

objects during operations conducted under that part.

Also, it is proposed to amend part 101 by eliminating all reference to "night" and "day" in pertinent sections and substituting references to "sunset" and "sunrise." The use of the words "night" and "day" makes compliance with the rules under this part unnecessarily difficult. Generally, Federal Aviation Regulations use the terms "sunset" and "sunrise" to specify those periods for which lighting is required. This makes compliance less difficult since "sunset/sunrise" tables are distributed to all ATC facilities and the information is readily accessible to airspace users.

This proposal would promote consistency within the regulations, clarify intent, and enhance compliance without creating any additional burden on airspace users.

In addition, it is proposed to amend § 101.35(b) to clarify its intent. In part, the present rule requires that no person may operate an unmanned free balloon between sunset and sunrise unless the balloon and its attachments and payload are lighted so as to be visible for at least 5 miles. It is not intended to require that the balloon, its attachments and payload themselves be visible for at least 5 miles, but to require lights attached thereto to be visible for at least 5 miles. Further, it is proposed to require that the lights have a flash frequency between 40 and 100 cycles per minute (c/m).

(Secs. 307, 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

In consideration of the foregoing, it is proposed that part 101 of the Federal Aviation regulations be amended as follows:

1. Section 101.7 would be amended by designating the present provisions as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 101.7 Hazardous operations.

(b) No person operating any moored balloon, kite, unmanned rocket, or unmanned free balloon may allow an object to be dropped therefrom, if such action creates a hazard to persons or property. However, this section does not prohibit the dropping of any object if reasonable precautions are taken to avoid injury or damage to persons or property.

§ 101.17 [Amended]

2. Section 101.17(a) would be amended by striking out the words "during the night" and inserting the words "between sunset and sunrise" in place thereof.

3. Section 101.17(b) would be amended by striking out words "by day" and inserting the words "between sunrise and sunset" in place thereof.

§ 101.23 [Amended]

4. Section 101.23(h) would be amended by striking out the words "at night" and inserting the words "between sunset and sunrise" in place thereof.

§ 101.35 [Amended]

5. Section 101.35(b) would be amended to read as follows:

(b) No person may operate an unmanned free balloon below 60,000 feet standard pressure altitude between sunset and sunrise (as corrected to the altitude of operation) unless the balloon and its attachments and payload, whether or not they become separated during the operation, are equipped with lights that are visible for at least 5 miles and have a flash frequency of at least 40 and not more than 100 c/m.

6. Section 101.35(d) would be amended by striking out the words "during the day" and inserting the words "between sunrise and sunset" in place thereof.

Issued in Washington, D.C., on April 27, 1973.

RAYMOND G. BILANGER,  
Acting Director,  
Air Traffic Service, AT-1.

[FR Doc.73-8932 Filed 5-4-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 50 ]

NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Proposed Sulfur Oxides Secondary Standard

National ambient air quality standards established by the Environmental Protection Agency (EPA) pursuant to section 109 of the Clean Air Act include primary and secondary standards for sulfur oxides (sulfur dioxide), as set forth at 40 CFR 50.4 and 50.5, respectively. The secondary standards include an annual arithmetic mean concentration of sulfur dioxide (i.e., annual standard) and a maximum 3-hour concentration (3-hour standard) not to be exceeded more than once per year. Under section 109, national ambient air quality standards must be based on air quality criteria issued pursuant to section 103. Air quality criteria for sulfur oxides was issued in January 1969.

Based on considerations described below, the Administrator has concluded that the secondary annual standard is not justified by the air quality criteria document. Accordingly, notice is hereby given that the Administrator is proposing to revise the secondary standards by revoking the annual standard. It is emphasized that this proposal does not affect the primary (health-related) ambient air quality standards for sulfur dioxide or the secondary 3-hour standard. The primary standards include an annual arithmetic mean of 80 micrograms per cubic meter (0.03 part per million) and a maximum 24-hour concentration not to be exceeded more than once per year of 365 micrograms per cubic meter (0.14 part per million). The secondary annual standard, which is the only portion affected by this proposed revocation, is an annual arithmetic mean of 60 micrograms per cubic meter (0.02 part per million). The secondary 3-hour

standard is 1,300 micrograms per cubic meter (0.5 part per million) not to be exceeded more than once per year.

Comments on this proposal to withdraw the secondary annual standard are invited. Interested persons may participate in this rulemaking proceeding by submitting written comments in triplicate to the Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, N.C. 27711. All relevant comments received not later than 45 days after publication of this proposal will be considered. All comments will be made available for public inspection at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460.

Final regulations, modified as the Administrator deems appropriate after consideration of comments, will be promulgated as soon as practicable after such consideration, but in no event later than 90 days after the date of this proposal.

*Explanatory statement.*—Section 109 of the Clean Air Act, 42 U.S.C. section 1857c-4, requires that each secondary ambient air quality standard shall specify, for the pollutant involved, a level of air quality "the attainment and maintenance of which, in the judgment of the Administrator, based on air quality criteria issued under section 103 is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air." The term "public welfare" is defined by section 302 (h), 42 U.S.C. section 1857h(h), to include "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."

Although there is some evidence that sulfur dioxide has adverse effects on public welfare parameters other than vegetation, the data now available are insufficient as a basis for development of air quality criteria which would accurately reflect the relationship between ambient air concentrations of sulfur dioxide and adverse effects on such other parameters. Accordingly, the secondary sulfur oxides standards were based on information on adverse effects on vegetation, as set forth in the air quality criteria document.

More specifically, the existing annual standard is based primarily on a study conducted by Linzon,<sup>1</sup> which is discussed in the criteria document at pages 65 and 160. It assessed the effect on white pine growth of sulfur dioxide concentrations present during a growing season. Further analysis of Linzon's data in the light of other scientific literature now available indicates that it cannot properly be concluded that the injury reported in

<sup>1</sup> Linzon, S. N., "The Influence of Smelter Fumes on the Growth of White Pine in the Sudbury Region," Ontario Department of Lands and Forest, Ontario Department of Mines, Toronto, 1959.

## PROPOSED RULES

that study resulted from the average sulfur dioxide concentration over the entire growing season, as distinguished from the individual short-term peak concentrations.

In addition, reports on other studies, many of which were published after completion of the criteria documents, suggest that short-term peak concentrations of sulfur dioxide may be more important as a cause of injury to vegetation than is the annual average concentration. There is some question as to whether such injury to vegetation may result from short-term exposure to sulfur dioxide concentrations which do not exceed the 3-hour standard currently in effect under 40 CFR 50.5. Accordingly, EPA has been evaluating the results of these studies for the purpose of determining whether they provide an adequate and appropriate basis for revision of that portion of the sulfur oxides criteria document which deals with adverse effects on vegetation. A determina-

tion on this question will be made as soon as practicable.

It should be emphasized that the proposed revocation of the annual standard does not affect the 3-hour standard, which would remain in effect and would have to be attained and maintained to the same extent as all other national ambient air quality standards. Where State plans for implementation of the national primary and secondary ambient air quality standards for sulfur oxides have been approved by the Administrator, their status is not affected by the proposed revocation of the annual standard. Several States have been granted an extension of time for submittal of State plans for implementation of the secondary standards; the Administrator will provide, in the near future, guidance on appropriate action with respect to formulation of these State plans.

This notice of proposed rulemaking is issued under authority of sections 109

(a)2, 109(b)2, and 301(a) of the Clean Air Act as amended (42 U.S.C. section 1857C-4 (a)(2) and (b)2 and 1857g (a)).

It is proposed to amend part 50, title 40, Code of Federal Regulations, by revising § 50.5 as follows:

§ 50.5 National secondary ambient air quality standard for sulfur oxides (sulfur dioxide).

The national secondary ambient air quality standards for sulfur oxides measured as sulfur dioxide for the reference method described in appendix A to this part, or by an equivalent method are (a) 1,300 micrograms per cubic meter (0.5 p.p.m.)—maximum 3-hour concentration not to be exceeded more than once per year.

Dated May 3, 1973.

ROBERT W. FRI,  
*Acting Administrator.*

[FR Doc. 73-9041 Filed 5-4-73; 8:45 am]