISSIONS INVENTORY SUMMARY**  
[Tons per day]

Category	1990	1994	1997	2000	2005
Point .....	37.78	42.45	33.75	34.52	34.54
Area .....	4.19	4.40	4.59	4.74	5.03
On-Road Mobile .....	56.58	54.27	53.02	51.47	50.88
Off-Road .....	18.27	19.92	21.47	22.81	25.35
Total .....	116.82	121.04	112.83	113.54	115.80
Available Safety Margin .....	n/a	(-)4.22	3.99	3.28	1.02
Allocated Safety Margin .....	n/a	(-)0.52	.73	2.28	2.87
Total Emissions Budget (includes mobile budget) .....	.....	120.52	113.56	115.82	118.67
Total Mobile Source Budget (on-road) .....	.....	53.75	53.75	53.75	53.75

**TOTAL 3—COUNTY VOC EMISSIONS INVENTORY SUMMARY**  
[Tons per day]

Category	1990	1994	1997	2000	2005
Point .....	29.43	31.57	27.33	24.34	24.26
Area .....	295.21	280.90	230.48	232.17	220.50
On-Road Mobile .....	336.64	206.83	189.86	176.74	170.25
Off-Road .....	128.98	134.81	142.87	149.79	158.35
Biogenic .....	325.33	325.33	325.33	323.33	325.33
Total .....	1115.59	979.44	915.87	908.37	898.69
Available Safety Margin .....	n/a	136.98	199.72	207.29	217.21
Allocated Safety Margin .....	n/a	112.98	129.95	143.07	149.56
Total Emissions Budget (includes mobile) .....	.....	1092.42	1045.82	1051.44	1048.25
Total Mobile Source Budget (on-road) .....	.....	319.81	319.81	319.81	319.81

**TOTAL 3—COUNTY NO<sub>x</sub> EMISSIONS INVENTORY SUMMARY**  
[Tons per day]

Category	1990	1994	1997	2000	2005
Point .....	180.34	183.92	150.88	151.66	151.70
Area .....	17.10	17.97	18.81	19.38	20.23
On-Road Mobile .....	254.48	239.70	230.79	220.26	214.34
Off-Road .....	93.85	98.47	104.42	109.60	118.85
Total .....	545.77	540.06	504.90	500.90	505.12
Available Safety Margin .....	n/a	5.71	40.87	44.87	40.65
Allocated Safety Margin .....	n/a	2.06	10.97	21.50	27.43
Total Emissions Budget (includes mobile budget) .....	.....	542.12	515.87	522.40	532.54
Total Mobile Source Budget (on-road) .....	.....	241.76	241.76	241.76	241.77

## Final Action

EPA is approving Florida's revised emissions budget for the Southeast Florida maintenance area. The Agency has determined that this request conforms to those requirements. Therefore, this action revises the motor vehicle emissions budget for the Florida counties of Dade, Broward and Palm Beach.

EPA is publishing this action without a 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 December 21, 1998 without further notice unless the Agency receives relevant adverse comments by November 23, 1998.

If the EPA receives such comments, then EPA will publish a timely withdrawal of the final rule 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 on this rule. Only parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on December 21, 1998 and no further action will be taken on the proposed rule.

The ozone SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the ozone NAAQS. Approval of this motor vehicle emissions budget should not be interpreted as authorizing the State to delete, alter, or rescind any of the VOC or NO<sub>x</sub> emission limitations and restrictions contained in the approved ozone SIP. Changes to ozone SIP VOC regulations rendering them less stringent than those contained in the EPA approved plans cannot be made unless a revised maintenance plan 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.

## IV. 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 E.O. 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. If the mandate is unfunded, EPA must 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 written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 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 E.O. 12875 do not apply to this rule.

### C. 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.

### D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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. If the mandate is unfunded, EPA must 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, 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. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

### 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**. A major rule cannot take effect until 60 days after it is published 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 December 21, 1998. 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 in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone.

Dated: September 3, 1998.

#### **A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

Part 52 of 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)(95) to as follows:

#### **§ 52.520 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(95) The maintenance plan for Southeast Florida submitted by the Florida Department of Environmental Protection on November 15, 1995, as part of the Florida SIP.

(i) Incorporation by reference. Revision of the Attainment/Maintenance Plan for the Southeast Florida Ozone Nonattainment Area (Dade, Broward, and Palm Beach Counties) effective on November 15, 1995.

(ii) Other material. None.

[FR Doc. 98-28232 Filed 10-21-98; 8:45 am]

BILLING CODE 6560-50-P

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 26**

[ET Docket No. 94-32; FCC 98-213]

### **Allocation of Spectrum Below 5 GHz Transferred From Federal Government Use 4660-4685 MHz**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this Fourth Report and Order in the matter of Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use 4660-4685 MHz, the Commission adopts its proposals to replace service-specific auction rules for the General Wireless Communications Service (GWCS) with the streamlined auction rules. (See Proposed Rules, 63 FR 770, January 7,

1998.) With regard to auction provisions for designated entities, we simplify the definition of "small business," eliminate installment payments, and increase the bidding credit. These actions will enable the Commission to run a more efficient GWCS auction.

**DATE:** December 21, 1998.

#### **FOR FURTHER INFORMATION CONTACT:**

Kathryn Garland, Bob Reagle, or Arthur Lechtman, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

**SUPPLEMENTARY INFORMATION:** This Order was released on September 24, 1998, and is available in its entirety, including all appendices, for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, fax (202) 857-3805, 1231 20th Street, N.W., Washington, D.C. 20036. It is also available on the Commission's website at <http://www.fcc.gov>.

#### **Introduction**

1. The rules the Commission adopts herein will apply to the auction of GWCS and potentially any auction of adjacent spectrum in the 4635-4660 MHz band, after the rulemaking on that band is complete. The Commission notes that the Wireless Telecommunications Bureau ("Bureau") is currently working on a notice of proposed rulemaking for the 4.6 GHz band, including the adjacent band at 4635-4660 MHz. That item is likely to consider changes in allocations, service rules, and auction rules affecting the entire 50 megahertz of spectrum, such as combining the 4635-4660 MHz and 4660-4685 MHz bands together and adopting common service and auction rules. Upon the completion of this rulemaking proceeding, the Commission may then be in a position to commence an auction of the 50 megahertz of spectrum in the 4635-4685 MHz frequency band as a unit. The Commission postponed the GWCS auction on April 24, 1998. (See Wireless Telecommunications Bureau Announces Postponement of General Wireless Communications Service (GWCS) Auction, Public Notice, DA 98-792 (rel. April 24, 1998)).

#### **Competitive Bidding Issues**

##### *A. Competitive Bidding Design*

2. *Discussion.* The Commission continues to believe that the simultaneous multiple-round auction