

terms no longer appropriate, i.e., authorized pass, leave of absence, completion of bed occupancy care, elopement status and trial visit. Replacement of these obsolete terms with correct terminology is not necessary as the remainder of the section is sufficiently clear in meaning and authority. The title of Associate Chief Medical Director for Operations in § 17.51a is changed to Associate Deputy Chief Medical Director for Operations.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is deemed unnecessary in this instance since these changes are nonsubstantive.

1. § 17.45, paragraph (d) (3) is revised to read as follows:

§ 17.45 Persons entitled to hospital observation and physical examination.

(d) * * *

(3) Office of Workers' Compensation Programs—to determine identity, severity, or persistence of disability.

2. In § 17.46, paragraph (b) (1) and (2) are revised to read as follows:

§ 17.46 Persons entitled to hospital or domiciliary care.

(b) * * *

(1) Persons in the Armed Forces when duly referred with authorization therefor, may be furnished hospital care. Emergency treatment may be rendered, without obtaining formal authorization, to such persons upon their own application, when absent from their commands. Identification of active duty members of the uniformed services will be made by military identification card.

(2) Hospital care may be provided, upon authorization, for beneficiaries of the Public Health Service, Office of Workers' Compensation Programs, and other Federal agencies.

3. In § 17.48, paragraph (d) is revised to read as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital or domiciliary care.

(d) Persons hospitalized pursuant to paragraph (c) (1), (d) or (f) of § 17.47, who it is believed may be entitled to hospital care or medical or surgical treatment or to reimbursement for all or part of the cost thereof by reason of any one or more of the following:

(1) (i) Membership in a union, fraternal or other organization; (ii) rights under a group hospitalization plan, or under any of the prepay medical care or insurance contracts or plans which provide for payment or reimbursement in whole or in part, for the cost of medical or hospital care, and conditions the obligation of the insurer to pay upon payment or incurrence of liability by the

person covered; (iii) "Workmen's Compensation" or "employer's liability" statutes, State or Federal; and (iv) right to maintenance and cure in admiralty; or

(2) By reason of statutory or other relationships with third parties, including those liable for damages because of negligence or other legal wrong;

will not be furnished hospital care, medical or surgical treatment, without charge therefor to the extent of the amount for which such parties, referred to in paragraph (d) (1) or (2) of this section, are, or will become liable. Such patients will be requested to execute an appropriate assignment as prescribed in this paragraph. Patients who, it is believed, may be entitled to care under any one of the plans in paragraph (d) (1) of this section, will be requested to execute VA Form 10-2381, Power of Attorney and Agreement. Those patients who, it is believed, may be entitled to hospital care under the circumstances prescribed in paragraph (d) (2) of this section will be requested to complete VA Form 2-4763, Power of Attorney and Assignment. Notice of this assignment will be mailed promptly to the party or parties believed to be liable. When the amount of charges is ascertained, bill therefor will be mailed such party or parties.

4. In § 17.49, paragraph (a) (2) is revised to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital, nursing home and domiciliary care.

(a) * * *

(2) *Patients on hospital rolls and not occupying a bed.* As these patients are carried on the rolls of the hospital for further treatment of the condition for which they were originally hospitalized, readmission will be effected for treatment of this condition when required without regard to their entitlement under the priority groups set forth in paragraph (a) (3) of this section.

5. Section 17.51a is revised to read as follows:

§ 17.51a Extensions of community nursing home care beyond 6 months.

The Chief Medical Director, his deputy, Associate Deputy Chief Medical Director for Operations, or the Director, Field Operations may authorize, for any veteran whose hospitalization was not primarily for service-connected disability, an extension of nursing care in a public or private nursing home care facility at Veterans Administration expense beyond 6 months for circumstances of an unusual nature such as when a medical and economic need continues to exist, additional time is required to complete other arrangements for care, or when readmission to a hospital is not deemed professionally advisable despite terminal deterioration of the veteran's medical condition.

Effective date. These VA regulations are effective September 3, 1974.

Approved: September 3, 1974.

By direction of the Administrator.

[SEAL]

R. L. ROUDENBUSH,
Deputy Administrator.

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 254-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval and Disapproval of Plan Revisions for Michigan and Wisconsin

On May 31, 1972 (37 FR 10482), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the Michigan and Wisconsin plans for implementation of the national ambient air quality standards and the dates for attainment of these standards. On February 19, 1974 (39 FR 6126) compliance schedules submitted by the States of Illinois, Indiana, Michigan, Minnesota and Wisconsin were published as proposed rulemaking by the Administrator and public comment was invited. On August 5, 1974 (39 FR 28155), the Administrator promulgated the approval and disapproval of a portion of these revisions. All of the compliance schedules for the State of Indiana which were proposed on February 19th were included in the August 5, 1974 promulgation. Additional individual source compliance schedules were submitted by the States of Illinois, Michigan, Minnesota and Wisconsin and were proposed as plan revisions by the Administrator on April 22, 1974 (39 FR 14221). Some of these schedules (relating to Michigan and Wisconsin) plus a group of schedules that were proposed on February 19, 1974 (also relating to Michigan and Wisconsin) and given an extended public comment period on April 8, 1974 (39 FR 12769) are the subject of today's rulemaking. Final rulemaking on the Minnesota and Illinois schedules will be forthcoming.

Individual compliance schedules whether approved or disapproved are incorporated into the Federal regulations by reference only. The approved schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules, and have been determined to be consistent with the approved control strategies of the States involved. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the Federally approved State Implementation plan. This date is identified in the table below, under the heading "Final

Compliance Date". Where required, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. These schedules are available for public inspection at the Region V office, One North Wacker Drive, Chicago, Illinois between the hours of 8:15 am and 4:45 pm, Monday through Friday.

In the February 19, FEDERAL REGISTER proposal, six compliance schedules affecting power plants in the State of Michigan were proposed as State Implementation Plan control strategy revisions to extend the final date for compliance with Rule 336.49 to January 1, 1980. With respect to the Consumer Power Company's Campbell plant and the Detroit Edison Company's Harbor Beach and Monroe Plants, approval of compliance schedules affecting these plants was made because the evidence examined unequivocally showed that all Federal ambient air standards are currently being met. In regards to the schedules affecting Consumers Power Company's Karn-Weadock complex and their Cobb plant, further evaluation of pertinent reports will be necessary before an approval/disapproval determination can be made. No action will be taken on the schedules affecting the Detroit Edison Company's St. Clair plant and Dow Chemical Company's South and West Side power plants, which were proposed in the April 22, 1974, FEDERAL REGISTER, because Michigan officials have advised that revised schedules will be forthcoming.

Several schedules have been disapproved because of failure to comply with substantive requirements relating to compliance schedules in 40 CFR 51.15. Many of these schedules are unenforceable by the State and are therefore not in accordance with § 51.15(c). Others do not contain sufficient number of increments of progress to permit close supervision for timely compliance or have final compliance dates which extend beyond the state implementation plan attainment dates.

The Administrator will take no action with regard to the compliance schedules of five sources proposed for approval in the April 22, 1974, FEDERAL REGISTER notices whose dates for final compliance will have passed by the date of this publication.

The air pollution sources on disapproved schedules remain subject either to Federally promulgated compliance schedules (August 23, 1973, 38 FR 22736, as amended) or to the immediate or future effective compliance dates as applicable in the Federally approved State implementation plans.

The regulations promulgated below do not affect the ability of States to develop new schedules or to correct deficiencies in schedules which are being disapproved at this time. In fact the States are encouraged to do so. If a State corrects deficiencies in a disapproved schedule and resubmits such schedule to EPA, that

schedule will be repropose for approval by the Administrator.

No written comments in connection with schedules which are the subject of today's rule-making have been submitted to the Regional Administrator for consideration in the evaluation of the schedules. Evaluation reports for all compliance schedule plan revisions and technical support documents for the approved control strategy revisions are available for public inspection at the Region V Office of the Environmental Protection Agency, One North Wacker Drive, Chicago, Illinois.

The regulations are effective immediately on the date of this FEDERAL REGISTER publication. The Administrator finds good cause for making these regulations immediately effective because the compliance schedules are already effective in the State and Federal approval imposes no additional requirements on the affected sources.

(Section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857-5(a)))

Dated: August 30, 1974.

RUSSELL E. TRAM,
Administrator.

Subpart X—Michigan

1. In § 52.1170, paragraph (d) is amended as follows:

§ 52.1170 Identification of plan.

(d) Revisions to the plan were submitted on:

(2) February 16, 1973, May 4, 1973.

2. In § 52.1175, the following schedules are added to paragraph (e):

§ 52.1175 Compliance schedules.

(e) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
ALLEGAN COUNTY				
Platawell Paper Co.	Platawell	333.44, 45	Mar. 14, 1973	June 30, 1975
Mensha Corp.	Ottawa	333.43	do	Dec. 31, 1977
Eaton County				
Lansing Board of Water and Light (Erickson Station)	Lansing	333.49	Mar. 14, 1973	July 1, 1975 July 1, 1977
EMMET COUNTY				
Penn-Dixie Cement Corp.	Robert Township	333.44	Jan. 19, 1974	May 1, 1974
GENESEE COUNTY				
GMC Flint Assembly Plant (Chevrolet Div.)	Flint	333.49	Mar. 21, 1973	July 1, 1975
GMC Fisher Body Div.:				
(a) Cold Water Rd.	do	do	Mar. 23, 1973	Do.
(b) No. 1 GMC	do	do	do	Do.
HURON COUNTY				
Detroit Edison (Harbor Beach Plant)	Harbor Beach	333.49	Nov. 9, 1973	Jan. 1, 1979
INGHAM COUNTY				
Morton Wheel Corp. (Centrifuge Div.):				
(a) Electric Arc Furn 1 & 2	Lansing	333.44, 45	Sept. 25, 1973	Aug. 1, 1975
(b) Electric Arc Furn	do	do	do	Dec. 1, 1975
Lansing Board of Water and Light (Eckert Station):				
All units	do	333.49	Mar. 14, 1973	July 1, 1975
(c) Units 1-3	do	333.44, 45	do	July 1, 1977
(b) Units 4-5	do	333.44, 45	do	July 1, 1977
(c) Unit 6	do	do	do	Oct. 1, 1975
(c) Unit 6	do	do	do	Dec. 1, 1974
Lansing Board of Water and Light (Macrae Park Station): Units 11-14	do	333.49	do	July 1, 1975 July 1, 1977
Lansing Board of Water and Light (Ottawa Station): Units 1-5	do	do	do	July 1, 1975 July 1, 1977
MACOMB COUNTY				
Ford Motor Co.	Sterling Hts.	333.49	Mar. 14, 1973	July 1, 1975 July 1, 1978
MONROE COUNTY				
Consolidated Packing Corp. Boiler 8	Monroe	333.44, 45	Mar. 23, 1973	Jan. 5, 1974
Detroit Edison (Monroe Plant) Unit 1-4	do	333.49	Sept. 13, 1973	Jan. 1, 1979
Dundee Cement Co.	Dundee	333.44	May 23, 1973	Apr. 15, 1974
OTTAWA COUNTY				
Consumer Power (Campbell Plant)	West Olive	333.49	Sept. 18, 1973	Jan. 1, 1980
Holland Board of Public Works	Holland	333.44, 45	Mar. 20, 1973	June 1, 1975

See footnotes at end of table.

RULES AND REGULATIONS

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
SAGINAW COUNTY				
GMC Saginaw Steering Gear Plant 2 (Power Boiler 1, 2) Plant 3, Boilers 1-3.	Saginaw	336.49	Mar. 30, 1973	¹ July 1, 1973 ² July 1, 1978
ST. CLAIR COUNTY				
Detroit Edison	Port Huron	336.49	Mar. 14, 1973	¹ July 1, 1975 ² July 1, 1978

¹ For the attainment of the primary standard.
² For the attainment of the secondary standard.
³ For the maintenance of the secondary standard.

Subpart YY—Wisconsin

3. In § 52.2570 paragraph (d) is amended as follows:

§ 52.2570 Identification of plan.

(d) Revisions to the plan were submitted on:

(2) October 11, 1973, October 19, 1973, November 10, 1973 and December 12, 1973.

4. In § 52.2578, the following schedules are added to paragraphs (d) and (e):

§ 52.2578 Compliance schedules.

(d) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

WISCONSIN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
DOUGLAS COUNTY				
ADM Grain Co.	Superior	NR154.11(4)(b)	July 18, 1973	July 15, 1974
M&O Elevators Inc.	do	do	Sept. 25, 1973	do
(a) Units 1-6	do	do	do	June 30, 1974
(b) Units 7-11	do	do	do	Apr. 30, 1975
KENOSHA COUNTY				
American Motors Corp. (Main Plant)	Kenosha	NR154.13(2)(f)	Sept. 25, 1973	Jan. 1, 1976
LINCOLN COUNTY				
Owens-Ill. Inc. (Forest Products Div.):	Tomahawk	NR154.11(5)(b)	Sept. 25, 1973	Dec. 31, 1973
(a) Boilers 3, 4	do	do	do	Dec. 31, 1974
(b) Boilers 6, 7, 8	do	do	do	do
MARATHON COUNTY				
Weyerhaeuser Co.	Rothschild	NR154.11(5)(b)	Sept. 17, 1973	Oct. 31, 1974
ONEIDA COUNTY				
St. Regis Paper Co.	Rhinelander	NR154.11(4)(b); (5)(b)	Oct. 11, 1973	Sept. 30, 1974
OZAUKEE COUNTY				
Allis Chalmers Corp.	Pt. Washington	NR154.13(2)(f)	July 13, 1973	Jan. 1, 1976
Darr Electric Corp.	Cedarburg	do	Sept. 4, 1973	Do.
ESF Co. Inc.	Grafton	do	do	Do.
Jor-Mac Co. Inc.	do	do	do	Do.
Tecumseh Products Co. (Power Products Div.)	do	do	July 13, 1973	June 1, 1974
RACINE COUNTY				
Emerson Electric Co. (In-Sink-Eractor Div.)	Racine	NR154.13(2)(f)	Sept. 4, 1973	Jan. 1, 1976
Jacobsen Mfg. Co.	do	do	Sept. 27, 1973	Do.
Keystone Ferrule and Nut Corp.	Burlington	do	Sept. 4, 1973	July 1, 1974
Western Publishing Co.	Racine	do	Apr. 10, 1973	Jan. 1, 1976
WALWORTH COUNTY				
Alpha Cast Inc.	Whitewater	NR154.11(4)(b)	July 27, 1973	Dec. 31, 1974

WISCONSIN

Source	Location	Regulations Involved	Date schedule adopted	Final compliance date
WASHINGTON COUNTY				
Broan Mfg. Co. Inc.	Hartford	NR154.13(2)(f)	Aug. 9, 1973	Jan. 1, 1975
Chrysler Outboard Corp.	do	do	Sept. 4, 1973	Do.
Gehl Co.	West Bend	do	Sept. 6, 1973	Do.
Kasten Mfg. Corp.	Allenton	do	Sept. 23, 1973	June 1, 1974
International Stamping Co., Inc.	Hartford	do	Sept. 12, 1973	Jan. 1, 1974
Regal Ware, Inc.	Kewashkum	do	Aug. 6, 1973	Jan. 1, 1975
West Bend Co.	West Bend	do	do	Mar. 1, 1974
WAUKESHA COUNTY				
Aeroshale, Inc.	Waukesha	NR154.13(2)(f)	Sept. 4, 1973	July 1, 1974
Amron Corp.	do	do	July 5, 1973	Do.
E. D. Artz Inc.	Brookfield	do	Sept. 6, 1973	Jan. 1, 1975
Oven System, Inc.	New Berlin	do	Sept. 11, 1973	May 1, 1974
Wenche-Davidson Engineering Co.	do	do	Sept. 4, 1973	Jan. 1, 1974
WOOD COUNTY				
Nekoosa Edwards Paper Co., Inc.	Pt. Edwards	NR154.11(5)(b)	Aug. 23, 1973	Sept. 23, 1974

(e) The compliance schedule for the source category identified below is disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulations Involved	Date schedule adopted
DOUGLAS COUNTY			
M&O Elevators Inc. (c) Units 12-17	Superior	NR154.11 (5)(b)	Sept. 23, 1973

[FR Doc. 74-20584 Filed 9-9-74; 8:45 am]

[258-3]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

On March 21, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 10601), setting forth the Environmental Protection Agency's proposed regulations under the Clean Air Act with respect to exclusion and exemption of motor vehicles and motor vehicle engines. Pursuant to that notice, which established a sixty day public comment period, several motor vehicle and motor vehicle engine manufacturers submitted comments on the proposed regulations. The regulations, as modified by the Agency to reflect the adopted comments, are promulgated below. A summary and explanation of the comments received follows:

Comments with regard to Exclusion.

(1) Several comments were received which requested that EPA adopt lists of the specific vehicles excluded by the regulations. In this regard General Motors Corporation, Cummins Engine Company, and J. I. Case Company suggested incorporation of section 4540 A, B, C of the IRS Regulations, § 26.4061 of the IRS Code and Group Number 352 and 353 of the Standard Industrial Classification Manual respectively. While the proposed lists do contain many of the vehicles which will be excluded by the criteria stated in § 85.1703 of the regulations, there were vehicles on each list which would not be and, in EPA's judgment,

should not be excluded. Also, future amendments to such lists might include vehicles not meriting exclusion. Some of the excluded items on the lists were machinery type attachments (e.g. shovels, rakes, cranes) which, while obviously excluded from the Act in their own right, might cause confusion when affixed to vehicles which would not be excluded. The confusion would arise from the possibility of someone observing the list, seeing the machinery attachment excluded, and necessarily concluding that the vehicle to which the attachment is affixed is also excluded. For these reasons, none of the lists were adopted. However, the Agency is of the opinion that industry needs would be served by promulgation of a list of excluded vehicles, particularly in those cases where the nature of the vehicle makes determinations as to exclusions difficult. Therefore, the Administrator will publish, from time to time, a list of excluded vehicles, by generic names, in order to address concerns of industry that specific guidance be available. The inclusion of any vehicle on the EPA exclusion list will be preceded by consultation with manufacturers who are concerned about the exclusion of such vehicles. The EPA exclusion list will be an Appendix to the 40 CFR Part 85 and will be published at such time as a sufficient number of exclusion determinations are made to warrant publication. Prior to publication, the list will be available from the Mobile Source Enforcement Division, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Room 3220.

Recommendations were also received from the Specialty Equipment Manufacturers Association (SEMA) to exclude vehicles of limited production intended typically for show or hobby use (e.g., dune buggies) and from Diamond Reo Trucks, Inc., to exclude vehicles which incorporate special features which are designed primarily for vocational missions which would cause them to operate almost entirely off-road. The recommendation of SEMA was not accepted because such exclusion would be based solely upon the intended use by the purchaser rather than the capability of the vehicles. The Agency views a policy of exclusion based upon owner intent to be virtually unmanageable and inconsistent with the Act because vehicles with on-road, off-road capabilities are typically operated in both situations. The recommendation of Diamond Reo was not accepted because the Agency believes that it is not feasible to regulate a vehicle based on the use it is primarily designed for. In lieu of the "designed primarily for" test, we have adopted the "capable of" test which is consonant with the literal language and the apparent intent of the Act. A vehicle's capability is a more workable, objective standard than its intended or designed-for use, which is dependent upon the manufacturer's subjective determination of the ultimate use to which the vehicle will be put. Nevertheless, the criteria of § 85.1703 would operate to exclude most vehicles which, because of their inordinate size or the fact that their operation on the highway would be highly unlikely or impracticable, are primarily designed for off-road use.

(2) A number of comments were received on the 20 mph average speed criterion stated in § 85.1703(a) (1). General Motors recommended that a maximum speed of 35 mph be used, Cummins recommended a 45 mph maximum speed, and J. I. Case recommended that the average speed be increased to 40 mph. A maximum speed criterion would indeed have elected to adopt that approach. Since a maximum speed criterion is explicitly objective and operates to exclude automatically any vehicles which fall within it, the Agency sought to ensure that no vehicles which are truly capable of significant on-road use would be excluded on the basis of maximum speed alone. An example would be a small vehicle manufactured for use in an urban environment where mobility and fuel economy are more critical than speed. Such a vehicle would obviously not be excluded by the criteria of § 85.1703(a) (2) and (3), but would become excluded by the maximum speed criterion if such limit was set too high, e.g., if such a vehicle could attain a maximum speed of only 30 mph and the maximum speed criterion was above 30 mph. Accordingly, the Agency determined that any vehicle unable to attain a maximum speed of 25 mph would be excluded. One factor used in this determination was that 25 mph