legally free to set an effective date for the Used Car Rule and let the appellate process take its course. I, of course, voted to issue this rule and supported it during the ensuing congressional debate. And, without a proper record basis, I am not prepared at this time to recommend that the rule be revised or terminated.

I strongly believe, however, that the Commission should not simply ignore the overwhelming vote of disapproval registered by Congress on this subject last year, even if that action turned out to be constitutionally infirm. Obviously, the Commission cannot (nor should it) promulgate rules or undo those rules merely because of shifts in congressional sentiment. Clearly, the judicial decision involving DOT's attempted repeal of the airbag rule demonstrates that administrative rulemaking decisions cannot be aribitrary. They must be based on solid factual, legal or policy support.

The Commission is not proposing to repeal or revise the rule now. It is not in a position to do so. What the Commission is in a position to do, and what I firmly believe it should do, is take another look at the record evidence and arguments in support of the current rule. Given the substantive criticism expressed in the congressional debates and the additional passage of time since the rule was promulgated, it is not only reasonable but highly desirable for the Commission to at least review this matter.

Separate Statement of Commissioner Michael Pertschuk

The significant decision being announced here by the Commission is *not*—as the Summary would suggest—the setting of an effective date for the Used Car Rule. Instead, it is the "re-opening" of the record for further consideration of some undefined modifications for some indefinite period of time.

The effect of reopening will certainly be to substantially delay, if not kill altogether, the version of the Used Car Rule passed by a unanimous Commission in August 1981. The present Commission has taken this action without a mote of evidence that there have been any changed conditions in the used car industry that might make such reconsideration appropriate.

I support the Commission's decision to set an effective date for this rule, but I vigorously dissent from the Commission's decision to reopen the rule.

Emily H. Rock,

Secretary.

Dissenting Statement of Commissioner Patricia P. Bailey on the Commission's Decision to Reopen the Used Car Rule Proceeding

July 25, 1983.

On July 6, 1983, the Supreme Court affirmed the decision of the D.C. Court of Appeals ruling unconstitutional the legislative veto of the Used Car Rule. As a result of that ruling, the Federal Trade Commission today determined to set an effective date for the rule and to submit the rule to OMB for review under the Paperwork Reduction Act. I support these decisions.

I oppose, however, the Commission's determination to reconsider the rule. There are no new facts or changed circumstances of which I am aware that could form the basis for a reversal of the decision I made two years ago that this rule is the least burdensome, minimally necessary regulation justified by the record of this proceeding. In reaching this conclusion, I am also cognizant of the principles recently enunciated by the Supreme Court in a similar case involving the NHTSA airbag regulation, *Motor Vehicle Manufacturers Association of the United States, Inc. et al.* v. *State Farm Mutual Automobile Insurance Co. et al.*, S. Ct. No. 82-354 (June 24, 1983). Under the standards contained in that opinion, I believe that I am unable—for policy, legal and factual reasons—to reconsider my vote to promulgate the Used Car Rule by initiating new proceedings.

[FR Doc. 83-21643 Filed 8-8-83; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-13406; File No. S7-962]

Exemptive Relief for Separate Accounts To Impose A Deferred Sales Load And To Deduct in Certain Instances a Non-Prorated Annual Fee for Administrative Services

AGENCY: Securities and Exchange Commission.

ACTION: Final rule and rule amendments.

SUMMARY: The Commission is adopting one of a series of proposals that would provide exemptive relief for registered insurance company separate accounts and related persons from various provisions of the Investment Company Act of 1940 with respect to variable annuity contracts participating in such accounts. The rule would codify the standards that the Commission has developed in processing individual applications filed by such persons seeking exemptive relief to the extent necessary to permit them to impose a deferred sales load on such contracts. The rule would also provide such persons with exemptive relief to permit them to deduct from the value of any contract, upon total redemption of the contract prior to year end, the full annual fee for administrative services that otherwise would have been deducted at that time. In both cases the rule will eliminate the need for such persons to file individual applications and obtain individual orders in connection with these matters. The Commission also is adopting related amendments to one of the general rules under the Act, one of which adds a definition of the term "variable annuity contract."

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lemke, Special Counsel (202) 272-2061, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today is adopting rule 6c-8 under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] ("Act"), one of a series of proposals intended to codify existing standards that the Commission has developed in connection with certain types of exemptive applications filed by registered insurance company separate accounts (sometimes referred to as "separate accounts" or "applicants") [1] that offer or sell variable annuity contracts. The exemptions will also be available for any depositor of or underwriter for such accounts ("related persons"). Rule 6c-8 will codify the standards that the Commission has developed with respect to applications filed by separate accounts and related persons seeking exemptive relief from various provisions of the Act to the extent necessary to permit them to impose a deferred sales load on variable annuity contracts participating in such accounts. The rule also will provide relief to the extent necessary to permit separate accounts and related persons to deduct from the value of any variable annuity contract, upon total redemption of the contract prior to year end, the full annual fee for administrative services that otherwise would have been deducted at that time. The rule is one of several rules which the Commission has proposed to codify the standards developed in connection with certain types of applications filed by separate accounts for so-called "start-up" exemptive relief [2] and for other relief

[1] Section 2(a)(37) of the Act [15 U.S.C. 80a-2(a)(37)] defines "separate account." A substantially identical definition of "separate account," as that term is used in various rules and regulations under the Act, is contained in rule 0-1(e)(1) under the Act [17 CFR 270.0-1(e)(1)]. The term "insurance company" is defined in section 2(a)(17) of the Act [15 U.S.C. 80a-2(a)(17)].

[2] For a variety of reasons, separate accounts must obtain so-called "start-up" exemptive relief from various provisions of the Act prior to offering their variable annuity contracts to the public.

under the Act.[3] Finally, the Commission also is adopting related amendments to rule 0–1(e) [17 CFR 270.0–1(e)] of its General Rules and Regulations under the Act, one of which includes a definition of the term "variable annuity contract." The background and reasons for the proposals are set forth in Investment Company Act Release No. 13048 (February 28, 1983) [48 FR 9532, March 7, 1983].

Discussion

In response to its request for comments, the Commission received one comment. The commentator urged adoption of rule 6c–8 as proposed, and the Commission has determined to adopt the rule without change.

The commentator also suggested three changes in the definition of the term "variable annuity contract" that the Commission proposed to adopt as part of the related amendments to rule 0–1(e) under the Act. First, the commentator suggested that the Commission add the phrase "unit of interest" to the list of items included within the definition of the term in order to incorporate existing usage of the term.[4] Second, the commentator suggested that the Commission substitute the term "investment experience" for the phrase "income, gains, and losses" used in the proposed definition, noting that the suggested alternative language comports with the definition of variable annuity used in the National Association of Insurance Commission's Model Variable Annunity Regulation. The Commission agrees with both of these suggestions and they have been incorporated into the final definition.

Third, the commentator suggested deletion of the phrase "any portion thereof" from the definition which, the comentor stated, refers to the variable portion of a combination fixed and variable annuity contract. In its place, the commentator suggested the insertion of an additional sentence expressly stating that a variable annuity contract does not include that portion of a contract which does not vary according to the investment experience of a separate account, asserting that this approach reflects current Commission and staff interpretation. The Commission has determined not to make this suggested change. It believes that the suggested restrictive sentence is unnecessary in this case because the definition already makes clear that the term includes only those types of annuity interests pursuant to which the value of the contract varies according to the investment experience of a separate account.

In the proposing release the Commission requested comments on whether, and under what conditions, the proposed rule should be expanded to provide deferred sales load relief for securities of investment companies that are not separate accounts. No comments were received. Accordingly, since there are a number of issues that must be resolved before the rule could be so expanded, the Commission believes it would be appropriate to adopt the rule as proposed and consider periodically whether it is desirable and feasible to amend the rule to provide deferred sales load relief for investment companies that are not separate accounts.

Finally, the Commission wishes to point out that the rule provides relief only for the deduction of an amount upon redemption or annuitization that in fact is a "sales load." Thus, the rule does not provide relief for the deduction of an amount denominated as a deferred sales load where the facts and circumstances indicate that the deduction is not intended to compensate the issuer for the expenses of distributing the contracts but rather is intended to achieve some other purpose, for example, to deter or restrict redemptions.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting requirements, Securities.

Text of Rule 6c–8 and Amendments to Rule 0–1(e)

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

1. By revising introductory text of paragraph (e) and paragraphs (e)(1), and (e)(2) of § 270.0–1 to read as follows:

§ 270.0–1 Definition of terms used in this part.

* * * * *

(e) Definition of separate account and variable annuity contract and conditions for availability of exemption under §§ 270.6c–6, 270.6c–8, 270.11a–2, 270.14a–2, 270.15a–3, 270.16a–1, 270.22d–3, 270.22e–1, 270.27a–1, 270.27a–2, 270.27a–3, 270.27c–1, and 270.32a–2 of this chapter.

(1) As used in the Rules and Regulations prescribed by the Commission pursuant to the Investment Company Act of 1940, unless otherwise specified or the context otherwise requires, the term "separate account" shall mean an account established and maintained by an insurance company pursuant to the laws of any state or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains or losses of the insurance company and the term "variable annuity contract" shall mean any accumulation or annuity contract, any portion thereof, or any unit of interest or participation therein pursuant to which the value of the contract, either prior or subsequent to annuitization, or both, varies according to the investment experience of the separate account in which the contract participates.

(2) As conditions to the availability of exemption rules 6c–6, 6c–8, 11a–2, 14a–2, 15a–3, 16a–1, 22d–3, 22e–1, 27a–1, 27a–2, 27a–3, 27c–1, and 32a–2, the separate account shall be legally segregated, the assets of the separate account shall, at the time during the year that adjustments in the reserves are made, have a value at least equal to the reserves and other contract liabilities with respect to such account, and at all other times, shall have a value approximately equal to or in excess of such reserves and liabilities; and that portion of such assets having a value equal to, or approximately equal to, such reserves and contract liabilities shall not be chargeable with liabilities arising out of any other business which the insurance company may conduct.

2. By adding § 270.6c–8 to read as follows:

§ 270.6c–8 Exemptions for registered separate accounts to impose a deferred sales load and to deduct certain administrative charges.

(a) As used in this section "Deferred sales load" shall mean any sales load, including a contingent deferred sales load, that is deducted upon redemption or annuitization of amounts representing all or a portion of a securityholder's interest in a registered separate account.

(b) A registered separate account, and any depositor of or principal underwriter for such account, shall be exempt from the provisions of sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) of the Act [15 U.S.C. 80a–2(a)(32), 80a–2(a)(35), 80a–22(c), 80a–26(a)(2)(C), 80a–27(c)(1), 80a–27(c)(2), and 80a–27(d), respectively] and

[3] *See* Investment Company Act Release No. 12765 (Sept. 20, 1982) [47 FR 42344, Sept. 27, 1982] (proposed rule 11a–2); Investment Company Act Release No. 12745 (Oct. 18, 1982) [47 FR 4780, Oct. 28, 1982] (proposed rule 6c–7 and amended rule 14a–2).

[4] *See, e.g.*, rule 22d-3 under the Act [17 CFR 270.22d-3].

rule 22c–1 under the Act [17 CFR 270.22c–1] to the extent necessary to permit them to impose a deferred sales loan on any variable annuity contract participating in such account, *Provided*, That:

(1) The amount of any such sales load imposed, when added to any sales load previously paid on such contract, shall not exceed 9 percent of purchase payments made to date for such contract; and

(2) The terms of any offer to exchange another contract for the contract are in compliance with the requirements of paragraph (d) or (e) of rule 11a–2 under the Act [17 CFR 270.11a–2].

(c) A registered separate account, and any depositor of or principal underwriter for such account, shall be exempt from sections 2(a)(32), 22(c), 27(c)(1), and 27(d) of the Act [15 U.S.C. 80a–2(a)(32), 80a–22(c), 80a–27(c)(1), and 80a–27(d), respectively] and rule 22c–1 under the Act [17 CFR 270.22c–1] to the extent necessary to permit them to deduct from the value of any variable annuity contract participating in such account, upon total redemption of the contract prior to the last day of the year, the full annual fee for administrative services that otherwise would have been deducted on that date.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Chairman of the Commission previously certified that rule 6c–8 will not have a significant economic impact on a substantial number of small entities. The Commission did not receive any comment on that certification.

Paperwork Reduction Act

The proposed rule is not subject to the Act because it does not impose an information collection requirement.

Statutory Authority

Rule 6c–8 is adopted pursuant to the provisions of sections 6(c) and 38(a) of the Act [15 U.S.C. 80a–6(c) and 80a–37(a)]. The amendments to rule 0–1(e) [17 CFR 270.0–1(e)] are adopted pursuant to the provisions of section 38(a) of the Act [15 U.S.C. 80a–37(a)].

By the Commission.

George A. Fitzsimmons,

Secretary.

July 28, 1983.

[FR Doc. 83–21695 Filed 8–8–83; 8:45 am]

BILLING CODE 80-10-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 83F–0037]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of Nylon 12T in contact with food. This action responds to a petition filed by EMS–CHEMIE AG.

DATES: Effective August 9, 1983; objections by September 8, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF–33), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice in the **Federal Register** of March 4, 1983 (48 FR 9375), FDA announced that a food additive petition (FAP 2B3670) had been filed by EMS–CHEMIE AG, CH–7013 Domat/Ems, Switzerland, proposing that Part 177 (21 CFR Part 177) of the food additive regulations be amended to provide for the safe use of Nylon 12T manufactured by polymerization of *omega*-laurolactam, isophthalic acid and bis(4-amino-3-methyl-cyclohexyl)methane in food-contact articles.

FDA has evaluated the data in the petition and concludes that the proposed food additive use is safe and that the regulations shoud be amended as set forth below.

In accordance with §171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this rule as announced in the notice of filing in the **Federal Register**. No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended in § 177.1500 by adding new paragraph (a)(11) and new item 11 in paragraph (b) to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1500 Nylon resins.

* * * * *

(a) * * *

(11) Nylon 12T resins are manufactured by the condensation of *omega*-laurolactam (CAS Reg. No. 0947–04–6), isophthalic acid (CAS Reg. No. 0121–91–5), and bis(4-amino-3-methylcyclohexyl)methane (CAS Reg. No. 6864–37–5) such that the composition in terms of ingredients is 34.4 ± 1.5 weight percent *omega*-laurolactam, 26.8 ± 0.4 weight percent isophthalic acid, and 38.8 ± 0.5 weight percent bis(4-amino-3-methylcyclohexyl)methane.

(b) * * *

Nylon resins	Specific gravity	Melting point (degrees Fahrenheit)	Solubility in boiling 4.2N HCl	Maximum extractable fraction as selected solvents (expressed in percent by weight of resin)			
				Water	95 percent ethyl alcohol	Ethyl acetate	Benzene
*	*	*	*	*			
11. Nylon 12T resins for use in contact with all types of food except those containing more than 8 percent alcohol.	1.06±0.015	290-310	Insoluble after 1 hour	0.1		0.5	0.5

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 8, 1983, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 9, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: August 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-21557 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Furosemide Injection

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 Med-Tech, Inc., providing for safe and effective use of furosemide injection for treating dogs for edema associated with cardiac insufficiency and acute noninflammatory tissue edema.

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Med-Tech, Inc., P.O. Box 338, Elwood, KS 66024, filed NADA 131-538 providing or use of Disal™ injection (50 milligrams of furosemide per milliliter of solution) for treating dogs for edma (pulmonary congestion, ascites) associated with cardiac insufficiency and acute noninflammatory tissue edema. The NADA is approved and the regulations are amended to reflect the approval. The basis of approval of this NADA is contained 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 Dockets 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 determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Costmetic 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), § 522.1010 is amended by revising paragraph (b) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.1010 Furosemide injection.

* * * * *

(b) *Sponsor.* See No. 012799 in § 510.600(c) of this chapter for use in dogs and cats as in paragraph (c)(1) of this section, horses as in paragraph (c)(2)(i) of this section, and cattle as in paragraph (c)(3) of this section. See No. 013983 in § 510.600(c) of this chapter for use in dogs as in paragraph (c)(1) of this section.

* * * * *

Effective date. August 9, 1983.

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

Dated: August 2, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-21419 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bacitracin Methylene Disalicylate, Lasalocid, and Roxarsone

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 A. L. Laboratories, Inc., providing for safe and effective use of bacitracin methylene disalicylate combined with lasalocid and roxarsone in broiler chicken feeds as an aid in the prevention of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms sensitive to bacitracin; as an aid in the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima*; and as an aid in reduction of lesions due to *E. tenella.*

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: A. L. Laboratories, Inc., 452 Hudson Terrace, P.O. Box 1621, Englewood Cliffs, NJ 07632, filed NADA 116-082 providing for use of premixes containing 40 or 50 grams of bacitracin methylene disalicylate (BMD) per pound, 15 or 25 percent lasalocid sodium (Avetec), and 10, 20, or 50 percent roxarsone (3-Nitro) to make a complete broiler feed containing 50 grams per ton BMD, 68 to 113 grams per ton lasalocid, and 45.5 grams per ton roxarsone as an aid in the prevention of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms susceptible to bacitracin, prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. Brunetti, E. mivati,* and *E. maxima,* and reduction of lesions due to *E. tenella.* The NADA is approved and the regulations are amended to reflect the approval. The basis for approval 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 Dockets 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 determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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), § 558.311 is amended in the table in paragraph (f) by adding to item "(2)" a new entry to read as follows:

§ 558.311 Lasalocid.

* * * * *

(f) * * *

Lasalocid sodium activity in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(2) * * *	Roxarsone 45.5 plus bacitracin methylene disalicylate 50.	Prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima;* reduction of lesions due to *E. tenella;* prevention of necrotic enteritis caused or complicated by *Clostridium* spp. or other susceptible organisms.	Feed continuously as sole ration; as sole source of organic arsenic; withdraw 5 days before slaughter.	046573
*	*	*	*	*

Effective Date. August 9, 1983.

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

Dated: August 1, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-21418 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds, Lincomycin

Correction

In FR Doc. 83-18201 beginning on page 31386 in the issue of Friday, July 8, 1983, make the following correction:

On page 31386, third column, seven lines from the bottom of the page, "44 FR 7142" should have read "44 FR 71742".

BILLING CODE 1505-01-M

21 CFR Part 870

[Docket No. 83N-0190]

Opportunity To Request Change in Classification of Vascular Graft Prosthesis of 6 Millimeters and Greater Diameter

Correction

In FR Doc. 83-18600 beginning on page 31395 in the issue of Friday, July 8, 1983, make the following correction:

On page 31395, third column, under **Opportunity To Request Reclassification,** twenty-third line, "request by" should have read "request by July 25, 1983".

BILLING CODE 1505-01-M

21 CFR Part 870

[Docket No. 83N-0191]

Opportunity To Request Change in Classification of Cardiac Monitor (Including Cardiotachometer and Rate Alarm)

Correction

In FR Doc. 83-18601 beginning on page 31394 in the issue of Friday, July 8, 1983, make the following correction:

On page 31394, third column, under **Opportunity To Request Reclassification,** eleventh line, "or class II" should have read "or class III".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 886

[Docket No. R-83-1099]

Section 8 Housing Assistance Payments Program; Special Allocations

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: This regulation provides authority to approve Fair Market Rents (based on a percentage of Fair Market Rents published for the Section 8 New Construction program) for units which (1) were previously assisted under section 101 of the Housing and Urban Development Act of 1965 (Rent Supplement) or section 236(f)(2) of the National Housing Act (Rental Assistance Payments (RAP)) and (2) are now being converted to the Section 8 program. The project rents provided by the Rent Supplement and Rental Assistance Payments programs are unable to cover increasing operating expenses, and current regulations restrict payment of a higher Fair Market Rent to projects which are not yet six years old. This amendment removes the six-year limit for projects converted from these two programs.

DATES: Effective date: October 11, 1983. Comments must be received by: October 11, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Room 6176, 451 7th Street, SW., Washington, D.C. 20410. Telephone (202) 755-5654. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The purpose of this amendment to the regulations for the Loan Management Set Aside program (24 CFR Part 886, Subpart A) is to provide the authority to approve Fair Market Rents (based on a percentage of Fair Market Rents published for the Section 8 New Construction program) for units which (1) were previously assisted under section 101 of the Housing and Urban Development Act of 1965 (Rent Supplement) or section 236(f)(2) of the National Housing Act (Rental Assistance Payments (RAP)) and (2) are now being converted to the Section 8 program.

The primary goal of the Loan Management Set Aside program is to reduce claims on the Department's insurance fund by aiding FHA-insured or Secretary-held projects with immediate or potentially serious financial difficulties. Many projects which contain units assisted under the Rent Supplement and RAP programs are either now experiencing such financial difficulty, or are likely to experience such difficulty because of an inability of the project rents to keep pace with operating expense increases. The subsidy provided by the Rent Supplement and RAP programs is determined on the basis of tenant contributions (which are fixed by a statutory percentage of income), and unit rents (which are calculated to support a project mortgage). There is no statutory or regulatory obligation to cover escalating operating expenses for the Rent Supplement and RAP programs. However, without the assurance of additional assistance, these projects present the potential for either an immediate or future claim on the FHA insurance fund. To avoid the eventual financial default which could result if increased operating expenses were not paid, the Congress has authorized funds for the conversion of Rent Supplement and RAP units to section 8, which provides for annual adjustments to cover operating expense increases.

Currently, under 24 CFR 886.102, the Fair Market Rent for the Loan Management Set Aside Program is based on the Fair Market Rent published for the section 8 Existing Housing Program, except that under 24 CFR 886.110(b), for projects which have been completed not more than six years before the date of application for assistance under the section 8 program, the Fair Market Rent may be based on a percentage of the Fair Market Rents published for the section 8 New Construction Program. That higher Fair Market Rent limit has been used to accommodate earlier conversions of units assisted under the Rent Supplement program in some projects which were not yet six years old at the time of conversion. However, a number of projects which are being subsidized through Rent Supplement and RAP were completed more than six years ago, and current rent levels for those units exceed the Fair Market Rents for the section 8 Existing Housing program.

In an effort to assure that an adequate amount of finacial assistance is maintained to avoid a claim on the insurance fund and to avoid unnecessary hardship to tenants which would result from default, foreclosure and eventual sale of the project, it is necessary to allow a higher Fair Market Rent than the published Fair Market Rents, with adjustments, set out in the section 8 Existing Housing Program. It has been determined that the rent allowed by application of the formula defined in 24 CFR 886.110(b), which is based on 75 percent of the published new construction Fair Market Rents, more accurately reflects the rent levels needed to avoid default, assignment or foreclosure of the projects in which these units are located. Therefore, in compliance with section 8(c)(1) of the U.S. Housing Act of 1937, HUD is giving notice that the rent formula defined in 24 CFR 886.110(b) may be applied to determine the Fair Market Rent for units which are being converted from Rent Supplement and RAP to section 8, notwithstanding the fact that the projects in which such untis are located may be more than six years old.

It should be noted, however, that the rent formula defined in § 886.110(b) represents a maximum allowable rent for a unit being converted to Section 8. As the amendment indicates, the rents derived from application of the formula must meet the rent reasonableness test set out in § 886.110(c), and must not exceed the current HUD-approved rent levels established for the project under 24 CFR 207.19(e)(2)(i).

The subject matter of this rulemaking action is exempt from the notice and public comment requirements of Section 553 of the Administrative Procedure Act. As a matter of policy, the Department submits many rulemaking actions with such subject matter to public comment, either before or after effectiveness of the action, notwithstanding the statutory exemption. The Secretary has determined that notice and prior public procedure are impracticable and contrary to the public interest and that good cause exists for making this rule effective as soon after publication as possible, because application of the higher Fair Market Rents will protect the FHA insurance fund and the long term security of tenants currently residing in units receiving subsidies affected by this rulemaking. Issuance of an interim rule provides the most expedient route for this amendment, while allowing opportunity for public comment. Public comments are invited and will be considered in the adoption of a final rule.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 7th Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect 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.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because it will pertain to a relatively small number of units of the total number of units connected with the programs involved.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18054), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 886

Grant programs—housing and community development, Low and moderate income housing, Rent subsidies.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

Accordingly the Department proposes to amend 24 CFR 886.110 by revising paragraph (b) to read as follows:

Subpart A—Additional Assistance Program for Projects With HUD-Insured and HUD-Held Mortgages

§ 886.110 Contract rents.

* * * * *

(b) In the case of any project completed not more than six years prior to the application for assistance under that Part, or in the case of units converted to Section 8 which were previously assisted under section 101 of the Housing and Urban Development Act of 1965 or section 236(f)(2) of the National Housing Act, contract rents plus any allowance for utilities and other services may be as high as 75 percent of the published Section 8 Fair Market Rents for New Construction, which limitation may be increased: (1) By up to 10 percent if the Field Office Director determines that special circumstances warrant such higher rents, or (2) by up to 20 percent where the Regional Administrator determines that special circumstances warrant such higher rents, and in either case, such higher rents meet the test of reasonableness contained in paragraph (c) of this section. The project shall be converted using the current HUD approved rent level established pursuant to 24 CFR 207.19(e)(2)(i).

* * * * *

(Sec. 5(b), U.S. Housing Act of 1937, 42 U.S.C. 1437c(b); Section 8, U.S. Housing Act of 1937, 42 U.S.C. 1437f; section 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Dated: July 19, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-21552 Filed 8-8-83; 8:45 am]

BILLING CODE 4210-27-M

VETERANS ADMINISTRATION

38 CFR Part 40

Intergovernmental Review of Veterans Administration Programs and Activities

AGENCY: Veterans Administration.

ACTION: Rule related notice.

SUMMARY: Pursuant to Executive Order 12372, "Intergovernmental Review of Federal Programs", implementing regulations (38 CFR Part 40) were promulgated (June 24, 1983; 48 FR 29404). Those regulations apply to federal financial assistance and direct federal development programs and activities of the Veterans Administration. This notice sets forth the programs and activities which are eligible for selection for a State process under 38 CFR Part 40, effective September 30, 1983. The state process is the framework under the Executive Order.

FOR FURTHER INFORMATION CONTACT: Raymond S. Blunt, Director, Office of Program Planning and Evaluation (07), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2608.

List of Subjects in 38 CFR Part 40

Intergovernmental relations, States, Veterans.

Dated: August 2, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Veterans Administration

Part 40 Scope Inclusions

Program/Activity and Reference

Aid to States for Establishment, Expansion and Improvements of Veterans Cemeteries [1]

Burial area expansion of 20 acres or more—38 U.S.C. 1008

State Home Facilities Furnishing Domiciliary Nursing Home and Hospital Care [1]—38 U.S.C. 5031

Acquisition of Real Property for National Cemeteries—38 U.S.C. 1006

Acquisition of Real Property for Medical Facilities—38 U.S.C. 5003

Burial area expansion of 20 acres or more—38 U.S.C. 211

1. A building addition or new structure. (Minor utility pads or equipment and projects for additions, alterations, or modernization of an existing facility which do not substantially alter the scale or the type or intensity of use of such facility need not be reported.)

2. A major utility modernization that may require new primary sources or discharge points from the community.

3. An acquisition of real property.

4. A major building demolition project exceeding $500,000 expenditure.

5. A project for inpatient care purposes exceeding $2 million *and* either:

(a) Increases the bed capacity by 25,

(b) Modifies the primary function of the facility, or

(c) Provides a major new medical care service.

[1] Subject to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.

[FR Doc. 83-21443 Filed 8-8-83; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

Application Procedures; Mineral Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This procedural rulemaking is to notify the public that filing and related documents for leasable minerals in Alaska will reside in the Alaska State Office in Anchorage and not in the Fairbanks District Office. Therefore, all applications and related documents pertaining to leasable minerals must be filed in the Alaska State Office in Anchorage and not in the Fairbanks District Office.

EFFECTIVE DATE: September 12, 1983.

FOR FURTHER INFORMATION CONTACT: Lois Mason, (202) 343-7753.

SUPPLEMENTARY INFORMATION: Under the authority of Section 2478 of the Revised Statutes (43 U.S.C. 1201), 1821.2-1, Subpart 1826, Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as follows.

PART 1820—APPLICATION PROCEDURES

Section 1821.2-1(d) is amended in the list of State office and area of jurisdiction by revising the entries for the Alaska State Office and the Fairbanks District Office to read as follows:

§ 1821.2-1 Office hours; place for filing.

* * * * *

(d) * * *

State Office and Area of Jurisdiction

Alaska State Office, 701 "C" Street, Box 70, Anchorage, Alaska 99513—Southern Alaska, plus all mineral leasing.[1]

Fairbanks District Office, No. Post of Ft. Wainwright, P.O. Box 1150, Fairbanks, Alaska—Northern Alaska, except for all mineral leasing.[1]

* * * * *

Gerald W. Zamber,

Acting Director, Alaska District.

[FR Doc. 83-21277 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

[1] See diagram for division line.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6451]

Final Flood Elevation Determination; South Carolina

AGENCY: Federal Emergency Management Agency.

ACTION: Deletion of final rule for the City of Columbia, Richland County, South Carolina.

SUMMARY: The Federal Emergency Management Agency has inadvertently published the final flood elevation determination for the City of Columbia. This notice will serve to delete that publication. The notice of final flood elevation determination for the city was published in the incorrect format.

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brain R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: As a result of the incorrrect format being published, the Federal Emergency Management Agency has determined that the notice of final flood elevation determination for the City of Columbia, Richland County, South Carolina, published at 48 FR 23231, on May 24, 1983, should be deleted. The correctly formated notice of final flood elevation determination will be published following the publication of this deletion notice.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinance in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127 44 FR 19367; and delegation of authority to Federal Emergency Management Agency)

Issued July 19, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-21638 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 90, and 95

[FCC 83-326]

Introduction of FCC Form 574-R, Application for Renewal of Radio Station License in the Private Land Mobile and General Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted an Order introducing FCC Form 574-R, a computer-generated "short form" renewal application for station licenses in the Private Land Mobile and General Mobile Radio Services which the Commission will mail to licensees 60-90 days prior to license expiration. This action is taken to assure that licensees receive timely notification of license expiration; to reduce the paperwork burden on licensees; to improve the efficiency and effectiveness of agency procedure; and to assure the accuracy of our license data base.

DATE: Initiation of the new short form renewal application 574-R throughout the Private Land Mobile and General Mobile Radio Services will be accomplished in stages, the effective dates of which will be announced at a later date in the **Federal Register**. The Commission emphasizes that licensees must continue to use the existing renewal application, FCC Form 405-A, if the licensee has not received the new computer-generated short form 574-R in the mail from the Commission within 60 days of license expiration. Rule changes are effective August 31, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Charles F. Turner, Private Radio Bureau, (202) 632-6497.

List of Subjects

47 CFR Part 1

Practice and procedure.

47 CFR Part 90

Public safety radio services, Special emergency radio service, Industrial radio services, Land transportation radio services, Radiolocation service.

47 CFR Part 95

Personal radio services, General mobile radio service.

Order

In the matter of amendment of Parts 1 and 90 of the Commission's rules to provide for the introduction of FCC Form 574-R, Application for Renewal of Radio Station License in the Private Land Mobile and General Mobile Radio Services, FCC 83-326.[1]

Adopted: July 14, 1983.

Released: July 25, 1983.

By the Commission.

1. This Order amends the Commission's Rules for Practice and Procedure (47 CFR Part 1) and the Private Land Mobile Radio Services (47 CFR Part 90) to introduce the new "short form" renewal, FCC Form 547-R, Application for Renewal of Radio Station License.[2]

[1] By separate action on this date, we have adopted a *Report and Order* recodifying the rules for the General Mobile Radio Service (47 CFR Part 95, Subpart A.) The use of the FCC Form 574-R in the General Mobile Radio Service has been included as part of the recodification. See *Report and Order*, PR Docket 82-84, adopted July 14, 1983, FCC 83-332.

[2] On February 24, 1983, the Commission submitted the Form 574-R to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reducton Act of 1980, Pub. L. 96-511. This action, as well as a