A professional employee of an accounting firm, acting individually or otherwise, may not enter into any arrangement or relationship with an audit client of his or her employer involving an activity which, if engaged in as an employee of the accounting firm, would adversely affect the firm's independence.

5. Delete Example 10 in § 602.02.h. and renumber Example Nos. 11, 12 and 13 as Nos. 10, 11 and 12, respectively.

This Codification is a separate publication issued by the Commission. It will not be published in the Federal Register/Code of Federal Regulations System.

List of Subjects in 17 CFR Part 210

Accounting, Reporting requirements, Securities, Utilities.

Text of Final Rules

Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By revising paragraph (b) of § 210.2–01 to read as follows:

§ 210-2-01 Qualifications of accounts.

* * * * *

(b) The Commission will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (1) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, be, his firm, or a member of his firm had, or was committed to acquire, any direct financial interest or any material indirect financial interest; (2) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he, his firm, or a member of his firm was connected as a promoter, underwriter, voting trustee, director, officer, or employee. A firm's independence will not be deemed to be affected adversely where a former officer or employee of a particular person is employed by or becomes a partner, shareholder or other principal in the firm and such individual has completely disassociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his employment by the person. For the purposes of § 210.2–01(b), the term "member" means (i) all partners, shareholders, and other principals in the firm, (ii) any professional employee involved in providing any professional service to the person, its parents, subsidiaries, or other affiliates, and (iii) any professional employee having managerial responsibilities and located in [the engagement office] or other office of the firm which participates in a significant portion of the audit.

* * * * *

(Secs. 6, 7, 8, 10, and 19(a) (15 U.S.C. 77f, 77h, 77j, 77s) of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) (15 U.S.C. 78*l*, 78m, 78o(d), 78w) of the Securities Exchange Act of 1934; Sections 5(b), 14 and 20(a) (15 U.S.C. 79e, 79t of the Public Utility Holding Company Act of 1935; Sections 8, 30, 31(c) and 38(a) 15 U.S.C. 80a–8, 80a–29, 80a–30, (c), 80a–37 (a)) of the Investment Company Act of 1940)

By the Commission.

George A. Fitzsimmons,

Secretary.

February 25, 1983.

[FR Doc. 83-5705 Filed 3-4-83; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 279

[Release No. IA-840]

Amendments to Investment Adviser Requirements Concerning the Application for Registration

AGENCY: Securities and Exchange Commission.

ACTION: Permanent adoption of amendments to form.

SUMMARY: The Commission is adopting on a final basis certain temporary amendments relating to the registration requirements under the Investment Advisers Act of 1940. The amendments simplify the registration requirements for investment advisers subject to registration by deleting certain items from the investment adviser registration form.

EFFECTIVE DATES: April 6, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur E. Dinerman, Esq., Office of Regulatory Policy, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Stop 5–2, Washington, D.C. 20549, (202) 272–3021.

SUPPLEMENTARY INFORMATION: The Commission is announcing the permanent adoption of certain temporary amendments to Part I of Form ADV [17 CFR 279.1], the investment adviser registration form.[1] The temporary amendments were adopted on May 14, 1982 to simplify the form by deleting certain items from it.[2] Specifically, the temporary amendments, which were to have been in effect until March 31, 1983, deleted Items 5(b), 7(b), 13(b), 15(i), 15(iii), 16(i) and 16(iii) from Part I of Form ADV. In its release adopting the temporary amendments, the Commission invited public comments as to whether the temporary amendments should be made permanent.

The Commission received two letters in response to its invitation for comments. One letter supported adoption of the amendments and urged that the temporary amendments be made permanent. The other letter urged retention of Item 13(b), stating that the item would enable the Commission and interested persons to determine whether an applicant is permitted under Section 208 of the Advisers Act [15 U.S.C. 80b–8]

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[1] It should be noted that the changes to Form ADV which are the subject of this action relate only to Part I of Form ADV and not to Part II of the form which contains the information required to be furnished to clients and prospective clients under Rule 204–3 [17 CFR 275.204–3], the "brochure rule". In a recent decision in the District Court of the Eastern District of New York (*SEC v. Christopher Lowe*, 82 Civ. 1618, February 1, 1983) the court denied injunctive relief to the Commission on its claim that the defendants violated the antifraud provisions of Section 206 of the Advisers Act by failing to disclose to subscribers of their investment advisory newsletters that Lowe had been criminally convicted of misappropriating client funds and that he had been barred by the Commission from the investment advisory business. The court concluded that the Commission's authority to require disclosure derives from Section 204 of the Advisers Act and that no Commission rule under that section requires such disclosure of past misconduct to clients and prospective clients. The Commission wishes to emphasize that its action today should not be taken as any indication of its views with respect to the court's conclusions regarding the inter-relationship, if any, of the requirements of the brochure rule with the disclosure obligations which are imposed on investment advisers by virtue of the anti-fraud provisions contained in Section 206 of the Advisers Act [15 U.S.C. 80b–6]. The Commission has not determined whether to appeal those portions of the court's decision denying the relief sought by the Commission. The Commission notes, moreover, that paragraph (e) of Rule 204–3 [17 CFR 275.204–3(e)] specifically provides that nothing in that rule shall relieve an investment adviser from any obligation pursuant to, among other things, any provision of the Advisers Act to disclose any information to clients or prospective clients not specifically required under the brochure rule. An investment adviser is required under Section 206 of the Advisers Act to disclose all material facts to clients and prospective clients. *See. SEC v. Capital Gains Research Bureau, Inc.*, 375 U.S. 180 (1963).

[2] Release No. IA-805, May 14, 1982 [47 FR 22505, May 25, 1982 and 47 FR 29652, July 8, 1982].

to use the term "investment counsel" as descriptive of its business. Item 13(b) asked whether a substantial part of the applicant's investment advisory business consists of rendering "investment supervisory services." Section 208(c) of the Advisers Act prohibits an adviser from using the term "investment counsel" unless his or its principal business consists of acting as investment adviser and a substantial part of his or its business consists of rendering "investment supervisory services." It is true that Item 13(b) was intended to elicit a response that would have a bearing on whether an investment adviser could properly use the term "investment counsel." However, as stated in Release No. IA-805, Item 13(b) partially duplicated another item of Form ADV. Moreover, whether or not an adviser may properly use the term "investment counsel" is dependent on the actual facts and may not be determined solely on the basis of responses to a form. Accordingly, the Commission does not believe that its ability to make such determinations will be impaired by deletion of Item 13(b).

For the reasons discussed in Release No. IA-805, the Commission has determined to adopt the amendments on a permanent basis. The Commission has determined that the information contained in the deleted items, although generally useful to the Commission in its understanding of the investment advisory industry, is not sufficiently important to justify the costs of continued use of the items.

List of Subjects in 17 CFR Part 279

Investment advisers, Reporting requirements, Securities.

Text of Amendment

The Commission hereby amends Part 279 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

By amending Part I of Form ADV required by § 279.1 as follows:

(i) Item 5 of Part I is amended by deleting part (b) in its entirety and by deleting the designation "(a)".

(ii) Item 7 of Part I is amended by deleting part (b) in its entirety and by deleting the designation "(a)".

(iii) Item 13 of Part I is amended by deleting part (b) in its entirety and by deleting the designation "(a)".

(iv) Item 15 of Part I is amended by deleting parts (i) and (iii) in their entirety and by deleting the designation "(ii)".

(v) Item 16 of Part I is amended by deleting parts (i) and (iii) in their entirety and by deleting the designation "(ii)".

Statutory Authority

The Commission amends Form ADV pursuant to the authority contained in Sections 203, 204 and 211(a) of the Act [15 U.S.C. 80b-3, 80b-4 and 80b-11(a)].

Dated: February 28, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5703 Filed 3-4-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Order No. 1002-83]

Organization of the Department of Justice

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Revisions to Subparts H, I and K of Part 0 of 28 CFR, Organization of the Department of Justice, to reflect the transfer of the Consumer Affairs Section from the Antitrust Division to the Civil Division and the transfer of certain civil litigation arising under the Immigration and Nationality Act and related laws from the Criminal Division to the Civil Division.

EFFECTIVE DATE: February 23, 1983.

FOR FURTHER INFORMATION CONTACT: J. Paul McGrath, Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Room 3143, Washington, D.C. 20530. Telephone: (202) 633-3301.

SUPPLEMENTARY INFORMATION: This order is not a rule within the meaning of either Executive Order 12291 section 1(a) or the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

List of Subjects in 28 CFR Part 0

Government employees, Organization of functions (Government agencies) and Authority delegations (Government agencies).

PART 0—[AMENDED]

By virtue of the authority vested in me as Attorney General by 5 U.S.C. 301 and 28 U.S.C. 509 and 510, Part 0 of Title 28 of the Code of Federal Regulations is hereby amended as follows:

§0.40 [Amended]

1. In § 0.40 of Subpart H, Antitrust Division, paragraph (j) is removed.

§0.41 [Amended]

2. In § 0.41 of Subpart H, Antitrust Division, paragraph (b) is removed.

3. In § 0.41 of Subpart H, Antitrust Division, paragraphs (c), (d), (e), (f) and (g) are redesignated as paragraphs (b), (c), (d), (e) and (f) respectively.

4. In § 0.41, paragraph (g), redesignated as paragraph (f) is amended by changing "paragraphs (a) through (f)" to "paragraphs (a) through (e)" and by removing the words "and judgments rendered upon review of Federal Trade Commission orders by courts of appeals."

5. In § 0.41 of Subpart H, Antitrust Division, paragraph (h) is removed.

6. In § 0.41 of Subpart H, Antitrust Division, paragraph (i) is redesignated as paragraph (g).

§0.45 [Amended]

7. A new § 0.45(j) is added to Subpart I, Civil Division, to read as follows:

* * * * *

(j) Consumer Litigation—All civil and criminal litigation and grand jury proceedings arising under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*), the Fair Packaging and Labeling Act (15 U.S.C. 1451 *et seq.*), the Automobile Information Disclosure Act (15 U.S.C. 1231 *et seq.*), the odometer requirements section and the fuel economy labeling section of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1981 *et seq.*), the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 *et seq.*), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*), the Federal Caustic Poison Act (15 U.S.C. 401 note), the Consumer Credit Protection Act (15 U.S.C. 1611, 1681q and 1681r), the Wool Products Labeling Act of 1939 (15 U.S.C. 68), the Fur Products Labeling Act (15 U.S.C. 69), the Textile Fiber Products Identification Act (15 U.S.C. 70 *et seq.*), the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*), the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*), the Refrigerator Safety Device Act (15 U.S.C. 1211 *et seq.*), Title I of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301 *et seq.*), the Federal Trade Commission Act (15 U.S.C. 41 *et seq.*), and Section 11(1) of the Clayton Act (15 U.S.C. 21(1)) relating to violations of orders issued by the Federal Trade Commission. Upon appropriate certification by the Federal Trade Commission, the institution of criminal proceedings, under the Federal Trade Commission Act (15 U.S.C. 56(b)), the determination whether the Attorney General will commence, defend or intervene in civil proceedings under the Federal Trade Commission Act (15 U.S.C. 56(a)), and the determination under the Consumer Product Safety Act (15 U.S.C. 2076(b)(7)), whether the Attorney General will initiate, prosecute, defend or appeal an action relating to the Consumer Product Safety Commission.

To effect the transfer of certain civil litigation arising under the Immigration and Nationality Act and related laws from Assistant Attorney General, Criminal Division, to the Assistant Attorney General, Civil Division, by virtue of the authority vested in me as Attorney General by 5 U.S.C. 301 and 28 U.S.C 509 and 510, Part 0 of Title 28 of the Code of Federal Regulations is hereby amended as follows:

§ 0.45 [Amended]

1. Add a new paragraph (k) to 28 CFR 0.45 to read:

* * * * *

(k) All civil litigation arising under the passport, visa and immigration and nationality laws and related investigations and other appropriate inquiries pursuant to all the power and authority of the Attorney General to enforce the Immigration and Nationality Act and all other laws relating to the immigration and naturalization of aliens except all civil litigation, investigations, and advice with respect to forfeitures, return of property actions, Nazi war criminals identified in 8 U.S.C. 1182(a)(33), 1251(a)(19) and civil actions seeking exclusively equitable relief which relate to national security within the jurisdiction of the Criminal Division under § 0.55 (d), (f), (i) and § 0.61(d).

§ 0.55 [Amended]

2. Revise § 0.55(d) to clarify the initial clause and to qualify the words "the Immigration and Nationality Act."

* * * * *

(d) Forfeiture or civil penalty actions (including petitions for remission or mitigation of forfeitures and civil penalties, offer in compromise and related proceedings) under the Federal Aviation Act of 1958, the Contraband Transportation Act, the Copyrights Act, the customs laws (except those assigned to the Civil Division which involve sections 592, 704(i)(2) or 734(i)(2) of the Tariff Act of 1930), the Export Control Act of 1949, the Federal Alcohol Administration Act, the Federal Seed Act, the Gold Reserve Act of 1934, the Hours of Service Act, the Animal Welfare Act, the Immigration and Nationality Act (except civil penalty actions and petitions and offers related thereto) the neutrality laws, laws relating to cigarettes, liquor, narcotics and dangerous drugs, other controlled substances, gambling, war materials, pre-Columbian artifacts, coinage, and firearms, locomotive inspection (45 U.S.C. 22, 23, 28–34), the Organized Crime Control Act of 1970, prison-made goods (18 U.S.C. 1761–1762), the Safety Appliance Act, standard barrels (15 U.S.C. 231–242), the Sugar Act of 1948, and the Twenty-Eight Hour Law.

* * * * *

3. Revise § 0.55(f) to read:

* * * * *

(f) All criminal litigation and related investigations and inquiries pursuant to all the power and authority of the Attorney General to enforce the Immigration and Nationality Act and all other laws relating to the immigration and naturalization of aliens; all advice to the Attorney General with respect to the exercise of his parole authority under 8 U.S.C. 1182(d)(5) concerning aliens who are excludable under 8 U.S.C. 1182(a)(23), (28), (29), or (33); and all civil litigation with respect to the individuals identified in 8 U.S.C. 1182(a)(33), 1251(a)(19).

* * * * *

4. Revise § 0.55(i) to read:

* * * * *

(i) All civil proceedings seeking exclusively equitable relief against Criminal Division activities including criminal investigations, prosecutions and other criminal justice activities (including without limitation, applications for writs of habeas corpus not challenging exclusion, deportation or detention under the immigration laws and coram nobis), except that any proceeding may be conducted, handled, or supervised by another division by agreement between the head of such division and the Assistant Attorney General in charge of the Criminal Division.

* * * * *

Dated: February 23, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-5690 Filed 3-4-83; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 0

[Order No. 1003–83]

Delegation of the Attorney General's Authority With Respect to Export Trade Certificates of Review

AGENCY: Department of Justice.

ACTION: Final Rule.

SUMMARY: This rule delegates all of the Attorney General's functions with respect to determinations concerning export trade certificates of review to the Assistant Attorney General for Antitrust. It also delegates to the Assistant Attorney General for Antitrust the authority to defend the Secretary of Commerce and the Attorney General, or their delegates, in actions brought before federal district courts and courts of appeals to set aside a determination with respect to export trade certificates of review.

EFFECTIVE DATE: February 23, 1983.

FOR FURTHER INFORMATION CONTACT: Stuart M. Chemtob, Attorney, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. Tel. (202) 633–3718.

SUPPLEMENTARY INFORMATION: This order deals with agency management. It is not required to be and has not been published in proposed form for comment under 5 U.S.C. 553(b). It is not a rule within the meaning of or subject to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Likewise, it is not a rule within the meaning of or subject to Executive Order No. 12291 ("Federal Regulation").

List of Subjects in 28 CFR Part 0

Government employees, Organization and functions (Government Agencies), Authority delegations (Government Agencies).

PART 0—[AMENDED]

Accordingly, by virtue of the authority vested in me as Attorney General by 28 U.S.C. 510, it is hereby ordered as follows:

1. A new paragraph (k) is added to 28 CFR 0.40 to read as follows:

§ 0.40 General functions.

* * * * *

(k) As the delegate of the Attorney General, performance of all functions which the Attorney General is required or authorized to perform by Title III of Pub. L. 97–290 (15 U.S.C. 4011–4021) with respect to export trade certificates of review.

2. A new paragraph (j) is added to 28 CFR 0.41 to read as follows:

§ 0.41 Special functions.

* * * * *

(j) Defending the Secretary of Commerce and the Attorney General, or their delegates, in actions to set aside a determination with respect to export trade certificates of review under Section 305(a) of Pub. L. 97–290 (15 U.S.C. 4015(a)).

Dated: February 23, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-5700 Filed 3-4-83; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 0

[Order No. 1001-83]

Redelegation of Authority To Operate and Maintain Buildings

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Administrator of the General Services Administration has delegated to the Attorney General the authority to operate and maintain the Main Justice Building and the J. Edgar Hoover Building. This order redelegates the operation and maintenance authority over these buildings, and any future such authority as delegated to the Attorney General by the General Services Administration, to the Assistant Attorney General for Administration.

EFFECTIVE DATE: February 26, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. McElroy, Assistant Director for Facilities Management, Administrative Services Staff, Justice Management Division, Department of Justice, Room 6312, 10th and Constitution Avenue, NW., Washington, D.C. 20530 ((202) 633-4405).

SUPPLEMENTARY INFORMATION: This order deals with agency management. Therefore, it is not required to be and has not been published in proposed form for comment. This order is not a rule within the meaning of either Executive Order No. 12291 or of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, and Organization and functions (Government agencies).

Accordingly, by virtue of the authority vested in me as Attorney General by 28 U.S.C. 509 and 510 and 5 U.S.C. 301, it is hereby ordered that Part 0 of Title 28, Code of Federal Regulations is amended as follows:

PART 0—[AMENDED]

1. In § 0.76, a new paragraph (u) is added, reading as follows:

§ 0.76 Specific functions.

* * * * *

(u) Perform functions with respect to the operation, maintenance, repair, preservation, alteration, furnishing, equipment and custody of buildings occupied by the Department of Justice as delegated by the Administrator of the General Services Administration.

2. Section 0.77 is amended by revising paragraph (g) to read as follows:

§ 0.77 Operational functions.

* * * * *

(g) Implementing and administering programs for procurement, personal property, supply, motor vehicle, space management, and operations and management of buildings as delegated by the Administrator of the General Services Administration.

* * * * *

Dated: February 26, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-5696 Filed 3-4-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Removal of Conditions of Approval of the Utah Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 944 to remove two of the Secretary's conditions of approval of the Utah permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Utah submitted provisions to OSM on December 8, 1982, intended to satisfy the two conditions of approval. OSM has reviewed these amendments and determined they satisfy the Secretary's conditions.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the State of Utah submitted to the Department of the Interior its proposed permanent regulatory program under SMCRA.

On October 3, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program. Notice of that decision and the Secretary's findings were published in the **Federal Register** on October 24, 1980 (45 FR 70481-70510). The State of Utah resubmitted the program for approval by the Secretary on December 23, 1980. The resubmitted program included those portions of the initial submission not approved by the Secretary on October 3, 1980. After thoroughly reviewing the program resubmission and providing an opportunity for the public to comment, the Secretary of the Interior determined that the Utah program, including the resubmission did, with minor exceptions, meet the Federal permanent program regulations. Accordingly, the Secretary of the Interior conditionally approved the Utah program subject to the correction of twelve minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the January 21, 1981 **Federal Register** (46 FR 5899-5915).

Information pertinent to the general background, revision, modifications, and amendments to the proposed permanent program submission as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Utah program can be found in the January 21, 1981 **Federal Register** (46 FR 5899-5915).

In accepting the Secretary's conditional approval, Utah agreed to satisfy conditions "a"-"e" by December 1, 1981, and conditions "f"-"l" by July 1, 1981.

Subsequently, Utah requested an extension of the deadline to meet conditions "f", "g", and "h" until January 1, 1982. On October 30, 1981 (46 FR 54070), OSM announced the Secretary's decision to approve the extension.

Upon the State's request the deadline for the State to meet condition "f" was further extended to September 1, 1982, and the deadline for the State to meet condition "h" to January 1, 1983 (47 FR 234155-234156, May 27, 1982).

On June 29, 1981, Utah submitted statutory and regulatory revisions intended to satisfy conditions "a"-"e", "g" and "i"-"l".

On June 22, 1982 (47 FR 26827-26831), the Assistant Secretary for Energy and Minerals announced his decision to remove conditions "a"-"e", "j" "l" and to grant Utah until September 1, 1982, to submit modifications to satisfy conditions "g", "i" and "k". In the June 22, 1982 notice, the Assistant Secretary also announced his decision to impose a new condition "m" requiring the State to correct by January 1, 1983, a deficiency