improvements to the test procedures that reduce variability benefit consumers and the industry and improve the Rule.

Accordingly, the Commission has tentatively decided to adopt the revised test procedure as the only settled density test procedure allowed under § 460.5(a)(2). In issuing the proposed amendment, the Commission finds that the revision to the BCS procedure adopted by ASTM in its C739–86 specification is a technical or housekeeping change. The amendment, if the Commission makes it final, would require that all future settled density tests by loose/fill cellulose manufacturers for compliance with the Rule be conducted according to the ASTM C739–86 procedure. Manufacturers who have not changed their products could continue to rely on their previous results.

To give all interested parties an opportunity to respond to the proposed amendment, the Commission will allow interested parties to submit written public comments on these two decisions for 60 days. The Commission will announce its final decision and an effective date after reviewing the comments.

List of Subjects in 16 CFR Part 460

Advertising, Insulation, Labeling, Trade practices.

Accordingly, the Commission proposes to amend 16 CFR Part 460 to read as follows:

PART 460—[AMENDED]

1. The authority citation for Part 460 continues to read as follows:

Authority: 38 Stat. 717, as amended, 15 U.S.C. 41 *et seq.*

2. Section 460.5(a)(2) is revised to read as follows:

§ 460.5 R-value tests.

* * * * *

(a) * * *

(2) For loose-fill cellulose, the tests must be done at the settled density determined under ASTM C739–86.

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 89–6424 Filed 3–17–89; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Control Substances; Proposed Placement of 1-[1-(2-Thienyl)Cyclohexyl]Pyrrolidine Into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration (DEA) to place 1-[1-(2-thienyl)cyclohexyl]pyrrolidine into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This proposed action by the DEA Administrator is based on data gathered and reviewed by DEA and on the recommendation of the Assistant Secretary for Health, Department of Health and Human Services. If finalized, this proposed action would impose the regulatory control mechanisms and criminal sanctions of Schedule I on the manufacture, distribution and possession of this substance.

DATE: Comments must be submitted on or before April 19, 1989.

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

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION. DEA has gethered and reviewed the available information regarding the actual abuse and relative potential of abuse of 1-[1-(2-thienyl)cyclohexyl]pyrrolidine. By letter dated October 8, 1988, the DEA Administrator submitted data which DEA had gathered on 1-[1-(2-thienyl)cyclohexyl]pyrrolidine to the Assistant Secretary for Health, Department of Health and Human Services. In accordance with 21 U.S.C. 811(b), the DEA Administrator also requested a scientific and medical evaluation of the relevant information and a scheduling recommendation for 1-[1-(2-thienyl)cyclohexyl]pyrrolidine from the Assistant Secretary for Health. A recommendation to place 1-[1-(2-thienyl)cyclohexyl]pyrrolidine in Schedule I of the CSA was received by the DEA Administrator from the Assistant Secretary for Health on February 6, 1989.

1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (TCPy) is an analog of the hallucinogenic agents 1-(1-(2-thienyl)cyclohexyl)piperidine (TCP) and 1-(1-phenylcyclohexyl)piperidine (phenycyclidine, PCP) which are in Schedule I and II of the CSA, respectively. Results of various pharmacological tests indicate that TCPy has a pharmacological profile qualitatively similar to that of PCP. The only difference between the two drugs is in potency for producing various effects; for some effects TCPy is more potent than PCP, while for other effects PCP is more potent that TCPy. Based on preclinical pharmacology data, it is expected that TCPy will produce similar adverse reactions to that produced by PCP. As is the case with PCP, TCPy is self-administered by rats and baboons, thus suggesting that TCPy has positive reinforcing effects in these laboratory animals. In drug discrimination experiments, TCPy evokes PCP-like appropriate responding in animals trained to distinguish PCP from vehicle.

TCPy has been identified in drug evidence submissions to forensic laboratories. It is produced in clandestine laboratories and sold in the illicit drug market as PCP.

The DEA Administrator, based on the information gathered and reviewed by his staff and after consideration of the factors in 21 U.S.C 811(c), and relying on the scientific and medical evaluation and scheduling recommendation of the Assistant Secretary for Health finds that:

(1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine has a high potential or abuse;

(2) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine has no currently accepted medical use in treatment in the United States;

(3) There is a lack of accepted safety for use of 1-[1-(2-thienyl)cyclohexyl]pyrrolidine under medical supervision.

The above findings are consistent with the placement of 1-[1-(2-thienyl)cyclohexyl]pyrrolidine into Schedule I of the CSA.

The DEA Administrator will consider relevant comments on the proposed scheduling of 1-[1-(2-thienyl)cyclohexyl]pyrrolidine from concerned paties. Interested persons are invited to submit their comments, objections or requests for hearing in writing with regard to this proposal. Requests for a hearing should state with particularity the issues concerning which the person desires to be heard.

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All correspondence regarding this matter should be submitted to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for a hearing raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the **Federal Register**, summarizing the issues to be heard and setting the time for hearing.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the scheduling of 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, as ordered 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. 96-354).

This action involves the control of a substance that is not manufactured and has no legitimate medical use in the United States.

In accordance with the provisions of section 201(a) of the CSA (21 U.S.C. 811(a)), this schedulng action 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). This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

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

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 of DEA by Department of Justice Regulations (28 CFR 0.100), the Administrator hereby proposes that 21 CFR Part 1308 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C.811,812,871(b).

2. § 1308.11(d) is amended by adding new paragraph (d)(26) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(26) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine..... 7473

Some trade or other names: TCPy.

* * * * *

Date: March 31, 1989.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 89-6456 Filed 3-17-89; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio Permanent Regulatory Program; Revision of Administrative Rules

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing the receipt of proposed Program Amendment Number 39 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments are intended to revise eight administrative rules of the State program to be consistent with the corresponding Federal regulations. The proposed amendments concern definitions, financial interests, subsidence control, threatened and endangered species, self-bonding, bond release notices, and individual civil penalties.

This notice sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4:00 p.m. on April 19, 1989. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. on April 14, 1989. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on April 4, 1989.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Ms. Nina Rose Hatfield, Director, Columbus Field Office, at the address listed below. Copies of the Ohio program, the proposed amendments, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSMRE's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, Room 202, Columbus, Ohio 43232, Telephone: (614) 866-0578.

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street, NW., Room 5131, Washington, DC 20240, Telephone: (202) 343-5492.

Ohio Department of Natural Resources, Division of Reclamation, Fountain Square, Building B-3, Columbus, Ohio 43224, Telephone: (614) 265-6675.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of the Proposed Amendments

By letter dated November 3, 1988 (Administrative Record No. OH-1113), the Director of OSMRE notified the Ohio Department of Natural Resources, Division of Reclamation (Ohio) of a number of Federal regulations promulgated between October 1, 1983 and June 15, 1988 for which OSMRE had determined that the corresponding Ohio rules were now less effective than the new Federal counterparts.

Also, on December 22, 1988, the Director of OSMRE announced the approval, with certain exceptions, of Ohio Program Amendment No. 34 (53 FR 51543). In this announcement, the Director disapproved the definition of "property to be mined" at OAC 1501:13-

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