§ 201.520 **Structural design and standards.**

* * * * *

(c) *Manufacturer's warranty.*—When a new mobile home purchased with financing insured under 12 U.S.C. 1703 is delivered to the purchaser, the manufacturer shall deliver to the purchaser a written warranty on a form prescribed by the Commissioner. Such warranty shall be in addition to, and not in derogation of, all other rights and privileges which the purchaser may have under any law or instrument and the warranty instrument shall so provide. A copy of the warranty instrument shall be retained in the loan file.

* * * * *

(Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)) sec. 2, 48 Stat. 1246, (12 U.S.C. 1703).)

Effective date:—This amendment is effective November 15, 1973.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit.

FH-14

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING ADMINISTRATION

MOBILE HOME WARRANTY

Mobile home description

Model

Number

Date of delivery to purchaser(s)

Name and address of dealer/seller

Purchaser(s)

For good and valuable consideration, and to induce purchase of the above identified mobile home by the above named Purchaser(s) and to further induce the Secretary of Housing and Urban Development to insure a loan to such Purchaser(s) under The National Housing Act, the undersigned manufacturer of the aforesaid mobile home does hereby warrant to the Purchaser(s) and to his (their) transferee(s), that:

The mobile home identified above complies with the mobile home standards prescribed by the Secretary of Housing and Urban Development that were in effect at the time the mobile home was manufactured and the mobile home is free from defects in material or workmanship. This warranty shall obligate the manufacturer to take appropriate corrective action within a reasonable period of time in instances of nonconformity to such standards and/or instances of defects in materials or workmanship which become evident within 1 year from the date of delivery of the mobile home and as to which the Purchaser(s) or his (their transferee(s)), give written notice to the manufacturer not later than 1 year and 10 days after the date of delivery set forth above. Such written notice shall be delivered to the manufacturer-warrantor at the address set forth herein. This warranty shall not obligate the manufacturer to correct defects or conditions in the mobile home that may occur as a result of abnormal usage or a lack of proper maintenance.

The term "mobile home" as used herein shall be deemed to include the mobile home structure including the plumbing, heating and electrical systems and all appliances and equipment installed or built-in by the manufacturer.

This warranty shall be in addition to, and not in derogation of, all other rights and privileges which such Purchaser(s) may have under any other law or instrument and the manufacturer agrees that the Purchaser(s) will not be required to execute a waiver of any warranty rights under the laws of the state of the purchaser's residence.

IN TESTIMONY WHEREOF, the manufacturer has signed and sealed this warranty this _____ day of _____, 19_____.

(Name and Address of Manufacturer/Warrantor)

By: _____

(Signature and Title of Authorized Official)

WARNING

Section 1010 of Title 18, U.S.C., "Department of Housing and Urban Development, Federal Housing Administration transactions," provides: "Whoever, for the purpose of—influencing in any way the action of such Administration—makes, passes, utters, or publishes any statement, knowing the same to be false—shall be fined not more than $5,000 or imprisoned not more than two years, or both."

Notice to Purchaser: Any notice of nonconformity must be delivered to the warrantor no later than one year and ten days from the date of delivery to you.

Receipt of this warranty is acknowledged this _____ day of _____, 19_____.

(Signature of Purchaser(s))

[Doc. 73-19459 Filed 9-13-73;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-205]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Illinois	Woodford	Unincorporated areas.				Sept. 7, 1973, Emergency.
Michigan	Emmet	Harbour Springs, city of.				Do.
Missouri	St. Louis	Brentwood, city of.				Do.
New York	Allegany	Alfred, village of				Do.
Do.	Broome	Binghamton, city				Do.
Ohio	Warren	Franklin, city of				Do.
Pennsylvania	Lycoming	McHenry, township of.				Do.
Texas	Hale	Plainview, city of				Do.
Wisconsin	Manitowoc	Cleveland, village of.				Do.
Do.	Sauk	Unincorporated areas.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127), and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued August 31, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-19360 Filed 9-13-73;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-206]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Sections 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Ohio	Cuyahoga	Hunting Valley, village of.	----------	----------	----------	Sept. 10, 1973.
Pennsylvania	Erie	Fairview, township of.	----------	----------	----------	Do. Emergency.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127) and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: September 4, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-19481 Filed 9-13-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

PART 809—ISSUE AND CONTROL OF IDENTIFICATION (ID) CARDS

Miscellaneous Amendments; Correction

In FR Doc.73-18576, appearing at page 23945, in the issue of Wednesday, September 5, 1973, item 17 of § 809.7 should be corrected to read:

17. Medal of Honor Recipients No No (3) Yes Yes.
a. Lawful wife No No (3) Yes Yes.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-19550 Filed 9-13-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Prepayment of Mortgage Loans Interest Charges

The Veterans Administration is amending § 36.4310, Title 38, Code of Federal Regulations to make clear that on full prepayment of guaranteed mortgage loans interest may be charged only to date of such payment. This amendment is issued pursuant to the authority of section 210, Title 38, United States Code.

Prepayment in full of mortgage loans must be accepted and credited to the loan account on the date received and no interest may be charged thereafter. This has been the policy and interpretation of this regulation for many years. This amendment is intended to clearly set forth this policy and regulation interpretation.

The last sentence of § 36.4310 is to be deleted as obsolete. The Administrator no longer has authority to make an initial 4 percent payment, and has not had such authority for many years.

Compliance with the provisions of § 1.12, Title 38, Code of Federal Regulations, as to notice of the proposed regulatory development, is not recommended. There is no change in the policy of this Administration nor in the interpretation of this regulation. The change in wording is merely to make clear this long established practice.

§ 36.4310 **Prepayment.**

The debtor shall have the right to prepay at any time, without premium or fee, the entire indebtedness or any part thereof not less than the amount of one installment, or $100, whichever is less. Any prepayment in full of the indebtedness shall be credited on the date received, and no interest may be charged thereafter. Any partial prepayment made on other than an installment due date need not be credited until the next following installment due date or 30 days after such prepayment, whichever is earlier. The holder and the debtor may agree at any time that any prepayment not previously applied in satisfaction of matured installments shall be reapplied for the purpose of curing or preventing any subsequent default.

Effective date.—This VA Regulation is effective September 10, 1973.

Approved September 10, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-19571 Filed 9-13-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Sulfur Oxides

On April 30, 1971 (36 FR 8186), the Administrator of the Environmental Protection Agency promulgated as 40 CFR Part 410, national primary and secondary ambient air quality standards under section 109 of the Clean Air Act, as amended. These regulations were republished November 25, 1971, as 40 CFR Part 50. This notice revokes the annual secondary sulfur dioxide standard, announces a revision to *Air Quality Criteria for Sulfur Oxides*, and announces the conclusions from a reevaluation of the basis for the secondary three-hour average sulfur dioxide standard.

REVOCATION OF THE ANNUAL SECONDARY SO_2 STANDARD

On May 7, 1973 (38 FR 11355), a notice of proposed rulemaking to revoke the annual secondary standard was published.

Public comments were invited. Comments have been received from 23 organizations or individuals, and have been reviewed and considered prior to this rulemaking. EPA's reasons for revoking the annual secondary standard were set forth in the notice of proposed rulemaking and are further discussed herein.

The amendments set forth herein will revise 40 CFR Part 50.5 by revoking the annual National Secondary Ambient Air Quality Standard for Sulfur Dioxide which is 60 microwaves per cubic meter (0.02 p.p.m.). In addition, the amendments will delete from § 50.5 the maximum 24-hour concentrations of 260 micrograms per cubic meter (0.1 p.p.m.) published as a guide to be used in assessing implementation plans to achieve the annual standard. The secondary 3-hour standard, a maximum concentration of 1,300 micrograms per cubic meter (0.5 p.p.m.) not to be exceeded more than once per year, remains in effect.

Section 109 of the Clean Air Act requires the Administrator to establish national primary ambient air quality standards "to protect the public health" and national secondary ambient air quality standards "to protect the public welfare from any known or anticipated adverse effects." Section 302(h) defines effects as including, but not limited to, "effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being." Such national standards must be based on air quality criteria which, under section 108, must "reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health and welfare which may be expected from the presence [of air pollutants] in the ambient air, in varying quantities." Thus, secondary national standards are necessarily limited to demonstrable or predictable adverse effects which can be quantitatively related to pollutant concentrations in the ambient air. Currently, injury to vegetation is the only type of welfare effect of sulfur dioxide that can be quantitatively related to ambient concentrations of this pollutant.

EPA is aware that sulfur dioxide has or may have effects on other sectors of the public welfare, such as materials, visibility, soils, and water. To some extent, the primary standards for sulfur dioxide and the remaining secondary standard mitigate such effects. Sufficient data are not now available, however, to establish a quantitative relationship between specific sulfur dioxide concentrations and such effects. Furthermore, it is not clear that any such effects, to the extent that they may occur at concentrations below the current national standards, are adverse to the public welfare.

As stated in the notice of proposed rulemaking, the annual secondary standard was based on a study by Linzon, which is discussed in Air Quality Criteria for Sulfur Oxides. A reanalysis of the data on which the annual standard was based indicated that it could not properly be concluded that the injury reported in Linzon's study resulted from the average sulfur dioxide concentration over a full year or even the six-month growing season, as distinguished from short-term peak concentrations.

After a review of the public comments that were received as part of this rulemaking, the Administrator has concluded that there still is not adequate information on which to base any long-term secondary standard for sulfur dioxide. The comments that were received in opposition to this rulemaking did not identify a specific annual average level of sulfur dioxide that could be directly related to an adverse effect on the public welfare.

Twenty-three letters of public comment were received. Eleven indicated support of EPA's action; nine indicated opposition. The remaining three stated no preference.

Opposition to revoking the annual standard was based, in part, on the contention that it should be retained to protect against corrosion of materials, visibility reduction, and occurrence of acid rain. A response to these particular comments follows:

1. Although EPA is aware that high long-term average concentrations of sulfur dioxide, accompanied by high levels of particulate matter, will increase the corrosion rate of some materials, there are not adequate data relating such corrosion to long-term sulfur dioxide levels below those now prescribed by the primary standards.

2. The quantitative relationship between sulfur dioxide and reduction in visibility is not presently known. There is evidence that particulate sulfate and sulfuric acid mist may act with other particulate matter to reduce visibility. Insufficient knowledge of factors such as humidity, and of the indirect role that sulfur dioxide itself plays in reducing visibility, makes the formulation of a sulfur dioxide standard based on visibility impracticable.

3. The mechanism of the formation of acid rain; the long-term effect of acidic moisture on plants, materials, and soils; and the concentrations of sulfur dioxide that can result in the formation of rain of sufficient acidity to be a danger to the environment currently are being investigated throughout the world. The data needed for standard-setting are not now available. Furthermore, it is not clear that acid rain would be a problem following attainment of the national primary standards for sulfur dioxide.

EPA will be pleased to receive, at any time, data which relate specific ambient air concentrations of sulfur dioxide to quantified effects such as the formation of acid rain, corrosion of materials, reduction in visibility, damage to vegetation, or any adverse change to the ecosystem. The relationships between the specific ambient air concentrations of sulfur dioxide, either alone or in combination with other environmental factors, and the adverse effects caused by those concentrations must be demonstrable or predictable prior to establishing any national secondary ambient air quality standard.

Two organizations, the Native American Rights Fund and the Natural Resources Defense Council, Inc., submitted particularly detailed comments in opposition to the proposed revocation. Their comments cited a number of studies of sulfur dioxide effects on vegetation, all well known to EPA. Neither the studies cited nor the comments made by the Natural Resources Defense Council and the Native American Rights Fund identified, nor provided a basis for identifying, ' long-term concentrations of sulfur dioxide, the attainment of which is necessary to protect against adverse effects. In addition, neither the studies nor the comments indicated that vegetation damage during the course of a year was the result of an annual average level rather than high short-term peak exposures to sulfur dioxide.

A number of the comments in opposition to revoking the annual secondary standard suggested revision of the primary standards to more stringent levels than are now prescribed. EPA is aware of the results of the studies which were cited in support of these comments. At the present time, however, it is unclear to what extent sulfur dioxide acts as a precursor to health effects more adverse than those now noted in the Air Quality Criteria for Sulfur Oxides.

This revocation does not affect the acceptability and enforceability of currently approved implementation plans. These plans are considered adequate and necessary to attain and maintain the remaining sulfur dioxide standards.

Revisions to Sulfur Oxides Criteria Document

Section 108(c) of the Clean Air Act as amended in 1970 provides that the Administrator will "from time to time review, and as appropriate, modify any criteria * * *." In keeping with this section of the Act, notice is given in this issue of the Federal Register of the publication of a revision to Chapter 5, "Effects of Sulfur Oxide in the Atmosphere on Vegetation," of Air Quality Criteria for Sulfur Oxides. This revision includes the results of a number of studies completed since initial publication of the Criteria Document in 1969, and also includes reanalysis of older data in the light of new information.

The revision has been reviewed by the National Air Quality Criteria Advisory Committee, composed of representatives from industry, universities, conservation groups, and all levels of government; by individuals specially selected for their competence, expertise, or special interest in the effects of air pollutants on vegetation; and by a Federal consultation committee, comprised of members from appropriate Federal departments and agencies.

At the present time, the Administrator judges that the revised vegetational portion of the Air Quality Criteria for Sulfur Oxides provides the only adequate basis for the secondary National Ambient Air Quality Standards for Sulfur Dioxide. More than 700 published scientific papers concerning vegetational response to exposure to sulfur dioxide were reviewed by the Environmental Protection Agency. From these papers, 141 were selected by EPA as presenting the most significant criteria information. These papers are referenced and cited in the revised criteria document.

The Administrator realizes there are limitations in the scientific knowledge of vegetational effects resulting from exposure to sulfur dioxide in combination with other ambient air pollutants. As an example, it is known that sulfur dioxide combined with other pollutants may cause visible injury on vegetation to occur at lower levels than if vegetation were exposed to sulfur dioxide alone. A few studies in the revised criteria document consider the combined effects, but most studies deal with single pollutant effects. Only interactions between sulfur dioxide and ozone, and sulfur dioxide and oxides of nitrogen, have been cited in the revised criteria document. The information on combined effects presented in the criteria document is not based on extensive studies. The results are from preliminary laboratory studies which point out some conflicting results requiring in-depth review. There are some cases where plants are apparently undamaged by pollutant mixtures although the sulfur dioxide level by itself would lead one to believe that damage would occur. The potential for damage at low concentrations of pollutant mixtures clearly exist; however, there is not at this time, in the judgment of the Administrator, adequate data on which to base a standard solely on the combined effects.

The revised vegetational criteria cite environmental factors which in some way influence the susceptibility of vegetation injury as the result of sulfur dioxide exposure. For example, vegetation is most easily injured when: (1) Adequate soil moisture for growth is present, (2) humidity is high, (3) temperatures are above 40° F., (4) the vegetation is actively growing, and (5) sunlight is present. Environmental factors such as these are interrelated and no study has been located to date which succeeds in adequately isolating the relative importance of each.

Those studies which exist in the revised criteria document concerning vegetational harm in the entire growing season do not adequately indicate whether the observed injury was caused by a long-term exposure to low levels of sulfur dioxide or by high exposures of sulfur dioxide which occurred during shorter time periods. In the absence of such information, the Administrator has determined that proposing a standard based on growing season exposures to sulfur dioxide is not warranted at this time.

Laboratory, field-chamber, and ambient air studies are cited in the revised criteria. Laboratory and field chamber studies tend to be artificial by design and never completely simulate ambient air conditions. The intent of most laboratory and field chamber studies is to discover the effects resulting from direct exposure to the pollutants without the interference of numerous environmental parameters including other pollutants. As a result, laboratory and field chamber studies tend to either overrestrict a number of environmental conditions which might make vegetation more sensitive, or condition the vegetation to be much more sensitive than would be found under natural conditions. For example, natural environmental conditions such as excess moisture and sunlight, which influence the sensitivity of plants, together with the random interactions with other pollutants, may cause injury to occur at lower ambient air concentrations of sulfur dioxide than those reported in laboratory or chamber studies where such conditions are absent. In ambient air studies, a single pollutant and its effects are difficult to isolate from similar effects caused by sensitive environmental conditions or other pollutants. However, if ambient air studies are complemented by laboratory and field chamber studies, effects can be better related to the pollutant.

The Environmental Protection Agency is well aware that sulfur dioxide has effects on non-vegetational sectors of the public welfare such as materials, visibility, odor, taste, and the acidification of rain. However, the current National Secondary Ambient Air Quality Standard is not intended to protect these sectors of the public welfare from long-term effects of SO_2 because either protection is afforded by the existing National Annual Primary Ambient Air Quality Standard (80 micrograms per cubic meter) or sufficient data are not presently available to develop criteria for standards based on these effects.

The Environmental Protection Agency is continuing to conduct research on the long-term effects of sulfur dioxide exposure. During the period of prolonged research, however, the Administrator invites any relevant comment on the existence of scientifically recognized sulfur dioxide effects information which provides a quantitative basis for a long-term National Secondary Ambient Air Quality Standard. Data are especially desired which can relate specific ambient air concentrations of sulfur dioxide to quantified effects in such areas as the formation of acid rain, corrosion of materials, reduction in visibility, or any adverse change to the ecosystem.

As an example of nonvegetation effects, it is known that high annual concentrations of sulfur dioxide accompanied by high particulate levels will increase the corrosion rate of some materials. The Environmental Protection Agency has inadequate data with which to relate the effects of corrosion to long-term ambient air sulfur dioxide levels which are below those now prescribed by the primary standards.

The direct quantitative relationship between sulfur dioxide and reduction in visibility is not presently known. There is evidence that particulate sulfate and sulfuric acid mist may act with other particulate matter to reduce visibility; however, insufficient knowledge of the effects of environmental factors such as humidity, and of the indirect role that sulfur dioxide itself plays in reducing visibility, make a standard based on visibility impossible to propose at this time.

In the case of acidification of rain, the mechanism of the acid rain formation; the long-term effects of acidic moisture on plants, materials, and soils; and the concentrations of sulfur dioxide which can result in the formation of rain of sufficient acidity to be an danger to the environment are not fully understood by the Environmental Protection Agency at this time. The Administrator solicits any additional information concerning these, or any other currently unquantified, effects of sulfur oxides in the ambient air.

Reevaluation of the Three-Hour SO_2 Standard

In the May 7, 1973 proposal to revoke the annual secondary standard, it was stated that "there is some question as to whether * * * injury to vegetation may result from short-term exposure to SO_2 concentrations which do not exceed the three-hour standard * * *." The Environmental Protection Agency has evaluated the additional data as presented in the revised criteria document, and has determined that this data does not provide an adequate and appropriate basis for revision of the existing three-hour standard.

The revised criteria document presents the results of studies which indicate that visible injury to some types of vegetation (minor leaf spotting) can result from short-term concentrations of SO_2 which do not exceed the current standards. Evidence of this visible injury has occurred on generally sensitive vegetation grown under environmental conditions which tend to favor maximum sensitivity. However, the Clean Air Act requires that secondary standards be established to protect the public welfare from adverse effects. The Administrator has given careful consideration to the question of whether this degree of injury can be responsibly defined as an adverse effect within the meaning of the Clean Air Act. After consultation with other agencies and individuals, including the United States Department of Agriculture, the Administrator has determined that, in his judgment, standards developed solely to protect against minor visible injury are not necessarily requisite to protect the public welfare from adverse effects.

The data presented in the revised criteria document also provide additional information regarding the levels of SO_2

concentration which can cause growth retardation or yield reduction of vegetation. These data provide adequate evidence that the current secondary standard (1,300 ug/m³ maximum three-hour concentration) is adequate and necessary to protect the public welfare from these adverse effects.

The Administrator recognizes, and has considered, the opinion that national standards should be established to protect against all effects of air pollutants, rather than only adverse effects. However, this opinion is inconsistent with the language of the Clean Air Act which requires protection against adverse effects, and also fails to accommodate the fact that, for some pollutants, the concentration levels which result in perceptible effects may be dependent upon available measurement and observation techniques, i.e., as research techniques improve, the level at which "effects" become perceptible becomes progressively lower, even though the level at which these effects become adverse remains relatively constant.

Several States have been granted an extension of time pursuant to section 110 (b) for submittal of State plans for implementation of the secondary sulfur dioxide standards, and in some cases submittal of these plans has been delayed pending results of EPA's reevaluation of the standards. That reevaluation is now complete, with results as reported herein and in the revised criteria document. The Administrator therefore expects that all State plans for implementation of the sulfur dioxide standards will be submitted within four months from date of this notice.

This notice of rulemaking is issued under authority of sections 109 and 301 of the Clean Air Act (42 U.S.C. 1857c-4 and 1857g).

Dated September 6, 1973.

JOHN R. QUARLES, Jr.,
Acting Administrator,
Environmental Protection Agency.

Part 50, Title 40, Code of Federal Regulations is amended by revising § 50.5 as follows:

§ 50.5 National Secondary Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide).

The National Secondary Ambient Air Quality Standard for sulfur oxide measured as sulfur dioxide by the reference method described in Appendix A to this part, or by any equivalent method is 1,300 micrograms per cubic meter (0.5 p.p.m.) maximum 3-hour concentration not to be exceeded more than once per year.

[FR Doc.73-19295 Filed 9-13-73;8:45 am]

PART 126—AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING AREAS AND RESPONSIBLE PLANNING AGENCIES

On May 30, 1973, notice was published in the FEDERAL REGISTER, 38 FR 14230, that the Environmental Protection Agency was proposing policies and procedures for the designation of areawide waste treatment management pursuant to section 208(a) of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 (33 U.S.C. 1251, 1288 (a)(1))).

The regulations are designed to serve as guides for the Governors of the States and chief elected officials of general purpose local government in identifying areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems which require an areawide approach in planning for and implementing corrective action, and in designating agencies capable of developing waste treatment management plans for such areas.

In view of the intent of the legislation, the Environmental Protection Agency believes that an areawide water quality management program should be carried out to gain the following objectives:

Provide cost effective, point source treatment and control for areas of urban-industrial concentrations having substantial water quality control problems.

Provide for control of nonpoint sources in urban-industrial and other areas where such controls are required including prevention of water quality problems in the future.

Provide for coordinated waste treatment management in such areas.

Written comments on the proposed rulemaking were invited and received from interested parties. A number of verbal comments also were received. The Environmental Protection Agency has carefully considered all submitted comments. All written comments are on file with the Agency. Certain of these comments have been adopted or substantially satisfied by editorial change, deletions from, or additions to the regulations. These changes are discussed below.

(a) A substantial water quality control problem was further defined to indicate that the problem exists where water quality has been degraded to the extent that desired uses are impaired or precluded. The identification of water quality segments under 40 CFR Part 130 or groundwater pollution problems are measures of the extent of the problem.

(b) The definition of local units of government that may respond to indicate intent to join together in the planning process now includes both general purpose and other appropriate units of local government. (See § 126.10(c).)

(c) The criteria for designation of a planning agency now includes the consideration of an existing agency's capability for implementing the plan or having the plan implemented. (See § 126-11(b).).

(d) The requirements for the submission of information on 208 planning areas and agencies have been revised to require a statement relating the boundaries of the area to the SMSA but not to require conformance to SMSA boundaries. (See § 126.15.)

(e) The Governor's right to nondesignate in intrastate areas only is clarified. (See § 126.16.)

(f) Where 208 planning area and agency designations are made by local public officials, the Governor's views on these designations may be made to the Administrator.

(g) The Administrator's approval or disapproval actions of areas and agencies will be published in the FEDERAL REGISTER. (See § 126.17.)

(h) The requirements for public participation as set forth in 40 CFR, Part 105 shall be followed.

Effective date.—September 14, 1973.

Because of the importance of promptly making known to States, local units of government and other interests the contents of these regulations in order that area and agency designations may be made under section 208(a) of the Act, the Administrator finds good cause to declare the regulations effective on September 14, 1973.

Dated September 4, 1973.

JOHN QUARLES,
Acting Administrator.

Subpart A—Scope and Purpose; Definitions

Sec.

126.1 Scope and Purpose.
126.2 Definitions.

Subpart B—Procedures for Designation of 208 Planning Areas and Agencies Responsible for Planning

126.10 Criteria for determination of 208 planning areas.
126.11 Criteria for designation of agencies responsible for planning.
126.12 Procedure for designation of intrastate 208 planning areas and agencies responsible for planning.
126.13 Procedure for designation of interstate 208 planning areas and agencies responsible for planning.
126.14 Nondesignation of 208 planning areas and/or agencies by Governor(s).
126.15 Submissions of 208 planning areas and agencies responsible for planning.
126.16 Procedure for designation of 208 planning areas and agencies responsible for planning by the chief elected officials of general purpose local government.
126.17 Review of submissions.
126.18 Revisions.

Subpart C—State Planning in Nondesignated Areas

126.20 Determination of planning agencies in nondesignated areas.

Subpart D—Public Participation

126.30 Public participation requirements in designation of 208 planning areas and designation of agencies responsible for planning.

Subpart E—Assistance to Designated Agencies

126.40 Determination of eligibility.

AUTHORITY.—Sec. 208 and 501, 86 Stat., 816, (33 U.S.C. 1251, 1288(a)(1)).

Subpart A—Scope and Purpose; Definitions

§ 126.1 Scope and purpose.

This part establishes regulations specifying procedural and other elements and criteria for the use of State Governors and chief elected officials of general purpose local government in the designation of the areas, including their

boundaries, requiring areawide planning for waste treatment management pursuant to section 208 of the Act and designation of agencies responsible for such planning. This part provides that each State should comply with the requirements of this Part not later than 180 days after the date of publication of this part.

§ 126.2 Definitions.

As used in this part, the following terms shall have the meanings set forth below:

(a) The term "Act" means the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 (33 U.S.C. 1251, 1288(a)(1)).

(b) The term "EPA" means the U.S. Environmental Protection Agency.

(c) The term "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(d) The term "208 planning areas" means the area designated under section 208(a) (2), (3), or (4) of the Act.

Subpart B—Procedures for Designation of 208 Planning Areas and Agencies Responsible for Planning

§ 126.10 Criteria for determination of 208 planning areas.

The following criteria will be utilized in designation of 208 planning areas.

(a) A Preference will be given by the Administrator, in approving designation, to areas of urban-industrial concentrations, because of the Act's legislative history and in view of the institutional nature of urban-industrial concentrations. For this purpose an urban-industrial concentration is that portion of a standard metropolitan statistical area (SMSA—as defined by the Office of Management and Budget), or those portions of SMSA's, having substantial concentrations of population and manufacturing production or other factors which result in substantial water quality control problems. The entire SMSA(s) may be designated as the planning area. Such areas may be increased to include areas outside the SMSA(s) which have substantial water quality control problems resu''ng from concentrations of population and manufacturing activity or other factors and which are contiguous to the SMSA(s);

(b) The area must have a substantial water quality control problem. A substantial water quality control problem shall be considered to exist only where the complexity and nature of the water quality control problem requires an areawide waste treatment management plan, and where water quality has been degraded to the extent that desired uses are impaired or precluded. A measure of the extent of the problem includes those areas where:

(1) A substantial portion of the major receiving waters available for waste discharge from the area has been classified by the State as a water quality segment, after adequate analysis demonstrating this classification, under the requirements of Part 130 of this chapter, or;

(2) A substantial and extensive groundwater pollution problem exists; or where the dependence of an area on groundwater makes it essential that its ground water resource be given the necessary protection from pollution it requires.

(c) The affected general purpose or other appropriate units of local government within the boundaries of the 208 planning area must:

(1) Have in operation a coordinated waste treatment management system, or

(2) Show their intent, through formally adopted resolutions, to join together to develop and implement a plan which will result in a coordinated waste treatment management system for the area.

(d) Affected units of local government must have legal authority to enter into agreements for coordinated wastewater management in compliance with section 208 of the Act.

§ 126.11 Criteria for designation of agencies responsible for planning.

(a) The agency shall be a representative organization whose membership shall include but need not be limited to elected officials of local governments, or their designees, having jurisdiction in the designated planning area. The agency shall establish procedures for plan adoption and resolution of major issues. The agency shall have waste treatment planning jurisdiction in the entire designated area. Existing, capable regional agencies may be designated consistent with the policies in Title IV of the Intergovernmental Cooperation Act of 1968, as implemented by Part IV of OMB Circular A-95. A single qualified agency may be designated as being responsible for planning in more than one planning area.

(b) In the selection of the areawide planning agency, the Governor(s) must consider that such agency, pursuant to section 208(b)(1) of the Act, shall have the water quality management planning process fully underway no later than 1 year after its designation. Further, the agency must have the capability to complete, and shall complete, the initial water quality management plan no later than 2 years after the planning process is in operation or such earlier date as the State may require for incorporation into State plans required under section 303 (e) of the Act. The Governor or, in interstate cases, the Governors, shall in the designation process, consider:

(1) The general and specific legal authorities and prohibitions applicable to the agency with regard to water quality management planning, including but not limited to coordination with or participation in comprehensive planning, land use planning, water sewer planning, coastal zone planning, and other related planning and development activities and controls.

(2) The relationship of the agency (both formal and informal) with planning agencies of different levels of government including but not limited to Federal, State, interstate and Federal-State agencies as well as local government agencies.

(3) The relationship of the agency (both formal and informal) with management and regulatory agencies such as those that possess zoning and subdivision controls, and those that construct and operate wastewater facilities.

(4) Where an existing agency is designated:

(i) The agency's past record in water quality management planning with special regard to plan quality, technical, fiscal, political, and economic feasibility, and environmental soundness.

(ii) The agency's expertise, either in-house or readily available, with particular regard to water quality and comprehensive planning.

(iii) The agency's fiscal, manpower, data, and other resources in light of existing and proposed commitments in other areas.

(iv) The agency's capability for having the plan implemented, or of implementing all or portions of the plan itself.

§ 126.12 Procedure for designation of intrastate 208 planning areas and agencies responsible for planning.

The Governor of the State shall, after proper consultation with appropriate elected and other officials of local governments having jurisdiction in such area, and such State agencies as he may desire, and having complied with the requirements for public participation as set forth in § 126.30 of this regulation, designate the 208 planning area, including its boundaries, and a single representative agency to be responsible for the planning. In designating such planning areas and agencies, the Governor shall consider the criteria set forth in §§ 126.10 and 126.11.

§ 126.13 Procedure for designation of interstate 208 planning areas and agencies responsible for planning.

The Governors of the States shall, in interstate areas, after consultation with appropriate elected and other officials of all local governments having jurisdiction and with such State and interstate agencies as they may desire, or may be required by State legislation, and having complied with the requirements for public participation as set forth in § 126.30, mutually designate each 208 planning area including its boundaries, and for each area a single representative agency to be responsible for the planning. In designating such planning areas and agencies, the Governors shall consider the criteria set forth in §§ 126.10 and 126.11.

§ 126.14 Nondesignation of 208 planning areas and/or agencies by Governor(s).

In certain intrastate areas the Governor may determine not to designate a 208 planning area even though the criteria set forth in §§ 126.10 and 126.11 may be met. Specific nondesignation of a 208 planning area does not preclude later designation by the Governor.

NOTE.—Attention is called to the fact that the Governor has three specific choices of action. He may designate, remain silent, or may nondesignate specific areas. If the Governor remains silent, the chief elected officials of general purpose local government in the area may make such designations if they so choose. Upon approval by the Administrator, designation by local elected officials is binding upon the Governor.

§ 126.15 Submissions of 208 planning areas and agencies responsible for planning.

Within 180 days after issuance of this Part the Governor shall notify the Administrator of his actions regarding designation of 208 planning areas and agencies responsible for the planning. This notification shall be in writing and shall include:

(a) Identification of each area within the State determined to be eligible by the Governor under § 126.10.

(b) A list of all areas among those eligible which the Governor wishes to nondesignate at this time.

(c) A list of all areas among those eligible which the Governor wishes to designate at this time. For each area designated the following information shall be provided:

(1) An exact description of the boundaries of each area including a statement relating to boundaries of any area to the boundaries of the SMSA(s) contained within or contiguous to the area, or in those areas not within a SMSA a statement relating the boundaries of the area to the nearest SMSA, and a statement indicating:

(i) Population of the area,

(ii) Nature of the concentration and distribution of industrial activity in the area,

(iii) Degree to which it is anticipated that the area could improve its ability to control water quality problems were it designated as a planning 208 area, and

(iv) Factors responsible for designation.

(2) Identification and supporting analysis of each water quality segment included in each area, as developed in accordance with Part 130 of this chapter.

(3) For each area a copy of the charter of existing regional waste treatment management agencies or formally adopted resolutions which demonstrate that the general purpose units of local government involved will join together in the planning process to develop and implement a plan which will result in a coordinated waste treatment management system for the area. The resolutions shall also state that all proposals for grants for construction of a publicly owned treatment works will be consistent with the approved plan and will be made only by the designated management agency.

(4) For each area the name, address, and official contact for the agency designated to carry out the planning.

(5) A statement on the factors considered in agency designation as described in § 126.11.

(6) A summary of public participation in accordance with the requirements set forth in § 126.30.

§ 126.16 Procedure for designation of 208 planning areas and agencies responsible for planning by the chief elected officials of general purpose local government.

(a) In the case of any intrastate area, if the Governor of an affected area does not act to designate or nondesignate it as a 208 planning area, or in an interstate area if the Governors of an affected area do not act to designate it as a 208 planning area, the chief elected officials of general purpose local governments having jurisdiction in the area, after meeting the requirements for public participation as set forth in § 126.30, may designate such planning area, and a single representative agency responsible for the planning, which shall be based upon the criteria set forth in §§ 126.10 and 126.11.

(b) After making such designation, the chief local officials shall: (1) Notify the Governor(s) of the State(s) affected by their action, and (2) submit their designation to the Administrator in accordance with the requirements set forth in § 126.15. When the Governor receives notification he may submit his views regarding the designation to the Administrator.

§ 126.17 Review of submissions.

(a) The Administrator shall review each submission of designated 208 planning areas and agencies to determine compliance with the criteria set forth in this Part.

(b) Upon completion of his review, the Administrator shall publish notice in the FEDERAL REGISTER and shall notify in writing the appropriate Governor(s) or local officials making such designations of his approval or disapproval of each designation. In the event that the Administrator disapproves any of the designations, he shall specify his reasons with his notice of disapproval.

§ 126.18 Revisions.

(a) The appropriate Governor(s) or local officials (where the original designation was not made by the Governor(s) may from time to time propose in writing a revision of the boundaries of any 208 planning area previously approved. The Administrator shall approve or disapprove such proposed revision pursuant to § 126.17. The effective date of designation is the date of the Administrator's approval.

(b) The Governor(s) may also designate from time to time previously nondesignated planning areas and agencies. In such cases the designation, submission, and approval shall follow the requirements set forth in this Part.

Subpart C—State Planning in Nondesignated Areas

§ 126.20 Determination of planning agencies in nondesignated areas.

(a) The State shall act as the planning agency for all areas not designated under §§ 126.12, 126.13, or 126.16. Where the Governor determines, pursuant to section 208(b)(4) of the Act, that the requirements of section 208(b)(2) (F through K) should be applied on a statewide basis, the State may apply the planning process established pursuant to section 303 of the Act as the process for carrying out the requirements of the sections. Funds which may be available under section 106 of the Act may be utilized to conduct planning pursuant to this section.

(b) Assumption by the State of the planning responsibilities in these areas does not foreclose the establishment of other planning processes at the substate level.

Subpart D—Public Participation

§ 126.30 Public participation requirements in designation of 208 planning areas and designation of agencies responsible for planning.

(a) The guidelines for public participation as set forth in Part 105 of this chapter implementing section 101(e) of the Act shall be followed.

(b) The Governor(s) shall consult with appropriate elected and other local officials prior to designating planning areas and agencies. The Governor(s), or in the case of designation by chief elected officials of general purpose local government, those officials shall, after adequate public notice, hold one or more public hearings or meetings within the proposed 208 planning area for the purpose of gaining public advice on the designation of the planning area and agency. All units of local government wishing to be heard and the general public shall be included.

(c) Record of such public meetings or hearings including notice of same shall be kept and made available to the Administrator upon request. A summary of comments and meeting notes shall be submitted to the Administrator with each designation.

Subpart E—Assistance to Designated Agencies

§ 126.40 Determination of eligibility.

Assistance under section 208 (f)(1), (g), and (h) of the Act shall be provided only to those agencies designated under § 126.12, 126.13, or 126.16.

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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 21—COMMISSIONED OFFICERS

Involuntary Retirement of Officers

The present regulation permits the involuntary retirement of an officer only for cause. A reduction in strength of the Reserve Corps could become necessary during periods of program contraction. The amendment will permit the involuntary retirement of officers with 20 or more years of service during periods of