permanent listing of the color additive for use in drugs and cosmetics intended for ingestion and in cosmetics intended for use in the area of the eye.

As noted in the **Federal Register** of August 6, 1973 (38 FR 21199), D&C Orange No. 17 is the subject of a petition (CAP 9C0090) submitted by the Toilet Goods Association, Inc. (now CTFA), for use in coloring drugs and cosmetics. The agency has concluded that D&C Orange No. 17 is an animal carcinogen when administered in the diet, based on the increased incidence of hepatocellular neoplasms in two mammalian species (48 FR 13977 and 14046–7). Therefore, FDA has denied that portion of the petition for this color additive that relates to ingested uses. However, under 21 U.S.C. 376(b)(5)(B)(ii), the agency must determine whether the ingestion studies that show D&C Orange No. 17 to be a carcinogen are appropriate for the evaluation of the safety of the external uses of this color additive. To assist the agency in making this determination, the petitioner has submitted the recent skin penetration studies on D&C Orange No. 17.

The evaluation of the data involved has taken FDA more time than the agency expected. FDA concludes that the brief postponement will provide time for the agency to prepare and publish a **Federal Register** document setting forth its final decision on the petition for the permanent listing of this color additive. Thus, FDA finds that a brief extension of the closing date to September 30, 1983, is necessary. The agency has also concluded that no harm to the public health will result from this extension.

Because of the short time until the July 29, 1983 closing date, FDA concludes that notice and public procedure on this regulation are impracticable. This regulation will permit the uninterrupted use of this color additive until September 30, 1983. To prevent any interruption in the provisional listing of D&C Orange No. 17 and in accordance with 5 U.S.C. 553(d) (1) and (3), this final rule is being made effective July 29, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives* by revising the closing date for "D&C Orange No. 17" in paragraph (b) to read "September 30, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing* by revising the closing date for "D&C Orange No. 17" in paragraph (d) to read "September 30, 1983."

Effective date. This final rule shall be effective July 29, 1983.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: July 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-20085 Filed 7-28-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Trimethoprim and Sulfadiazine Oral Paste

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Wellcome Animal Health Division, Burroughs Wellcome Co., providing for safe and effective oral use in horses of a combination antibacterial drug containing trimethoprim and sulfadiazine.

EFFECTIVE DATE: July 29, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420

SUPPLEMENTARY INFORMATION: Wellcome Animal Health Division, Burroughs Wellcome Co., 2000 South 11th St., Kansas City, KS 66103, filed NADA 131–918 providing for oral use of Tribrissen® 400 Oral Paste (67 Milligrams (mg) of trimethoprim and 333 mg of sulfadiazine per gram of paste) for treating certain bacterial infections in horses. NADA's have previously been approved for use of a combination of trimethoprim and sulfadiazine in injectable form in horses, and for use in tablet and injectable forms in dogs. Use of the drug in horses is indicated where control of bacterial infections is required during treatment of acute strangles, respiratory infections, acute urogenital infections, and wound infections and abscesses. The NADA is approved, and the regulations are amended to reflect the approval. The basis of approval of the NADA is discussed in the freedom of information (FOI) summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Docket Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(*a*), (*e*)(*1*), and (g)) may be seen in the Dockets Management Branch (address above).

List of Subject in 21 CFR Part 520

Animal drugs, Oral use.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.2611 to read as follows:

§520.2611 Trimethoprim and sulfadiazine oral paste.

(a) *Specifications.* Each gram of oral paste contains 400 milligrams (67 milligrams of trimethoprim and 333 milligrams of sulfadiazine).

(b) *Sponsor.* See No. 017220 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Dosage.* Five grams (335 milligrams of trimethoprim and 1,665 milligrams of sulfadiazine) per 150 pounds (68 kilograms) of body weight per day.

(2) *Indications for use.* For horses where systemic anti-bacterial action against sensitive organisms is required during treatment of acute strangles, respiratory infections, acute urogenital infections, and wound infections and abscesses.

(3) *Limitations.* Administer orally, once a day, as a single dose for 5 to 7 days; daily dose may also be halved and given morning and evening; for acute infection therapy continue treatment 2 to 3 days after clinical signs have subsided; if no improvement of acute infections is seen in 3 to 5 days, reevaluate diagnosis; a complete blood count should be done periodically for prolonged use; not for use in horses intended for food; Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. July 29, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 25, 1983.

Lester M. Crawford, Director,

Bureau of Veterinary Medicine.

[FR Doc. 83-20208 Filed 7-28-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 809

[Docket No. 81N-0163]

Investigational In Vitro Diagnostic Products for Human Use; Removal of Shipment Notification Requirement

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is removing a requirement that a person notify FDA of shipments of certain investigational in vitro diagnostic devices that are not subject to the investigational device exemption (IDE) regulations as a condition for the shipments to be exempt from certain labeling and other requirements. FDA has found the required notification to be unnecessary.

EFFECTIVE DATE: July 29, 1983.

FOR FURTHER INFORMATION CONTACT: Les Weinstein, National Center for Devices and Radiological Health (HFK-143), Food and Drug Administration, 8757 Georgia Ave. Silver Spring, MD 20910, 301-427-7114.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 10, 1982 (47 FR 34575), FDA published a proposal to remove the current requirement of § 809.10(c)(2)(iii) (21 CFR 809.10(c)(2)(iii)) that a person shipping or delivering an in vitro diagnostic device for product testing prior to full commercial marketing notify FDA that such shipments are being made. Interested persons were given until October 12, 1982 to comment. FDA received six comments in response to the proposal, all favorable. The following is a summary of the comments and the agency's response to them.

1. Three comments generally supported the proposal on the ground that it would relieve industry of a regulatory burden. Five comments stated that the notification requirement is not necessary and does not contribute to the protection of the public; three of these comments stated that other requirements such as the labeling requirements of § 809.10(c)(2)(ii) will provide sufficient protection.

FDA agrees with these comments. Under § 809.10(c)(2)(ii), all labeling for an in vitro diagnostic device being shipped or delivered for testing before full commercial marketing is required to bear the statement: "For Investigational Use Only. The performance characteristics of this product have not been established." Section 812.2(c)(3) (21 CFR 812.2(c)(3)) provides that, to be exempt from the IDE regulations (21 CFR Part 812), in addition to complying with the labeling requirement, the diagnostic information obtained with the investigational diagnostic device is to be confirmed by another, medically established diagnostic device or procedure. This requirement protects the public by assuring that the diagnosis is not made solely on the basis of an investigational device. The other requirements that have to be met for the product to be exempt from the IDE regulations (see paragraph 2 of this preamble) provided further protection to the public health and safety.

2. One comment stated that the notification requirement has been effectively superseded by the IDE regulations and is, therefore, superfluous. Another comment stated that the same rationale that FDA used in the preambles to the reproposed and final IDE rule to justify exempting investigations of in vitro diagnostic devices from the IDE requirements also justifies eliminating the notification requirement for these products.

FDA concurs with these comments. The IDE regulations do not apply to clinical investigations of a diagnostic device if, among other things, the device complies with the labeling requirements discussed above and if the testing performed: (1) Is noninvasive, (2) does not require an invasive sampling procedure that presents significant risk, (3) does not, by design or intention, introduce energy into the subject, and (4) is not used as a diagnostic procedure without confirmation of the diagnosis by another, medically established diagnostic product or procedure.

3. One comment stated that § 812.2(c)(3), which provides for exemptions from the IDE regulations for in vitro diagnostic devices, and the labeling requirement in § 809.10(c)(2) are contradictory because § 809.10(c)(2)(iii) refers to § 812.19, which addresses IDE applications and other correspondence relating to matters covered by the IDE regulations.

FDA disagrees with this comment. The only reason that § 809.10(c)(2)(iii) refers to § 812.19 is to provide the address to which notification of shipments is to be sent. In any event, because FDA has decided to remove § 809.10(c)(2)(iii) from Part 809, the comment is moot.

This final rule will eliminate a reporting requirement and will therefore relieve a restriction within the meaning of 21 CFR 10.40(c)(4)(i). Accordingly, the final rule is effective July 29, 1983.

List of Subjects in 21 CFR Part 809

In vitro diagnostic devices, Labeling, Medical devices.

PART 809—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

§ 809.10 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 301, 501, 502, 520(g), 701(a), 702, 704, 801, 52 Stat. 1042–1043 as amended, 1049–1051 as amended, 1055–1058 as amended, 67 Stat. 477 as amended, 90 Stat. 569–571 (21 U.S.C. 331, 351, 352, 360j(g), 371(a), 372, 374, 381)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 809 is amended in § 809.10 *Labeling for in vitro diagnostic products,* by removing paragraph (c)(2)(iii).

Effective date. This regulation shall become effective July 29, 1983.

(Secs. 301, 501, 502, 520(g), 701(a), 702, 704, 801, 52 Stat. 1042–1043 as amended, 1049–1051 as amended, 1055–1058 as amended, 67 Stat. 477 as amended, 90 Stat. 569–571 (21 U.S.C 331, 351, 352, 360j(g), 371(a), 372, 374, 381))

Dated: July 19, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-20287 Filed 7-28-83; 8:45 am]

BILLING CODE 4160-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Implementing Legislation

AGENCY: Veterans Administration.

ACTION: Final regulation amendments.

SUMMARY: The Veterans Administration has amended its adjudication regulations to implement pertinent provisions of the Omnibus Budget Reconciliation Act of 1982. These changes affect the date of reduction or termination of an award based on the loss of a dependent, the monthly or other periodic rate of pension payments, the surviving spouse's benefit for the month of the veteran's death, and the commencement of the period of payment on all original and reopened awards, and certain increased awards.

EFFECTIVE DATE: These changes are effective October 1, 1982, with the exception of the change affecting monthly or other periodic pension rates (§§ 3.29, 3.30, 3.273) which will be effective June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert M. White, (202) 389–3005.

SUPPLEMENTARY INFORMATION: On pages 46696–46699 of the **Federal Register** of October 20, 1982, the Veterans Administration published interim final regulation amendments to 38 CFR 3.20, 3.29, 3.30, 3.31, 3.273, 3.500, 3.501, 3.502 and 3.660. Interested persons were given until November 18, 1982, to submit comments, objections or suggestions on these regulatory amendments.

Only one comment was received and that was in relation to 38 CFR 3.31 concerning the commencement of the period of payment. The commentator suggested that an additional specific exclusion to the general rule of applicability should be provided for awards that are temporarily reduced because of the beneficiary's receipt of lump-sum, nonrecurring income. Such an award, it is argued, appears to provide for an increase in benefits based on a reduction of income at the end of the annualization period in which the lump-sum income was received, and a specific exclusion should be provided. For the following reasons the Veterans Administration does not agree.

The provisions of 38 CFR 3.31 apply only to original, reopened, and certain increased awards. Under paragraph (a) of the section the term "increased award" includes awards which are increased because of a reduction in income. The receipt of lump-sum, nonrecurring income constitutes an increase in income which results in an award that has a net effect of providing for a reduction in benefits. Such a reduced award based on an increase in income clearly does not come within the meaning of the term "increased award" and the provisions of section 3.31 do not apply.

The specific exclusion provided in paragraph (c)(3) of the section for adjustments of awards clearly applies to the commentator's situation. Award adjustments are not limited to those award actions listed under paragraph (c)(3). They are listed as examples of adjustments which, in the final analysis, do not constitute increased awards. Attempting to list every award action which constitutes an adjustment would produce a lengthy, unreasonable and unnecessary regulation. Consequently, the suggestion is not accepted. The regulatory amendments are adopted as proposed and are set forth below.

The Administrator hereby certifies that these regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that the regulations carry out a statutory mandate; moreover, only Veterans Administration beneficiaries would be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these regulations are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulations, we have determined that these regulation changes are nonmajor for the following reasons:

(1) They will not have an effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance Program numbers are 64.104, 64.105, 64.109, and 64.110)

Approved: July 13, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—ADJUDICATION

The Veterans Administration is amending 38 CFR Part 3 as follows:

1. Section 3.20 is revised as follows:

§ 3.20 Surviving spouse's benefit for month of veteran's death.

(a) Where the veteran died on or after December 1, 1962 and before October 1, 1982, the rate of death pension or dependency and indemnity compensation otherwise payable for the surviving spouse for the month in which the death occurred shall be not less than the amount of pension or compensation which would have been payable to or for the veteran for that month but for his or her death. (38 U.S.C. 3110)

(b) Where the veteran dies on or after October 1, 1982, the surviving spouse may be paid death pension or dependency and indemnity compensation for the month in which the veteran died at a rate equal to the amount of compensation or pension which would have been payable to the veteran for that month had death not occurred, but only if such rate is greater than the monthly rate of death pension or dependency and indemnity compensation to which the surviving spouse is entitled. Otherwise, no payment of death pension or dependency and indemnity compensation may be made for the month in which the veteran died. (38 U.S.C. 3011(c))

2. Section 3.29 is revised as follows:

§ 3.29 Rounding.

(a) *Annual rates.* Where the computation of an increase in improved pension rates under §§ 3.23 and 3.24 would otherwise result in a figure which includes a fraction of a dollar, the benefit rate will be adjusted to the next higher dollar amount. This method of computation will also apply to increases in old-law and section 306 pension annual income limitations under § 3.26, including the income of a spouse which is excluded from a veteran's countable income, and parents' dependency and indemnity compensation benefit rates and annual income limitations under § 3.25. (38 U.S.C. 3112(c)(2)

(b) *Monthly or other periodic pension rates.* After determining the monthly or other periodic rate of improved pension under §§ 3.273 and 3.30 or the rate payable under section 306(a) of Pub. L. 95–588 (92 Stat. 2508), the resulting rate, if not a multiple of one dollar, will be

rounded down to the nearest whole dollar amount. The provisions of this paragraph apply with respect to amounts of pension payable for periods beginning on or after June 1, 1983, under the provisions of 38 U.S.C. 521, 541 or 542, or under section 306(a) of Pub. L. 95–588. (38 U.S.C. 3023)

3. In § 3.30, paragraphs (b) and (c) are revised as follows:

§ 3.30 Frequency of payment of improved pension.

* * * * *

(b) *Quarterly.* Payment shall be made every 3 months on or about March 1, June 1, September 1, and December 1, if the annual rate payable is at least $40 but less than $120. Effective June 1, 1983, the provisions of § 3.29(b) apply to this paragraph.

(c) *Semiannually.* Payment shall be made every 6 months on or about June 1, and December 1, if the annual rate payable is at least $20 but less than $40. Effective June 1, 1983, the provisions of § 3.29(b) apply to this paragraph.

* * * * *

4. Section 3.31 is added as follows:

§ 3.31 Commencement of the period of payment.

Regardless of VA regulations concerning effective dates of awards, and except as provided in paragraph (c) of this section, payment of monetary benefits based on original, reopened, or increased awards of compensation, pension or dependency and indemnity compensation may not be made for any period prior to the first day of the calendar month following the month in which the award became effective. However, beneficiaries will be deemed to be in receipt of monetary benefits during the period between the effective date of the award and the date payment commences for the purpose of all laws administered by the Veterans Administration except that nothing in this section will be construed as preventing the receipt of retired or retirement pay prior to the effective date of waiver of such pay in accordance with 38 U.S.C. 3105.

(b) *General rule of applicability.* The provisions of this section apply to all original, reopened, or increased awards unless such awards provide only for continuity of entitlement with no increase in rate of payment.

(c) *Specific exclusions.* The provisions of this section do not apply to the following types of awards.

(1) Surviving spouse's rate for the month of a veteran's death (for exception see § 3.20(b))

(2) In cases where military retired or retirement pay is greater than the amount of compensation payable, compensation will be paid as of the effective date of waiver of such pay. However, in cases where the amount of compensation payable is greater than military retired or retirement pay, payment of the available difference for any period prior to the effective date of total waiver of such pay is subject to the general provisions of this section.

(3) Adjustments of awards—such as in the case of original or increased apportionments or the termination of any withholding, reduction, or suspension by reason of:

(i) Recoupment,

(ii) An offset to collect indebtedness,

(iii) Institutionalization (hospitalization),

(iv) Incompetency,

(v) Incarceration,

(vi) An estate that exceeds the limitation for certain hospitalized incompetent veterans, or

(vii) Discontinuance of apportionments.

(4) Increases resulting solely from the enactment of legislation—such as

(i) Cost-of-living increases in compensation or dependency and indemnity compensation,

(ii) Increases in Improved Pension or parents' dependency and indemnity compensation pursuant to § 3.27, or

(iii) Changes in the criteria for statutory award designations.

5. In § 3.273, paragraphs (a) and (b) are revised as follows:

§ 3.273 Rate computation.

(a) *Initial award.* For the purpose of determining initial entitlement, or for resuming payments on an award which was previously discontinued, the monthly rate of pension payable to a beneficiary shall be computed by reducing the beneficiary's applicable maximum pension rate by the beneficiary's annual rate of countable income on the effective date of entitlement and dividing the remainder by 12. Effective June 1, 1983, the provisions of § 3.29(b) apply to this paragraph.

(b) *Running awards*—(1) *Change in maximum annual pension rate.* Whenever there is change in a beneficiary's applicable maximum annual pension rate, the monthly rate of pension payable shall be computed by reducing the new applicable maximum annual pension rate by the beneficiary's annual rate of countable income on the effective date of the change in the applicable maximum annual pension rate, and dividing the remainder by 12. Effective June 1, 1983, the provisions of § 3.29(b) apply to this paragraph.

(2) *Change in annual rate of income.* Whenever there is a change in a beneficiary's annual rate of countable income the monthly rate of pension payable shall be computed by reducing the beneficiary's applicable maximum annual pension rate by the beneficiary's new annual rate of countable income on the effective date of the change in the annual rate of income, and dividing the remainder by 12. Effective June 1, 1983, the provisions of § 3.29(b) apply to this paragraph.

* * * * *

6. In § 3.500, the introductory text is reprinted for the convenience of the reader and paragraphs (g)(2) and (n)(2) are revised as follows:

§ 3.500 General.

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent will be the earliest of the dates stated in these paragraphs unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit. (38 U.S.C. 3012(b))

* * * * *

(g) *Death (38 U.S.C. 3012(a), (b))—*

* * *

(2) *Dependent of payee (includes apportionee):*

(i) Death prior to October 1, 1982: last day of the calendar year in which death occurred.

(ii) Death on or after October 1, 1982: last day of the month in which death occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which death occurred.

* * * * *

(n) *Marriage (or remarriage) (38 U.S.C. 101(3), 3012(b)* * * *

(2) *Dependent of payee (includes apportionee):*

(i) Marriage prior to October 1, 1982: last day of the calendar year in which marriage occurred.

(ii) Marriage on or after October 1, 1982: last day of the month in which marriage occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which marriage occurred.

* * * * *

7. In § 3.501, the introductory text is reprinted for the convenience of the reader and paragraph (d) is revised as follows:

§ 3.501 Veterans.

The effective date of discontinuance of pension or compensation to or for a veteran will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

* * * * *

(d) *Divorce or annulment (38 U.S.C. 3012(b)(2):*

(1) Divorce or annulment prior to October 1, 1982: last day of the calendar year in which divorce or annulment occurred.

(2) Divorce or annulment on or after October 1, 1982: last day of the month in which divorce or annulment occurred, except that section 306 and old-law pension reductions or terminations will continue to be effective the last day of the calendar year in which divorce or annulment occurred.

* * * * *

8. In § 3.502, the introductory text is reprinted for the convenience of the reader and paragraph (a) is revised as follows:

§ 3.502 Widows (Widowers).

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a widow (widower) will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(a) *Additional allowance of dependency and indemnity compensation for children (38 U.S.C. 3012(b) § 3.5(e)(3).* (1) If marriage occurred prior to October 1, 1982, the day preceding child's 18th birthday or last day of calendar year in which child's marriage occurred (see § 3.500(n) (2) and (3)), which ever is earlier.

(2) If marriage occurred on or after October 1, 1982, the day preceding child's 18th birthday or last day of the month in which marriage occurred (see §3.500(n) (2) and (3)) whichever is earlier.

* * * * *

9. In § 3.660, paragraph (a)(2) is revised as follows:

§ 3.660 Dependency, income and estate.

(a) *Reduction or discontinuance.*

* * *

(2) *Contingency.* Where reduction or discontinuance of a running award of section 306 pension or old-law pension is required because dependency of another person ceased due to marriage, annulment, divorce or death, or because of an increase in income, which increase could not reasonably have been anticipated based on the amount actually received from that source the year before, the reduction or discontinuance shall be made effective the end of the year in which the increase occurred. Where reduction or discontinuance of a running award of improved pension or dependency and indemnity compensation is required because of an increase in income, the reduction or discontinuance shall be made effective the end of the month in which the increase occurred. Where reduction or discontinuance of a running award of any benefit is required because of an increase in net worth or corpus of estate, because dependency of a parent ceased, or because dependency of another person ceased prior to October 1, 1982, due to marriage, annulment, divorce, or death, the award shall be reduced or discontinued effective the last day of the calendar year in which the increase occurred or dependency ceased. Except as noted in this subparagraph for section 306 or old-law pension, where the dependency of another person ceased on or after October 1, 1982, due to marriage, annulment, divorce or death, the reduction or discontinuance shall be effective the last day of the month in which dependency ceased.

(38 U.S.C. 3012(b))

* * * * *

(38 U.S.C. 210(c))

[FR Doc. 83-20673 Filed 7-28-83; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW-8-FRL 2407-7]

Hazardous Waste Management Programs; Montana, North Dakota, and Utah; Request for Extension of Phase I Interim Authorization Beyond July 26, 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Extension of Application, Submission and Interim Authorization Period.

SUMMARY: On July 6, 1983; May 13, 1983, and; May 20, 1983, the States of Montana, North Dakota and Utah, respectively, requested extensions beyond the July 26, 1983, deadline for continuation of Phase I Interim Authorization in the absence of an application for Interim Phase II, Component C. Authorization (authority to permit storage, treatment and disposal facilities) under the Resource Conservation and Recovery Act of 1976, as amended. EPA is granting these extensions. This extension avoids termination on July 26, of the Interim Authorization which EPA granted previously to the States for the Phase I portions of the hazardous waste program.

EFFECTIVE DATE: July 26, 1983.

FOR FURTHER INFORMATION CONTACT: Louis W. Johnson, Chief, Waste Management Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295 (8AW-WM), Telephone: (303) 837-2221.

SUPPLEMENTARY INFORMATION:

Background

40 CFR 271.122(c)(4) (formerly § 123.122(c)(4); 47 FR 32377, July 26, 1982) requires that States which have received any but not all Phases/Components of Interim Authorization amend their original submissions by July 26, 1983, to include all Components of Phase II. 40 CFR 271.137(a) (formerly 123.137(a); 47 FR 32378, July 26, 1982) further provides that on July 26, 1983, interim authorizations terminate except where the State has submitted by that date an application for all Phases/Components of interim authorization.

Where the authorization (approval) of the State program terminates, EPA is to administer and enforce the Federal program in those States. However, the Regional Administrator may, for good cause, extend the July 26, 1983, deadline for submission of the interim authorization application and the deadline for termination of the approval of the State program. (Note: 40 CFR Part 123, including the July 26, 1982, amendments (47 FR 32373), was recodified on April 1, 1983, as 40 CFR Part 271 (48 FR 14248).)

Utah received Phase I Interim Authorization on December 12, 1980; North Dakota received partial Phase I Interim Authorization on December 12, 1980; and Montana received partial Phase I Interim Authorization on February 26, 1981 and complete Phase I Interim Authorization on February 17, 1982. In each case, these States' ability to apply for Phase II A, B, and C Interim Authorization was delayed by pending actions in the State Legislatures, completion of State land disposal regulations, and decisions by the States to apply directly for Full Authorization. Each state is committed to applying for Full Authorization on the following schedule: