DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner (Federal Housing Administration)

24 CFR Part 201

[Docket No. R-81-934]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable finance charge on Title I property improvement, mobile home loans, combination and mobile home lot loans, and historic preservation loans. The change is necessitated by the high interest rates prevalent for such loans. This action by HUD is designed to bring the maximum financing charges into line with other competitive market rates and help assure an adequate supply of financing for such loans.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Office of Title I Insured Loans, Office of Single Family Housing, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202-755-6680).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum finance charge on mobile home loans has been raised from 18.00 percent to 19.00 percent, and the finance charge on combination loans for the purchase of a mobile home and a developed or undeveloped lot has been raised from 17.50 percent to 18.50 percent. The maximum charge on property improvement and historic preservation loans has been raised to 19.00 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart A—Eligibility Requirements—Property Improvement Loans

1. Section 201.4(a) is revised to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 19.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart B—Eligibility Requirements—Mobile Home Loans

2. Section 201.540(a) is revised to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 19.00 percent simple interest per annum. No points or discounts of any kind may be assessed or collected in connection with the loan transaction, except that a one percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart D—Eligibility Requirements—Combination and Mobile Home Lot Loans

3. Section 201.1511(a), subparagraph (1) is revised to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.*

* * * * *

(1) 18.50 percent per annum.

* * * * *

Subpart E—Eligibility Requirements—Historic Preservation Loans

4. Section 201.1625(a) is revised to read as follows:

§ 201.1625 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge, exclusive of fees and charges as provided by paragraph (b) of this section, which may be directly or indirectly paid to, or collected by the insured in connection with the loan transaction, shall not exceed a 19.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

(Sec. 3(a), 82 Stat. 113; 12 U.S.C. 1709-1; sec. 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3534(d))

Issued at Washington, D.C., August 25, 1981.

Philip D. Winn,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 81-25828 Filed 9-3-81; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Parts 203, 205, 207, 213, 220, 221, 232, 234, 235, 236, 241, 242, and 244

[Docket No. R-81-935]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable finance charge on insured home and project loan programs. This action by HUD is designed to bring the maximum financing charges into line with other competitive market rates and

help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: August 17, 1981.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202-426-4687).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been raised from 15.50 percent to 16.50 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 16.00 percent to 17.00 percent for graduated payment home loan programs (GPM). For insured multifamily project mortgage loan programs, the maximum interest rate has been raised from 15.50 percent to 16.50 percent for permanent financing loans. The maximum interest rate for multifamily construction and for Title X land development loans has been increased from 19.00 percent to 20.00 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, Chapter II of Title 24 of the Code of Federal Regulations is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. Section 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after August 17, 1981.

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2. Section 203.45 paragraph (b) is revised to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent per annum with respect to mortgages insured on or after August 17, 1981.

* * * * *

3. Section 203.46 paragraph (c) is revised to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent per annum with respect to mortgages insured on or after August 17, 1981.

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PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT [TITLE X]

Subpart A—Eligibility Requirements

4. Section 205.50 is revised to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 20.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

5. Section 207.7 paragraph (a) is revised to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

6. Section 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

Subpart C—Eligibility Requirements Individual Properties Released From Project Mortgage

7. Section 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after August 17, 1981.

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PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

8. Section 220.576 paragraph (a) is revised to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

9. Section 221.518 paragraph (a) is revised to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in mortgages involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

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PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

10. Section 232.29 paragraph (a) is revised to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

11. Section 232.560 paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 16.50 percent per annum with respect to loans insured on or after August 17, 1981.

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PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

12. Section 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after August 17, 1981.

* * * * *

13. Section 234.75 paragraph (b) is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent per annum with respect to mortgages insured on or after August 17, 1981.

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14. Section 234.76 paragraph (c) is revised to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent annum with respect to mortgages insured on or after August 17, 1981.

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PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

15. Section 235.540(a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to morgages insured on or after August 17, 1981.

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PART 236—MORGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

16. Section 236.15(a) is revised to read as follows:

§ 236.15 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

17. Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans insured on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and includiing the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

18. Section 242.33(a) is revised to read as follows:

§ 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

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PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES [TITLE XI]

Subpart A—Eligibility Requirements

19. Seciton 244.45(a) is revised to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 17, 1981, which rate shall not exceed:

(1) 16.50 percent per annum with respect to permanent financing;

(2) 20.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

(Section 3(a), 82 Stat. 113; 12 USC 1709-1; Section 7 of the Department of Housing and Urban Development Act, 42 USC 3535(d)).

Issued at Washington, D.C., August 25, 1981.

Philip D. Winn,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 81-25827 Filed 9-3-81; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1902-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The U.S. Environmental Protection Agency (USEPA) proposed approval on March 27, 1980 (45 FR 20431) of the portions of Indiana's plan submitted in response to these general requirements of the Clean Air Act, as amended: Section 121—Consultation, Section 110(a)(2)(K)—Permit Fees, Section 126—Interstate Pollution, Section 127—Public Notification, Section 128—State Boards and Section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring.

Indiana made submittals in response to USEPA's Notice of Proposed Rulemaking on April 17, 1980, June 25, 1980, September 8, 1980, October 6, 1980, November 10, 1980, December 9, 1980, and December 31, 1980. One other comment was received. Based on its review of these submittals, USEPA approves the Consultation, Permit Fee, Interstate Pollution, Public Notification, State Boards and Continuous Monitoring Sections of the SIP.

EFFECTIVE DATE: This final rulemaking is effective on October 5, 1981.

ADDRESSES: Copies of the materials submitted by the State are available at:

U.S. Environmental Protection Agency, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

Office of the Federal Register, 1100 L Street, SW., Room 8401, Washington, D.C.

Indiana State Board of Health, Air Pollution Control Division, 1330 West Michigan Street, Indianapolis, Indiana 46206.

FOR FURTHER INFORMATION CONTACT: Gerald S. Kellman, Air Planning Section, Air Programs Branch Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6070.

SUPPLEMENTARY INFORMATION: The following general requirements are contained in the Clean Air Act Amendments of 1977: section 121—consultation, section 110(a)(2)(K)—Permit Fees, Section 126—Interstate Pollution, Section 127—Public Notification, Section 128—State Boards, and Section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring. Indiana responded to these requirements on June 26, 1979. USEPA proposed rulemaking on the State's response on March 27, 1980 (45 FR 20431). The State responded to this proposal on April 17, 1980; June 25, 1980, September 8, 1980, October 5, 1980, November 10, 1980, December 9, 1980, and December 31, 1980. One other comment was received. USEPA's response to any comments, a summary of USEPA's proposed action, and USEPA's final determination follows.

Section 121—Consultation

As part of its June 26, 1979 submittal, Indiana included a copy of a local agency agreement which provided for a process of consultation with local air agencies. On March 27, 1980, USEPA proposed to approve Indiana's process of consultation providing Indiana forwarded to USEPA copies of the executed agreements and that the agreements meet the requirements of 40 CFR 51.245 (44 FR 351-81) which states that the SIP "shall provide for an opportunity for Federal, State, and local involvement in such consultation process no later than December 18, 1979."

In a June 25, 1980 submittal, Indiana responded to USEPA's notice of proposed rulemaking and stated that "all local agency agreements will be made to conform with the Clean Air Act, as amended, Section 121 requirements." On August 6, 1980, the State submitted a description of agreements it had made with local planning commissions. On November 10, 1980 and December 31, 1980, the State submitted documentation of agreements it had made with local air pollution control agencies.

USEPA has reviewed these submittals and they contain the necessary commitments for consultation.

Final Determination

Approval of Indiana's process of consultation.

Section 110(a)(2)(K)—Permit Fees

In the March 27, 1980 Federal Register, USEPA proposed to approve Indiana's system of permit fees.

Final Determination

Approval of Indiana's System of Permit Fees.

Section 126—Interstate Pollution

In the March 27, 1980, Federal Register, USEPA proposed to approve Indiana's conformity with Section 126(a)(2) which requires the State to identify existing major sources which may significantly contribute to levels of air pollution in neighboring states. Also in the March 27, 1980, notice, USEPA proposed to approve Indiana's conformity with Section 126(a)(1) providing the State developed procedures for identifying and giving written notice to nearby states of any proposed major stationary source which may significantly contribute to levels of air pollution in excess of the National Ambient Air Quality Standards in those states. On December 9, 1980 Indiana submitted these procedures to USEPA. USEPA has reviewed the procedures and finds that they meet the requirements of the act.

Final Determination

USEPA approves Indiana's conformity with the act's requirements for notification of interstate pollution.

Section 127—Public Notification

In the March 27, 1980 **Federal Register**, USEPA proposed to approve Indiana's procedure for notification of the public of instances or areas in which any national primary air quality standard is exceeded, for advising the public of hazards associated with such pollution, and for informing the public of measures which can be taken to prevent such standards from being exceeded, providing Indiana submits a procedure for notifying the public of air pollution alerts, warnings, and emergencies. On December 9, 1980, Indiana submitted these procedures. This submittal also contained a list of publications and events which the State uses to enhance public awareness of the measures which can be taken to prevent such standards from being exceeded and the ways in which the public can participate in regulatory and other efforts to improve air quality. USEPA has reviewed the procedures and finds that they meet the requirements of the act.

Final Determination

USEPA approves Indiana's public notification procedures.

Section 128—State Boards

Section 128 of the Clean Air Act requires that any boards which approve permits or enforcement orders under the Clean Air Act contain a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Act and that members of any such board adequately disclose any potential conflicts of interest.

In the March 27, 1980, **Federal Register**, EPA proposed to approve Indiana's procedure for certifying that a majority of the Indiana Air Pollution Control Board members represent the public interest providing that all disclosures of present board members are submitted. In the April 17, 1980 submittal, the State provided USEPA with previously unsubmitted disclosures of board members. USEPA has reviewed this submittal, and it contains adequate documentation of compliance with Section 128.

Final Determination

Approval of Indiana's State Board Requirement portion of the SIP

Section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring

In the March 27, 1980, **Federal Register**, USEPA proposed to approve Indiana's procedures for continuous emissions monitoring providing the state corrected two typographical errors contained in Indiana Regulation APC 8, which contains these procedures. On October 6, 1980, Indiana submitted a revised version of APC 8 (325 IAC 3) in which the two errors were corrected.

USEPA received one comment on Section 110(a)(2)(F). The comment noted that Indiana's continuous emission monitoring requirement only applies to four types of sources. The comment asserts that Section 110(a)(2)(F) requires monitoring for all sources.

USEPA notes that 110(A)(2) does not specify the sources for which monitoring is required, but addresses stationary sources in general. The lack of specificity in this section of the Act enables the Administrator to determine which sources should be required to monitor their emissions continuously. The Administrator made this determination by promulgating 40 CFR 51.19(e) and Appendix P. The State's regulation meets these requirements.

Final Determination

USEPA approves Indiana's procedures for continuous emission monitoring and 325 IAC 3.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation will not be "major" as defined by Executive Order 12291, because this action only approves State actions.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this SIP action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by USEPA to enforce these requirements.

(Secs. 110, 121, 126, 127, and 128 of the Clean Air Act, as amended)

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1981.

Dated: August 28, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart P—Indiana

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, Subpart P—Indiana is amended as follows:

1. Section 52.770(c) is amended by adding subparagraph 22.

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(22) On June 26, 1979, Indiana made submittals pertaining to Section 121 Consultation, Section 110(a)(2)(K)—Permit Fees, Section 126—Interstate Pollution, Section 127—Public Notification, Section 128—State Boards and Section 110(a)(2)(F) (ii) and (iii)—Continuous Emission Monitoring Additional commitments were secured on April 17, 1980, June 25, 1980, August 1, 1980, November 10, 1980, December 9, 1980, and December 31, 1980. A revised version of Indiana's continuous emission monitoring regulation (325 IAC 3) was submitted on October 6, 1980.

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[FR Doc. 81-25052 Filed 9-3-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1913-6]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves a revision of the Maryland State Implementation Plan (SIP) originating from an amendment to the Maryland Air Quality Control Regulations, pertaining to the control of sulfur dioxide emmissions. The amendment establishes a new emission standard for sulfur oxides from existing solid fuel-fired, cyclone type fuel-burning equipment having an actual heat input in excess of 1,000 million BTU per hour. This revision is approvable

because it meets the applicable requirements of the Clean Air Act.

EFFECTIVE DATE: October 5, 1981.

ADDRESSES: Copies of the SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Harold A. Frankford.

Air Management Administration, State of Maryland, O'Conor Office Building, 201 W. Preston Street, Baltimore, MD 21201, ATTN: George P. Ferreri.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, Phone: 215-597-8176.

SUPPLEMENTARY INFORMATION: On February 20, 1980, the Administrator of Air Quality Programs for the State of Maryland submitted to EPA, Region III, amendments to its air pollution control regulations and requested that it be reviewed and processed as a revision of the Maryland State Implementation Plan (SIP). The amendments, applicable to the Baltimore and Washington areas only, consist of changes to section .04D(4) of COMAR 10.18.04 and 10.18.05 and establish a new emission standard for sulfur oxides from existing solid fuel-fired, cyclone type fuel-burning equipment having an actual heat input in excess of 1,000 million BTU per hour. The existing SIP regulation limits the sulfur content of solid fuel used in all fuel-burning equipment to 1% or less by weight. The amendments establish an allowable sulfur oxide emission standard for cyclone type fuel-burning equipment of 3.5 pounds per million BTU actual heat input which is equivalent to appproximately 2.3% sulfur by weight. While the definition of "solid fuel" is not explicitly defined in Maryland's regulations, both EPA and Maryland interpret "solid fuel" to include "coal."

The Baltimore Gas and Electric Company, C.P. Crane Generating Station, Units 1 and 2 (200 Megawatts each) in Baltimore County, wishes to convert from 1% sulfur oil to coal under the new regulation. The Crane Station is currently under a Department of Energy prohibition order and is a prime candidate to receive a notice of effectiveness. The Crane Station cyclone furnaces require a low ash fusion temperature coal which is normally a high sulfur coal (greater than 2% sulfur by weight). The best information indicates that a 1% sulfur coal with the necessary ash fusion temperature characteristic is unavailable. Therefore, Maryland has submitted this revision to their SIP to allow B.G. and E. Crane Station to burn higher sulfur coal.

The State of Maryland is requiring B.G. and E. Crane Station to use Continuous Emission Monitoring (CEM) under COMAR 10.18.01.06B(1). This regulation requires specific installations to install, use, and maintain monitoring equipment or employ other methods as requested by the Department. Maryland's Technical Memorandum 77-01 details the requirements for CEM and reporting methods for the information obtained through the use of such equipment. During times of sustained outages of the CEM equipment, Maryland plans to institute a detailed coal sampling program to determine, on as close to real time basis as possible, the maximum sulfur dioxide contribution made at this facility. Maryland will enforce the SO_2 emission limitation on a 24-hour basis.

The State submitted a modeling study for total suspended particulates (TSP) and sulfur dioxide (SO_2). The modeling study was based on the assumption that the Baltimore Gas and Electric Company, C.P. Crane Generating Station, Units 1 and 2, is the only facility being converted to coal under this revision. The State of Maryland has certified by letter dated October 1, 1980, that the Crane Units 1 and 2 constitute the only fuel-burning equipment of cylcone type in State Area III (Metropolitan Baltimore AQCR) and IV (Washington Metropolitan AQCR), making this assumption true. The model employed is the standard single-source EPA CRSTER model, using five years of National Weather Service meteorological data. Other sources in the area were also modeled to determine background concentrations.

The study predicted ground level concentrations of SO_2 at 100%, 75% and 50% load conditions using urban coefficients to simulate an urban type of terrain. A refined grid (spacing of 0.2 Km) was run using the two years of highest indicated SO_2 ground level concentrations. For comparison purposes, rural coefficients were also used. Only minor differences were indicated in the results.

The study concluded that the emission standard set forth in (Section .04D(4) of COMAR 10.18.04 and 10.18.05) will not cause violations of either the primary or secondary NAAQS for SO_2. The modeling study further concluded that the PSD increments will not be violated.

The State submitted proof that a public hearing was held on November 28, 1979 in Baltimore, Maryland in accordance with the notice and public hearing requirements of 40 CFR Section 51.4 and all relevant State procedural requirements.

Notice of Proposed Rulemaking

On February 10, 1981, 46 FR 11678, EPA acknowledged receipt of the amendments, proposed them as a revision of the Maryland State Implementation Plan (SIP), and provided for a 30-day public comment period ending March 12, 1981. During the public comment period no comments were received.

EPA Evaluation

A review of Maryland's modeling analysis by EPA indicates that SO_2 emissions from the plant will not cause or contribute to violations of the primary or secondary NAAQS for SO_2, and that the revision fully complies with EPA's current policy regarding SO_2 emissions relaxations. EPA also concludes that the PSD increments will not be exceeded, although 82% of the 24-hour increment and 73% of the 3-hour increment would be consumed by the Crane Station Units 1 and 2.

Currently, the Baltimore area is in violation of both primary and secondary National Ambient Air Quality Standards for TSP. Therefore, the PSD increment is not applicable for TSP. The nonattainment plan for this area which EPA approved in part on August 12, 1980 45 FR 53461, contains regulations for only fugitive TSP emissions and does not require any additional TSP compliance plans for power plants beyond current SIP requirements. EPA has concluded, from the modeling demonstration, that the increased TSP levels due to the conversion of Crane Station Units 1 and 2 will be less than the de minimus impact for TSP ($1\mu g/m^3$ annual, $5\mu g/m^3$ 24-hour) and therefore will not interfere with the plans for TSP attainment of this area.

In view of the above evaluation, EPA approves the amendments to section .04D(4) of COMAR 10.18.04 and 10.18.05 as a revision of the Maryland SIP, effective October 5, 1981. Accordingly, 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) is revised to incorporate both the regulatory amendment and the October 1, 1980 letter from the State of Maryland to EPA certifying the B.G.&E. Crane generating Station to be the only source affected by this regulatory change, into the approved Maryland SIP.

In EPA's review of the revision, EPA makes note of the fact that the term "solid fuel" is not defined. The State of Maryland may wish to define this term in a future SIP revision to clarify its regulations.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401-642)

Dated: August 28, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register, on July 1, 1981.

In Part 52, Title 40 of the Code of Federal Regulations, Subpart V, § 52.1070(c) is amended by adding subparagraphs (46) and (47) to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Subpart V—Maryland

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(46) Amendments to section .04D(4) of COMAR 10.18.04 and COMAR 10.18.05 establishing a revised sulfur oxides emissions limitation for all existing solid fuel-fired, cyclone type fuel burning equipment having an actual heat input in excess of 1,000 million Btu/hour; submitted on February 20, 1980 by the Governor.

(47) October 1, 1980 letter from George P. Ferreri, Maryland Office of Environmental Programs to James E. Sydnor, EPA, certifying that the Baltimore Gas & Electric Company's C. P. Crane Generating Station is the sole facility to which COMAR 10.18.04.04D(4) and 10.18.05.04D(4) would apply.

[FR Doc. 81-25666 Filed 9-3-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5983

Arizona; Public Land Order No. 5868; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct a typographical error in a land description contained in Public Land Order No. 5868 of May 15, 1981 (46 FR 28164, May 26, 1981).

EFFECTIVE DATE: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

A description of lands in Public Land Order No. 5868 of May 15, 1981, in FR Doc. 81-15542 appearing at page 28164 in the issue of Tuesday, May 26, 1981, in the second column following sec. 31, N½., the penultimate line reads "T. 6 S., R. 18 W.,". It should be corrected to read "T. 7 S., R. 18 W.,".

Garrey E. Carruthers,

Assistant Secretary of the Interior.

August 27, 1981.

[FR Doc. 81-25904 Filed 9-3-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Ninth Revised Service Order No. 1474]

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Ninth Revised Service Order No. 1474.

SUMMARY: Service Order No. 1474 authorized various railroads to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Since that time, certain carriers have been granted permanent authority by the Commission. This Ninth Revision deletes those carriers from the original service order. Service Order No. 1474 is further revised by extending its expiration date until October 30, 1981.

EFFECTIVE DATE: 11:59 p.m., August 31, 1981.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: August 28, 1981.

Pursuant to section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96-254, the Commission is authorizing various railroads to provide interim service over Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee), (MILW) and to use such tracks and facilities as are necessary for that operation.

Appendix A of Eighth Revised Service Order No. 1474 is revised by deleting, in this order, the following authorities.

Item 3. Consolidated Rail Corporation at Momence, Illinois.

Item 4. Pend Oreille Valley Railroad, Inc., (POV): in the area of New Port and Metaline Falls, Washington.

Item 5. St. Maries River Railroad Company (SMRR): in the area of Bovill, St. Maries, and Plummer, Idaho.

Appendix A is renumbered accordingly.

The deletion of the temporary authorities occurring in this order resulted from recent Commission decisions which granted permanent authority to those carriers; and in the case of item 3 of the previous order, the track was conveyed to the industry. Carriers recently granted permanent authority are reminded to comply with all conditions stipulated in the order to assure that the decision remains in force. All items are renumbered accordingly.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct operations, also identified in the attachment, using MILW tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1474 Service Order 1474.

(a) *Various Railroads authorized to use Tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), as listed in Appendix A to this order, in order to provide interim service over the MILW.

(b) The Trustee shall permit the affected carriers to enter upon the property of the MILW to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of these operations over the MILW lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by interim operators over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, all interim operators involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees.* In providing service under this order interim operators, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 11:59 p.m., August 31, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and William F. Sibbald, Jr. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A

MILW Lines Authorized To Be Operated by Interim Operators

1. Illinois Central Gulf Railroad Company (ICG):

A. In Sioux City, Iowa, from Pearl Street west approximately 1.5 miles to Tri-View Industrial area, and from Court Street to Virginia Street.

2. Seattle and North Coast Railroad Company (SNC):

A. Between Port Angeles and Port Townsend, Washington, including Pier 27 and associated track in Seattle, Washington.

3. Burlington Northern Inc. (BN):

A. In Sioux City, Iowa, between milepost 509.77 and milepost 512.62, a distance of approximately 2.85 miles.

4. Racoon River Railroad, Inc. (RAC):

A. Between Lohrville and Rockwell City, Iowa, a distance of approximately 11.3 miles.

*5. Des Moines Union Railway Company (DMU):

A. Between Des Moines (milepost 0) and Clive (milepost 8.5) Iowa; and between Clive (milepost 0) and Grimes, Iowa (milepost 7), a total distance of 15.5 miles.

*Renumbered.

[FR Doc. 81-25836 Filed 9-3-81; 8:45 am]

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