Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Wrightstown, N.J., Transition Area. The airport is at present overlaid by a 700-foot area to which will be added a portion of airspace approximately eight miles deep and eight miles wide to the northwest.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 [Amended]

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Wrightstown, N.J., 700-foot floor transition area by amending the description to read:

Wrightstown, N.J.

Following, "within a 5-mile radius of Monmouth County Airport (40°11'05" N., 74°07'20" W.); within 2 miles each side of the Colts Neck VORTAC 167° radial extending from the Monmouth County Airport 5-mile radius area to the VOR;" add the following: "within 4 miles each side of the Belmar (BLM), N.J., localizer (40°10'57" N., 74°07'14" W.) 315° bearing extending from the Monmouth County Airport 5-mile radius area to 7-miles northwest of the approach end of Runway 14."

(Section 3907(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on January 8, 1980.

Lonnie D. Parrish,

Acting Director, Eastern Region.

[FR Doc. 80-1799 Filed 1-18-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Denial of Petitions To Control Dextropropoxyphene in Schedule II; Classification of Dextropropoxyphene as a Narcotic

AGENCY: Drug Enforcement Administration, Justice Department.

ACTION: Final Rule—Denial of Petition. Notice of Proposed Rulemaking—Classification as Narcotic.

SUMMARY: This is a denial of two petitions, one filed by Dr. Sidney M. Wolfe and on behalf of the Public Citizen Health Research Group, and a second filed by Dr. Edward Press, a public health officer for Oregon, to reschedule dextropropoxyphene and all dextropropoxyphene-containing products into Schedule II.

This denial is by the Administrator of the Drug Enforcement Administration, and based upon his receipt of a scientific and medical evaluation and recommendation to that effect by the Assistant Secretary for Health, Department of Health, Education and Welfare, and in accordance with section 201 and 202(b) of the Controlled Substances Act, 21 U.S.C. 811, 812(b), the Administrator of the Drug Enforcement Administration has determined that dextropropoxyphene should remain in Schedule IV of the Controlled Substances Act, and therefore declines to initiate proceedings to transfer or remove it from Schedule IV. The Secretary further recommended that the Administrator classify dextropropoxyphene as a narcotic, and the Administrator issues this Notice of Proposed Rulemaking to initiate that action.

DATE: Comments are due on or before February 20, 1980.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Chief, Regulatory Control Division, Telephone (202) 633-1366.

SUPPLEMENTARY INFORMATION: On November 7, 1978, Dr. Edward Press, State Public Health Officer, Oregon, filed a petition with the Administrator of the Drug Enforcement Administration to transfer dextropropoxyphene from Schedule IV to Schedule II of the Controlled Substances Act. He supplemented his request with additional correspondence to the Administrator dated November 28, 1979, which included some six summarized cases concerning overdoses, toxicity and death from dextropropoxyphene.

On November 21, 1978, the Public Citizen Health Research Group and Dr. Sidney M. Wolfe, jointly, also filed a petition with the Drug Enforcement Administration to transfer dextropropoxyphene (Darvon), and its salts, from Schedule IV to Schedule II of Act.

On February 12, 1979 and again on March 20, 1979, after initial data gathering and analysis and reviewed by DEA, the Drug Enforcement Administration transmitted the petitions and materials related to the issue of dextropropoxyphene control to the Food and Drug Administration, Department of Health, Education and Welfare, for further analysis and review by the Secretary as to the medical and scientific aspects of the petitions, and for subsequent receipt by the Administrator of the Secretary's scientific and medical evaluations and recommendation. These evaluations and recommendation were provided by the Assistant Secretary for Health in his letter dated September 7, 1979 to the Administrator; the September 7, 1979 letter is set forth here in its entirety:

September 7, 1979.

Mr. Peter B. Bensinger, Administrator, Drug Enforcement Administration, 1405 "Eye" Street, N.W., Washington, D.C. 20537.

Dear Mr. Bensinger: On November 21, 1978, a petition was received by the Department of Health, Education, and Welfare and the Department of Justice from the Health Research Group requesting that all propoxyphene containing products be place in Schedule II of the Controlled Substances Act.

The Bureau of Drugs within the Food and Drug Administration has reviewed the relevant data on porpoxyphene pursuant to Section 201 of the CSA and recommends that propoxyphene (including all drug products containing propoxyphene and its salts) remain in Schedule IV of the CSA but should be classified as "narcotics".

I concur with the FDA's recommendation that propoxyphene be classified as a "narcotic". I have also concluded that there is insufficient evidence at this time to justify our recommending to you any change in the current scheduling of propoxyphene.

However, I am now conducting a thorough study of the issues underlying the criteria for scheduling propoxyphene. If that study suggests further action, I will contact you.

A summary of the basis for this recommendation is enclosed.

Sincerely yours,

Julius B. Richmond,

Assistant Secretary for Health and Surgeon General.

Enclosure.

In essence and in effect, this recommendation from the Assistant Secretary is not to control dextropropoxyphene as the petitioners have requested.

Therefore, this recommendation of the Assistant Secretary is binding on the Administrator of the Drug Enforcement Administration, and in view thereof and in accordance with the provisions of section 201(b) of the Act, the Administrator shall not institute proceedings to transfer dextropropoxyphene to Schedule II, and in lieu thereof, dextropropoxyphene shall remain in Schedule IV as currently listed.

In the Assistant Secretary's evaluation and recommendation letter of September 7, 1979, he further recommended that dextropropoxyphene be classified as a "narcotic". The above-referenced enclosure to his letter set forth analysis of dextropropoxyphene as a narcotic; and to supplement that analysis, Dr. J. Richard Crout, Director, Bureau of Drugs, Food and Drug Administration, sent a letter dated November 13, 1979, to Mr. Kenneth A. Durrin, Director, Office of Compliance and Regulatory Affairs, DEA, setting forth additional evidence in support of and concluding that dextropropoxyphene is an opiate, and hence, a narcotic drug, as defined in Sections 102(17) and (16) of the Controlled Substances Act [21 U.S.C. 801 (17), (16)].

Accordingly, the Administrator of the Drug Enforcement Administration, under the authority of the Act and regulations of the Department of Justice and the Drug Enforcement Administration, hereby proposes that § 1308.14 of Title 21, Code of Federal Regulations (CFR), be amended:

§ 1308.14 [Amended]

(1) By removing dextropropoxyphene as item (1) of subsection (f) thereof and renumbering item (2) pentazocine as item (1); and

(2) By re-listing dextropropoxyphene as item (2) of subsection (b) *Narcotic Drugs* of § 1308.14.

All interested persons are invited to submit their comments in writing regarding this proposal on or before February 20, 1980. These comments should state with particularity the issues concerning which the person desires to be heard. Comments should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

Dated: January 11, 1980.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 80-1816 Filed 1-18-80; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 7

[LR-2-78]

Requirements Relating to Certain Exchanges Involving a Foreign Corporation; Public Hearing on Proposed Regualtions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regualtions.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to (1) ruling requests in respect to certain transfers involving a foreign corporation and (2) the extent which a foreign corporation shall be considered to be a corporation in connection with certain exchanges.

DATES: The public hearing will be held on February 27, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by February 13, 1980.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-2-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Jason Felton or George Bradley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 367 of the Internal Revenue Code of 1954. These proposed regulations were published in the Federal Register for Friday, December 30, 1977, at page 65152 (42 FR 65152), and Friday, October 5, 1979, at page 57390 (44 FR 57390); and as temporary regulations (T.D. 7530 and T.D. 7646, respectively) at the same citations.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by February 13, 1980. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

Robert A. Bley,

Director, Legislation and Regulations Divisions.

[FR Doc. 80-1876 Filed 1-18-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

36 CFR Part 1227

Recreation Fees

AGENCY: Heritage Conservation and Recreation Service, Interior.

ACTION: Proposed Rule.

SUMMARY: The Heritage Conservation and Recreation Service, with the consent of all Federal agencies involved, is proposing to amend 36 CFR Part 1227.9, Federal Recreation Fee Program. The Proposed amendment will allow the Department of Interior land-managing agencies to establish recreation fees,