



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

D-96-01
II-A-666

SEP 24 1981

OFFICE OF
AIR, NOISE, AND RADIATION

MEMORANDUM

SUBJECT: Phase-Out Plans Information and Decision Memorandum
FROM: John M. Ropes
Acting Office Director
Office of Noise Abatement and Control
TO: Mrs. Kathleen M. Bennett
Assistant Administrator for
Air, Noise and Radiation

*Approved as noted
Guthrie Bennett
9/28/81*

As we discussed some time ago, I indicated that I would be reporting to you on our progress in the phase-out of the Noise Program. After consultation with senior ONAC staff and with Sam Gutter of OGC, we have arrived at an accelerated plan, subject to your approval, which would permit us to reduce our current staff by approximately one-half by the end of January, 1982. This could provide substantial savings both in terms of extramural dollars and personnel costs. The work that will remain by the end of January could be performed by a core staff that would complete the phase-out of the Noise Program by the end of FY-1982. Of course, this will depend on the outcome of legislative considerations now before the Congress. I have been informed by our Office of Legislation that there has been no movement of the Noise Bill in the House and there probably will be none for some weeks to come.

I instructed the senior staff to advise me of the items in their programs that were essential to accomplish and in what time frame they could be completed. This has been accomplished. I also asked them for alternatives and recommendations on the continuance of certain programs and program elements in an effort to curtail and/or eliminate functions which clearly were not required by law or by the Administrator. Lastly, I asked them to project realistically their staffing needs by quarter during FY-1982. These have also been accomplished.

This has been done with a degree of difficulty since it was necessary to ask people to dismantle programs that they had heretofore tried to build and implement to the best of their ability. In this regard, I have to give the ONAC staff high marks for their cooperation and their ability to face the reality of the phase-out and its personal implications.

Further, the phase-out activity, if it is to be carried out as efficiently as possible, will require a considerable amount of detailing and reassignment of personnel within ONAC. I want to assure you that every effort will be made to take the human factors into account as we proceed. As we get farther down the

STATE AND LOCAL PROGRAMS DIVISION

The State and Local Programs Division projects its phase-out action to eliminate those functions which are not critical to the effort to pass the program on to the States and locales. This will be accomplished by the end of January. After January, the principal activities of the Division will be: State and local program support, technical assistance and application of program tools such as the Each Community Helps Others (ECHO) Program for States, noise control techniques demonstrations such as Buy Quiet, and coordination and evaluation of State and local programs.

The bulk of the remaining functions are retained to ensure the proper transfer of responsibility for the Noise Program to States and units of local government. In that regard there will be three major activities: 1) Tracking grants and cooperative agreements with States. The cooperative agreements also require substantial Federal involvement which heretofore was provided by the Regional Offices. Since that is no longer possible, Headquarters will have to assume that responsibility until the grants and cooperative agreements expire near the end of FY-1982; 2) Managing contracts and contractors such as the National League of Cities for the National ECHO Program and the National Association of Noise Control Officials offering technical assistance and program development guidance to the States as well as the national "Buy Quiet" Program. These agreements could not, nor should they be, terminated for convenience without creating a major fracture in the transfer of Noise Program responsibilities to the States. As a result, they should be continued until they have completed their contractual requirements; 3) Providing direct technical assistance to States in the areas of program funding, enabling and appropriating legislation and program operations. The major activity in this area is one of problem solving. With less than one year to the end of their Federal financial support, the States will need to be assisted with these aspects of their programs and new levels of responsibility. In essence, this is a primary requisite for full and complete assumption of Noise Program responsibilities by the States.

By the end of January the S&LPD staff could be reduced to 6 PFT Professionals and 1 PFT Secretary from the current 14 PFT Professionals, 3 PFT Secretaries, and 1 PFT Clerk Typist.

DECISION:

Approve _____ ✓

Date 9/24/81

Disapprove _____

Date _____

COMMENTS/SUGGESTIONS:

PLANS AND PROGRAMS STAFF

The Plans and Programs Staff handles all of the ONAC housekeeping functions and provides assistance to other ONAC units relative to external and non-EPA requirements such as OMB requirements, program analysis and coordination. The staff has already been reduced to its barest minimum and will function with a complement of 3 PFT Professionals and 1 PFT Clerk/Typist until September 30, 1982, when it will be further reduced or eliminated depending on what remains to be accomplished.

DECISION:

None needed as remaining staff will be required to accomplish phase down.

COMMENTS/SUGGESTIONS:

SCIENTIFIC ADVISOR AND HEALTH EFFECTS STAFF

The Scientific Advisor to the DAA has departed. The remaining staff is administering health effects projects, some of which are long-term in nature. An in-depth review of those activities is required to determine which of them can be terminated, spun off to another unit of EPA, such as ORD, or continued here at ONAC. The ongoing studies which are of benefit should be retained by the Agency because of their Health and Welfare implications and the impact of these implications as they relate to regulations. We could explore with ORD or other Federal health-related agencies the possibility of assuming responsibility for some of the longer term projects and reassign one or two noise staff members for the duration of those studies or until September 30, 1982. Currently, the staff consists of 2 PFT Professionals, 1 PFT Professional and 1 PFT Secretary.

DECISION:

Sentatively
Approve

Date _____

Disapprove _____

Date _____

COMMENTS/SUGGESTIONS:

*Would like more info on kinds of projects involved. Tentatively
concur with your exploring w/ ORD what should be done.*

STANDARDS AND REGULATIONS DIVISION

By far, this is the area of greatest uncertainty. Due to legal responsibilities emanating from the identification of major noise sources, we find ourselves in a position where it will be difficult to extract ourselves quickly. Clearly, some of the regulations in place should be kept, such as the Railroad Regulations, for their pre-emptive value to the regulated industry in light of possible inconsistent State and Local rules. As you know, OGC is now negotiating an agreement with the American Association of Railroads that we hope will settle this unfinished business.

The proposed Bus Regulation likewise poses a problem. Under the present Act, as well as under the Senate and House versions of the proposed legislation, we can be obligated to go forward with rulemaking. Industry is in favor of rulemaking for pre-emptive purposes; on the other hand, States and units of local government would be adversely impacted at this time by the costs of such a rule. The Bus Regulation would apply to equipment purchased for urban mass transit systems and school districts--both of which are in serious financial difficulty. Our cost effectiveness data shows that there are not sizeable per-unit cost increases associated with the proposed Regulation. Further, within the context of the Administration's economic recovery program and the reduction in Federal outlays, States and units of local government will be hard pressed to meet higher priority expenditure needs. Similarly, the Federal Program for Urban Mass Transit will be concentrating more of its resources on capital investment rather than maintenance of equipment thereby exacerbating the problem purchasers will face with respect to maintenance. As is now planned, the overall Federal outlay for Urban Mass Transit will be substantially the same in FY-1983 as in FY-1982. Urban Mass Transit is a highly localized problem with respect to noise where "Buy Quiet" purchase specifications might suffice if urban noise is a problem in a specific community. Likewise, States and units of local government, including school districts, can write "Buy Quiet" purchase specifications for quieter school buses if they perceive bus noise to be a significant problem. To go forward with the Bus Rule would require staff and resources into FY-1983 considerably above the overtarget request made to OMB for the Noise Program. Therefore, I am recommending that we attempt to de-identify Buses for the same reason(s) we offer in dealing with other products shown on the attached chart. Most likely industry will object for pre-emptive not environmental reasons which in this case is a distortion of the purpose of the Act in my opinion.

With respect to all rules and proposed regulations, we have devised a plan that will de-identify most of the major sources of noise including some of those that have been promulgated. The plan was devised in conjunction with OGC inputs that are subject to your approval. The attached chart outlines the issues/problems and recommendations for implementation of the plan. Since product identification as a major source of noise under Section 5 of the Act initiates the need to regulate and starts the regulatory time clock, withdrawal of those identifications will, theoretically, allow us to disengage from rulemaking at any stage in the process. Where there are regulations that are desirable, those products would not be de-identified. This appears to be the most expeditious as well as the most defensible way to clear out pending actions which we are currently liable for under the law.

Provided that we are successful with the de-identification/de-regulation process the only rules that we would leave in place would be: the Motorcycle Regulation, the Railroad Regulation, Low Noise Emission Products Regulation, the Medium and Heavy Duty Truck Regulation, the Interstate Motor Carrier In-Use Regulation, Portable Air Compressor regulation, and, the Hearing Protector Labeling Regulation. However, the Hearing Protector Labeling Regulation would be eliminated under either version of the proposed legislation, as would the Garbage Truck Regulation, and the Wheel and Crawler Tractor Regulation and Portable Air Compressor Regulation.

The deidentification and deregulation process could take up to 10 months prior to final rulemaking. Critical staff will have to remain until that time. Until the decisions are made regarding the proposed plan, we will not be able to accurately forecast the resource levels needed for the implementation of the plan.

The other critical area of uncertainty is that of the Regulatory Impact Assessments required under Executive Order No. 12291. Many of our responsibilities under the Order emanate from the requirement to develop cost benefit information, which is fairly impossible given the nature of noise regulations. We do have some solid data on cost effectiveness which we are hoping will suffice for regulations that we keep and to which the Order applies. We will relieve ourselves of extensive work and costs under the Order if we proceed with the de-identification/de-regulation plan. If we are successful in negotiating either a waiver or modification of requirements of the Order with OMB (preliminary discussions have taken place), the situation will be eased even further. On the other hand, if we are forced into strict adherence to the Order and we do not implement the plan, we can look forward to preparing costly studies and data coupled with considerable staff allocations beyond FY-1982 just to comply with E.O. 12291. We are preparing a memo for your review and approval requesting the Associate Administrator for Policy and Resource Management to seek OMB approval for us to substitute our cost effectiveness studies in lieu of requirements imposed by E.O. 12291 along with other valid reasons for exemptions to the Order.

One final problem with respect to Standards and Regulations is that of talent drain. With every individual who departs the Agency for a new job elsewhere, we are left with a lack of historical and institutional knowledge regarding in place and proposed regulations. Loss of additional staff could have a debilitating effect on our effort to disengage and extract the Agency from the regulatory activity.

Currently, we have 7 PFT professionals, 1 PPT professional, 2 PFT secretaries and 1 PPT Docket File Clerk assigned to the Division, plus 2 PFT professionals detailed to work there. Our resource needs in this area are governed to a large extent by which version of the new legislation is finally passed, the success and speed of our de-identification efforts, and whether OMB will grant us relief from Executive Order 12291. Even if we are successful in most of these efforts, the current staff will be hard pressed to complete the tasks required by September, 1982. I anticipate reassigning a minimum of three additional professionals to this work as they complete their present projects and become available for other duties. In the long run, however, the situation could

become much worse if we do not move promptly to begin work on the de-identification/
de-regulation activities.

RECAPITULATION OF REGULATORY ACTIVITIES

I am proposing that we commence action immediately, with advice and
assistance from the Office of General Counsel, to de-identify:

- 1. Truck Transport Refrigeration Units
- 2. Power Lawnmowers
- 3. Rock Drills
- 4. Pavement Breakers

and that we de-identify and withdraw from further rulemaking activities:

- 1. Wheel and Crawler Tractors
- 2. Buses

and further, that we de-identify and de-regulate:

- 1. Garbage Trucks (Compactors)

DECISION:

Approve _____ Date _____

Disapprove _____ Date _____

COMMENTS/SUGGESTIONS:

*Agree with approach but need details on "de-identification"
process, especially grounds on which it occurs.*

In addition, I recommend that we:

- a) Withdraw the Technical Amendment pending on compliance testing on the Motorcycle regulation.
- b) Do no further work on the Hearing Protector Labeling Regulation unless staff time permits.

- c) Do no further work on the Low Noise Emission Products (LNEP) Rule unless staff time permits.

DECISION:

Approve: _____ ✓ _____ Date 9/24/91

Disapprove: _____ Date _____

COMMENTS/SUGGESTIONS:

If the above actions are successfully consummated the following regulations will be left in place:

- a) Motorcycles (without technical amendment) /1
- b) Medium and Heavy Duty Trucks
- c) Air Compressors
- d) Hearing Protector Labeling (without technical amendment) /2
- e) Interstate Motor Carrier Regulation (in-use operational regulation)
- f) Railroad Regulations /3
 - 1) Locomotive and Railcars
 - 2) Major Source(s)
- g) Low Noise Emission Products (LNEP)
(not actually a product rule but a procedural process)

/1 Eliminated under the Senate version of the new legislation.

/2 Eliminated under both the Senate and House versions of the new legislation.

/3 Pending successful Court settlement with Railroad industry.

Finally, and with respect to most major program activities remaining in ONAC, we have implemented an outreach program in order to accomplish a rational well planned phase-out. The outreach program entails supplying information to those institutions and organizations that can use it and who have expressed a need for the products originating from the work performed by and for ONAC to this time. This includes technical information, contractor reports, documentation, case histories, educational materials and the like to be repositored in one or more locations depending upon arrangements made. The information will be offered to the private sector industry and business, other government agencies, educational institutions, and States and units of local government. We are exploring and will finalize the location of the repository(s) within other units of EPA, National Technical Information Service (NTIS), the National Association of Noise Control Officials, the National League of Cities, and other Federal Departments and Agencies. These activities will require 1 Permanent Full Time professional and 1 Temporary Full Time professional to accomplish by the end of FY-1982.

In conclusion should you have any questions on any of the aspects and implications in this memorandum, I would be very happy to visit with you to discuss them in more depth and detail. I apologize for the length and wordiness of this document but it is most difficult to deal with so many complexities in an abbreviated fashion.

Attachment

SEP 24 1981

MEMORANDUM

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FROM: John M. Ropes
Acting Office Director
Office of Noise Abatement and Control

TO: Mrs. Kathleen M. Bennett
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*approved as noted
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9/28/81*

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Further, the phase-out activity, if it is to be carried out as efficiently as possible, will require a considerable amount of detailing and reassignment of personnel within ONAC. I want to assure you that every effort will be made to take the human factors into account as we proceed. As we get farther down the

road, we are going to suffer some inconvenience as a result of personnel departing to other jobs outside ONAC. This has had and will continue to have an unsettling effect on the operation of the Office; however, it will not hamper our phase-out plan.

Finally, due to the tentative nature of the plan and the decisions that are yet to be made regarding its implementation, I have discussed this plan with senior staff only. Even they do not know the full extent of the plan beyond their own operational units. I believe that we should keep this action as close to the vest as possible until the appropriate time when all decisions have been made.

Following is a unit by unit description of the phase-out plan and staffing estimates for each of the operating units within ONAC:

TECHNOLOGY AND FEDERAL PROGRAMS DIVISION

The principal activities of the Division are currently field research and technology development functions. Coupled with a modest Federal inter-agency activity, they include: the Aviation Noise Program, the Quiet Truck Program, the Quiet Engine Program, the Quiet Tire Program, the Quiet House Program and technical reporting on industrial and construction equipment. The only major activity that will remain after January 31, 1982, is the Aviation Noise Program. All other activities will have been completed, terminated or spun off to other Agencies by that time. The dollar savings from contracts that can be terminated is approximately \$250,000. The staff could be reduced from 6 PFT Professionals, 1 PPT Professional, 2 PFT Secretaries and 1 PPT Secretary to 1 PFT Professional, 1 PPT Professional, and 1 PFT Secretary. Division employees not critical to the remaining functions would be reassigned within ONAC or temporarily reassigned to other EPA units until such time as the Agency determines a date for a Reduction In Force action. Hopefully, we can assist most of the affected staff in finding other employment by that time.

DECISION:

Approve _____ ✓

Date 9/24/81

Disapprove _____

Date _____

COMMENTS/SUGGESTIONS:

Status and duration of Aviation Noise Program?

STATE AND LOCAL PROGRAMS DIVISION

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Disapprove _____ Date _____

COMMENTS/SUGGESTIONS:

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COMMENTS/SUGGESTIONS:

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DECISION:

tentatively
Approve _____ Date _____
Disapprove _____ Date _____

COMMENTS/SUGGESTIONS:

*Would like more info on kinds of projects involved. Tentatively
concur with your exploring w/ ORD what should be done*

STANDARDS AND REGULATIONS DIVISION

By far, this is the area of greatest uncertainty. Due to legal responsibilities emanating from the identification of major noise sources, we find ourselves in a position where it will be difficult to extract ourselves quickly. Clearly, some of the regulations in place should be kept, such as the Railroad Regulations, for their pre-emptive value to the regulated industry in light of possible inconsistent State and Local rules. As you know, OGC is now negotiating an agreement with the American Association of Railroads that we hope will settle this unfinished business.

The proposed Bus Regulation likewise poses a problem. Under the present Act, as well as under the Senate and House versions of the proposed legislation, we can be obligated to go forward with rulemaking. Industry is in favor of rulemaking for pre-emptive purposes; on the other hand, States and units of local government would be adversely impacted at this time by the costs of such a rule. The Bus Regulation would apply to equipment purchased for urban mass transit systems and school districts--both of which are in serious financial difficulty. Our cost effectiveness data shows that there are not sizeable per-unit cost increases associated with the proposed Regulation. Further, within the context of the Administration's economic recovery program and the reduction in Federal outlays, States and units of local government will be hard pressed to meet higher priority expenditure needs. Similarly, the Federal Program for Urban Mass Transit will be concentrating more of its resources on capital investment rather than maintenance of equipment thereby exacerbating the problem purchasers will face with respect to maintenance. As is now planned, the overall Federal outlay for Urban Mass Transit will be substantially the same in FY-1983 as in FY-1982. Urban Mass Transit is a highly localized problem with respect to noise where "Buy Quiet" purchase specifications might suffice if urban noise is a problem in a specific community. Likewise, States and units of local government, including school districts, can write "Buy Quiet" purchase specifications for quieter school buses if they perceive bus noise to be a significant problem. To go forward with the Bus Rule would require staff and resources into FY-1983 considerably above the overtarget request made to OMB for the Noise Program. Therefore, I am recommending that we attempt to de-identify Buses for the same reason(s) we offer in dealing with other products shown on the attached chart. Most likely industry will object for pre-emptive not environmental reasons which in this case is a distortion of the purpose of the Act in my opinion.

With respect to all rules and proposed regulations, we have devised a plan that will de-identify most of the major sources of noise including some of those that have been promulgated. The plan was devised in conjunction with OGC inputs that are subject to your approval. The attached chart outlines the issues/problems and recommendations for implementation of the plan. Since product identification as a major source of noise under Section 5 of the Act initiates the need to regulate and starts the regulatory time clock, withdrawal of those identifications will, theoretically, allow us to disengage from rulemaking at any stage in the process. Where there are regulations that are desirable, those products would not be de-identified. This appears to be the most expeditious as well as the most defensible way to clear out pending actions which we are currently liable for under the law.

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become much worse if we do not move promptly to begin work on the de-identification/ de-regulation activities.

RECAPITULATION OF REGULATORY ACTIVITIES

I am proposing that we commence action immediately, with advice and assistance from the Office of General Counsel, to de-identify:

- 1. Truck Transport Refrigeration Units
- 2. Power Lawnmowers
- 3. Rock Drills
- 4. Pavement Breakers

and that we de-identify and withdraw from further rulemaking activities:

- 1. Wheel and Crawler Tractors
- 2. Buses

and further, that we de-identify and de-regulate:

- 1. Garbage Trucks (Compactors)

DECISION:

Approve _____ Date _____

Disapprove _____ Date _____

COMMENTS/SUGGESTIONS:

Agree with approach but need details on "de-identification" process, especially grounds on which it occurs.

In addition, I recommend that we:

- a) Withdraw the Technical Amendment pending on compliance testing on the Motorcycle regulation.
- b) Do no further work on the Hearing Protector Labeling Regulation unless staff time permits.

- c) Do no further work on the Low Noise Emission Products (LNEP) Rule unless staff time permits.

DECISION:

Approve: _____ ✓ _____ Date 9/24/91

Disapprove: _____ Date _____

COMMENTS/SUGGESTIONS:

If the above actions are successfully consummated the following regulations will be left in place:

- a) Motorcycles (without technical amendment) /1
- b) Medium and Heavy Duty Trucks
- c) Air Compressors
- d) Hearing Protector Labeling (without technical amendment) /2
- e) Interstate Motor Carrier Regulation (in-use operational regulation)
- f) Railroad Regulations /3
 - 1) Locomotive and Railcars
 - 2) Major Source(s)
- g) Low Noise Emission Products (LNEP)
(not actually a product rule but a procedural process)

/1 Eliminated under the Senate version of the new legislation.

/2 Eliminated under both the Senate and House versions of the new legislation.

/3 Pending successful Court settlement with Railroad industry.

Finally, and with respect to most major program activities remaining in ONAC, we have implemented an outreach program in order to accomplish a rational well planned phase-out. The outreach program entails supplying information to those institutions and organizations that can use it and who have expressed a need for the products originating from the work performed by and for ONAC to this time. This includes technical information, contractor reports, documentation, case histories, educational materials and the like to be repositored in one or more locations depending upon arrangements made. The information will be offered to the private sector industry and business, other government agencies, educational institutions, and States and units of local government. We are exploring and will finalize the location of the repository(s) within other units of EPA, National Technical Information Service (NTIS), the National Association of Noise Control Officials, the National League of Cities, and other Federal Departments and Agencies. These activities will require 1 Permanent Full Time professional and 1 Temporary Full Time professional to accomplish by the end of FY-1982.

In conclusion should you have any questions on any of the aspects and implications in this memorandum, I would be very happy to visit with you to discuss them in more depth and detail. I apologize for the length and wordiness of this document but it is most difficult to deal with so many complexities in an abbreviated fashion.

Attachment

REGULATION	STATUS UNDER PRESENT LAW	NOISE REGULATORY ISSUES/PRIORITIES	NEW REGULATION STATUS VERSION	RECOMMENDED OPTIONS
Buses	NRM issued 9/77; Final Rule unpromulgated.	Industry wants prescriptive rule. Uniformity of treatment in commerce key element. Costs to Reg. ED-12291 applies.	Retained in both	De-identify/withdraw NRM
Hearing Protector Labeling	Final Rule issued 1977. Effective 9/80	Technical amendment (comparative range information--not a Rule)	Eliminated	Issue amendments OR leave in place
INEP (Low Noise Emission Products)	Final Rule issued 1975. Effective 7/1/77 for Air Compressors. Effective for Trucks: 78 dB 1/1/77; 75 dB 1/1/81	INEP levels for Trucks & Compressors unpublished--not a Rule.	Retained	Nice but not legally required
Interstate Motor Carrier (In-use Ops.)	Final Rule issued 1975 Effective 10/15/75	Apparent conflict w/new Truck Reg.	Moved to Sec. 18	Leave in place
Major Noise Source Identifications	4 products identified: Truck Transport Refrigeration Units; Power Lawn Mowers; Rock Drills; Pavement Breakers.	Once identification has been made, Administrator must regulate unless determined not a major source requiring uniformity of treatment in commerce.	Removed	De-identify all 4 products

(Note: Above Recommendations to de-identify & de-regulate are made with presumed OCC concurrence.)

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NOISE REGULATION SUMMARY

REGULATION	STATUS UNDER PRESENT LAW	ISSUES/PROBLEMS	NOISE REGULATION LEGISLATION SIMULTE VERSION	RECOMMENDED OPTIONS
Motorcycles	Final Rule issued 12/80. 83 db in effect model year 1983; 80 db in effect model year 1986.	Technical amendment pending on compliance testing. Industry favors withdrawing amendment. ED-12291 applies. (Reg. Impact Analysis)	Auth. Revoked	Withdraw technical amendment Seek CMB relief on ED-12291
Medium & Heavy Duty Trucks	Final Rule issued 4/76. 83 db in effect 1978. 80 db level deferred to 1983 with action pending to further defer to 1986.	Deferral notice commits EPA to review 80 db standard prior to 1986. Industry favors 81 db Std. Industry split on 80 db standard. ED-122291 applies.	No Change	Leave in place Seek CMB relief on ED-12291
Railroads				
1. Locomotives & Railcars	Final Rule issued 12/75. Effective 1/1/80	EPA is under court order to issue more extensive (prescriptive) Rules. Currently in negotiations with industry. ED-12291 applies.	Allows for Administrator discretion	Withhold action on NRM pending outcome of negotiations with Railroads. Must respond to court by 11/26/81. Seek CMB relief on ED-12291
2. Various Sources	Final Rule issued 1/80. Effective 1/15/81			
3. Property Line Std.	NPRM issued 4/80.			
Air Compressors	Final Rule issued 12/75 Effective 1/1/78	Industry favors leaving Rule in place.	Revoked	Leave in place
Garbage Trucks (Compactors)	Final Rule issued 10/79. Effective 10/80 & 1983. Included in truck deferral.	Suspended enforcement. Technical problems with compliance testing. In litigation.	Revoked	Do-Identify/Do-regulate
Wheel & Crawler Tractors	NPRM issued 7/77; Final Rule unperfomulated.	Uniformity of treatment in commerce questionable. ED-12291 applies.	Auth. Revoked in both versions	Do-Identify/withdraw NPRM