

Management Command, ATTN: MT-PPM, Washington, DC 20315.

Copies of the regulation are available through the Superintendent of Documents, Government Printing Office, Public Documents Department, Washington, DC 20420, at a cost of \$20.75 for the basic regulation and all changes thereto.

The DOD 4500.34-R may be reviewed in the Public File at the Military Traffic Management Command, Nassif Building, Room 408, 5611 Columbia Pike, Bailey's Crossroads, Virginia during normal business hours.

Dated: December 10, 1980.

John J. Durant,

Colonel, GS Director of Personal Property.

[FR Doc. 80-39077 Filed 12-16-80; 8:45 am]

BILLING CODE 3710-08-M

## DEPARTMENT OF ENERGY

### Compliance With the National Environmental Policy Act; Amendment To Guidelines

AGENCY: Department of Energy.

ACTION: Notice of proposed amendments to guidelines to provide for a categorical exclusion for certain grants of entitlements for petroleum substitutes.

**SUMMARY:** Section D of the Department of Energy guidelines for compliance with the National Environmental Policy Act (NEPA) identifies classes of Department of Energy action which normally do not require either an environmental impact statement or an environmental assessment. These are termed "categorical exclusions." Classification of an action as a categorical exclusion raises a rebuttable presumption that any such action will not significantly affect the quality of the human environment. In the NEPA guidelines, it was specified that the Department of Energy might add or remove, after an opportunity for public review, actions identified as categorical exclusions based on experience gained during implementation of the guidelines.

On the basis of recent experience, the Department of Energy has determined that certain applications for entitlements for petroleum substitutes under 10 CFR 211.62 normally are not major Federal actions significantly affecting the quality of the human environment with respect to the provisions of NEPA and therefore are eligible for categorical exclusion status. The actions considered eligible for a categorical exclusion are applications for the grant of entitlements for petroleum substitutes where the facility using the petroleum substitute is existing and operating, and the receipt

of entitlements will not cause an increase in size, product mix, or emissions. The Department of Energy proposes to add this exemption to its list of categorical exclusions in Section D of its NEPA guidelines. Public comment is invited on this proposal. Pending final adoption or rejection of this proposal, the Department of Energy will utilize the categorical exclusion process for these actions on an interim basis. Since each application must be evaluated to determine whether or not it meets the criteria for the categorical exclusion, use of the exclusion during the interim period will result in a reduction in administrative paperwork and not a reduction in the quality of environmental review.

**COMMENTS BY:** December 31, 1980.

**ADDRESS COMMENTS TO:** Dr. Robert J. Stern, at the address listed below.

**FOR FURTHER INFORMATION CONTACT:**

Dr. Robert J. Stern, Acting Director, NEPA Affairs Division, Office of Environmental Compliance and Overview Office of the Assistant Secretary for Environment, Forrestral Building, Room 4G-064, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-4600.

Stephen H. Greenleigh, Esq., Assistant General Counsel for Environment, Forrestral Building, Room 6D-033, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6947.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On March 28, 1980 (45 FR 20694), the Department of Energy published in the Federal Register final guidelines for implementing the procedural provisions of the National Environmental Policy Act (NEPA) as required by the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508). The guidelines are applicable to all organizational units of the Department of Energy, except the Federal Energy Regulatory Commission which is not subject to the supervision or direction of the other parts of the Department.

Section D of the Department NEPA guidelines identified typical classes of Department action which normally do not require either an environmental impact statement or an environmental assessment. These classes of action were identified pursuant to Section 1507.3(b)(2)(ii) of the CEQ regulations referenced above and are termed "categorical exclusions." Section 1508.4 of the CEQ regulations defines a categorical exclusion as a category of actions which do not individually or

cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedures or otherwise to prepare environmental assessments even though it is not required to do so. Further, allowances must be provided by an agency for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.

The Department NEPA guidelines state that the Department of Energy may add to or remove actions from the categories in Section D based on experience gained during the implementation of the CEQ regulations and the guidelines. Pursuant to the guidelines, substantive revisions are to be published in the Federal Register and adopted only after opportunity for public review.

##### B. Proposed Exclusion

This notice proposes to revise the guidelines by adding a class of action to the list of categorical exclusions in Section D of the guidelines. That class of action is the grant of entitlements for petroleum substitutes where the facility using the petroleum substitute is existing and operating, and the receipt of entitlements will not cause an increase in size, product mix, or emissions.

The listing of certain classes of actions which are categorically excluded from NEPA only raises a presumption that any such actions will not significantly affect the quality of the human environment. For those individual cases where the Department has reason to believe that a significant impact could arise from the grant of entitlements for petroleum substitutes, the Department's NEPA guidelines provide that such cases will be reviewed to ascertain whether an environmental assessment or an environmental impact statement is required. To assist the Department in making this determination, the Department has required in the regulations covering applications for entitlements for petroleum substitutes (10 CFR 211.62) that the applicant complete Form ERA-83. Completion of that form allows the Department to determine, among other things, the operational status of the facility and provides the applicant with the opportunity to declare whether or not the grant of entitlements will cause an increase in the size, product mix, or emissions of the facility. This will be used by the Department of Energy to determine either that no significant impact will result, or that the categorical exclusion does not apply.

To date, all applications for which it has been determined that neither an environmental assessment nor an environmental impact statement are required under NEPA have all met the criteria of the proposed categorical exclusion.

#### C. Comment Period

Comments concerning this proposal should be submitted by December 31, 1980, to the address indicated in the "Addresses" section of this notice and should be identified on the outside of the envelope as: "Categorical exclusion for certain grants of entitlements for petroleum substitutes." Two copies should be submitted.

Any information or data considered to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

Issued in Washington, D.C., December 12, 1980.

Ruth C. Clusen,

*Assistant Secretary for Environment.*

[FR Doc. 80-39211 Filed 12-16-80; 8:45 am]

BILLING CODE 6450-01-M

#### Assistant Secretary for Conservation and Solar Energy

#### Approval of a Designated Energy Impact Area Under Section 601 of the Powerplant and Industrial Fuel Use Act

AGENCY: Department of Energy.

ACTION: Notice.

**SUMMARY:** Title VI, Section 601 of the Powerplant and Industrial Fuel Use Act (FUA) (Pub. L. 95-620) provides, *inter alia*, for the granting of financial assistance to any area designated by a Governor of a State as impacted by increased coal or uranium production development activities. Before the financial assistance may be provided, however, the Secretary of Energy (the Secretary), after consultation with the Secretary of Agriculture, must approve such designation. In accordance with Section 601's requirements and the Department of Agriculture's implementing regulations (7 CFR Part 1948), the Secretary shall approve a Governor's designation of an energy impact area only if:

A. The Governor provides the Secretary in writing with the data and information on which such designation was made, together with any additional information which the Secretary may require for approval; and

B. The Secretary determines that the following criteria are met:

(1) During the most recent calendar year, the eligible employment in coal or uranium production development activities within the area has increased by eight percent or more from the preceding year, or such employment will increase by eight percent or more per year, during each of the next three calendar years;

(2) This increase has required or will require substantial increases in housing or public facilities and services, or both, in the area; and

(3) Available State and local financial and other resources are inadequate to meet the public need for housing or public facilities and services at present or in the next three years.

Pursuant to 7 CFR 1948.70(e), DOE hereby gives notice that it has approved, effective November 1, 1980, the following areas as energy impact areas:

**Oklahoma:** An area consisting of Haskell, Latimer, LeFlore, and Pittsburgh counties.

**Pennsylvania:** Cambria County.

**Illinois:** White County.

A designated and approved area is eligible for planning grants and other assistance through the Farmers Home Administration, Department of Agriculture, provided that the further requirements of Section 601 and 7 CFR 1948 are met.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Kathy Emmons, Energy Impact Program Manager, Office of Buildings and Community Systems, Mail Stop 1H-031, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252-9393.

Issued in Washington, D.C., December 11, 1980.

Frank DeGeorge,

*Principal Deputy Assistant Secretary Conservation and Solar Energy.*

[FR Doc. 80-39207 Filed 12-16-80; 8:45 am]

BILLING CODE 6450-01-M

#### Office of Conservation and Solar Energy

#### Energy Conservation Program for Consumer Products; Petition for Waiver of Consumer Product Test Procedures From Hydro Therm, Inc. (Case No. F-002)

AGENCY: Department of Energy.

**SUMMARY:** The energy conservation program for consumer products, other than automobiles, was established pursuant to the Energy Policy Conservation Act. The Department of Energy (DOE) has amended the Department's regulations for the energy

conservation program for consumer products by allowing the Assistant Secretary for Conservation and Solar Energy temporarily to waive test procedure requirements for a particular covered product (45 FR 64108, Sept. 20, 1980). Waivers may be granted when characteristics of the product prevent use of the prescribed test procedures or lead to results that provide materially inaccurate comparative data. Pursuant to paragraph (b) of § 430.27 of the Code of Federal Regulations, DOE is required to publish in the Federal Register all received Petitions for Waiver and supporting documents from which confidential information has been deleted in accordance with 10 CFR 1004.11. Also, DOE is required to solicit comments, data and information with respect to the determination of the petition.

**DATES:** DOE will accept comments, data, and information no later than January 16, 1981.

**ADDRESSES:** Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Solar Energy, Case No. D-001, Mail Stop GH-068, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

#### FOR FURTHER INFORMATION CONTACT:

James A. Smith, U.S. Department of Energy Office of Conservation and Solar Energy, Room GH-065, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9127. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B-128, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9526.

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 21, 1980, Hydro Therm, Inc., filed a Petition for Waiver from the DOE test procedures for consumer products. Specifically, the petitioner believes that the use of the existing furnace test procedure will lead to results that provide materially inaccurate comparative data when these test procedures are applied to a particular design of furnace manufactured by Hydro Therm, Inc.

In consideration of the foregoing and in accordance with the provisions of § 430.27(b) of Chapter II of Title 10, Code of Federal Regulations, DOE is hereby publishing the "Petition for Waiver" in the Federal Register in its entirety. The petition contains no confidential information. DOE is hereby soliciting comments, data and information