

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 80-8919 Filed 3-21-80; 8:45 am]
BILLING CODE 7630-01-M

46 CFR Part 537

[Docket No. 79-60]

The Filing With the Commission of Cargo Statistics Compiled by Various Conferences of, and Rate Agreements Between, Common Carriers by Water in the Foreign Commerce

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of Proceeding.

SUMMARY: The Commission instituted this proceeding by notice of proposed rulemaking published June 13, 1979 (44 FR 33913) and invited public comment whether the Commission would require the filing annually of cargo statistics by conferences and rate agreements, composed of common carriers by water engaged in the foreign commerce of the United States. In light of the comments received and because the Commission considers the proposal to increase the burden of regulation to conferences and rate agreements as well as the Commission itself, without sufficient corresponding regulatory benefit, the Commission has determined not to adopt a final rule at this time. Accordingly, this proceeding is hereby discontinued.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 1101, Washington, D.C. 20573, Tel. (202) 523-5725.

SUPPLEMENTARY INFORMATION: None.

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 80-8916 Filed 3-21-80; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Materials Transportation Bureau

49 CFR Parts 172, 173, 178

[Docket No. HM-139C; Notice No. 80-5]

Conversion of Individual Exemptions Into Regulations of General Applicability

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of Proposed rulemaking.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments on or before April 23, 1980.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, 400 Seventh Street, S.W.; Washington, D.C. 20590, 202-472-2726.

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the following table is founded upon either: (1) actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application for an exemption. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

Primary drafters of these proposals are Darrell L. Raines, and John C. Allen, Office of Hazardous Materials Regulation, Exemptions and Regulation Termination Branch.

These proposals would not significantly affect the costs of regulatory enforcement, nor would additional costs be imposed on the private sector, consumer, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would

obviate the need for that exemption and effectively terminate it. Upon such termination the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on the proposals may wish to address both the proposed amendment and the exemption application. Comments pertaining to modes of transportation other than those for which the exemption application requested is anticipated.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

BILLING CODE 4910-60-M

Proposed Amendments of Hazardous Materials Regulations
to Terminate Exemptions

| Identification No. | Applicant Holder | Regulation Affected | Nature of Exemption or Application | Nature of Proposed Amendment |
|--------------------|--|---------------------|---|--|
| E 4790 | Smith & Wesson/ General Ordnance Equipment Co. | § 172.101 | Authorizes shipment of tear gas devices (Chemical Mass) meeting DOT Specification 2P inside DOT 12B30 fiberboard box. (Modes 1, 2). | To add the following entry to the Hazardous Materials Table in § 172.101 in alphabetical sequence: |

| (1) W/ A | (2) Hazardous materials descriptions and proper shipping names. | (3) Hazard class | (4A) ID number | (4) Label(s) required (if not excepted) | (5) Passenger | | (6) Maximum net quantity in one package | | (7) Water shipments | | |
|----------------|--|---------------------|-------------------|--|------------------|------------------------------|---|----------------------------|------------------------|-------------------------|---------------------------------|
| | | | | | (a) Exception | (b) Specific requirements | (a) Passenger carrying aircraft or railcar | (b) Cargo only aircraft | (a) Cargo vessel | (b) Passenger vessel | (c) Other requirements |
| | | | | | | | | | | | |
| | Tear gas device | Irritating material | NA1693 | Irritant | None | 173.395 | Forbidden | 75 pounds | 1 | 5 | Stow away from living quarters. |

Proposed Amendments of Hazardous Materials Regulations
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| Identifica- tion No. | Applicant Holder | Regulation Affected | Nature of Exemption or Application | Nature of Proposed Amendment |
|-------------------------|---------------------|--|---|--|
| | | § 173.385 | | To add paragraph (a) (3) to read as follows: (3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with inside tear gas devices meeting specification 2P (§ 178.33 of this subchapter). Each inside container must be placed into spiral wound tubes fitted with metal ends or a double-faced fiberboard box with suitable padding. Not more than 30 inside containers shall be placed in one outside box and gross weight shall not exceed 35 pounds. |
| E 6526 | Dow Chemical Co. | § 173.353 (a) (3) § 173.357 (b) (1) | Authorizes the shipment of certain Poison B liquids in DOT Specification 4BA or 4BW cylinders with recessed valve protection. | To revise § 173.353(a) (3) to read: (a) (3) Specification 3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225, or 4BW225 (§§ 178.36, 178.37, 178.38, 178.42, 178.49, 178.50, 178.51, 178.61 of this subchapter). Metal cylinders. Valves and other closing devices must be protected to prevent damage in transit by equipping the cylinder with valve protection required by § 173.301(g) of this subchapter. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (See § 173.25). To amend § 173.357(b) (1) by changing the first two sentences as follows: (B) (1) Specification 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, 4BW, or 4C (§§ 178.36, 178.37, 178.38, 178.40, 178.41, 178.42, 178.49, 178.50, 178.51, 178.61, 178.52 of this subchapter). Metal cylinders. Valves and other closing devices must be protected to prevent damage in transit by equipping the cylinders with valve protection required by § 173.301(g) of this subchapter. ***. |

Proposed Amendments of Hazardous Materials Regulations
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| Identification No. | Applicant Holder | Regulation Affected | Nature of Exemption or Application | Nature of Proposed Amendment |
|--------------------------------|--|---|---|---|
| E 7710 8045 8185 8266 | Container Corp. of America; Liqui-Box Corp.; Midway Can Co.; Industrial Plastic Container Co. | § 173.119(a) (27) 173.125(a) (7) 173.222(a) (4) 173.245(a) (21) 173.263(a) (23) 173.272(i) (11) 173.277(a) (5) 173.346(a) (24) | Authorizes exemptions of various flammable liquids, corrosive liquids, and poisonous liquids in a DOT specification 12P fiberboard box having two inside DOT 2U polyethylene bottles of 2-1/2 gallon capacity each instead of one inside container as now prescribed. | To amend the first sentence of §§ 173.119(a) (27), 173.125(a) (7), 173.222(a) (4), 173.245(a) (21), 173.263(a) (23), 173.272(i) (11), 173.277(a) (5) and 173.346(a) (24) to read as follows: Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with one inside specification 2U (§ 178.24 of this subchapter) polyethylene container of not over 5-gallon capacity or two inside specification 2U polyethylene containers of not over 2-1/2 gallon capacity each. |
| | | § 173.119(m) (8) 173.221(a) (9) | | To amend the first sentence of §§ 173.119(m) (8) and 173.221(a) (9) to read as follows: Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with one inside specification 2U (§ 178.24 of this subchapter) polyethylene container of not over 6-gallon capacity or two inside specification 2U polyethylene containers of not over 2-1/2 gallon capacity each. |
| | | § 178.211 | | To amend the section title as follows: <u>§ 178.211 Specification 12P; fiberboard boxes. Non reuseable containers for inside plastic containers greater than 1-gallon capacity as prescribed in Part 173 of this subchapter.</u> |

Proposed Amendments of Hazardous Materials Regulations
to Terminate Exemptions

| Identifica- tion No. | Applicant Holder | Regulation Affected | Nature of Exemption or Application | Nature of Proposed Amendment |
|-------------------------|---|------------------------|--|---|
| E 7725 7921 8116 | Supelco, Inc., Varian Associates Poly Science Corp; Becton, Dickinson & Co; U.S. EPA | § 173.4 | Authorizes the shipment of minute quantities of various hazardous materials as essentially unregulated materials. The materials are used as analytical standards by research, industry and government agencies to test properties of other materials. The maximum quantity of hazardous material in one outside package is not greater than 250 milliliters (about 8-1/2 ounces) but the package is composed of many glass ampules containing very small quantities of material. There is presently no such provision for such minute quantities in the hazardous materials regulations. | <p>To add section § 173.4 to read:</p> <p><u>§ 173.4 Exceptions for Analytical Standards and Minute Quantities of Certain Hazardous Materials.</u></p> <p>Hazardous materials (which are not forbidden from surface transportation by this subchapter) except radioactive materials, explosives and Poison A gases, when shipped in minute quantities as analytical standards and packaged and marked in accordance with all of the conditions of this paragraph and paragraph 173.24, are excepted from all other provisions of this subchapter.</p> <p>(a) Not more than 25 ml. (0.85 oz.) of hazardous material in a glass ampule with sufficient out-gage such that the ampule does not become liquid full at 130°F. Each ampule must be totally enclosed in an absorbent material of sufficient quantity to completely absorb its liquid content. In addition, each ampule containing a corrosive liquid must be surrounded by material capable of also neutralizing as well as absorbing the liquid. The ampules, appropriately cushioned and packed in a quantity not to exceed 10, must be either:</p> <p>(i) Enclosed in a heat sealed bag and placed in tightly fitting rigid inside packaging, or</p> <p>(ii) Placed in a tightly fitting rigid inside packaging which is enclosed in heat sealed bag.</p> <p>(b) Inside packages described in (i) or (ii) above must be placed and secured against movement in either a DOT Specification 12A or 12B (§ 178.205, 178.210 of this subchapter) fiberboard box of at least 275 pounds strength double-wall construction. Total net quantity of hazardous material in each fiberboard box must not exceed 250 ml.</p> |

Proposed Amendments of Hazardous Materials Regulations
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| Identifica- tion No. | Applicant Holder | Regulation Affected | Nature of Exemption or Application | Nature of Proposed Amendment |
|--------------------------------|--|------------------------|---|--|
| E 7824 7944 8044 8118 | FMC Corp; Champion Chemicals, Inc. Dow Chemical Co. Nalco Chemicals Co. Magna Corp. | § 173.119(a) | Authorize the use of marine portable tanks (MTT) meeting the requirements of 46 CFR Part 64 for shipments by highway and cargo vessel for use in off-shore oil well supply industry. (Modes 1, 2) | (c) The outside of the completed package shall be marked "FLAMMABLE SOLID". (d) Not authorized for transportation in the passenger compartment of an aircraft. To add paragraph (a) (29) to § 173.119 to read as follows: (29) Marine portable tanks meeting the requirements of 46 CFR Part 64 authorized for highway and cargo vessel only when shipped in support of off-shore oil well drilling activities. Tanks shall comply with mounting and tie-down requirements of § 178.245-4 of this subchapter when transported by highway. To add paragraph (a) (35) to § 173.245 to read as follows: (35) Marine portable tanks meeting the requirements of 46 CFR Part 64 authorized for highway and cargo vessel only when shipped in support of off-shore oil well drilling activities. Tank must be compatible with loading. Not authorized for corrosive materials which also meet the definition of another hazard class. Tanks shall comply with mounting and tie-down requirements of § 178.245-4 of this subchapter when transported by highway. To add paragraph (a) (30) to § 173.263 to read as follows: (30) Marine portable tanks meeting the requirements of 46 CFR Part 64 authorized for highway and cargo vessel only when shipped in support of off-shore oil well drilling activities. Tanks shall comply with mounting and tie-down requirements of § 178.245-4 of this subchapter. Authorized only for mixtures of hydrochloric and hydrofluoric acid containing 2% or less of hydrofluoric acid. |
| | | § 173.245(a) | | |
| | | § 173.263(a) | | |

Proposed Amendments of Hazardous Materials Regulations
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| Identification No. | Applicant Holder | Regulation Affected | Nature of Exemption or Application | Nature of Proposed Amendment |
|--------------------|------------------|----------------------------------|--|--|
| | | § 173.264(a) | | To add paragraph (a) (20) to read as follows: (20) Marine portable tanks meeting requirements of 46 CFR Part 64 authorized for highway and cargo vessel only when shipped in support of off-shore oil well drilling activities. Tanks shall comply with mounting and tie-down requirements of § 178.245-4 of this subchapter when transported by highway. Authorized for hydrofluoric acid mixtures. |
| | | § 173.272(c), (d), (e), (f), (g) | | To amend paragraphs (c), (d), (e), (f), and (g) by adding reference to paragraph (i) (29) as authorized packaging. |
| | | § 173.272(i) | | To add paragraph (i) (29) to read as follows: (29) Marine portable tanks meeting requirements of 46 CFR Part 64 authorized for highway and cargo vessel only when shipped in support of off-shore oil well drilling activities. Tanks shall comply with mounting and tie-down requirements of § 178.235-4 of this subchapter when transported by highway. Authorized for sulfuric acid of concentrations up to 65.25 percent. Greater concentrations are also authorized if the corrosive effect on steel is not greater than that of 65.25 percent sulfuric acid measured at 100°F |
| 8071-N | Ethyl Corp. | § 172.101 | Correction: Docket HM-139 (44 FR 21793), April 12, 1979) amended §§ 172.101 and 173.202 to provide for the shipment of sodium potassium alloy (liquid) in DOT specification 51 portable tanks. An error was made in Column 6(b) of § 172.101 by authorizing 25 pounds aboard cargo-only aircraft. This entry should have been one pound. | To amend the entry for sodium potassium alloy (liquid) in § 172.101 by changing "25 pounds" in Column 6(b) to "1 pound." |

Proposed Amendments of Hazardous Materials Regulations
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| Identification No. | Applicant Holder | Regulation Affected | Nature of Exemption or Application | Nature of Proposed Amendment |
|--------------------|--------------------------|-----------------------|--|---|
| E 8205-N | Roy E. Hanson Jr. MFG | § 178.343-3(a) | Requested the use of a DOT Specification MC 312 cargo tank equipped with an elliptical manway as an alternate to the 15-inch inside diameter type. (Mode 1). | To amend the first sentence of § 178.343-3(a) to read: (a) Each compartment shall be accessible through a manhole conforming to paragraph UG-46(g) (1) of the ASME Code. * * * |
| 8227-N | Interox America | § 178.24a-2 | Request to use an inside polyethylene bottle comparable with DOT Specification 2E except for a maximum capacity of 5 liters (Modes 1, 2, 3). | To revise paragraph (a) by deleting the reference to 4.73 liters to read as follows: (a) Maximum capacity not to exceed 5 quarts. |
| E 8229 | Atlas Powder Co. | § 172.504 173.114a | To allow the blasting agent placard for mixed loads of nitro carbo nitrate, classed as an oxidizer and blasting agent, n.o.s. and/or ammonium nitrate-fuel oil mixture. (See Docket H-143, 44FR 31160, May 31, 1979). (Modes 1,2). | To add a new subparagraph to § 173.114a(j) as follows: (j) (1) During the voluntary compliance period, for mixed loads of nitro carbo nitrate, classed as oxidizer and blasting agent, n.o.s. and/or ammonium nitrate-fuel oil mixture, classed as a blasting agent, the blasting agent placard may be used in cases where both the blasting agent placard and the oxidizer placard would be required. |

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| Identification No. | Applicant Holder | Regulation Affected | Nature of Exemption or Application | Nature of Proposed Amendment |
|--------------------|---------------------|----------------------|--|---|
| b268-N | Union Carbide Corp. | § 173.119(m) | Requests that DOT Specification 105A tank cars be authorized for the shipment of flammable liquids which are also corrosive. (Mode 2) | To consolidate paragraphs (m) (13) and (m) (15) into one paragraph to read as follows: (m) (13) Specification 103AW, 103ALW, 103A-ALW, 103ANW, 103BW, 103CW, 103DW, 103EW, 103W, 104W, 111A60ALW, 111A60W1, 111A60ALW2, 111A60W2, 111A60W5, 105A100W, 111A100F2, 111A100W3, 111A100W6, 115A60W6, or AAR206W (§§ 179.200, 179.201, 179.220 of this subchapter) Tank cars. All special requirements for tank cars according to flash point, vapor pressure, and viscosity, in paragraphs (a) through (1) of this section apply (See Note 1) Not authorized for flammable liquids which are also organic peroxides. |
| E 8276-N | Safeway Stores | § 172.101 173.505 | Would authorize the transport of ORM-D packages in less than case lots when secured in carts or overpacks. Applicable only when shipped between distribution center and retail store via private motor carrier. (Mode 1) | To change the entry for consumer commodity in § 172.101 Column 5(a) from "None" to "173.505(b) " To add a new paragraph in § 173.505 to read as follows: (b) Strong outside packagings as specified in § 173.1200 of this subchapter are not required for materials classed as ORM-D when unitized in cages, carts, or similar overpacks and when shipped by private motor carrier from a distribution center to retail outlet. |

Proposed Amendments of Hazardous Materials Regulations
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| Identification No. | Applicant Holder | Regulation Affected | Nature of Exemption or Application | Nature of Proposed Amendment |
|--------------------|------------------------------|---------------------|--|---|
| E 8311-N | Pressed Steel Tank Co., Inc. | § 178.37-5 | Request the re-instatement of DOT SP 6129 which authorized the use of a carbon-boron steel in the manufacture of DOT Specification 3BA cylinders. (Modes 1,2,3 4). | To revise the Table in § 178.37-5 (a) by eliminating the un-used designations NE-8630, NE-9115, NE-9115X, NE-9125, NE-9125X and by adding a new designation after "4130X" to read as follows: |

§ 178.37-5(a) * * *

| Designation | Carbon-boron steel (percent) |
|-------------|------------------------------|
|-------------|------------------------------|

| | |
|------------------|--------------|
| Carbon | 0.27-0.37 |
| Manganese | 0.80-1.40 |
| Phosphorus | 0.035 max |
| Sulphur | 0.045 max |
| Silicon | 0.30 max |
| Chromium | |
| Molybdenum | |
| Zirconium | |
| Nickel | |
| Boron | 0.0095-0.003 |

Also, a new paragraph (b) would be added to § 178.37-5 to read as follows:

(b) When a carbon-boron steel is used, a hardenability test must be performed on the first and last ingot of each heat of steel. The results of this test must be recorded on the Record of Chemical Analysis of Material for Cylinders required by § 178.37-22 of this section. This hardness test must be made 5/16-inch from the quenched end of the Jominy quench bar and the hardness shall be at least Rc 33 and no more than Rc 53.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) App. A to Part 106.)

Note.—The Materials Transportation Bureau has determined that this proposed regulation will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor an environmental impact under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.). A regulatory evaluation is available for review of the docket.

Issued in Washington, D.C. on March 18, 1980.

Alan I. Roberts,

Associate Director for Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 80-8945 Filed 3-21-80; 8:45 am],
BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 80-02; Notice 1]

Federal Motor Vehicle Safety Standards; New Pneumatic Tires—Passenger Cars

Correction

In FR 80-8425 appearing at page 13785 in the issue of Monday, March 3, 1980, on page 13786, in Table I-JJ, the second entry "P185/70R13", under maximum tire loads 280, the entry reading "460" should be corrected to read "560".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal to determine *Potentilla Robbinsiana* (Robbins' Cinquefoil) To Be an Endangered Species and To Determine its Critical Habitat.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposal.

SUMMARY: The U.S. Fish and Wildlife Service proposes to determine a plant, *Potentilla robbinsiana* (Robbins' cinquefoil), to be an Endangered species and to determine its Critical Habitat under the authority contained in the Endangered Species Act of 1973. This plant occurs in New Hampshire solely on U.S. Forest Service lands and in Vermont on privately owned lands. The plant is threatened by human trampling

and natural factors. A determination of *Potentilla robbinsiana* to be an Endangered species would implement the protection provided by the Endangered Species Act of 1973 as amended.

DATES: Comments from the public must be received on or before May 23, 1980. Comments from the Governors of New Hampshire and Vermont must be received on or before June 23, 1980. A public meeting will be held on Monday, April 28, 1980, beginning at 7:30 p.m.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, 1000 N. Glebe Road, Fifth Floor, Arlington, Virginia 22201. The public meeting will be held at the YMCA, 15 North State Street, Concord, New Hampshire.

FOR FURTHER INFORMATION CONTACT:

Mr. John L. Spinks, chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, (703) 235-2771.

SUPPLEMENTARY INFORMATION:

Potentilla robbinsiana (Robbins' cinquefoil) was first discovered in 1829 by James Robbins for whom it was later named (Pease, 1917). This small perennial plant is a member of the rose family and forms densely tufted rosettes of leaves measuring 2-4 cm across. The yellow flowers are borne solitarily on stems, measuring only 1-3 cm long. *Potentilla robbinsiana* occurs in alpine areas of New Hampshire and Vermont. The habitat of this plant can be described as treeless, nearly barren fell-fields above 4,000 feet where the climate is extremely harsh. The substrate in which these plants occur has been described as a shallow loamy sand topped with a stony pavement like surface. This stony surface layer protects the soil from being either blown or washed away. The continued existence of this plant and the fragile habitat in which it occurs are being threatened by trampling and other factors. This rule proposes to determine *Potentilla robbinsiana* to be Endangered which would implement the protection provided by the Endangered Species Act of 1973. The following paragraphs further discuss the actions to date involving this plant, the threats to the plant, and effects of the proposed action.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the Federal Register (40 FR 27823-27924) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rulemaking in the Federal Register (41 FR 24523-24572) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975 Federal Register publication. *Potentilla robbinsiana* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal.

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A one year grace period was given to proposals already over two years old. On December 10, 1979, the Service published a notice withdrawing the June 16, 1976 proposal along with four other proposals which had expired. At this time the Service has sufficient new information to warrant repropounding *Potentilla robbinsiana*. Critical Habitat is being proposed for *Potentilla robbinsiana* for the first time.

Following the June 16, 1976 proposal, hundreds of comments were received from individuals, conservation organizations, botanical groups, business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered plants and their protection and regulation. These comments are summarized in the April 26, 1978, Federal Register publication of a final rulemaking which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916). Additional comments which are received during the comment period for this proposal will be summarized in the final rulemaking.

In the June 24, 1977, Federal Register (42 FR 32373-32381), the Service