We do not know what motivated the parent company to establish two or three separate certificated carriers which directly compete against one another; however, it is clear that such duplicate scheduling results in the two (and perhaps soon the three) commonly owned carriers together receiving double (or triple) the share of the bypass mail tendered for transport in each market. For example, if there were five carriers serving a market, each would receive an equitable share (approximately 20 percent) of the bypass mail, with the three related carriers being eligible for about 60 percent of it.

We do not intend to preclude an air carrier from acquiring an interest in another carrier or from forming cooperative operating agreements. However, we do believe it to be an unfair method of competition under section 411 of the Act for an individual or entity to create or acquire multiple certificated air carriers which compete directly in an Alaskan city-pair market so that the carrier "family" receives an inordinate share of the mail revenues at the expense of other carriers competing in the same market.[3] For purposes of this policy statement, we deem city pair markets to include points served directly or indirectly, as terminal points or intermediate points.

Economic Impacts

This proposed policy statement has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of $100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies or geographic regions. Furthermore, this proposed rule would not adversely affect employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets, but would enhance competition among Alaskan air carriers. The proposed action would result in no change in reporting burden for air carriers. No regulatory evaluation is required because adoption of the policy statement would result in minimal economic costs. The proposed rule is not significant under the Department's Regulatory Policies and Procedures, dated February 26, 1979, because it does not involve important Departmental policies.

The Department has considered the implications of this proposed action under the requirements of Executive Order 12612, Federalism, and has determined that the preparation of a Federalism Assessment is not warranted. The policy statement would not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibility among the various levels of government.

The entities that would be affected by the proposed rule are air carriers certificated under section 401 of the Act that provide air transportation of U.S. mail in the State of Alaska. Nearly all of the 38 Alaskan certificated carriers are small businesses operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less).

In its aviation economic regulations, the Department categorizes air carriers operating small aircraft in strictly domestic service as small entities. To date, we are aware of only three small commonly owned Alaskan certificated carriers (only two of which are currently conducting operations) that would be affected by this policy statement and thus possibly suffer some economic loss if this rule were adopted. The ability of these and other entities to engage in air carrier operations would be otherwise unaffected by the proposed amendment. Therefore, in accordance with the Regulatory Flexibility Act, Public Law 96-354, we certify that this rule would not, if adopted, have a significant economic impact on a substantial number of small entities.

We have reviewed the proposed policy statement with regard to its compliance with the provisions of section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35). No additions or changes to collections of information are being made which would warrant a review by the Office of Management and Budget and the previously assigned control numbers would still be applicable.

List of Subjects in 14 CFR Part 399

Airline regulation, Mail transportation operations, Unfair competition.

Proposed Rule

For the reasons set out in the preamble, title 14, chapter II, part 399 of the Code of Federal Regulations is proposed to be amended as follows:

PART 399—[AMENDED]

1. The authority citation for part 399 continues to read as follows:

Authority: 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1381, 1382, 1384, 1388, 1461, 1481, 1482, 1502, and 1504, unless otherwise noted.

A new § 399.89 is added to read as follows:

§ 399.89 Unfair competition by commonly owned carriers within the State of Alaska.

(a) It is the policy of the Department of Transportation to regard it as an unfair method of competition under section 411 of the Federal Aviation Act for an individual or entity to own multiple air carriers that engage in direct competition in the same city pair market within the State of Alaska with the effect that the multiple carriers, taken together, receive a greater proportion of the mail tendered for transport by the United States Postal Service, under its present regulations, than the proportion received by any individual carrier serving the same market.

(b) For the purpose of this statement:

(1) *Commonly owned* shall mean air carriers that are solely owned by the same stockholders or holding company or whose stockholders own more than 10% of the stock of another air carrier.

(2) *City pair market* shall mean any two points served, either directly or indirectly, as terminal points or intermediate points.

Issued in Washington, DC, on June 7, 1991.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 91-14146 Filed 6-13-91; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

Records and Reports of Listed Chemicals and Certain Machines

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The DEA is amending its regulations implementing the Chemical Diversion and Trafficking Act of 1988 (CDTA) to include the additional chemicals set forth in the Crime Control Act of 1990. This notice also proposes to set thresholds for these chemicals. The

[3] We are also concerned that, absent the proposed policy, air carrier owners in Alaska will have an incentive to create multiple carrier operations, which would place an unnecessary strain on the limited Department resources devoted to ensuring air carrier fitness. In this regard, the complexity of these applications increases with situations that involve shared personnel, facilities, and equipment. Furthermore, the added number of carriers increases the recordkeeping burden on the Postal Service.

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inclusion of these chemicals into the CDTA requires any handler of listed chemicals to comply with the requirements specified in 21 CFR parts 1310 and 1313. The DEA also proposes to amend the threshold on two existing listed chemicals.

DATES: Written comments and objections must be received on or before July 15, 1991.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, Washington, DC, 20537 Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION: The Crime Control Act of 1990 (Pub. L. 101–647) amends the list of chemicals which are subject to the requirements of the Chemical Diversion and Trafficking Act of 1988 (CDTA). Although these chemicals became subject to the requirements of the CDTA and the regulations upon the signing of the Crime Control Act of 1990 on November 27, 1990, this rule is being issued as a proposed rule rather than a final rule to allow for comment on the thresholds set forth for each of the new listed chemicals and the new thresholds proposed for two existing listed chemicals.

The Crime Control Act of 1990 adds twelve chemicals to the list of precursor chemicals, one of which was previously listed as an essential chemical and another, D-lysergic acid is a controlled substance in Schedule III of the Controlled Substances Act. The new list under 21 CFR 1310.02(a) shows some of the chemicals with an additional name in parenthesis. These names reflect the conventional spelling for the chemicals. The parenthetical name is the one listed with the thresholds in 21 CFR 1310.04(f).

In addition to the new listed chemicals, it is proposed that the threshold for two other listed chemicals be amended. The threshold for hydriodic acid is proposed to be consistent with its reclassification as a precursor chemical rather than an essential chemical. The threshold on 3,4-methylenedioxyphenyl-2-propanone is being lowered based upon information that quantities below the threshold level are being purchased to evade the requirements of the CDTA.

The Administrator of the Drug Enforcement Administration hereby certifies that this proposed rule will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This rule is not a major rule for purposes of Executive Order (E.O.) 12291 of February 17, 1981.

Pursuant to section 3(c)(3) and 3(e)(2)(C) of E.O. 12291, this proposed action has been submitted for review to the Office of Management and Budget, and approval of that office has been requested pursuant to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. et seq.

This action has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1310

Drug Enforcement Administration, Drug traffic control, Reporting and recordkeeping requirements.

For reasons set out above, 21 CFR part 1310 is proposed to be amended as follows:

PART 1310—[AMENDED]

1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b).

2. Section 1310.02 is amended by adding paragraphs (a)(13) through (a)(24) to read as follows:

§ 1310.02 Substances covered.

* * * * *

(a) * * *

(13) Methylamine and its salts

(14) Ethylamine and its salts

(15) D-lysergic acid, its salts, optical isomers, and salts of optical isomers

(16) Propionic anhydride

(17) Insosafrole (Isosafrole)

(18) Safrole

(19) Piperonal

(20) N-Methylepherdine, its salts, optical isomers, and salts of optical isomers (N-Methylephedrine)

(21) N-Ethylephedrine, its salts, optical isomers, and salts of optical isomers

(22) N-Methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers

(23) N-Ethylpseudoephedrine, its salts, optical isomers, and salts of optical isomers

(24) Hydriotic acid (Hydriodic Acid)

* * * * *

3. Section 1310.02 is amended by removing paragraph (b)(5) and redesignating paragraphs (b)(6) through (b)(8) as paragraphs (b)(5) through (b)(7).

§ 1310.04 [Amended]

4. Section 1310.04 is amended by revising paragraph (f)(1)(xii) and adding paragraphs (f)(1)(xiii) through (f)(1)(xxiv) to read as follows:

* * * * *

(f) * * *

(1) Listed Precursor Chemicals

Chemical	Threshold by base weight
* * * * *	
(xii) 3,4-Methylenedioxyphenyl-2-propanone.	4 kilograms.
(xiii) Methylamine and its salts	1 kilogram.
(xiv) Ethylamine and its salts	1 kilogram.
(xv) D-lysergic acid, its salts, optical isomers, and salts of optical isomers.	10 grams.
(xvi) Propionic anhydride	1 gram.
(xvii) Isosafrole	4 kilograms.
(xviii) Safrole	4 kilograms.
(xix) Piperonal	4 kilograms.
(xx) N-Methylephedrine, its salts, optical isomers, and salts of optical isomers.	1 kilogram.
(xxi) N-Ethylephedrine, its salts, optical isomers, and salts of optical isomers.	1 kilogram.
(xxii) N-Methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers.	1 kilogram.
(xxiii) N-Ethylpseudoephedrine, its salts, optical isomers, and salts of optical isomers.	1 kilogram.
(xxiv) Hydriodic acid (57%)	1.7 kilograms (or 1 liter by volume).

5. Section 1310.04 is amended by removing paragraph (f)(2)(i)(E) and redesignating paragraphs (f)(2)(i)(F) through (f)(2)(i)(H) as paragraphs (f)(2)(i)(E) through (f)(2)(i)(G).

6. Section 1310.04 is amended by removing paragraph (f)(2)(ii)(E) and redesignating paragraphs (f)(2)(ii)(F) through (f)(2)(ii)(H) as paragraphs (f)(2)(ii)(E) through (f)(2)(ii)(G).

Dated: March 21, 1991.

Robert C. Bonner,

Administrator, Drug Enforcement Administration.

[FR Doc. 91–14135 Filed 6–13–91; 8:45 am]

BILLING CODE 4410–09–M

21 CFR Part 1313

Importation and Exportation of Precursors and Essential Chemicals

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The DEA proposes to amend its regulations concerning the granting of regular supplier and regular customer status under the provisions of the Chemical Diversion and Trafficking Act

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of 1988 (CDTA) to simultaneously grant regular supplier or regular customer status for three of the listed essential chemicals (acetone, 2-Butanone (MEK), and toluene) when regular supplier or regular customer status has been established for one of these essential chemicals. This amendment would reduce the regulatory requirement on the chemical industry without reducing the effectiveness of the CDTA.

DATES: Written comments and objections must be received on or before August 13, 1991.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-7297.

SUPPLEMENTARY INFORMATION: Since the publication of the final rule promulgating the regulations for the CDTA (54 FR 31657, August 1, 1989), it has been noted that many of the regular customers and regular suppliers submitted to DEA for review handle three of the solvents listed as essential chemicals (acetone, 2-Butanone (MEK), and toluene) on a regular basis. In considering the illicit uses of these three solvents, it has been determined that they are frequently interchanged for each other. Therefore, DEA's review of foreign customers and suppliers would address concerns which apply to all three essential chemicals.

Consideration was given to allowing the establishment of regular customer or regular supplier status for one essential chemical to apply to all essential chemicals. This was rejected because not all essential chemicals are used interchangeably in either the licit or illicit market. The stated business needs for one essential chemical which is reviewed in consideration of regular customer or regular supplier status may be incompatible with future orders for another essential chemical. Such new orders of other essential chemicals may warrant additional scrutiny.

In view of the above, DEA proposes to amend § 1313.15, Waiver of 15-day Advance Notice for Chemical Importers, by redesignating paragraph (d) as paragraph (e) and inserting a new paragraph (d) providing regular supplier status for three of the listed essential chemicals, specifically acetone, 2-Butanone (MEK), and toluene, when regular supplier status has been established for one of the three chemicals. DEA also proposes to amend Section 1313.24, Waiver of 15-day Advance Notice for Chemical Exporters, by redesignating paragraph (d) as paragraph (e) and inserting a new paragraph (d) providing regular customer status for three of the listed essential chemicals, specifically acetone, 2-Butanone (MEK), and toluene, when regular customer status has been established for one of the three chemicals.

The Deputy Assistant Administrator, Office of Diversion Control, hereby certifies that this proposed rule will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. This rule is not a major rule for the purposes of Executive Order (E.O.) 12291 of February 17, 1981. Pursuant to sections 3(c)(3) and 3(e)(2)(C) of E.O. 12291, this proposed rule has been submitted for review to the Office of Management and Budget.

This action has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that the proposed rule has no implications which would warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1313

Drug enforcement administration, Drug traffic control, Exports, Imports, Reporting requirements.

For reasons set out above, it is proposed that 21 CFR part 1313 be amended as follows:

PART 1313—[AMENDED]

1. The authority citation for part 1313 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(B) and 971.

2. Section 1313.15 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) which reads as follows:

§ 1313.15 Waiver of 15-day advance notice for chemical importers.

* * * * *

(d) Unless the Administration notifies the chemical importer to the contrary, the qualification of a regular supplier of any one of these three essential chemicals, acetone, 2-Butanone (MEK), or toluene, qualifies that supplier as a regular supplier of all three of these chemicals.

* * * * *

3. Section 1313.24 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) which reads as follows:

§ 1313.24 Waiver of 15-day advance notice for chemical exporters.

* * * * *

(d) Unless the Administration notifies the chemical exporter to the contrary, the qualification of a regular customer for any one of these three essential chemicals, acetone, 2-Butanone (MEK), or toluene, qualifies that customer as a regular customer for all three of these chemicals.

* * * * *

Dated: March 21, 1991.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 91-14136 Filed 6-13-91; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Kansas Permanent Regulatory Program

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

ACTION: Proposed rule; Public Comment Period and Opportunity for Public Hearing on Proposed Amendment.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Kansas permanent regulatory program (hereinafter, the "Kansas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment pertains to revegetation success guidelines. The amendment is intended to revise the State program to be consistent with the corresponding Federal standards.

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

DATES: Written comments must be received by 4 p.m., c.d.t., July 15, 1991. If requested, a public hearing on the proposed amendment will be held on July 10, 1991. Requests to present oral testimony at the hearing must be received by 4 p.m., c.d.t., on July 1, 1991.

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