

### D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires the identification of potentially adverse economic impacts of Federal regulations upon small business entities. The Act specifically requires the completion of an RFA analysis in those instances where the regulation would impose a substantial economic impact on a significant number of small entities. The RFA analysis is for the purpose of determining the economic impact imposed by the terms of the regulation being adopted. Because this rule is deregulatory in nature, no economic impacts are imposed by its terms. Therefore, because this rulemaking imposes no adverse economic impacts within the meaning of the RFA, an analysis has not been conducted. Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant impact on a substantial number of small entities because no additional costs will be incurred.

### E. Paperwork Reduction Act

This rule does not change any information collection requirements subject to OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

### F. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

### List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 1, 1998.

**Carol M. Browner,**  
Administrator.

For reasons set forth in the preamble, part 51 of chapter I of title 40 of the Code of Federal Regulations is amended as follows:

### PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

1. The authority citation for part 51 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7641q.

2. Section 51.100 is amended by republishing (s) introductory text and revising paragraph (s)(1) to read as follows:

#### § 51.100 Definitions.

\* \* \* \* \*

(s) *Volatile organic compounds (VOC)* means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

(1) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTf); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-

dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); methyl acetate and perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

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[FR Doc. 98-9247 Filed 4-8-98; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 76

[CS Docket No. 96-56; FCC 98-47]

#### Cable Television Antitrafficking, Network Television, and MMDS/SMATV Cross Ownership

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** The Commission has denied a petition for reconsideration concerning its rules on television broadcast station network and cable television system cross ownership. On March 15, 1996, the Commission deleted the broadcast network/cable television ownership rule in order to conform the rules with statutory changes. In response to this decision, a petition for reconsideration was filed contending that the Commission was obligated to provide notice and an opportunity to participate in the rulemaking proceeding. In responding to this reconsideration petition, the Commission determined that because the rule changes merely conformed the rules to the statute, notice requirements did not apply.

**FOR FURTHER INFORMATION CONTACT:** Nancy Stevenson, Cable Services Bureau, (202) 418-7200.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order on

Reconsideration, CS Docket No. 96-56, adopted March 25, 1998, and released March 27, 1998. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, NW, Washington, D.C. 20036.

#### Synopsis of the Order on Reconsideration

1. In the *Order on Reconsideration*, we address a petition filed by Network Affiliated Stations Alliance ("NASA") with respect to the Commission's implementation of the television broadcast network and cable television cross ownership provisions of the Telecommunications Act of 1996 ("1996 Act") in the Order Implementing sections 202(f), 202(i) and 301(i) of the Telecommunications Act of 1996 ("Order"). In the *Order on Reconsideration*, NASA's petition is denied.

2. Section 202(f)(1) of the 1996 Act directs the Commission to revise § 76.501 of its regulations (47 CFR 76.501) to permit a person or entity to own or control a network of broadcast stations and a cable system. Section 202(f)(2) further provides that the Commission shall revise such regulations if necessary to ensure carriage, channel positioning, and nondiscriminatory treatment of nonaffiliated broadcast stations by a cable system.

3. In the March 15, 1996 *Order*, 61 FR 15387, April 8, 1996, the Commission amended its cable television ownership rules under § 76.501 to conform them to changes mandated by the 1996 Act. Our rules have been modified to allow a person or entity to own or control a network of broadcast stations and a cable system. Although the *Order* did not implement additional rule changes regarding safeguards for nonaffiliated broadcast stations, it explained that the Commission would monitor the response to the rule changes to determine whether additional rules were necessary. Because the rule changes made pursuant to the 1996 Act merely conformed the rules to the statute, the Commission determined that it had good cause for concluding that the notice and comment provisions of the Administrative Procedure Act ("APA") were not necessary.

4. NASA filed a petition for reconsideration of our *Order*. NASA contends that the Commission was obligated to provide notice and an

opportunity to participate in the rulemaking proceeding.

5. We recognize that Congress, in section 202(f)(2) of the 1996 Act, directed the Commission to revise our rules, if necessary, to protect against possible anticompetitive behavior. Nothing in section 202(f)(2) mandates that the Commission withhold implementing the explicit directive of the statute. Section 202(f)(1) requires the Commission to revise its rules to allow network-cable cross ownership. It does not condition the implementation of this mandate on any particular finding or Commission rulemaking. The Commission had no discretion to forgo or to postpone this legislative directive. To the extent NASA seeks reconsideration of our decision to conform our rules to the statute, its petition is denied. 6. We also reject NASA's assertion that the Commission is obligated under the APA to conduct a formal rulemaking to determine whether safeguards are necessary at this time. We note that the explicit language of section 202(f)(2) of the 1996 Act calls for revision of our rules "if necessary" to ensure nondiscriminatory treatment of nonaffiliated broadcast stations by cable systems. The discretion to render the determination of necessity is placed squarely with the Commission and we have determined at this point that safeguards are not needed. Congress, in passing the 1996 Act, did not conclude that safeguards were immediately necessary and, as the Commission merely conforms its rules to the new statute, we reach a similar conclusion and elect to monitor the situation rather than to launch a full proceeding on this issue at this time. Combinations between major networks and cable operators have not yet been formed, nor does the record reflect specific examples of potential problems. Accordingly, we have concluded that safeguards are not necessary at this time. We do not believe this conclusion violates the APA. Although notice and comment is required when the Commission promulgates rules that establish or impose new obligations on private parties, our decision that safeguards are unnecessary at this time does not impose any additional obligations.

#### List of Subjects in 47 CFR Part 76

Administrative practice and procedure, Cable television.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

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#### DEPARTMENT OF VETERANS AFFAIRS

**48 CFR Parts 801, 810, 811, 812, 836, 852 and 870**

**RIN 2900-AI05**

#### VA Acquisition Regulations: Commercial Items

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs Acquisition Regulations (VAAR) concerning the acquisition of commercial items. It amends VAAR provisions to conform to the Federal Acquisition Regulation (FAR), to delete obsolete references and titles, to update references and titles, to reorganize material and to remove obsolete material. This document also sets forth VAAR provisions and clauses for use by contracting officers for commercial item solicitations and contracts. These provisions and clauses are warranted for use in commercial item solicitations and contracts. This document also incorporates Paperwork Reduction Act approval concerning collection of information regarding clauses and provisions for use in both commercial and non-commercial item, service, and construction solicitations and contracts.

**DATES:** Effective Date: May 11, 1998.

**FOR FURTHER INFORMATION CONTACT:** Don Kaliher, Acquisition Policy Team (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington DC 20420, (202) 273-8819.

**SUPPLEMENTARY INFORMATION:** On August 25, 1997, we published in the **Federal Register** (62 FR 44932) a proposal to amend the Department of Veterans Affairs Acquisition Regulations to make changes relating to the acquisition of commercial items. Comments were solicited concerning the proposal for 60 days, ending October 24, 1997. We did not receive any comments. The information presented in the proposed rule document still provides a basis for this final rule. In addition, the proposed rule requested Paperwork Reduction Act (PRA) comments concerning the collection of information regarding clauses and provisions for use in both commercial and non-commercial item, service, and construction solicitations and contracts. No comments were received by the Office of Management and Budget (OMB). The reporting and recordkeeping requirements of the proposed rule have been approved by OMB; clearance numbers have been