

204, 213, 220, 221, 222, 228, 227, 233, 234, 235, 237, and 240: Single Family Waiver Authority Final rule published August 18, 1982, [47 FR 35957], Docket No. R-82-952. Effective Date: December 3, 1982".

Dated: March 24, 1983.

Grady J. Norris,
Assistant General Counsel for Regulations.

[FR Doc. 83-0126 Filed 3-29-83; 9:45 am]
BILLING CODE 4210-27-M

24 CFR Part 3280

[Docket No. R-82-1017]

Manufactured Home Construction and Safety Standards

Correction

In FR Doc. 82-29865 beginning on page 49383 in the issue of Monday, November 1, 1982, make the following corrections:

1. On page 49386, the middle column, in § 3280.305(g)(4), the word "Botom" should read "Bottom".
2. On page 49391, the first column, in § 3280.707(d)(1), the ninth and tenth lines, the phrase "loss shall be as described in section," should be removed.
3. On the same page, in the middle column, in the table to § 3280.707(d)(2), under "Recovery efficiency", the percentage should read "75".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7876]

Income Tax; Taxable Years, Beginning After December 31, 1953; Bad Debt Deduction for Thrift Institutions That Join in Filing Consolidated Returns

Correction

In FR Doc. 83-6974, beginning on page 11256, in the issue of Thursday, March 17, 1983, make the following corrections:

1. On page 11256, in the third column, in the first paragraph, in the second line from the bottom, "not follow" should read "follow".
2. On page 11258, in the second column, in § 1.1502-42(e)(1), in the sixth line, "with paragraph" should read "without paragraph".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Reccommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Interim rule with request for public comment.

SUMMARY: The Commission is adding a new subsection to its paroling policy guidelines, 28 CFR 2.20, to clarify its policy concerning application of the guidelines to probation revocation cases. In probation revocation cases, the Commission will consider the original federal offense and any new criminal conduct on probation (federal or otherwise) in assessing the offense severity except where probation has been revoked on a complex sentence (i.e., a committed sentence of more than six months followed by a probation term). In complex sentence cases, the case will be considered for guideline purposes under the Commission's reparole guidelines, 28 CFR 2.21.

DATES: This interim rule is effective April 4, 1983.

Public comment must be received by May 20, 1983.

ADDRESS: Submit comments to U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815.

FOR FURTHER INFORMATION CONTACT: Steve D. Johnston, Deputy Chief, Case Operations, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, telephone (301) 492-5852.

SUPPLEMENTARY INFORMATION: The Commission from time to time is confronted with probation revocation cases involving complex sentences where the sentencing court has imposed a term of probation to follow a term of more than six months imprisonment. This may be done by sentencing the offender to prison on one count and to probation on another count. In the usual case, a sentence involving both imprisonment and probation is imposed pursuant to 18 U.S.C. 3651 under which the term of imprisonment may not exceed six months.

It is the Commission's policy to consider the original federal offense behavior and any new criminal behavior (Federal or otherwise) on probation in assessing offense severity for probation revocation cases in applying the Commission's guidelines, and to give credit toward such guidelines for any time spent in confinement on any offense behavior considered in assessing offense severity. However,

offenders with complex sentences (i.e., committed sentences of more than six months followed by a probation term) have already served a substantial period of imprisonment for their original federal offense. Therefore, the Commission is providing an exception to its above stated policy for these cases. For probation revocation cases with complex sentences, the Commission will not consider the original offense in assessing the offense severity but will consider only the probation violation behavior under the Commission's reparole guidelines, 28 CFR 2.21. The publication of these provisions is intended to clarify the Commission's policy and to provide more equitable treatment of probation violators.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

PART 2—[AMENDED]

Accordingly, pursuant to the provision of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.20(j) is added as follows:

§ 2.20 Paroling policy guidelines; statement of general policy.

(j)(1) In probation revocation cases, the original federal offense behavior and any new criminal conduct on probation (federal or otherwise) is considered in assessing offense severity. Credit is given towards the guidelines for any time spent in confinement on any offense considered in assessing offense severity. Where there is new criminal conduct on probation, the original federal conviction is also counted in the salient factor score.

(2) Exception: where probation has been revoked on a complex sentence [i.e., a committed sentence of more than six months followed by a probation term], the case shall be considered for guideline purposes under § 2.21 as if parole rather than probation had been revoked.

I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: March 10, 1983.

Benjamin F. Baer,
Chairman, Parole Commission.

[FR Doc. 83-6102 Filed 3-29-83; 9:45 am]
BILLING CODE 4410-01-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 83-3]

Compulsory License for Cable Systems Inquiry

AGENCY: Copyright Office, Library of Congress.

ACTION: Statement of Views.

SUMMARY: By Notice of Inquiry published in the *Federal Register* of February 11, 1983 (48 FR 6372-6373), the Copyright Office invited public comment on four general questions: substitution for specialty stations, expanded geographic coverage, expanded temporal carriage and ungranted waiver requests. After analyzing the comments received, the Copyright Office reached certain tentative conclusions on specific issues and communicated its views to the interested parties in a letter of opinion dated March 11, 1983. The Office is publishing this Statement of Views to inform the public of the positions taken in its letter of opinion and to address one additional point.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, Telephone: (202) 287-8380.

SUPPLEMENTARY INFORMATION: At a public meeting on October 20, 1982, the Copyright Royalty Tribunal [Tribunal] adopted its final rule in Docket No. 81-2, Cable Television Royalty Fee Adjustment Proceeding.

The Tribunal established a new schedule of royalty rates in light of the repeal by the Federal Communications Commission [FCC] of certain distant signal carriage and syndicated exclusivity restrictions. The text of the Tribunal's amendments to 37 CFR Part 308 were published in the *Federal Register* of Friday, November 19, 1982 (47 FR 52146-52159).

Following the publication of the Tribunal's final rule in the rate adjustment proceeding, the Copyright Office received letters from several cable system operators and their representatives requesting interpretative rulings in connection with the application of the new 3.75% rate in specific instances. To assist the Copyright Office in responding to the various letters of inquiry and requests for interpretative rulings, the Office published a Notice of Inquiry in the *Federal Register* of February 11, 1983 (48 FR 6372-6373) inviting comment on four general issues. Twenty-one comments

were submitted on behalf of cable system operators, program suppliers, sports claimants, and broadcasters. The Office analyzed these comments, the Copyright Act and its legislative history, the CRT rate determination, and certain former FCC regulations to the extent possible, given the wish of cable systems for guidance before March 15, 1983, and reached the conclusion that only a limited response to the questions posed in the Notice of Inquiry was appropriate at this time.

In its letter of opinion dated March 11, 1983, the Copyright Office responded to certain urgent requests from cable system operators for guidance regarding the 3.75% rate increase; however, the views expressed were tentative and did not represent any effort to decide any issues that may be considered by the U.S. Court of Appeals for the District of Columbia Circuit, to whom the Tribunal's rate adjustment decision has been appealed. The Office reiterated its hope that issues regarding interpretation of the Tribunal's new royalty rates would be brought to the attention of the Court, and that the Court would provide guidance.

As stated in its Notice of Inquiry, and recalled in its opinion letter, the Copyright Office does not intend to take any steps to implement the October 20, 1982 rate adjustment pending a final decision by the Court of Appeals; the Office will, however, accept royalty payments at the levels set by the October 20, 1982 rate determination, and will examine the Statements of Account at an appropriate time.

Although the Copyright Office observed in its letter that it understands the expressed wish of cable systems for some guidance regarding the 3.75% rate adjustment, to give the guidance requested at this juncture would require the Copyright Office to interpret the rules of another governmental body at a time when those rules are under appeal in the courts, and before the Office is called upon to take any steps to carry out its responsibilities in collecting royalties due under the CRT's October 20, 1982 rate adjustment. Its response was accordingly limited and is subject to reexamination after a final decision by the Court of Appeals. At that time, the Copyright Office will again consider the comments submitted in response to the Notice of Inquiry, RM 83-3, and may invite additional comments.

As for the specific questions raised in its Notice of Inquiry, the Copyright Office did make the following observations:

1. *Specialty Stations.* Most of the comments concentrated upon the first issue raised in the Notice, suggesting

that the substitutability of nonspecialty independent stations for specialty stations (whether carried or not) constitutes the most important of the four issues posed. It is the view of the Copyright Office that section 801(b)(2)(B) of the Copyright Act contemplates that cable royalty rates shall be adjusted by the Tribunal following any change after April 15, 1976 in the FCC distant signal rules to ensure that "rates for the *additional distant signal equivalents* resulting from such carriage are reasonable in the light of the changes effected by the amendment to such rules and regulations." (emphasis added).

The argument advanced in cable system comments that specialty stations never carried, even though "permitted", may now be replaced by nonspecialty independent stations and paid for at less than the 3.75% rate is inconsistent with the intent of the Congress that the "additional" DSE's mentioned in section 801(b)(2)(B) of the Act shall be governed by a new rate. No royalties were ever paid for nonexistent DSE's for specialty stations never carried; therefore, carriage now of an additional nonspecialty independent station, whose carriage was not permitted under the FCC's former distant signal rules, presumably represents "additional distant signal equivalents" within the meaning of section 801(b)(2)(B), as to which Congress intended that the Tribunal should establish new reasonable rates. The Tribunal determined that the 3.75% would be reasonable for such additional distant signal equivalents.

A related issue that was not addressed by the Copyright Office in its letter of opinion concerns the carriage of "grandfathered" signals that cable systems were lawfully carrying on March 31, 1972 under former FCC rule § 76.65. The Office has been asked whether such signals should be considered carried pursuant to an individual waiver or "permitted" for purposes of § 308.2(c) of the Tribunal's final rule. In this respect, section 801(b)(2)(B) of the 1976 Act provides that "no adjustment in royalty rates shall be made . . . with respect to any distant signal equivalent or fraction thereof represented by . . . (ii) a television broadcast signal *first carried after April 15, 1976*, pursuant to an individual waiver of the rules and regulations of the Federal Communications Commission, as such rules and regulations were in effect on April 15, 1976." (emphasis added). In light of the wording of this section of the Act, it would appear that the exception for

individual waivers would not apply where the signals in question were first carried prior to April 15, 1976. Such signals may be covered by the proviso in section 801(b)(2)(B)(i) concerning substitution for "permitted" signals.

2. *Expanded geographic coverage.* With respect to expanded geographic coverage, the Office makes the observation that any argument that the 3.75% rate does not apply must assume that the particular cable system prior to the FCC rule change has reported all gross receipts from all subscribers in that entire geographic area for the basic service of providing secondary transmissions of primary broadcast transmitters and paid royalties accordingly, even if some subscribers in that same area did not formerly receive the signal.

3. *Expanded temporal carriage.* The Copyright Office is not now prepared to express any views with respect to expanded temporal carriage.

4. *Ungranted waiver requests.* With respect to ungranted waiver requests, the Copyright Office believes that the new 3.75% rate must apply to additional distant signal equivalents resulting from carriage of distant signals not previously carried because of waiver of the FCC's rules had not been obtained for any reason.

List of Subjects in 37 CFR Part 201

Cable television copyright.

Dated: March 17, 1983.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 83-6109 Filed 3-29-83; 6:45 am]

BILLING CODE 1410-02-M

POSTAL RATE COMMISSION

39 CFR Part 3002

[Docket No. RM83-7; Order No. 490]

Order of the Commission Amending Organizational Rules

Issued: March 22, 1983.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: The Postal Rate Commission, pursuant to 39 U.S.C. 3603, is changing its statement of organization. The changes affect §§ 3002.2 through 3002.9 regarding the various offices of the Commission. As the changes deal entirely with internal agency organization, comments have not been solicited. 5 U.S.C. 553(b).

EFFECTIVE DATE: This rule is effective on March 30, 1983.

ADDRESSES: Comments and other correspondence relating to this Notice should be sent to David F. Harris, Secretary of the Commission, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254-3880).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L Street NW., Washington, D.C. 20268 (telephone: 202/254-3824).

SUPPLEMENTARY INFORMATION: This Rule makes several changes in the Commission's organization, 39 CFR Part 3002. The first change is a minor addition to § 3002.2 to eliminate a gender specific pronoun. The second change places the public information personnel under the Administrative Office.

The third change is a rewrite of § 3002.4. It eliminates the various subdivisions under the Office of the Director of Planning and Operations and replaces that office with the Office of Technical Analysis and Planning.

The fourth revision makes some changes in the Office of Administrative Law Judges (ALJs). The Commission does not now employ ALJs, though it formerly did. However, in the event the Commission requires the services of one or more ALJs, we have retained that office in the table of organization. We have rewritten that section so as to avoid conveying the impression that the Office of ALJs is currently staffed.

The next change eliminates the subdivisions under the Office of the General Counsel and consolidates the functions of that office.

The sixth change eliminates the Office of Technical Staff whose functions are merged under the Office of the Consumer Advocate (formerly known as Officer of the Commission). The proposed change explains the duties of that office and refers to Appendix A to section 3002 on the policies regarding the Office of the Consumer Advocate.

The final change rennumbers § 3002.9 to § 3002.8.

List of Subjects in 39 CFR Part 3002

Organizations and Functions (Government Agencies).

PART 3002—ORGANIZATION

1. For the reasons set out above, the Commission revises 39 CFR §§ 3002.2-3002.7 as follows:

§ 3002.2 The Commission and its offices.

(a) The Commissioners. The Postal Rate Commission is an independent establishment of the executive branch of the U.S. Government created by the

Postal Reorganization Act (84 Stat. 719, title 39, U.S.C.). The Commission consists of five Commissioners appointed by the President and confirmed by the Senate, one of whom is designated as Chairman by the President.

(b) The Chairman and Vice-Chairman. The Chairman has the administrative responsibility for assigning the business of the Commission to the other Commissioners and to the offices and employees of the Commission. He/She has the administrative duty to preside at the meetings and sessions of the Commission and to represent the Commission in matters specified by statute or executive order or as the Commission directs. The Commission shall elect annually a member of the Commission to serve as Vice-Chairman of the Commission for a term of one year or until a successor is elected. In case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, the Vice-Chairman, unless otherwise directed by the Chairman, shall have the administrative responsibilities and duties of the Chairman during the period of vacancy, absence, or inability.

§ 3002.3 Administrative Office.

(a) The incumbent head of the office is responsible for exercising two executive functions of the Commission and utilizes the title of either "Secretary" or "Chief Administrative Officer", as appropriate.

(b) As Secretary of the Commission, the incumbent head shall have custody of the Commission's seal, the minutes of all action taken by the Commission, its rules and regulations, its administrative and other orders, and records. All orders and other actions of the Commission shall be authenticated or signed by the Secretary or any such other person as may be authorized by the Commission.

(c) As Chief Administrative Officer the incumbent head is also responsible, subject to the policy guidelines of the Commission, for: Development, implementation, and administration of the Commission's financial management system and accounting activities including those relating to the budget and the payroll; development and administration in conjunction with the Personnel Officer of a personnel program designed to meet the needs of the Commission and its employees; development and administration, subject to the supervision of the Chairman, of a public information program appropriate to the agency mission; provision of facilities and operating and support services essential

to the efficient and effective conduct of operations; acquisition, planning and assignment of office space; procurement and supply; serving as the contracting officer for the Commission and controlling the obligation of Commission funds, as authorized by the Commission.

(d) The personnel management functions set out above are the immediate responsibility of the Personnel Officer, whose position is located in the Administrative Office.

§ 3002.4 Office of Technical Analysis and Planning.

(a) The Office of Technical Analysis and Planning is responsible for technical (as opposed to legal) analysis and the formulation of policy recommendations for the Commission.

(b) This office provides the analytic support to the Commission for reviewing the record of rate and classification requests, post office closings and other issues which come before the Commission. The functional areas of expertise within this office are: (1) The economic analysis of the market for postal services including the alternative sources for such services and the users of the service; (2) The analysis of the operational characteristics of the postal system and its interface with various segments of the economy; and, (3) The analysis of the costs of operating the Postal Service and how such costs are influenced by the operational characteristics.

(c) These functional activities are combined in the evaluation of the revenue requirements of the Postal Service under possible alternative operating circumstances for the purpose of developing rate structures. They are also used to evaluate the impact of various proposed changes to the Domestic Mail Classification Schedule and the consequences of these changes upon the mailers and upon the revenue requirements and rate structure of the Postal Service.

(d) The office also collects, analyzes and periodically summarizes financial and various other statistical information for use in its ongoing activities and for the development of future methods, techniques and systems of analysis and reporting.

§ 3002.5 Office of Administrative Law Judges.

The Office of Administrative Law Judges is responsible for discharging the functions and exercising the powers of such Administrative Law Judges as the Commission may from time to time employ, in hearings, and in accordance with the provisions of sections 550 and

557 of the Administrative Procedures Act (5 U.S.C. 556 and 557).

§ 3002.6 Office of the General Counsel.

The General Counsel directs and coordinates the functions of the Office of the General Counsel and is directly responsible for the counseling and advisory services set forth in 39 CFR 3000.735-203. In accordance with § 3001.8 of the rules of practice, the General Counsel does not appear as an attorney in hearings in any proceeding before the Commission and takes no part in the preparation of evidence or argument presented in such hearings. The General Counsel represents the Commission in court proceedings and performs legal research on issues coming before the Commission; advises the Commission on the legal aspects of proposed legislation and rulemaking, the legal aspects of proposed action and policies on procurement, contracting, personnel matters, and other internal legal questions.

§ 3002.7 Office of the Consumer Advocate.

(a) The Office of the Consumer Advocate provides representation for the interests of the general public in Commission proceedings. The office prepares and litigates before the Commission legal and evidentiary presentations in all formal Commission dockets under Chapter 36 of Title 39, U.S. Code. It also is responsible for maintaining a continuing litigation capability including preparation for consideration of issues likely to reflect the interests of the general public in subsequent proceedings.

(b) The head of this office is responsible for directing both legal and technical personnel to fulfill its functions. The office includes both litigation attorneys and a broad spectrum of technical expertise to analyze and evaluate the diverse economic, cost and market issues before the Commission. During the pendency of a proceeding, personnel serving in the Office of the Consumer Advocate are prohibited from participating or advising as to any intermediate or Commission decision in that proceeding pursuant to the Commission Rules of Practice.

(c) A policy statement regarding the Office of the Consumer Advocate is contained as Appendix A to this part.

§ 3002.8 [Redesignated from § 3002.9]

2. Section 3002.9 is redesignated and becomes 3002.8.

3. Appendix A is revised to read:

Appendix A

(The following policy statement regarding the Office of the Consumer Advocate

(formerly Office of the Officer of the Commission) was adopted by the Commission and published at 47 FR 25523, June 14, 1982.)

1. The officer of the Commission appointed under 39 U.S.C. 3024(a) shall be appointed from the Office of the Consumer Advocate and shall assist, using the means and procedures available to parties before the Commission, to develop a complete and accurate record by:

(a) Identifying information or data that are needed in addition to those presented by other parties;

(b) Identifying inaccuracies or fallacies in submitted data or information; and

(c) Sponsoring relevant and material evidence which presents needed data or information, which critiques record evidence, or which supports proposals of the officer or other participants not inconsistent with Commission precedents and judicial decisions reviewing Commission precedents. The preceding shall not preclude the officer from offering testimony on a methodology which the Commission has previously considered but not adopted, if a fair reading of the Commission opinion(s) concerned shows that such methodology offers potential benefits and new data are available to remedy any defects cited by the Commission.

2. To argue for equity on behalf of the general public and principally those segments of the general public who are not otherwise represented in PRC proceedings. In so doing, the officer shall consider both long and short term consequences.

3. During the course of proceedings the officer, in accordance with Commission rules, shall maintain complete independence from the members of the Commission and the agency's advisory staff.

David F. Harris,
Secretary.

[PR Doc. 83-7163 Filed 3-29-83; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 2323-3; KY-005]

Approval and Promulgation of State Implementation Plans; Kentucky: Set II VOC Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today announcing full approval of regulations for the control of volatile organic compounds (VOC), Set II, which the Commonwealth of Kentucky submitted pursuant to requirements of Part D, Title I, of the Clean Air Act (CAA). EPA on November 24, 1981 (46 FR 57486), approved these State Implementation Plan (SIP) revisions on condition that the State

adopt and submit a regulation for leaks from gasoline tank trucks and collection systems by March 1, 1982. The State has adopted and submitted the regulation and EPA is removing the conditional approval of Kentucky's Set II VOC regulations. EPA proposed this action on November 17, 1982 (47 FR 51769). This regulation applies only to the loading and transporting of gasoline at bulk plants and terminals in urban ozone nonattainment areas. This revision will improve ambient air quality in such areas.

DATE: This action is effective on April 29, 1982.

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

Library, Office of the Federal Register,
Room 8401, 1100 L Street, NW.,
Washington, D.C. 20005
Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street, SW., Washington, D.C.
20460
Air Management Branch, EPA, Region
IV, 345 Courtland Street, N.E., Atlanta,
Georgia 30365
Kentucky Department for Environmental
Protection, 18 Reilly Road, Building 2,
Fort Boone Plaza, Frankfort, Kentucky
40601

FOR FURTHER INFORMATION CONTACT:
Waymond Blackmon, EPA Region IV,
Air Management Branch, 404/881-2864
or FTS 257-2864.

SUPPLEMENTARY INFORMATION: Part D of the Title I of the Clean Air Act, as amended in 1977, requires that states revise their State Implementation Plan (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). As part of their control strategies for attainment of the NAAQS for ozone (O_3), Kentucky revised their SIP to require control of volatile organic compounds (VOC) from source categories for which EPA published Control Technique Guideline (CTG) documents:

SIP revisions were submitted by the Commonwealth of Kentucky on June 6, 1979, February 5, 1981, and September 24, 1982. EPA conditionally approved the Kentucky State Implementation Plan revision for lack of an appropriate gasoline tank truck regulation. (See 46 FR 57486, November 24, 1981). Since the State has adopted and submitted such a regulation, EPA is today removing the conditional approval for Kentucky's regulations. The provisions of this regulation shall apply to affected gasoline tank trucks which load at bulk terminals and bulk gasoline plants in

urban counties designated nonattainment for ozone. No owner or operator of a gasoline tank truck subject to this regulation shall allow loading unless the gasoline tank truck has a valid Kentucky pressure-vacuum test sticker attached and visibly displayed. EPA called for public comments on the November 17, 1982 proposed action. One comment was received. The following is a discussion of that comment.

Comment. The State of Kentucky requested that changes be made in the final Federal Register notice to correspond with the July 14, 1982 adopted regulation for leaks from gasoline tank trucks. Due to an oversight by EPA, the proposed published Federal Register notice (46 FR 51769, November 17, 1982) discussed a proposed regulation Kentucky submitted earlier, and not the actual regulation Kentucky adopted. EPA had reviewed both the proposed and the actual regulation that was adopted and found both to comply with EPA policy and guidance. The regulation we are approving today shall apply to affected gasoline tank trucks which load at bulk terminals and bulk gasoline plants in urban counties designated nonattainment for ozone. No owner or operator of a gasoline tank truck subject to this regulation shall allow loading unless the gasoline tank truck has a valid Kentucky pressure-vacuum test sticker attached and visibly displayed. This sticker indicates that the gasoline tank truck and its vapor collection system have been tested as having a pressure change of no more than seventy-five (75) mm water (three (3) in. water) in five (5) minutes when pressurized to 450 mm water (eighteen (18) in. water) and evacuated to 150 mm water (six (6) in. water) using test procedure as defined in Appendix B to "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", OAQPS 1.2-119, U.S. EPA, Office of Air Quality Planning and Standards.

Response. Rather than re-propose the gasoline tank truck regulation Kentucky adopted, EPA is today giving full approval to the regulation. This is based upon both the proposed and adopted regulations meeting EPA requirements. Nothing could be gained from re-proposing the actual regulation, since only one comment was received and this by the state of Kentucky asking EPA to correct our oversight.

Action. EPA gives full approval to the Commonwealth of Kentucky's Set II VOC regulations.

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

May 31, 1983. 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 52

Air pollution control,
Intergovernmental relations, Ozone,
Sulfur oxides, Nitrogen dioxide, Lead,
Particulate matter, Carbon monoxide,
Hydrocarbons.

(Sec. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 22, 1983.

John W. Hernandez,
Acting Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S—Kentucky

1. In § 52.920, paragraph (c) is amended by inserting an additional date in subparagraph (22) as follows:

§ 52.920 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(22) Set II VOC regulations, submitted on February 5, 1981, and September 24, 1982, by the Kentucky Department for Environmental Protection.

§ 52.930 [Amended]

2. In § 52.930, Control Strategy: Ozone, paragraph (a), dealing with conditional approval of the Set II VOC regulations, is removed.

(FR Doc. 83-8229 Filed 3-29-83; 8:45 am)
BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 2293-3]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA announces today final rulemaking on a revision to the Ohio State Implementation Plan (SIP)