additives, although there is a need for such standards. Therefore, the current regulation should be eliminated as a part of President Clinton's 'Reinventing Government' initiative.''

2. Twelve comments digress from the issue at hand, to discuss topics such as bovine spongiform encephalopathy or other animal food safety matters that do not relate to part 564.

3. The remaining comments paraphrased the form letter mentioned previously. Many included the erroneous statement that ''At the present there is NO federal regulation of animal food,'' adding that regulation is only at the State level. The comments inaccurately concluded that part 564 provides our only authority to regulate animal foods, implying that in this regulation's absence we have no authority to regulate.

FDA disagrees with comments that suggest removal of part 564 adversely affects the agency's authority to regulate animal food. A misconception of FDA's regulatory authority apparently exists, because the agency has never relied on part 564 for regulation of animal food. FDA's authority under the Federal Food, Drug, and Cosmetic Act (the act), and the regulations under 21 CFR part 501 (labeling), 21 CFR part 502 (common or usual names), 21 CFR part 509 (contaminants), 21 CFR parts 570, 571, and 573 (food additives), 21 CFR part 579 (irradiation), 21 CFR part 582 (generally recognized as safe (GRAS) substances), and 21 CFR part 589 (prohibited substances), provide adequate authority for the needed regulation of animal food formulation and labeling.

The act prohibits the sale of adulterated and misbranded food in interstate commerce. The definition of food relates to food for man or animal, i.e., feed. The act also allows the agency to establish standards of identity or standards of fill as needed. However, there has been no interest or perceived need by the agency or other parties in developing standards under part 564.

In addition to the existing regulations and statute cited previously, FDA and State regulatory authorities recognize the common feed ingredient definitions established by the Association of American Feed Control Officials (AAFCO) with input from FDA. Feed ingredient definitions consist of specifications established to standardize feed ingredients to ensure that the production, sale and use of ingredients will result in safe and effective feeds. AAFCO has also developed standards, such as the AAFCO Dog and Cat Nutrient Profiles and Feeding Protocols, to help ensure that pet foods contain ingredients needed to meet the animals' nutritional requirements. FDA considers these protocols to be acceptable and appropriate for the evaluation of performance characteristics of commercial foods for dogs and cats.

The definitions and standards that AAFCO issues have served as models for State laws and regulations covering feed ingredients and their proper labeling. Because most pet food manufacturers market products in more than one State, those companies are obligated to manufacture and label pet food products to be in compliance with both FDA and State laws. Thus, the agency finds no basis to conclude that removal of part 564 would adversely affect the authority to regulate animal food.

III. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866, under the Regulatory Flexibility Act (5 U.S.C. 601–612), and under the Unfunded Mandates Reform Act (Pub. L. 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages, and distributive impacts and equity). The Regulatory Flexibility Act requires agencies to examine the economic impact of a rule on small entities. The Unfunded Mandates Reform Act requires agencies to prepare an assessment of anticipated costs and benefits before enacting any rule that may result in an expenditure in any 1 year by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation). The agency has reviewed this final rule and has determined that the rule is consistent with the principles set forth in the Executive Order and in these two statutes. FDA finds that the rule will not be a major rule under the Executive Order.

The rule would remove the regulations establishing standards for animal foods, since neither FDA nor the private sector have ever used the procedures for developing a regulatory standard. FDA is taking this action in response to the administration's ''Reinventing Government'' initiative which seeks to remove unnecessary regulations.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this rule will have on small entities, including small businesses, and certifies that the rule will not have a significant economic impact on a substantial number of small entities. FDA has also analyzed this rule in accordance with the Unfunded Mandates Reform Act and determined that the rule will not result in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector of $100 million. Therefore, no further analysis is required.

IV. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. The Paperwork Reduction Act of 1995

FDA tentatively concludes that this final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects in 21 CFR Part 564

Animal foods, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 564 is removed and reserved.

PART 564—DEFINITIONS AND STANDARDS FOR ANIMAL FOOD

1. Part 564 is removed and reserved.

Dated: January 22, 1999.

William K. Hubbard,

Associate Deputy Commissioner for Policy.

[FR Doc. 99–2057 Filed 1–27–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

28 CFR Part 0

[AG Order No. 2204–99]

Withdrawal of the Attorney General's Delegation of Gift-Acceptance Authority to the Director of the Bureau of Prisons and the Administrator of the Drug Enforcement Administration

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule eliminates current rules that delegate to the Director of the Bureau of Prisons the Attorney

General's authority to accept gifts made to the Bureau of Prisons, Federal Prisons Industries, and the Commissary Funds, Federal Prisons. This rule also adds language to clarify that delegations to the Administrator of the Drug Enforcement Administration of functions vested in the Attorney General by the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, are qualified by the Attorney General's right to reserve authority over any of those functions and to grant some or all of those functions to other officers or employees of the Department of Justice. The purpose of these changes is to reflect the Attorney General's recent delegation of general gift-acceptance authority to the Assistant Attorney General for Administration. This action is being undertaken to promote administrative efficiency.

EFFECTIVE DATE: January 28, 1999.

FOR FURTHER INFORMATION CONTACT: Dorothy L. Foley, Attorney-Advisor, Office of the General Counsel, Justice Management Division, U.S. Department of Justice, (202) 514–3452.

SUPPLEMENTARY INFORMATION: Currently, 28 CFR 0.96(f) delegates to the Director of the Bureau of Prisons the authority vested in the Attorney General, pursuant to 18 U.S.C. 4043, to accept ''gifts or bequests of money for credit to the 'Commissary Funds, Federal Prisons.''' Section 0.96(s) of title 28 of the Code of Federal Regulations delegates to the Director of the Bureau of Prisons the authority vested in the Attorney General pursuant to 18 U.S.C. 4044 ''to accept any form of devise, bequest, gift or donation of money or property for use by the Bureau of Prisons and Federal Prison Industries.''

Section 0.100(b) of title 28 of the Code of Federal Regulations delegates to the Administrator of the Drug Enforcement Administration ''[f]unctions vested in the Attorney General by the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended* * * and not otherwise specifically assigned or reserved by him.'' 28 CFR 0.100(b). Among the functions assigned to the Attorney General by the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, is the authority to ''accept in the name of the Department of Justice any form of devise, bequest, gift or donation where the donor intends to donate property for the purpose of preventing or controlling the abuse of controlled substances.'' 21 U.S.C. 871(c).

Recently-enacted legislation gave the Attorney General general authority to accept gifts on behalf of all components of the Department of Justice. 28 U.S.C. 524(d)(1). The Attorney General has delegated this gift-acceptance authority to the Assistant Attorney General for Administration. Department of Justice Order No. 2400.2 (September 2, 1997). Through this delegation to the Assistant Attorney General for Administration, the Attorney General withdrew all previous delegations of gift-acceptance authority to other components of the Department. This rule reflects the withdrawal of that gift-acceptance authority by removing the inconsistent delegation language of sections 0.96(f) and (s) of title 28 of the Code of Federal Regulations regarding the Director of the Bureau of Prisons and clarifying that the delegation of functions to the Administrator of the Drug Enforcement Administration in section 0.100(b) is qualified by other delegation of those functions by the Attorney General.

Executive Order 12866

This rule has been drafted and reviewed in accordance with Executive Order 12866, section (1)(b), Principles of Regulation. The Department of Justice has determined that this rule is not a regulation or rule subject to review pursuant to Executive Order 12866, section 3(d)(3), and accordingly it has not been reviewed by the Office of Management and Budget.

Unfunded Mandates Reform Act of 1995

This rules makes an administrative change in the Department's internal regulations and will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provision of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804. This rule makes an administrative change in the Department's internal regulations concerning the acceptance of gifts by the Department and will not result in an annual effect on the economy of $100,000,000 or more, a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612

This rule 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 section 6 of Executive Order 12612, the Department of Justice has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988

This rule meets the applicable standards provided in section 3(a) and (b)(2) of Executive Order 12988.

Administrative Procedure Act

This rule was not published for public comment because it pertains to a matter of internal Department of Justice management.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies); Government employees; Organization and Functions (Government Agencies); Whistleblowing.

Accordingly, Part 0 of title 28 of the Code of Federal Regulation is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for Part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

2. In § 0.96 of Subpart Q of 28 CFR, remove paragraphs (f) and (s) and redesignate paragraphs (g) through (v) as paragraphs (f) through (t).

3. In § 0.100 of Subpart R of 28 CFR, revise the first sentence of paragraph (b) to read as follows:

§ 0.100 General functions.

* * * * *

(b) Except where the Attorney General has delegated authority to another Department of Justice official to exercise such functions, functions vested in the Attorney General by the Comprehensive

Drug Abuse Prevention and Control Act of 1970, as amended. * * *

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Dated: January 8, 1999.

Janet Reno,

Attorney General.

[FR Doc. 99–1900 Filed 1–27–99; 8:45 am]

BILLING CODE 4410–AR–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–71–1–7311a; FRL–6222–1]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Multiple Air Contaminant Sources or Properties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves the State Implementation Plan (SIP) revision to 30 TAC Chapter 101, Section 101.2(b) concerning Multiple Air Contaminant Sources. The SIP revision was submitted by the Governor to EPA on January 10, 1996. The revision to the rule eliminates the 50,000 population limitation and is now applicable statewide to all counties regardless of population. The revision also limits the use of the provision to a property under the control of a single entity which has been or will be divided and placed under the control of separate entities, creating a new property line configuration for properties operated, or intended to be operated, as an integrated plant or plants where individual facilities are owned by separate entities, but all facilities are under the control of a single entity. The approval of these Texas SIP revisions make the revisions federally enforceable.

DATES: This rule is effective on March 29, 1999 without further notice, unless EPA receives adverse comment by March 1, 1999. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Texas Natural Resource Conservation Commission (TNRCC), Office of Air Quality, 12100 Park Circle, Austin, Texas 78753.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW.,Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Boyce, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202, telephone: (214) 665–7259.

SUPPLEMENTARY INFORMATION:

I. Background

The original 1967 regulation regarding multiple air contaminant sources allowed two or more property holders in an area to petition to have their properties designated as a single entity for the purpose of controlling air emissions. The rule applies to properties which are contiguous except for intersecting roads, railroads, rights-of-way, canals, and watercourses which are considered a part of the area for purposes of this provision. The rule required that the petition describe the manner in which the combined emissions will be administered and it shall name the responsible party or parties. In 1972, the regulation was limited in applicability to counties with a population less than 50,000 as determined by the most recent census.

The amendment to the rule eliminates the 50,000 population limitation and it limits the use of the provision to properties under the control of a single entity. The proposal would require the parties dividing ownership to establish which of them is responsible for emissions related impacts. Also, the definition of an eligible facility is further narrowed to exclude property previously divided by a canal, bayou, waterway, or public right-of-way.

II. Analysis of State Submission

The EPA had no adverse comments regarding the proposed rule change, provided that each petition be accompanied by a statement indicating ownership, control, and clarified responsibility. In its response to comments, Texas agreed that the petition would clearly indicate ownership, control, and responsibility.

III. Final Action

The EPA is approving the revisions to the Texas SIP regarding Multiple Air Contaminant Sources or Properties. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, the proposed 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 on March 29, 1999 unless EPA receives adverse comment by March 1, 1999. If adverse or critical comments are 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.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent action that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective March 29, 1999 and no further action will be taken on the proposed rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for 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.

IV. Administrative Requirements

A. Executive Orders (E.O.) 12866 and 13045

The Office of Management and Budget has exempted this regulatory action from review under Executive Order E.O. 12866, entitled ''Regulatory Planning 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