

exceed the level(s) specified in paragraph (b)(1)(i) of this section; and

(2) * * *

(iv) For each refinery that is not a small refinery and for each small refinery after July 1, 1983, the constructive average lead content of leaded gasoline produced by the reporting refinery during the compliance period, as determined by dividing the total grams of lead indicated in paragraph (d)(2)(iii) by the total gallons of leaded gasoline produced by the reporting refinery during the compliance period.

(v) For each small refinery prior to July 1, 1983, the constructive average lead content of gasoline produced by the reporting refinery during the compliance period. In determining such constructive average lead content, the total grams of lead indicated in paragraph (d)(2)(iii) may be allocated in any manner by the refiner to the calculation of the total gasoline average pursuant to paragraph (b)(2)(i) and/or the leaded gasoline average pursuant to paragraph (b)(2)(ii), so long as the number of grams of lead so allocated is equal to the total grams of lead indicated in paragraph (d)(2)(iii).

(vi) When compliance is demonstrated pursuant to paragraph (d)(1) by more than one refiner, each such report shall also include supporting documentation adequate to show the agreement of all such refiners to the constructive allocation of lead usage stated in the report.

[FR Doc. 83-3193 Filed 2-7-83; 8:45 am]
BILLING CODE 6550-50-M

40 CFR Part 80

[AMS FRL 2290-1]

Regulation of Fuels and Fuel Additives; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects minor errors in a final rule regulating the lead content of leaded gasoline, which was published on October 29, 1982 (47 FR 49322-34).

FOR FURTHER INFORMATION CONTACT: Robert E. Kenney, Senior Staff Attorney, Field Operations and Support Division, (202) 382-2659.

SUPPLEMENTARY INFORMATION: The final lead phasedown regulations, published on October 29, 1982, contained

typographical errors in 40 CFR 80.20(a)(3)(xi) and (b)(1). 47 FR 49332-3. In addition, the regulations failed to indicate that a legal citation in a portion of the small refinery definition (40 CFR 80.2(p)(4)) referred to a reporting requirement under the previous regulations. The notice also inadvertently omitted a clarifying phrase in 40 CFR 80.20(a)(3)(xi). 47 FR 49333. This correction notice rectifies these errors.

In addition, the preamble to the regulations incorrectly stated that the information collection provisions in the regulations are not effective until approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. 47 FR 49322. This statement is correct for new reporting requirements established by the regulations (40 CFR 80.20(a)(3), (b)(3), (c)(3), and (d)(2)). However, the reporting requirement applicable to certain refineries for the month of October 1982 or the calendar quarter October to December 1982 (40 CFR 80.20(a)(4)) is a continuation of the reporting requirements under the previous lead phasedown regulations, which have already been approved by OMB under the Paperwork Reduction Act and assigned OMB control number 2000-0041. Therefore, the reporting requirement in 40 CFR 80.20(a)(4) was effective November 1, 1982.

Dated: January 28, 1983.

Anne M. Gorsuch,
Administrator.

PART 80—[CORRECTED]

Accordingly, 40 CFR Part 80 is corrected as follows:

§ 80.2 [Corrected]

1. In 40 CFR 80.2(p)(4), a footnote is added after the reference to § 80.20(b)(2) to read as follows: "The citation to § 80.20(b)(2) relates to the former small refinery reporting requirements codified in that paragraph prior to the October 29, 1982 (47 FR 49333), amendments to that paragraph. The reporting requirements for small refineries are now found in 40 CFR 80.20(b)(3).

§ 80.20 [Corrected]

2. In 40 CFR 80.20(a)(3)(xi), the reference to "paragraph (a)(3)(ix)" is changed to "paragraph (a)(3)(x)", and the phrase "the total grams of lead in each product so transferred," is added after the phrase "the total gallons of each product so transferred,".

3. 40 CFR 80.20(b)(1) is revised to read, "In the production of gasoline at a small refinery (as defined in § 80.2(p)), a refiner shall not: * * *"

[FR Doc. 83-2973 Filed 2-2-83; 8:45 am]
BILLING CODE 6550-50-M

40 CFR Part 81

[KY-012; A-4-FRL 2290-3]

Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of Muhlenberg County for TSP

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves a request by Kentucky to redesignate Muhlenberg County as attainment for the primary total suspended particulate (TSP) standards. This action responds to the State's request to redesignate the area based upon eight (8) consecutive quarters of ambient data that indicates attainment of the primary standard. The area continues to be designated nonattainment for the secondary TSP standard.

EFFECTIVE DATE: This action will be effective April 11, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESS: Written comments should be addressed to Melvin Russell of EPA Region IV's Air Management (see EPA Region IV address below). Copies of the material submitted by Kentucky in support of the redesignation may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street, SW, Washington, D.C.
20460.

Air Management Branch, Environmental
Protection Agency, Region IV, 345
Courtland Street, NE, Atlanta, Georgia
30365.

Kentucky Natural Resources and
Environmental Protection Cabinet,
Division of Air Pollution Control, 18
Reilly Road, Building #2 Ft. Boone
Plaza, Frankfort, KY 40601.

FOR FURTHER INFORMATION CONTACT: Melvin Russell, EPA Region IV, Air Management Branch, at the Region IV address above or call 404/881-3296 or (FTS 257-3286).

SUPPLEMENTARY INFORMATION: The primary TSP nonattainment designation for Muhlenberg County, Kentucky was based on monitored violations of the TSP national ambient air quality standards (NAAQS). On November 18, 1982, the Kentucky Natural Resources and Environmental Protection Cabinet submitted a redesignation request to change the TSP attainment status of Muhlenberg County. The submittal included ten consecutive quarters of current ambient data that demonstrated attainment of the primary TSP NAAQS. The data includes the period of January 1980 through June 1982. EPA requires eight consecutive quarters of current data. Muhlenberg County will remain nonattainment for the secondary TSP NAAQS.

EPA has reviewed the Kentucky data for representativeness, quality and quantity, and found it acceptable.

Action: EPA today redesignates Muhlenberg County, Kentucky from nonattainment to attainment for the primary TSP NAAQS. This action is taken without prior proposal because the basis for the redesignation (ambient monitoring data) is straightforward and noncontroversial; moreover, this action will not affect air quality or impose additional requirements on industry. We do not anticipate public comments on this action.

This action will be effective 60 days from the date of this Federal Register notice. However, if we receive notice within 30 days that someone wishes to submit critical comments, we will withdraw this action and will publish two subsequent notices before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. 605(b), the Administrator has certified that area redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [60 days from today]. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107 of the Clean Air Act [42 U.S.C. 7407])

Dated: January 28, 1983.

Anne M. Gorsuch,
Administrator.

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

§ 81.318 Kentucky.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Kentucky—TSP				
Muhlenberg County.....	.	X	.	.

[FR Doc. 83-3293 Filed 2-7-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[TN-003; A-4-FRL 2292-5]

Designation of Areas for Air Quality Planning Purposes; Tennessee: Redesignation of Particulate Area

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On October 25, 1982 (47 FR 47248), EPA announced that it was granting a request made by Tennessee for the redesignation of a portion of Roane County within the Clymersville section of Rockwood from attainment to unclassifiable for particulates. This action was a result of adoption by the Tennessee Air Pollution Control Board of the indicated designation. EPA subsequently received adverse comments on the redesignation. Accordingly, the Agency is withdrawing the redesignation. Elsewhere in today's Federal Register, EPA is proposing the redesignation and providing an opportunity to comment on the proposal.

DATE: This action is effective on February 8, 1983.

ADDRESSES: Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street, SW., Washington, D.C.
20460

Air Management Branch, Environmental
Protection Agency, Region IV, 345

Subpart C—Section 107 Attainment Status Designations

In § 81.318, the "Kentucky—TSP" table is amended by removing the notation which indicates nonattainment of the primary standards in Muhlenberg County. As amended, the entry for this area reads as follows:

Courtland Street, NE., Atlanta, GA
30385

Tennessee Department of Public Health,
150 9th Avenue North, Nashville,
Tennessee 37203.

FOR FURTHER INFORMATION CONTACT:
Raymond S. Gregory, EPA Region IV,
Air Management Branch at the Region
IV address above or call 404/881-3286
or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On January 27, 1982, the Tennessee Air Pollution Control Board changed the attainment status of that portion of Roane County within the Clymersville section of Rockwood to unclassifiable for total suspended particulate matter (TSP) in relation to the National Ambient Air Quality Standard (NAAQS). Based on the information submitted, EPA, without prior proposal of its action, changed the attainment status designation of this area from attainment to unclassifiable (47 FR 47248 October 25, 1982).

In the final rule making the redesignation, EPA advised the public that the effective date of the action was deferred for 60 days (until December 25, 1982) to provide an opportunity to submit comments on it. EPA announced that if notice were received within 30 days of the publication of the final rule that someone wanted to submit adverse or critical comments, the final action would be withdrawn and a new rulemaking would be begun by proposing the action and establishing a 30-day comment period. EPA had earlier published a general notice explaining this special procedure (46 FR 44477, September 4, 1981).

EPA has received adverse comments on this redesignation. Accordingly, the Agency is today withdrawing it.

Elsewhere in today's Federal Register, EPA is proposing the redesignation requested by Tennessee and soliciting comment on the proposal.

EPA is withdrawing this action without providing prior notice and opportunity for comment. The Agency finds that it has good cause within the meaning of 5 U.S.C. 553(b) to proceed without notice and comment. Notice and comment would be impracticable in this case because EPA needs to withdraw its redesignation as quickly as possible in order to consider the comments which the public has submitted or may wish to submit. Moreover, further notice is not necessary because EPA has already informed the public that it would follow this procedure if it received a request for an opportunity to comment. For the same reasons, EPA finds that it has good cause under 5 U.S.C. 553(d) to make this withdrawal immediately effective.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 11, 1983.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the present rule will not have significant economic impact on a substantial number of small entities.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: February 1, 1983.

Anne M. Gorsuch,
Administrator.

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designation

§ 81.343 [Amended]

In the Tennessee-TSP table of § 81.343, the entry for "That portion of Roane County within the Clymersville section of Rockwood" is removed.

[FR Doc. 83-3206 Filed 2-7-83; 9:45 am]

BILLING CODE 5560-50-M

40 CFR Part 761

[OPTS-62024B; BH-FRL No. 2277-8]

Polychlorinated Biphenyls (PCB's) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Incorporations by Reference Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule incorporates by reference in EPA's Polychlorinated Biphenyls (PCBs) regulations certain revised test methods of the American Society for Testing and Materials (ASTM). These revisions are new methodology to be used in meeting the requirements of these PCB regulations.

DATES: This final rule is effective February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Chris Tirpak, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, DC, 20460. Toll Free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: In the Federal Register of May 21, 1982 (47 FR 22123), EPA proposed to amend 40 CFR 761.60 and 761.75 to provide that testing methodologies revised by the ASTM be used in meeting certain requirements of regulations affecting Polychlorinated Biphenyls (PCBs).

The designations of the revised methodologies and the equivalent old methodologies are as follows:

Old Designations	New Designations
ASTM D93-77	ASTM D93-80
ASTM D482-74	ASTM D482-80
ASTM D524-76	ASTM D524-81
ASTM D808-63	ASTM D808-81
ASTM D923-75	ASTM D923-81
ASTM D1266-70	ASTM D1266-80
ASTM D2158-65	ASTM D2158-80
ASTM D2784-70	ASTM D2784-80
ASTM D3278-73	ASTM D3278-78

The comment period ended June 21, 1982. To insure all interested persons an adequate opportunity to evaluate and comment on the proposed methodologies EPA announced reopening of the comment period in the Federal Register of July 13, 1982 (47 FR 30270). This second comment period ended August 12, 1982.

Neither comment period elicited comments of a substantive nature. The amendments are therefore adopted as proposed.

Executive Order 12291

Under Executive Order 12291, issued February 17, 1981, EPA must judge whether a rule is a "major rule" and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. EPA has determined that this rule is not a major rule as the term is defined in section 1(b) of the Executive Order. Therefore, EPA has not prepared a Regulatory Impact Analysis for this rule.

EPA has concluded that this final rule is not "major" under the criteria or section 1(b) because the annual effect of the rule on the economy will be less than \$100 million; it will not cause a major increase in costs or prices for any sector of the economy or for any geographic region; and it will not result in any significant adverse effects in competition, employment, investment, productivity, or innovation, or on the ability of United States enterprises to compete with foreign markets. In fact, this rule simply provides for updating analytical test methodology to the state of the art. This rule was submitted to the Office of Management and Budget for review as required by E.O. 12291.

Regulatory Flexibility Act

Under section 605(b) of the Regulatory Flexibility Act, the Administrator may certify that a rule will not, if promulgated, have a significant impact on a substantial number of small entities, and therefore does not require a regulatory flexibility analysis. This rule merely updates certain American Society for Testing and Materials (ASTM) test methods cited in the PCB regulations to current ASTM standards. In fact, this revision will bring the analytical methods cited in the PCB regulations to the state of the art. Since no negative economic effect is expected upon any business entity from the promulgation of this rule, I certify that this rule will not have a significant economic impact on small entities.

Paperwork Reduction Act

EPA has determined that the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, does not apply to this Final Rule since no information collection or recordkeeping are involved.

(Sec. 6, 90 Stat. 2020, (15 U.S.C. 2065))

List of Subjects in 40 CFR Part 761

Environmental protection, Hazardous materials, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements, Incorporation by reference.

Dated: December 21, 1982.

John A. Todhunter,
Assistant Administrator for Pesticides and
Toxic Substances.

PART 761—[AMENDED]

Therefore, Part 761 of Chapter I of Title 40, Subchapter R, is amended as follows:

1. In § 761.19, the entries for ASTM methods D-524, D-808, and D-923 in paragraph (b) are revised to read as follows:

§ 761.19 References.

(b) * * *

	CFR citation
ASTM D-524-81 Standard Test Method for Flamebottom Carbon Residue of Petroleum Products.	§ 761.60(a)(3)(ii)(B)(6).
ASTM D-808-81 Standard Test Method for Chlorine in New and Used Petroleum Products (Bomb Method).	§ 761.60(a)(3)(ii)(B)(6).
ASTM D-923-81 Standard Test Method for Sampling Electrical Insulating Liquids.	§ 762.60(g)(1)(6); § 761.60(g)(2)(6).

2. In § 761.60, paragraph (a)(3)(iii)(B)(6) and paragraph (g)(1)(ii) and (2)(ii) are revised as follows:

§ 761.60 Disposal requirements.

(a) * * *

(3) * * *

(iii) * * *

(B) * * *

(6) The concentration of PCBs and of any other chlorinated hydrocarbon in the waste and the results of analyses using the American Society of Testing and Materials (ASTM) methods as follows: carbon and hydrogen content using ASTM D-3178-73 (reapproved 1979), nitrogen content using ASTM E-258-67, sulfur content using ASTM D-2784-80, D-1266-80, or D-129-84, chlorine content using ASTM D-808-81, water and sediment content using either ASTM D-2709-68 or D-1796-68, ash content using D-482-80, calorific value using ASTM D-240-76 (reapproved 1980), carbon residue using either ASTM D-2158-80 or D-524-81, and flash point using ASTM D-93-80.

(g) * * *

(1) * * *

(ii) For purposes of complying with the marking and disposal requirements, representative samples may be taken from either the common containers or the individual transformers to determine the PCB concentration, *Except that* if any PCBs at a concentration of 500 ppm

or greater have been added to the container the total container contents must be considered as having a PCB concentration of 500 ppm or greater for purposes of complying with the disposal requirements of this subpart. For purposes of this paragraph, representative samples of mineral oil dielectric fluid are either samples taken in accordance with American Society of Testing and Materials method D-923-81 or samples taken from a container that has been thoroughly mixed in a manner such that any PCBs in the container are uniformly distributed throughout the liquid in the container.

(2) * * *

(ii) For purposes of complying with the marking and disposal requirements, representative samples may be taken from either the common container or individual containers to determine the PCB concentration *Except that* if any PCBs at a concentration of 500 ppm or greater have been added to the container then the total container contents must be considered as having a PCB concentration of 500 ppm or greater for purposes of complying with the disposal requirements of this subpart. For purposes of this subparagraph, representative samples of waste oil are either samples taken in accordance with American Society of Testing and Materials D-923-81 method or samples taken from a container that has been thoroughly mixed in a manner such that any PCBs in the container are uniformly distributed throughout the liquid in the container.

3. In § 761.75, paragraph (b)(8)(iii) is revised to read as follows:

§ 761.75 Chemical waste landfills.

(b) * * *

(8) * * *

(iii) Ignitable wastes shall not be disposed of in chemical waste landfills. Liquid ignitable wastes are wastes that have a flash point less than 60 degrees C (140 degrees F) as determined by the following method or an equivalent method: Flash point of liquids shall be determined by a Pensky-Martens Closed Cup Tester, using the protocol specified in ASTM Standard D-93-80, or the Setaflash Closed Tester using the protocol specified in ASTM Standard D-3278-78.

[FR Doc. 83-2291 Filed 2-7-83; 8:45 am]

BILLING CODE 6580-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 431, 435, 436, 440, and 447

Medicaid Program; Imposition of Cost Sharing Charges Under Medicaid

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: This final rule revises regulations concerning imposition of cost sharing amounts on Medicaid recipients. Section 131 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248) amended the Medicaid cost sharing requirements. This final rule revises the Medicaid regulations to remove the prohibition on States from imposing deductibles, coinsurance or copayments on categorically or medically needy individuals with certain exceptions. Under the law, States are precluded from imposing such charges with respect to services furnished to individuals under 18, services furnished to pregnant women, if the services relate to the pregnancy, or to any condition which may complicate the pregnancy, and services furnished to certain institutionalized patients who are required to spend all of their income for medical care costs except for a personal needs allowance. The law also prohibits imposition of deductions, cost sharing or similar charges on emergency services, and family planning services and supplies to any individual. Finally, services furnished by a health maintenance organization (HMO) to a categorically needy individual who is enrolled in the HMO are also exempt from cost sharing. States may also exempt medically needy HMO enrollees if they desire. The law also establishes a waiver authority under which cost-sharing amounts may be increased for nonemergency services in hospital emergency rooms. This rule reflects these changes in the law.

DATES: The rules are amended as of February 8, 1983. See section I.E. of the preamble for discussion of effective date.

Comment date: Although these regulations are final, comments may be submitted. To assure consideration, comments should be mailed by April 11, 1983.

ADDRESS: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17076, Baltimore, Maryland 21235.