

(R-5103A), 5103B (R-5103B), and 5103C (R-5103C) and revoked Restricted Area 5103D (R-5103D), at the request of the United States (U.S.) Army. Subsequent to the issuance of the final rule, the U.S. Army identified an error in their requested boundaries for R-5103C. This action corrects that error.

**DATES:** Effective 0901 UTC, October 27, 2005.

**FOR FURTHER INFORMATION CONTACT:** Steve Rohring, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**History**

On December 13, 2004, Airspace Docket No. 04-ASW-11 was published in the **Federal Register** (69 FR 72113) modifying R-5103A, R-5103B, and R-5103C and revoking R-5103D, at the request of the U.S. Army. Subsequent to the issuance of the final rule, the U.S. Army identified an error in their requested boundaries for R-5103C in that, the phrase "then along the Southern Pacific Railroad" was inadvertently omitted. Also, there were some minor errors in the coordinates that defined the boundaries of two "cut-out" areas of R-5103C. This action corrects those errors. Because the requested corrections reduce the size of the geographic boundaries of R-5103, we find that issuance of a notice of proposed rulemaking is not necessary.

**List of Subjects in 14 CFR Part 73**

Airspace, Navigation (air).

**Correction to Final Rule**

■ Accordingly, pursuant to the authority delegated to me, the boundaries for R-5103C, Airspace Docket No. 04-ASW-11, as published in the **Federal Register** on December 13, 2004 (69 FR 72113), are hereby corrected as follows:

**PART 73—SPECIAL USE AIRSPACE**

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

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 73.51 [Corrected]**

■ 2. Section 73.51 is corrected to read as follows:

\* \* \* \* \*

**R-5103C McGregor, NM (Corrected)**

\* \* \* \* \*

Boundaries. Beginning at lat. 32°45'00" N., long. 105°53'02" W.; to lat. 32°45'00" N.,

long. 105°52'22" W.; to lat. 32°33'20" N., long. 105°30'02" W.; to lat. 32°26'20" N., long. 105°30'02" W.; to lat. 32°15'00" N., long. 105°42'02" W.; to lat. 32°15'00" N., long. 106°10'02" W.; then along the Southern Pacific Railroad to lat. 32°28'00" N., long. 106°02'02" W.; to lat. 32°27'40" N., long. 106°00'02" W.; to lat. 32°36'00" N., long. 106°00'00" W.; to lat. 32°45'00" N., long. 105°59'02" W.; to the point of beginning, excluding that airspace within a 2 NM radius of lat. 32°39'02" N., long. 105°40'36" W.; from the surface to 1,500' AGL and also excluding that airspace beginning at lat. 32°42'49" N., long. 105°48'12" W.; to lat. 32°40'47" N., long. 105°49'40" W.; to lat. 32°39'42" N., long. 105°47'44" W.; to lat. 32°41'48" N., long. 105°46'14" W.; to the point of beginning from the surface to 1,500' above the surface.

\* \* \* \* \*

Issued in Washington, DC, on May 17, 2005.

**Edith V. Parish,**

*Acting Manager, Airspace and Rules.*

[FR Doc. 05-10902 Filed 6-8-05; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Part 744**

**[Docket No. 041222360-5141-02]**

**RIN [0694-AD24]**

**Licensing Policy for Entities Sanctioned Under Specified Statutes; License Requirement for Certain Sanctioned Entities; and Imposition of License Requirement for Tula Instrument Design Bureau**

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This document makes final, without change, a previously published interim final rule that stated the Bureau of Industry and Security's licensing policy regarding transactions involving entities sanctioned by the State Department under three specified statutes, imposed a new license requirement for certain entities sanctioned by the State Department, and identified one specific entity subject to this new license requirement, Tula Instrument Design Bureau of Russia.

**DATES:** Effective date: June 9, 2005.

**FOR FURTHER INFORMATION CONTACT:** William Arvin, Regulatory Policy Division, Office of Exporter Services at [warvin@bis.doc.gov](mailto:warvin@bis.doc.gov) or 202-482-2440.

**SUPPLEMENTARY INFORMATION:** On March 7, 2005, the Bureau of Industry and Security (BIS) published an interim

final rule with a request for comments. The comment period expired on May 6, 2005. BIS received no comments on the interim final rule and is now adopting it without change in this final rule.

The interim final rule of March 7 set forth BIS's licensing policy for entities subject to sanctions imposed by the State Department under the Iran-Iraq Arms Nonproliferation Act of 1992 (Pub. L. 102-484), the Iran Nonproliferation Act of 2000 (Pub. L. 107-178) and section 11B(b)(1) of the Export Administration Act of 1979 (also known as the Missile Technology Control Act of 1990). The interim final rule also imposed a new license requirement for certain entities sanctioned by the State Department, and identified one specific entity, Tula Instrument Design Bureau of Russia (Tula), subject to this new license requirement. The interim final rule placed Tula on the Entity List (15 CFR part 744, supp. No. 4), thereby informing the public that a license is required to export or reexport to Tula any item subject to the EAR other than EAR99 items, that License Exceptions may not be used for exports or reexport to Tula, and that BIS's policy is generally to deny applications for licenses to export or reexport such items to Tula.

The interim final rule requested comments no later than May 6, 2005. BIS has received no comments on the interim final and is now adopting it without change in this final rule. In doing so, BIS is not negating or in any way modifying the changes to the Entity List made subsequent to the March 7, 2005 publication of the interim final rule and prior to publication of this final rule. Specifically, the additions to the Entity List at 70 FR 11861 (March 10, 2005) are unaffected by this final rule.

Although the Export Administration Act of 1979 (EAA), as amended, expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)) as extended by the Notice of August 6, 2004, 69 FR 48763 (August 10, 2004), continues the EAR in effect under the International Emergency Economic Powers Act (IEEPA).

**Rulemaking Requirements**

1. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501

*et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by the OMB under control numbers 0694–0088, “Multi-Purpose Application,” which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. Miscellaneous and recordkeeping activities account for 12 minutes per submission.

Burden hours associated with the Paperwork Reduction Act and Office of Management and Budget control number 0694–0088 are not impacted by this regulation. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to David Rostker, OMB Desk Officer, by e-mail at [david\\_rostker@omb.eop.gov](mailto:david_rostker@omb.eop.gov) or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (*see* 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable.

#### List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

■ Accordingly, BIS adopts, without change, the interim final rule published at 70 FR 10865, March 7, 2005 as a final rule.

Dated: June 3, 2005.

**Matthew S. Borman,**  
*Deputy Assistant Secretary for Export Administration.*

[FR Doc. 05–11418 Filed 6–8–05; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 165

[Docket No. 2004N–0416]

#### Beverages: Bottled Water

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending its bottled water quality standard regulations by revising the existing allowable level for the contaminant arsenic. As a consequence, bottled water manufacturers are required to monitor their finished bottled water products for arsenic at least once each year under the current good manufacturing practice (CGMP) regulations for bottled water. Bottled water manufacturers are also required to monitor their source water for arsenic as often as necessary, but at least once every year unless they meet the criteria for the source water monitoring exemptions under the CGMP regulations. This final rule will ensure that the minimum quality of bottled water, as affected by arsenic, remains comparable with the quality of public drinking water that meets the Environmental Protection Agency’s (EPA’s) standards.

**DATES:** This rule is effective January 23, 2006. The Director of the Office of the **Federal Register** approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in 21 CFR 165.110(b)(4)(iii), as of January 23, 2006.

#### FOR FURTHER INFORMATION CONTACT:

Jennifer A. Burnham, Center for Food Safety and Applied Nutrition (HFS–306), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–2030.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In the **Federal Register** of January 22, 2001 (66 FR 6976), EPA published a final rule issuing a National Primary Drinking Water Regulation (NPDWR) containing a maximum contaminant level (MCL) of 0.01 milligram per liter (mg/L) or 10 parts per billion (ppb) and a Maximum Contaminant Level Goal (MCLG) of zero for arsenic to address potential public health effects from the presence of arsenic in drinking water. This rulemaking finalized a proposed rule that EPA published in the **Federal**

**Register** of June 22, 2000 (65 FR 38888). EPA’s effective date of March 23, 2001, for this rule was temporarily delayed for 60 days to a new effective date of May 22, 2001, in accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled “Regulatory Review Plan” (66 FR 7702, January 24, 2001). On May 22, 2001, EPA announced that it would further delay the effective date for the rule until February 22, 2002, to allow time to complete a reassessment of the information on which the revised arsenic standard is based. On February 22, 2002, the arsenic MCL of 0.01 mg/L in public drinking water rule became effective, and water systems must comply with the new standard for arsenic in public drinking water by January 23, 2006. On March 25, 2003 (68 FR 14501 at 14503), EPA revised the rule text in its January 2001 final rule that established the 10 ppb arsenic drinking water standard to express the standard as 0.010 mg/L, in order to clarify the implementation of the original rule. EPA made this change in response to a concern raised by a number of States and other stakeholders that State laws adopting the Federal arsenic standard as 0.01 mg/L might allow rounding of monitoring results above 0.01 mg/L so that the effective standard (in consideration of rounding of results) would be 0.014 mg/L (or 14 ppb), not 0.010 mg/L (10 ppb).

Under section 410(b)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 349(b)(1)), FDA is required to issue a standard of quality regulation for a contaminant in bottled water not later than 180 days before the effective date of an NPDWR issued by EPA for a contaminant under section 1412 of the Safe Drinking Water Act (SDWA) (42 U.S.C. 300g–1), or make a finding that such a regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems but not in water used for bottled water. The effective date for any such standard of quality regulation is to be the same as the effective date of the NPDWR. In addition, section 410(b)(2) of the act provides that a quality standard regulation issued by FDA shall include monitoring requirements that the agency determines to be appropriate for bottled water. Further, section 410(b)(3) of the act requires a quality standard for a contaminant in bottled water to be no less stringent than EPA’s MCL and no less protective of the public health than EPA’s treatment technique requirements for the same contaminant.

In accordance with section 410 of the act, FDA published in the **Federal**