

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 524 continues to read as follows:

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

§ 524.1044g [Amended]

4. Section 524.1044g *Gentamicin sulfate, betamethasone valerate, clotrimazole ointment* is amended in paragraph (b) by removing "000061" and adding in its place "000061 and 051259".

Dated: May 27, 1998.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.
[FR Doc. 98-15554 Filed 6-10-98; 8:45 am]

BILLING CODE 4160-01-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[FRL-6109-7]

Removal of the Prohibition on the Use of Point of Use Devices for Compliance with National Primary Drinking Water Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today's action removes the prohibition on point of use (POU) devices as compliance technologies for National Primary Drinking Water Regulations that is set forth in the Code of Federal Regulations in section 141.101. EPA is removing the prohibition on the POU devices because it conflicts with section 1412(b)(4)(E)(ii) of the Safe Drinking Water Act (SDWA) as amended on August 6, 1996. No other part of section 141.101 is affected by today's action.

DATES: This action is effective June 11, 1998.

FOR FURTHER INFORMATION CONTACT: The Safe Drinking Water Hotline, toll free

(800) 426-4791, or Tara Chhay Cameron; Targeting and Analysis Branch; Office of Ground Water and Drinking Water; EPA (4607), 401 M Street, S.W., Washington, DC 20460; telephone (202) 260-3702.

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A. Regulated Entities

Entities potentially regulated by this action are those which meet the criteria of the Public Water Systems (PWS) definition. Regulated categories and entities include:

Category	Example of Regulated Entities
Industry	Public Water Systems

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the type of entities that EPA is now aware of that could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria in §§ 141.2, 142.2, 142.3, and 142.10 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Explanation of Today's Action

On July 8, 1987 (52 FR 25716) EPA promulgated a requirement in section 40 CFR 141.101 that public water systems shall not use POU devices to achieve compliance with a maximum contaminant level (MCL) of a National Primary Drinking Water Regulations.

On August 6, 1996, amendments to the SDWA were enacted into law. Section 1412(b)(4)(E)(ii) of the SDWA,

as amended, authorizes the use of POU devices by public water systems to comply with an MCL under certain circumstances. In order to make the regulatory provisions consistent with the new statutory language, with today's action, EPA removes the prohibition on the use of POU devices by public water systems to comply with an MCL. No other provision of section 141.101 is affected by this action.

C. Administrative Requirements

1. Executive Order 12866

Under Executive Order 12866 (58 FR 51,735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (a) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or

State, local, or tribal governments or communities;

- (b) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

- (c) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

- (d) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

2. Regulatory Flexibility Act

The Agency has determined that the rule being issued today is not subject to the Regulatory Flexibility Act (RFA), which generally requires an Agency to conduct a regulatory flexibility analysis of any significant impact the rule will have on a substantial number of small entities. By its terms, the RFA applies only to rules subject to notice and comment rulemaking requirements

under the Administrative Procedure Act (APA) or any other statute. Today's rule is not subject to notice and comment requirements under the APA or any other statute because it falls into the interpretative statement exception under APA section 553(b) and because the Agency has found "good cause" to publish without prior notice and comment.

3. Paperwork Reduction Act

There are no information collection requirements in this rule.

4. Unfunded Mandates Reform Act and Executive Order 12875

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule merely codifies a statutory amendment authorizing the use of certain treatment technology under the SDWA. It thus contains no

Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Similarly, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments, including tribal governments. Therefore, this action does not require a small government agency plan under UMRA section 203.

Because this rule imposes no intergovernmental mandate, it also is not subject to Executive Order 12875 (Enhancing the Intergovernmental Partnership).

5. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

Today's action is not subject to Executive Order 13045 (62 FR 19885 (April 23, 1997)) which requires agencies to identify and assess the environmental health and safety risks of their rules on children. Pursuant to the definitions in section 2-202, Executive Order 13045 only applies to rules that are economically significant as defined under Executive Order 12866 and concern an environmental health or safety risk that may disproportionately affect children. This rule is not economically significant and does not concern a risk disproportionately affecting children.

6. Submission to Congress and the General Accounting Office

The Congressional Review Act, (5 U.S.C. 801 *et seq.*) as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 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. However, section 808 provides that any rule for which the issuing agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As discussed in section C.8., EPA has made such a good cause finding for this rule, including the reasons therefor, and established an effective date of June 11, 1998. 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).

7. National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act, the Agency is required to use voluntary consensus standards in its regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standard bodies. Where available and potentially applicable voluntary consensus standards are not used by EPA, the Act requires the Agency to provide Congress, through the Office of Management and Budget, an explanation of the reasons for not using such standards. Because this rule does not involve or require the use of any technical standards, EPA does not believe that this Act is applicable to this rule. Moreover, EPA is unaware of any voluntary consensus standards relevant to this rulemaking. Therefore, even if the Act were applicable to this kind of rulemaking, EPA does not believe that there are any "available or potentially applicable" voluntary consensus standards.

8. Administrative Procedure Act

Because this rule merely codifies and interprets a statute, the amended SDWA, it is an "interpretative rule." As a result, it is exempt from the notice and comment requirements for rulemakings under section 553 of the APA (See section 553(b)(3)(A)). In addition, because this rule merely codifies statutory requirements and makes clarifying changes to the rules necessary to implement the amended statute, notice and comment is "unnecessary" and thus the Agency has "good cause" to publish this rule without prior notice and comment (APA section 553(b)(3)(B)). For the same reasons, EPA is making the provisions of this rule effective upon promulgation, as authorized under the APA (See sections 553(d)(2) and (3)).

List of Subjects in 40 CFR Part 141

Environmental protection, Water supply.

Dated: June 3, 1998.

Carol M. Browner,
Administrator.

For the reasons set forth in the preamble, the Environmental Protection Agency amends 40 CFR Part 141 as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

1. The authority citation for Part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-4, and 300j-9.

2. Revise § 141.101 to read as follows:

§ 141.101 Use of bottled water.

Public water systems shall not use bottled water to achieve compliance with an MCL. Bottled water may be used on a temporary basis to avoid unreasonable risk to health.

[FR Doc. 98-15448 Filed 6-10-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 96-46; FCC 97-130]

Open Video Systems

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final rules which were published in the *Federal Register* of Tuesday, May 13, 1997 (62 FR 26235). These regulations related to the filing requirements for open video system certification applications.

DATES: Effective date is May 13, 1997.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Fleming, 202-418-1026.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections were adopted in *Implementation of Section 302 of the Telecommunications Act of 1996, Open Video Systems* ("Fourth Report and Order"). The *Fourth Report and Order* amended our regulations to reflect the provisions of the Telecommunications Act of 1996 (the "1996 Act") which pertain to the filing requirements for certification applications, comments and oppositions, Notices of Intent and complaints concerning channel carriage.

Need For Correction

As published, the final regulations contain errors which may prove to be misleading and need to be clarified. Certain language was inadvertently omitted from § 76.1502(d) as published in the rule changes.

List of Subjects in 47 CFR Part 76

Cable television service, Open video systems, Certification.

Accordingly, 47 CFR Part 76 is corrected by making the following correcting amendments:

PART 76—CABLE TELEVISION SERVICE

1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 552, 554, 556, 558, 560, 561, 571, 572, 573.

§ 76.1502 [Corrected]

2. In 76.1502, paragraph (d) is redesignated as paragraph (d)(2) and a new paragraph (d)(1) is added to read as follows:

* * * * *

(d)(1) On or before the date an FCC Form 1275 is filed with the Commission, the applicant must serve a copy of its filing on all local communities identified pursuant to paragraph (c)(6) of this section and must include a statement informing the local communities of the Commission's requirements in paragraph (e) of this section for filing oppositions and comments. Service by mail is complete upon mailing, but if mailed, the served documents must be postmarked at least three days prior to the filing of the FCC Form 1275 with the Commission.

* * * * *

Federal Communications Commission

Magalie Roman Salas,

Secretary.

[FR Doc. 98-15496 Filed 6-10-98; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

48 CFR Part 204

[DFARS Case 97-D039]

Defense Federal Acquisition Regulation Supplement; Contract Distribution to Defense Finance and Accounting Service Offices

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update requirements for distribution of contracts to the Defense Finance and Accounting Service and the Defense Contract Audit Agency, and to update references to publications and activity names and addresses.

EFFECTIVE DATE: June 11, 1998.

FOR FURTHER INFORMATION CONTACT: Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D039.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS Subpart 204.2 to add a requirement to distribute copies of contracts and modifications to the cognizant Defense Finance and Accounting Service (DFAS) accounting station, in addition to the DFAS funding office; to add an Internet address for obtaining the Directory of Defense Contract Audit Agency Offices; to clarify the types of fixed-price contracts that must be distributed to the Defense Contract Audit Agency; to reflect the change in name of the "Defense Subsistence Region, Europe" to the "Defense Supply Center Philadelphia European Region" and to remove an obsolete reference to a directory of contract administration services.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 97-D039.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*