

that it calls for a more detailed statement than is contemplated by the federal law and may be required in transactions other than residential mortgage transactions.

On its face, the South Carolina law appears to require the inclusion of a nonfederal disclosure within the federal Truth in Lending disclosure statement, in violation of § 226.17(a) of Regulation Z, which requires that all federal disclosures be segregated from other material.

When the Board published the South Carolina preemption request in May, it appeared that the inconsistency between the state and federal laws could be remedied by the state administrator through an official interpretation providing that the notice appear on the contract apart from the segregated federal disclosures. On that basis, the Board concluded that the state required assumption notice would not be inconsistent with federal law and, therefore not preempted since the notice would not be placed in the segregated federal disclosures. Commenters addressing the proposed determination, however, questioned that conclusion, pointing out that the state statute, on its face, requires that the notice be placed with the federal disclosure statement. The commenters also suggested that since the administrative interpretation would merely permit and not require the state notice to be outside the federal disclosure statement, the interpretation does not eliminate the inconsistency between the state and federal law.

After consideration of those comments and further analysis, the Board has determined that § 37-10-102(c) of the South Carolina Code Annotated is in fact preempted, but only to the extent that the law may be interpreted to require the state assumption notice to appear within the segregated federal disclosures. This determination does not preclude disclosure of the assumption notice on the loan contract apart from the segregated federal disclosures nor does it affect the validity of any state/agency interpretation permitting such action.

List of Subjects in 12 CFR Part 226

Advertising, Banks, banking, Consumer protection, Credit, Federal Reserve System, Finance, Penalties, Truth in Lending.

(4) *Preemption determinations.* The following order sets forth the preemption determinations, which will also be reflected in the Official Staff Commentary on Regulation Z (Supplement I to Part 226).

Order

Pursuant to section 111 of the Federal Truth in Lending Act as revised on March 31, 1980 (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. 96-221), the Board has determined that certain laws in the states of Mississippi and South Carolina are inconsistent with and preempted by the federal law. These determinations are as follows:

Preemption determination—Mississippi. Effective October 1, 1984, the Board has determined that the following provision in the state law of Mississippi is preempted by the federal law:

Section 63-19-32(2)(g) of the Motor Vehicle Sales Finance Law—Disclosure of finance charge. This provision is preempted in those cases in which the term "finance charge" would be used under state law to describe a different amount than the finance charge disclosed under federal law.

Preemption determination—South Carolina. Effective October 1, 1984, the Board has determined that the following provision in the state law of South Carolina is preempted by the federal law:

Section 37-20-102(c) of the South Carolina Code Annotated—Disclosure of due-on-sale clause. This provision is preempted, but only to the extent that the creditor is required to include the disclosure with the segregated federal disclosures. If the creditor may comply with the state law by placing the due-on-sale notice apart from the federal disclosures, the state law is not preempted.

Board of Governors of the Federal Reserve System, September 20, 1983.

James McAfee,

Associate Secretary of the Board.

(PR Doc. 83-26094 Filed 9-23-83; 8:45 am)

BILLING CODE 6210-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34-20197]

Annual Assessment Form for SECO Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of form.

SUMMARY: The Securities Exchange Act of 1934 authorizes the Commission to collect reasonable fees and charges as may be necessary to defray the costs of

additional regulatory duties required to be performed with respect to broker-dealers who are not members of a registered securities association. This form sets forth the annual schedule under which such broker-dealers are to be assessed for fiscal year 1983.

EFFECTIVE DATE: Adoption of the SECO-4-83 Form ("Form") is effective September 25, 1983. The Form is required to be filed on or before October 31, 1983.

FOR FURTHER INFORMATION CONTACT: Katherine England, Esq., (202) 272-2411, Attorney-Adviser, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission announced today that it has adopted Form SECO-4-83 which sets forth the Commission's fiscal year 1983 annual assessment for registered broker-dealers who were not members of a registered securities association ("nonmember" or "SECO broker-dealers") for all or part of the time period from October 1, 1982 to September 30, 1983.

Rule 15b9-2 under the Securities Exchange Act of 1934 ("Act") requires that nonmember broker-dealers file a Form SECO-4 each fiscal year and pay the assessment specified. In addition, this rule provides that, unless the Commission takes action to change them, the levels or rates of fees and assessments imposed on SECO broker-dealers will be set each year at levels or rates which are comparable to the corresponding fees and assessments imposed by the National Association of Securities Dealers, Inc. ("NASD") on its members. Accordingly, in adopting Form SECO-4-83, the Commission has determined to maintain the basic membership fee of \$300 and the \$5 fee for each associated person. In addition, the Commission will maintain the gross municipal securities income assessment at .21% and the gross securities income assessment (exclusive of income derived from municipal securities business) at .25%.

It also should be noted that legislation was enacted on June 6, 1983, which provides for the elimination of the SECO Program as of December 6, 1983.² At that time, all SECO broker-dealers are required to be members of a registered securities association or refrain from transacting an over-the-counter securities business.³ In this regard,

¹ 17 CFR 240.15b9-2.

² Pub. L. No. 98-38 (June 6, 1983), 97 Stat. 205.

³ In addition, the Commission is considering adopting a rule exempting certain broker-dealers

Continued

pursuant to an agreement between the SEC and the NASD. ⁴ a substantial number of SECO broker-dealers have become NASD members during this fiscal year. Accordingly, the Commission has decided to allow broker-dealers who became NASD members between January 1, 1983, and September 30, 1983, a reduction of the amount otherwise payable as an annual assessment.

Specifically, any broker-dealer who became a member of the NASD on or after January 1, 1983, and on or before March 31, 1983, will be able to reduce by 75% its annual assessment. Broker-dealers who became NASD members on or after April 1, 1983, and on or before June 30, 1983, are entitled to reduce their annual assessments by 50%; broker-dealers who became NASD members on or after July 1, 1983, and on or before September 30, 1983, will be entitled to reduce their fee by 25%. The Commission has provided this reduction

in the annual assessment of SECO broker-dealers who joined the NASD in order to avoid the possibility of broker-dealers being charged twice, once by the Commission for the entire fiscal year and once by the NASD for each quarter during which the firm was a member of the NASD.

Although Rule 15b9-2 under the Act requires Form SECO-4-83 to be filed by every registered nonmember broker and dealer on or before September 1, 1983, this year in order to permit firms converting to NASD membership by September 30 to properly calculate the amount due, the filing date has been delayed until October 31, 1983. The Form is to be accompanied by a check for the annual assessment fee required thereunder. It should be noted, however, that those broker-dealers who are exempt from the payment of any assessment or fee pursuant to the provisions of paragraph (e) of Rule 15b9-2, must still file the Form.

The Commission finds, in accordance with the Administrative Procedure Act [5 U.S.C. 553(b)(3)(B) and 553(d)(1)], that Rule 15b9-2 of the Act and Securities Exchange Act Release No. 16143 (August 28, 1979) [44 FR 52773 (September 10, 1979)] provided sufficient notice of the

basis for and amount of these fees and assessments and that further notice is unnecessary as a prerequisite to the adoption of the Form. The Commission also finds that any burden imposed upon competition by the Form is necessary and appropriate in furtherance of the purposes of the Act, particularly the implementation of the Commission's continuing mandate, under Section 15(b)(8) of the Act, to collect such reasonable fees and charges as may be necessary to defray the costs of the specified regulatory duties required to be performed with respect to SECO broker-dealers.

List of Subjects in 17 CFR 249

Reporting and recurring requirements, Securities.

Statutory Basis and Text of the Form

The Commission hereby adopts Form SECO-4-83 [17 CFR 249.504g] pursuant to its authority under the Securities Exchange Act of 1934, [15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94-29 (June 4, 1975)] and particularly Sections 15(b)(7), 15(b)(8), and 23(a).

BILLING CODE 8010-01-M

from the requirement to join an association. Such a rule would parallel current Rule 15b10-7 under the Securities Exchange Act of 1934, 17 CFR 240.15b10-7.

⁴ Securities Exchange Act Release No. 20009 (July 27, 1983) 48 FR 35216 sets forth the terms of the agreement.

FORM SECO-4-83

To Be Filed On or Before October 31, 1983

U.S. SECURITIES AND EXCHANGE COMMISSION
450 5th Street, N.W.
Washington, D. C. 205491983 ASSESSMENT AND INFORMATION FORM
FOR REGISTERED BROKERS AND DEALERS NOT MEMBERS
OF A REGISTERED SECURITIES ASSOCIATION

Submit original and three copies; leave instructions on pages 3 and 4.

1. Name of Broker or Dealer (If an individual, give last, first, middle name):		2. IRS Employer Ident. No.:	
3. Address of Principal Office of Business: CITY STATE ZIP CODE		4. SEC File No.:	
5. Address of Branch or Office of Business (If no regular membership with a registered securities exchange, list all regular membership addresses):			
6. Principal Types of Securities Business Engaged in by Broker or Dealer (CHECK ONE):			
☐ Exchange member primarily engaged in exchange commission business ☐ Exchange member primarily engaged in floor activities ☐ Broker or dealer primarily engaged in OTC Equity Securities ☐ Mutual fund distributor ☐ Broker or dealer selling variable annuity contracts ☐ Broker or dealer in other securities business (Specify: _____) ☐ No securities business (Specify your type of business: _____)			
7. Subcontracting and trading activities (Check one): (a) General securities and commodities trading (b) Principal trading of securities over-the-counter (c) Total of (a) and (b), if less enter "OTHER":		8. Subcontracting or acquisition of variable contracts: _____	
9. Agency transactions and those resulting principal negotiations not reported in (b) or (c) (Specify gross income from clearance and principal contracts):		10. Transactions in securities of corporate organizations: _____	
11. Proper payments: _____		12. Distribution of fee disclosed investments: _____	
13. Selling of mutual funds and contractual plans to the public (Include "other" contracts): _____		13. Writing, authorizing & selling options principal contracts: _____	
14. Subcontracting or acquisition of investment company securities and contractual plans: _____		14. Mergers and acquisitions: _____	
15. Sales of variable contracts to the public: _____		15. Gross income and fees from other investment banking services: _____	
16. Sales of variable contracts to the public: _____		16. Other over-the-counter transactions (Specify: _____)	
17. Other than these amounts to be reported in other categories: 2. Include profits or losses from inclusion of ending inventory only if included in prior years. If cancelled gains and losses were not reported in prior years, they are to be included from this report.		17. Total (1) through (16): _____	
18. Multiple securities gross income (including trading & underwriting): _____		18. Total (1) through (16): _____	

This Box For SEC Use Only	
PAYMENT RECEIVED	DATE
Stamp No.	Stamp No.
Check No.	Check No.
Stamp No.	Stamp No.

OMB Approval
Number 3200-0046
Expires September 30, 1984

8. Assessment to defray costs of registration pursuant to Section 1503(b)(1) of the Securities Exchange Act for the fiscal year ending September 30, 1983.

(a) Basic assessment of \$200 (or 10%) _____

(b) Plus assessments for associated persons, including sole proprietors, partners and corporate officers, engaged directly or indirectly in securities activities during the fiscal year at any time in which the broker or dealer was a substantial broker or dealer.

Number of persons _____ \$ 25 (or 10%) each

(c) Gross income Assessment - (See instruction 7 on page 4)

(1) Gross securities income for 1982 (except municipal) _____ \$ 125

(2) Gross municipal securities income for 1982 _____ \$ 175

(d) Subtotal: Add items (a), (b), (c)(1) & (c)(2) _____

(e) Credit for NASD assessment paid _____ (See Part (f) of Subsection 8 attach copy of NASD membership approval letter)

(1) Because NASD member between 4/1/82 and 3/31/83: compute 15% of the amount shown on line (d) and record on line (e) above

(2) Because NASD member between 4/1/82 and 3/31/83: compute 30% of the amount shown on line (d) and record on line (e) above

(3) Because NASD member between 4/1/82 and 3/31/83: compute 15% of the amount shown on line (d) and record on line (e) above

(4) If you did not become an NASD member between January 1, 1982 and September 30, 1983, enter a zero on line (e) above.

(f) TOTAL ASSESSMENT TO BE PAID _____

Subtotal (from line (d)) from item (b)

9. See instruction 3 on page 3

Signed the _____ day of _____, 1983

(Name of corporation, partnership, sole proprietorship or other organization)

(Manual signature of duly authorized principal officer, general partner, sole proprietor or managing agent)

(Title)

FORM SECO-4-83**INSTRUCTIONS****Part I - General**

1. Brokers or dealers registered with the Commission as of August 15, 1983, who were nonmember brokers or dealers for at least 45 days immediately prior to that date or who were nonmember brokers or dealers for at least 90 days during the period beginning Oct. 1, 1982, and ending August 15, 1983, shall, on or before October 31, 1983, file Form SECO-4-83 and pay to the Commission a fee pursuant to Section 15(b)(8) of the Securities Exchange Act of 1934 ("Act") to defray certain costs of regulation for the fiscal year ending September 30, 1983. The term "nonmember broker or dealer" is defined in paragraph (f)(2) of Rule 15b9-2.
2. Rule 15b9-2 provides that brokers or dealers who were nonmember brokers or dealers for less than 180 days during the period beginning Oct. 1, 1982 and ending August 15, 1983 shall pay one-half the fees otherwise payable pursuant to Section 15(b)(8) for the fiscal year 1983.
3. Checks should be made payable to the "Securities and Exchange Commission" and mailed to the Office of the Comptroller, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.
4. If the space provided for any answer is insufficient, the complete answer should be prepared on a separate sheet which should be attached to the form and identified as "Answer to item _____."
5. Failure to include or file information required to be reported or the making of any false statements may result in the institution of administrative or civil proceedings. Moreover, intentional misstatements or omissions of material facts constitute federal criminal violations punishable by up to five years imprisonment and fines up to \$10,000 for each offense. (See 18 U.S.C. 1001 and Section 32(a) of the Act.)
6. Willful nonpayment of fees prescribed by the Commission pursuant to its authority under Section 15(b)(8) may result in the institution of disciplinary proceedings under Sections 15(b)(4) and 15(b)(5) of the Act.

7. Each SECO broker-dealer subject to Rule 15b9-2 is to report gross income from over the-counter transactions in corporate, state, municipal, tax shelter/limited partnership interests and other securities for the preceding calendar year. Please refer to Table A or your firm's FOCUS REPORT (4th Quarter) for 1982 for assistance in computing such gross income. Gross income includes profits, commissions, surcharges, concessions, fees, allowances, discounts and reimbursements for expenses before the deduction of any expenses other than any commissions, concessions or other allowances paid to another broker or dealer in connection with the execution or clearance of any transactions. Gross income does not include interest and dividends, transaction fees, commissions derived from transactions executed on a national securities exchange or a foreign securities exchange and fees received solely for investment advisory services. Also excluded are profits and losses derived from (1) transactions in which both the purchase and sale are executed outside the territorial limits of the United States, (2) transactions in exempted securities as defined in Section 3(a)(12) of the Act, (3) transactions in commercial bank time certificates of deposit and commercial paper, which is defined to include drafts, bills of exchange, and bankers acceptances having maturities not exceeding one year at the time of issuance, and (4) transactions in securities which are clearly identified by the firm to be held specifically for investment purposes as described in Section 1236 of the Internal Revenue Code.

Part II - Credit for SECO broker-dealers who became NASD members after January 1, 1983

1. Any SECO broker-dealer that became a member of the National Association of Securities Dealers, Inc. ("NASD") after January 1, 1983 should adjust its 1983 SECO assessment as described below.
 - (a) For any SECO broker-dealer that became a member of the NASD between January 1, 1983 and March 31, 1983, compute 75% of the amount shown on line 8(d) and enter this amount on line 8(e).
 - (b) For any SECO broker-dealer that became a member of the NASD between April 1, 1983 and June 30, 1983, compute 50% of the amount shown on line 8(d) and enter this amount on line 8(e).
 - (c) For any SECO broker-dealer that became a member of the NASD between July 1, 1983 and September 30, 1983, compute 25% of the amount shown on line 8(d) and enter this amount on line 8(e).
 - (d) If you did not become an NASD member between January 1, 1983 and September 30, 1983, enter a zero on line 8(e).
2. YOU MUST ATTACH A COPY OF THE NASD MEMBERSHIP APPROVAL LETTER RECEIVED BY THE FIRM IN ORDER TO BE ELIGIBLE FOR A CREDIT TOWARD YOUR 1983 SECO ASSESSMENT.

**PART 249—FORMS, SECURITIES
EXCHANGE ACT OF 1934**

Accordingly, Part 249 of Title 17 of the Code of Federal Regulations is amended by adding § 249.504q as follows: (Form SECO-4-83 does not appear in the Code of Federal Regulations.)

§ 249.504q Form SECO-4-83, 1983 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed on or before October 31, 1983, pursuant to Rule 15b9-2 (§ 240.15b9-2 of this chapter), accompanied by the annual assessment fee required thereunder and specified in the form, by every registered broker and dealer not a member of a registered national securities association. Those broker-dealers which are exempt from the payment of any assessment or fee pursuant to the provisions of § 240.15b9-2(e) must still file the form.

Copies of the form are available on request from the Commission.

By the Commission.

George A. Fitzsimmons,
Secretary.

FR Doc. 83-26213 Filed 9-23-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory
Commission****18 CFR Part 262**

[Docket No. RM79-14]

**Natural Gas Policy Act of 1978; Order
of Publication of Incremental Pricing
Acquisition Cost Thresholds Under
Title II**

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 262.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: October 1, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426 (202) 357-8500.

Issued: September 21, 1983.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of October 1983 is issued by the publication of a price table for the applicable month. See FERC Statutes and Regulations § 24.764.

List of Subjects in 18 CFR Part 262.

Natural gas.
Kenneth A. Williams,
Director, Office of Pipeline and Producer
Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Calendar Year 1980												
Incremental pricing threshold	\$1.702	\$1.798	\$1.750	\$1.762	\$1.776	\$1.790	\$1.804	\$1.819	\$1.834	\$1.849	\$1.863	\$1.877
NGPA section 102 threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA section 109 threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 fuel oil in New York City threshold	7.170	7.260	7.410	7.310	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580
Calendar Year 1981												
Incremental pricing threshold	\$1.891	\$1.908	\$1.925	\$1.942	\$1.954	\$1.967	\$1.980	\$1.990	\$2.000	\$2.010	\$2.025	\$2.041
NGPA section 102 threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA section 109 threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130% of No. 2 fuel oil in New York City threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.390	9.260	8.860	8.700	8.930	8.990
Calendar Year 1982												
Incremental pricing threshold	\$2.057	\$2.071	\$2.085	\$2.099	\$2.106	\$2.113	\$2.120	\$2.129	\$2.139	\$2.149	\$2.159	\$2.169
NGPA section 102 threshold	3.003	3.033	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	3.249	3.274
NGPA section 109 threshold	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234	2.244
130% of No. 2 fuel oil in New York City threshold	9.160	9.340	9.470	9.340	9.280	8.000	8.170	8.670	8.660	8.950	8.640	8.690
Calendar Year 1983												
Incremental pricing threshold	\$2.179	\$2.187	\$2.195	\$2.203	\$2.214	\$2.225	\$2.236	\$2.245	\$2.254	\$2.263		
NGPA section 102 threshold	3.299	3.321	3.344	3.367	3.394	3.421	3.448	3.472	3.496	3.520		
NGPA section 109 threshold	2.254	2.262	2.270	2.278	2.289	2.300	2.311	2.320	2.329	2.338		
130% of No. 2 fuel oil in New York City threshold	9.420	9.320	8.820	8.120	7.550	6.950	7.540	7.610	7.440	7.550		

FR Doc. 83-26196 Filed 9-23-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Parts 211, 700, and 800**

[Docket Nos. 82N-0330 and 82N-0332]

Tamper-Resistant Packaging Requirements; Interim Stay of Retail Level Effective Date**Correction**

In FR Doc. 83-25295 beginning on page 41578 in the issue of Friday, September 16, 1983, make the following correction in column three, paragraph one, last line: "February 3, 1984," should read "February 6, 1984."

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Parts 921 and 939****Surface Mining and Reclamation Operations Under Federal Programs for Massachusetts and Rhode Island; Correction**

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

ACTION: Final rule, correction.

SUMMARY: The Office of Surface Mining (OSM) is correcting the address of the Harrisburg Field Office that appeared in the Federal programs for Massachusetts (48 FR 41000; September 12, 1983) and Rhode Island (48 FR 40990; September 12, 1983).

FOR FURTHER INFORMATION CONTACT: James M. Kress, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240. Telephone: (202) 343-5866.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-24830 appearing at page 40990 and in FR Doc. 83-24831, appearing at page 41000 both in the issue of September 12, 1983, the address of the Harrisburg Field Office should read: Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101.

Dated: September 21, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 83-28203 Filed 9-23-83; 9:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 271**

[SW-FRL 2441-3]

Maine; Phase II, Components A, B, and C Interim Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Final Approval.

SUMMARY: The State of Maine has applied for Interim Authorization Phase II Components A, B, and C. EPA has reviewed Maine's application for Phase II Interim Authorization, Components A, B, and C, and has determined that Maine's hazardous waste program is substantially equivalent to the Federal program covered by Components A, B, and C. The State of Maine is hereby granted Interim Authorization for Phase II, Components A, B, and C, to operate the State's hazardous waste program covered by these Components in lieu of the Federal program.

EFFECTIVE DATE: September 26, 1983.

FOR FURTHER INFORMATION CONTACT: Beverly Roehrig, State Waste Programs Branch, U.S.E.P.A., Region I, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 Federal Register (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. Included in these regulations, which became effective November 19, 1980, were provisions for a transitional stage in which States would be granted interim program authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program has taken effect.

The State of Maine received Interim Authorization for Phase I on March 18, 1981.

In the January 26, 1981 Federal Register (46 FR 7965), the Environmental

Protection Agency announced the availability of portions of the second phase of Interim Authorization. In order to proceed with authorizing State programs as expeditiously as possible and because some of the standards for hazardous waste treatment, storage and disposal facilities (40 CFR Part 264) have been promulgated at different times, EPA made the second phase of Interim Authorization available in components. On June 6, 1983, EPA published a notice in the Federal Register (48 FR 25236) inviting the public to comment on the Maine application for Interim Authorization Phase II, Components A, B, and C at a public hearing on July 14, 1983. This notice also invited the public to submit written comments on the Maine application to Region I by July 19, 1983. Notice was also given in two daily newspapers in Maine.

Discussion

The State of Maine submitted an application for Phase II Interim Authorization Components A, B, and C on April 14, 1983. The application addressed all of the federal requirements in 40 CFR Part 271 Subpart B necessary for Phase II Interim Authorization Components A, B, and C and was deemed a complete application on May 26, 1983.

Minor issues requiring clarification by the State were identified in the review of the complete application. The State responded with an Application Addendum letter dated August 22, 1983 and satisfactorily clarified certain aspects of its program raised by EPA by letter dated June 23, 1983.

Responsiveness Summary

Region I held the public hearing on the Maine application for Phase II authorization in Portland, Maine. Six (6) members of the public attended in addition to Region I and State agency representatives. No presentations were made by the public.

The public comment period closed on July 19, 1983 and EPA received no comments.

Response

EPA notes that no comments were made on the Maine application for Phase II Interim Authorization, Components A, B, and C. Ample notice and opportunity were provided for the review of and comment on the application. EPA interprets this silence, not as disinterest, but as general public acceptance of the viability of the Maine Hazardous Waste Management Program.

I conclude that the Maine application for Interim Authorization to operate the RCRA Phase II, Components A, B, and C program meets all of the statutory and regulatory requirements and as such I approve this authorization.

Authority

This notice is issued under the authority of Section 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indians-lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Dated: September 2, 1983.

Michael R. Deland,

Regional Administrator.

[FR Doc. 83-26134 Filed 9-23-83; 9:45 am]

BILLING CODE 5550-50-M

40 CFR Parts 413 and 433

[WH-FRL 2440-6]

Electroplating and Metal Finishing Point Source Categories; Effluent Limitations Guidelines Pretreatment Standards, and New Source Performance Standards; Clarification and Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; interpretation and correction.

SUMMARY: This document responds to requests that EPA clarify the intent of 40 CFR 413.01, which was promulgated on July 15, 1983 (48 FR 32462, 32482-83). It

also corrects printing errors in that FR notice.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Kinch, Effluent Guidelines Division (WH-552), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or by calling (202) 382-7159.

SUPPLEMENTARY INFORMATION: On July 15, 1983, EPA amended the pretreatment standards for existing source electroplaters (electroplating PSES), 40 CFR Part 413 (48 FR 32462, 32482). Several parties have asked that EPA clarify the meaning of § 413.01 of those standards. This notice explains EPA's original, and continuing, interpretation of that section, and of related sections in 40 CFR Part 433 (metal finishing PSES).

The final sentence of § 413.01 provides that, "These Part 413 standards shall not apply to a facility which must comply with all the pollutant limitations listed in § 433.15 (metal finishing PSES)". Some indirect dischargers have suggested that that sentence can be read to mean that "These part 413 standards shall not ever apply to a facility which eventually must comply with all the pollutant limitations listed in § 433.15 (metal finishing PSES)".

That suggested interpretation would distort the meaning of the regulation and would relieve thousands of electroplating facilities from their obligation to control releases of toxic metals and cyanide by the spring of 1984. That neither was, nor is, EPA's intent. It is also contrary to a careful reading of the regulation and of its accompanying preamble.

The final sentence of § 413.01 does exempt facilities that "must comply" with all § 433.15 standards from compliance with Part 413. However, the compliance date for all § 433.15 standards does not occur until February 15, 1986, 40 CFR 433.15(f), (48 FR 32487). Therefore, no facilities "must comply" with all the pollutant limitations listed in § 433.15 until February 15, 1986. Thus no facilities will be exempted from Part 413 before February 15, 1986. Until that time indirect-discharging electroplating facilities must comply with the applicable provisions of Part 413.

When Parts 413 and 433 are read together they create the pattern of phased compliance with EPA discussed in the July 15, 1983 preamble. It must be understood that electroplating is simply one form of metal finishing, and that the Part 433 metal finishing standards will apply only to plants which already practice electroplating. In general the Part 413 electroplating PSES are analogous to BPT-level criteria for direct dischargers in the electroplating/metal

finishing industry; the Part 433 metal finishing PSES are equivalent to BAT-level criteria for direct dischargers in the same industry.¹

All plants covered by the part 433 metal finishing PSES will first have been covered by the less stringent Part 413 electroplating standards. Almost all plants covered by the Part 413 electroplating standards must later meet the Part 433 metal finishing PSES; job shops and independent printed circuit board manufacturers are exempted from all Part 433 Metal Finishing PSES by § 433.10(c), pursuant to a March 7, 1980 Settlement Agreement among EPA, the National Association of Metal Finishers (NAMF), and the Institute for Interconnecting Packaging and Electronic Components (IIEPC).

As EPA stated in the July 15 preamble, "For PSES, facilities generally fall within the applicability of both parts, although, for each pollutant, only one part will apply at a given time". 48 FR 32475. This compliance schedule is specified in the regulations and outlined in Table 4 of the July 15 preamble, 48 FR 32476 (reproduced below). The following narrative statement repeats, and is intended to clarify, those interpretations.

TABLE 4—COMPLIANCE DATES

Regulation	Compliance
Electroplating PSES for Metals and Cyanide (Part 413).	Apr. 27, 1984 (for nonintegrated plants); June 30, 1984 (for integrated plants).
Electroplating PSES (Part 413) for TTO ² .	July 15, 1986.
Metal Finishing SPT (Part 433)...	As soon as possible.
Metal Finishing BAT	July 1, 1984.
Metal Finishing PSES for TTO ² .	June 30, 1984 (except for plants covered by Part 420); July 10, 1985 (for plants covered by Part 420).
Metal Finishing PSES for Metals, Cyanide and TTO ² .	Feb. 15, 1986.
Metal Finishing NSPS and PSNS.	From commencement of discharge.

¹ For these facilities the first TTO limit is based on management practices only.

² This TTO limit is based on management practices followed by precipitation/clearification.

Indirect discharging electroplating facilities must first comply with the Part 413 standards for metals and cyanides (by April 27, 1984 if they are a nonintegrated facility, and by June 30, 1984 if they are an integrated facility). Then all indirect discharging electroplaters, except job shops and independent printed circuit board

¹ The Clean Water Act requires industries discharging wastes directly into navigable waters to first meet limits based on "the best practicable control technology currently available" (BPT) and then to meet standards based on "the best available technology currently available" (BAT).

manufacturers,* must meet the Part 433 management standard for Total Toxic Organics (by July 10, 1985 for plants also covered by the Part 420 iron and steel PSES, and by June 30, 1984 for all other facilities). Next, by February 15, 1986, all indirect discharging electroplaters, except job shops and independent printed circuit board manufacturers, must comply with all the pollutant limitations listed in § 433.15 (metal finishing PSES). At that time they will cease to be covered by the Part 413 electroplating PSES.

On July 15, 1986, existing source indirect discharging job shops and independent printed circuit board manufacturers—the only facilities which would still be covered by Part 413—must meet a TTO limit based on management practices followed by precipitation/clarification.

Finally, if an indirect discharging electroplater no longer "must comply" with Part 433 (for example, because the Part 433 PSES are revoked by the Agency or remanded by a Court), then the facility will no longer be exempt from Part 413 and will again have to comply with the Part 413 PSES for electroplaters. Those PSES are less stringent than, but entirely compatible with, the Part 433 metal finishing PSES. EPA has determined that the pollution control technology relied upon in developing the Part 413 electroplating PSES can consistently comply with the Part 433 metal finishing PSES.

Corrections

EPA is also correcting the following printing errors which occurred in the original publication of the July 15, 1983 notice:

1. On page 32462, column three, item "VIII. C." is listed twice and is corrected by deleting one of the "C. BCT Effluent Limitations".

2. On page 32563, at the top of column three, "pubically" is corrected to read "publicly".

3. On page 32464, column two, Table 1 is corrected by deleting the " * * " appearing under the heading Nonintegrated.

4. On page 32464, column three, last paragraph, "materials" is corrected to read "material".

5. On page 32465, column one, last line, "on the major wastewater discharges" is corrected to read "in the major wastewater discharges".

6. On page 32465, column three, the last complete sentence is corrected by deleting "therefore".

7. On page 32466, column two, second full paragraph, "significant toxic organics pollutants" is corrected to read "significant toxic organic pollutants".

8. On page 32466, column two, third full paragraph, "Throughout the industry, however the wastestreams are alike" is corrected to read "However throughout the industry, the wastestreams are alike".

9. On page 32466, column three, first full paragraph, "standard" is corrected to read "standards".

10. On page 32469 at the top of column three, "11.16.8" is corrected to read "16.8".

11. On page 32473, column two, paragraph one, "brought" is corrected to read "bought".

12. On page 32476, column one, Table 4, under the heading Regulation, "Electroplating PSES for * * *" is corrected to read "Electroplating PSES for"; "Metals and Cyanide (Part 413)." is corrected by moving up one line and indenting; and "precipitation" in footnote 2 is corrected to read "precipitation".

13. On page 32477, column two, third full paragraph "significant" is corrected to read "significant".

14. On page 32477, column three, last paragraph "sources are full controlled." is corrected to read "sources are fully controlled."

15. On page 32478, column two, third full paragraph, "applicable to captive electroplating when they must comply with the Metal Finishing PSES for metals and cyanide is reached" is corrected to read "applicable to captive electroplating facilities when they must comply with the Metal Finishing PSES for metals and cyanide".

16. On page 32479, column two, third paragraph, "installation of pollution/equivalent" is corrected to read "installation of pollution control equivalent".

17. On page 32480, column one, third full paragraph, "the will occur" is corrected to read "they will occur".

18. On page 32480, column three, first full paragraph, "printed circuit boards" is corrected to read "printed circuit board manufacturers".

19. On page 32482, column one, under the term Development Document in Appendix A the following: "EPA 440-1-80-091-A, June 1980" is corrected by deletion.

20. On page 32482, column two, Appendix C, "1. @ Electroplating" is corrected to read "1. Electroplating".

§ 413.02 [Corrected]

21. On page 32483, column one, the listing of toxic organics in § 413.02(i) is corrected by moving each of the following: "(tetrachloromethane)", "(mixed)", "1,3-dichloropropene)", "(dichloromethane)", and "(chloromethane)" to the right of the term one line above.

22. On page 32483, column two, the listing of toxic organics in § 413.02(i) is corrected by indenting the following

"(benzo(a)anthracene)", "(benzo(b)fluoranthene)", "(benzo(k)fluoranthene)", "(benzo(ghi)perylene)", "(dibenzo(a,h)anthracene)", "(2,3-o-phenylene pyrene)", "Alpha-BHC", "Beta-BHC", "Gamma-BHC", "Delta-BHC", "PCB-1242 (Arochlor 1242)", "PCB-1254 (Arochlor 1254)", "PCB-1221 (Arochlor 1221)", "PCB-1232 (Arochlor 1232)", "PCB-1248 (Arochlor 1248)", "PCB-1290 (Arochlor 1290)", and "PCB-1016 (Arochlor 1016)".

§ 413.03 [Corrected]

23. On page 32483 in § 413.03(a) at the top of column three, "implementing the solvent management plan" is corrected to read "implementing the toxic organic management plan".

24. On page 32483 in § 413.03(b), first full paragraph, "submit a solvent management plan" is corrected to read "submit a toxic organic management plan".

§§ 413.14, 413.24, 413.44, 413.54, 413.64, 413.74, and 413.84 [Corrected]

25. On pages 32483, 32484 and 32485 the pollutant limitations in § 413.14(f), § 413.24(f), § 413.44(f), § 413.54(f), § 413.64(f), § 413.74(f), and § 413.84(f) are as follows:

Pollutant or pollutant property	Maximum for any 1 day
TTO	4.57

and are corrected to read as follows:

Pollutant or pollutant property	Maximum for any 1 day
	Milligrams per liter (mg/l)
TTO	4.57

26. On pages 32483, 32484, and 32485 the pollutant limitations in § 413.14(g), § 413.24(g), § 413.44(g), § 413.54(g), § 413.64(g), § 413.74(g), and § 413.84(g) are as follows:

* Job shops and independent printed circuit board manufacturers are exempted from all Part 433 Metal Finishing PSES by § 433.10(c), pursuant to a March 7, 1980 Settlement Agreement among EPA, NAMF, and IPEEC.

Pollutant or pollutant property	Maximum for any 1 day
TTO	2.13

and are corrected to read as follows:

Pollutant or pollutant property	Maximum for any 1 day
	Miligrams per liter (mg/l)
TTO	2.13

§ 433.10 [Corrected]

27. On page 32485, in § 433.10(a) the bottom of column two is corrected by adding the following:

"Nonferrous forming (40 CFR Part 471)" and "Electrical and electronic components (40 CFR Part 469)".

§ 433.11 [Corrected]

28. On page 32485, in § 433.11 introductory text, third column, the second full paragraph, "set forth in 40 CFR" is corrected to read "set forth in 40 CFR Part 401".

29. On page 32485, the third column, in § 433.11(b) "Chlorination" is corrected to read "chlorination".

30. On page 32485, the third column, in § 433.11(e) "(benzo(a)anthracene)" is corrected by indenting.

31. On page 32486, in § 433.11(e) the first column, "dibenzo(a,h)anthracene" is corrected to read "dibenzo(a,h)anthracene"; "chlorodibromomethane" is corrected to read "chlorodibromomethane"; the second listing of "N-nitrosodimethylamine" is corrected to read "N-nitrosodiphenylamine"; "Heptachlor epoxide (BHC)" is corrected to read "Heptachlor epoxide"; and "hexachlorocyclohexane" is corrected to read "(BHC-hexachlorocyclohexane)".

32. On page 32486, in § 433.11(e) column one, the listing of toxic organics is corrected by indenting the following: "Alpha-BHC", "Beta-BHC", "Gamma-BHC", "Delta-BHC", "PCB-1242 (Arochlor 1242)", "PCB-1254 (Arochlor 1254)", "PCB-1221 (Arochlor 1221)", "PCB-1232 (Arochlor 1232)", "PCB-1248 (Arochlor 1248)", "PCB-1260 (Arochlor 1260)", and "PCB-1016 (Arochlor 1016)".

33. On page 32486, in § 433.11(e) column one, the following list of organic compounds:

3,3-dichlorobenzidine
1,1-dichloroethylene
1,2-trans-dichloroethylene
2,4-dichlorophenol
1,2-dichloropropane (1,3-dichloropropene)
2,4-dimethylphenol
2,4-dinitrotoluene
2,6-dinitrotoluene

1,2-diphenylhydrazine
Ethylbenzene
Fluoranthene
4-chlorophenyl phenyl ether
4-bromophenyl phenyl ether
Bis(2-chloroisopropyl) ether
Bis(2-chloroethoxy) methane
Methylene chloride (dichloromethane)
Methyl chloride (chloromethane)
Methyl bromide (bromomethane)
Bromoform (tribromomethane)
Dichlorobromomethane
Chlorodibromomethane
Hexachlorobutadiene
Hexachlorocyclopentadiene
Isophorone
Naphthalene
Nitrobenzene
2-nitrophenol
4-nitrophenol
2,4-dinitrophenol
4,6-dinitro-o-cresol
N-nitrosodimethylamine
N-nitrosodiphenylamine

is corrected by moving the above from page 32486 to page 32485, column three, after the term "1, 4-dichlorobenzene".

§ 433.12 [Corrected]

34. On page 32486, in § 433.12(a), column two, the first full paragraph, "implementing the solvent management plan" is corrected to read "implementing the toxic organic management plan".

35. On page 32486, column two, in § 433.12(c) "and before dilution" is corrected to read "and before dilution".

§ 433.15 [Corrected]

36. On page 32487, column two, in § 433.15(d) "implement the solvent management plan" is corrected to read "implement the toxic organic management plan".

37. On page 32487, column two, in § 433.15(f) "paragraphs (a), (b), (c) and (d) of this section shall be achieved as soon as possible, but not later than February 15, 1986" is corrected to read "paragraphs (a) and (b) of this section shall be achieved as soon as possible, but not later than February 15, 1986".

§ 433.16 [Corrected]

38. On page 32487, column three, in § 433.16(c) "or otherwise dilute the wastewater" is corrected to read "or otherwise dilute the wastewater".

§ 433.17 [Corrected]

39. On page 32488, column one in § 433.17(d) "implement the solvent management plan" is corrected to read "implement the toxic organic management plan".

List of Subjects

40 CFR Part 413

Electroplating, Metals, Water pollution control. Waste treatment and disposal.

40 CFR Part 433

Electroplating, Metals, Water pollution control. Waste treatment and disposal.

Dated: September 15, 1983.

Steven Schatzow,

Acting Assistant Administrator for Water.

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GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 73]

Withholding of Funds From Construction Contract Progress Payments

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This temporary regulation prescribes guidance regarding the retention or withholding of funds from progress payments made under Government construction contracts. The basis for this temporary regulation is Office of Federal Procurement Policy (OFPP) Policy Letter 83-1, dated May 6, 1983. The intended effect is to establish a uniform policy stating that contracting officers should not withhold funds from construction contract progress payments without cause and that determinations regarding the use of retainage and the specific levels to be withheld shall be made on a case-by-case basis based on contractor performance.

DATES:

Effective September 26, 1983.

Expiration date: July 30, 1985.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank T. Van Lierde, Office of Federal Acquisition and Regulatory Policy (VR), Office of Acquisition Policy, (202-523-4768).

SUPPLEMENTARY INFORMATION:

(Sec. 205(c), 63 Stat. 390; 40 USC 486(c))

In 41 CFR Chapter 1, the following temporary regulation is added to the appendix at the end of the chapter.

Federal Procurement Regulations—Temporary Regulation 73

September 15, 1983.

To: Heads of Federal agencies.

Subject: Withholding of funds from construction contract progress payments.

1. **Purpose.** This temporary regulation implements Office of Federal Procurement Policy (OFPP) Policy Letter 83-1, dated May 6, 1983.