

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG-43 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, [Reg. Preambles 1977-1981] FERC Stats. and Regs. ¶ 30,180 (1980), the Director gives notice of the proposal submitted by Colorado that the Niobrara Formation as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation under § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 30, 1984. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-226 (Colorado-38), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, view, data, or otherwise

participate at a public hearing should notify the Commission in writing that they want to make an oral presentation and so request a public hearing. The person shall specify the amount of time requested at the hearing, and should file the request with the Secretary of the Commission no later than March 30, 1984.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

Accordingly, the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, will be amended as set forth below, in the event the Commission adopts Colorado's recommendation.

Kenneth A. Williams,
Director, Office of Pipeline and Producer Regulations.

PART 271—[AMENDED]

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraph (d)(201) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) Designated tight formations.

* * * * *

(201) *Niobrara Formation in Colorado.* RM79-76-226 (Colorado-38).

(i) *Delineation of formation.* The Niobrara Formation is located in Weld County, Colorado, in Township 4 North, Range 68 West, Sections 4 through 8; and in Larimer County, Colorado, in Township 4 North, Range 69 West, Sections 1 through 10, 15 through 22; Township 5 North, Range 68 West, Sections 19 through 21, 28 through 33; Township 5 North, Range 69 West, Sections 25 through 36, 6th P.M.

(ii) *Depth.* The average depth to the top of the Niobrara Formation is 3,000 feet. The Niobrara Formation averages 300 feet in thickness.

[FR Doc. 84-7483 Filed 3-19-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Rescheduling of Sufentanil From Schedule I to Schedule II of the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Administrator of the Drug Enforcement Administration (DEA) proposes to reschedule the Schedule I narcotic drug, sufentanil, to Schedule II of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This action is initiated upon DEA's receipt of a letter from the Assistant Secretary for Health, Department of Health and Human Services (DHHS), recommending that sufentanil be rescheduled from Schedule I to Schedule II. According to the Food and Drug Administration, sufentanil is a narcotic drug with a high potential for abuse and a New Drug Application for sufentanil will be approved in the near future. DEA's final decision concerning the relative abuse potential of sufentanil will take account of the Assistant Secretary's recommendation and any information received in response to this proposal. The effects of this rule would be to require that the manufacture, distribution, dispensing, security, registration, recordkeeping, inventory, exportation and importation of this drug be subject to controls for Schedule II narcotic substances.

DATE: Comments and objections must be received on or before April 19, 1984.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537. Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION:

List of Subjects on 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

By Federal Register final rule (45 FR 64571; September 30, 1980), sufentanil was controlled under Schedule I of the CSA, effective December 1, 1980. On February 22, 1984, the Assistant Secretary for Health, on behalf of the

Secretary, Department of Health and Human Services, sent to the Administrator of the Drug Enforcement Administration a letter recommending that sufentanil be rescheduled into Schedule II once it is approved for marketing and that sufentanil continue to be defined as a narcotic. Enclosed with the letter was a document entitled "Basis for the Rescheduling of Sufentanil From Schedule I to Schedule II of the Controlled Substances Act." The document contained the factors which the CSA requires the Secretary to consider and the summarized considerations of the Secretary in recommending rescheduling of sufentanil.

The factors considered by the Secretary concerning sufentanil were:

- (1) Its actual or relative potential for abuse;
- (2) Scientific evidence of its pharmacological effect;
- (3) The state of current knowledge regarding the substance;
- (4) Its history and current pattern of abuse;
- (5) The scope, duration and significance of abuse;
- (6) What, if any, risk there is to the public health;
- (7) Psychic or psychological dependence liability; and
- (8) Whether the substance is an immediate precursor of a substance already controlled.

Based on the scientific and medical evaluation and the recommendation of the Secretary, Department of Health and Human Services, with respect to sufentanil, received in accordance with Section 201(b) of the CSA (21 U.S.C. 811(b)), and under the authority vested in the Attorney General by Section 201(a) of the CSA (21 U.S.C. 811(a)) and delegated to the Administrator by regulations of the Department of Justice (28 CFR 0.100), the Administrator hereby proposes that 21 CFR 1308.11(b)(44) be redesignated as 1308.12(c)(23) to read as follows:

PART 1308—[AMENDED]

§ 1308.12 Schedule II.

* * * * *

(c) * * *

(23) Sufentanil.....9740

* * * * *

§ 1308.11 [Amended]

21 CFR 1308.11(b) (45)–(46) is redesignated as 21 CFR 1308.11(b) (44)–(45).

All interested persons are invited to submit their comments or objections in writing regarding this proposal. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the

reasons for his belief. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrant a hearing, the Administrator will publish in the Federal Register an order for a public hearing which will summarize the issues to be heard and set the time for the hearing that will not be less than 30 days after the date of the order.

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that the rescheduling of sufentanil, as proposed herein, will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 98-354). Many of the regulatory requirements imposed on Schedule II substances are similar to those imposed on Schedule I substances. Additionally, substances in Schedule II may be used in medical treatment in the United States.

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to reschedule sufentanil from Schedule I to Schedule II is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

Dated: March 13, 1984.

Francis M. Mullen, Jr.,
Administrator, Drug Enforcement
Administration.

[FR Doc. 84-7457 Filed 3-19-84; 0:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 142

[DoD Directive 5535.xx]

Copyrighted Sound and Video Recordings Used for Entertainment Purposes

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: The increasing availability of videotaped movies and taped sound recordings has created a demand among military personnel for facilities on DoD

installations for the reproduction of these recordings for personal use. Although there is some uncertainty regarding the application of U.S. copyright laws to such activities, it is considered appropriate for general policy guidelines to be established. This rule sets out policies concerning the use of government equipment and facilities for the duplication of sound and video recordings for personal use. The rule also states the policy that permission of the copyright owner will be required when copyrighted sound and video recordings are publicly performed on any DoD facility.

DATES: Written comments must be received by May 4, 1984.

ADDRESS: Office of the General Counsel, Department of Defense, the Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Mr. David W. Ream, 202-695-3272.

SUPPLEMENTARY INFORMATION:

Executive Order 12291: The Department of Defense has determined that this rule, if promulgated, will not be a major rule for the purposes of E.O. 12291.

Paperwork Reduction Act: This proposed rule, if implemented, would impose no information requirements affecting the public.

Regulatory Flexibility Act, section 610: This proposed rule, if promulgated, will not have a significant economic impact on small entities.

List of Subjects in 32 CFR Part 142

Military personnel, Entertainment, Video-recordings.

Accordingly, it is proposed to amend Chapter I, 32 CFR, by adding a new Part 142, reading as follows:

PART 142—COPYRIGHTED SOUND AND VIDEO RECORDINGS USED FOR ENTERTAINMENT PURPOSES

Sec.

- 142.1 Purpose.
- 142.3 Applicability.
- 142.3 Policy.
- 142.4 Procedures.
- 142.5 Responsibilities.

Authority: 10 U.S.C. 133.

§ 142.1 Purpose.

This Directive provides policy, prescribes procedures, and assigns responsibilities regarding the use of copyrighted sound and video recordings for entertainment purposes within the Department of Defense.