§ 320.12 Lottery.
(a) Eligibility. An air carrier is eligible to participate in the lottery, whether or not it is eligible for a grandfather allotment under § 320.11, if as of [insert date], it—
(1) Hold a charter certificate authorizing transpacific service or a scheduled route certificate.
(2) Held FAR 121 operating authority from the Federal Aviation Administration, and
(3) [operate] operating aircraft having an over-water range at maximum payload of at least 3,000 statute miles.
(b) Invitation of applications. The Board will issue an order announcing the total number of charter authorizations to be available in the lottery and inviting eligible air carriers to submit applications for them.
(c) Applications. Each application shall request 10 or more charter authorizations. Each eligible air carrier may submit any number of applications. However, the aggregate number of authorizations sought by any one air carrier in its separate applications shall not exceed the total number announced in the Board's order issued under paragraph (b) of this section.
(d) Random drawing. The Board will grant applications for charter authorizations in a sequence established by random drawing from among all timely filed applications. The drawing will continue until all available charter authorizations have been granted. If the last application drawn requests more charter authorizations than there are remaining, only the remaining ones will be awarded pursuant to that application.

§ 320.13 Final order.
The Board will issue an order awarding charter authorizations in accordance with the grandfather allotments and the lottery.

§ 320.14 Remedial transfers.
(a) Permissibility. Any air carrier holding a charter authorization awarded or acquired by it under this part may transfer it to any other air carrier eligible under § 320.12(a) for the lottery.
(b) Notice of transfer. A transfer of a charter authorization shall not become effective until the transferring air carrier files a notice with the Director, Bureau of International Aviation. The notice shall be labeled “Notice of Transfer of Japan Charter Authorization.” It shall be filed within 15 days after the date of the transaction, but in any event before departure of the authorized flight, whether the flight is performed by the transferee or by any subsequent transferee. The notice shall indicate the number of charter authorizations transferred and the date of the transaction, and shall be signed by both the transferor and the transferee.
(c) Record retention. An air carrier that transfers a charter authorization to another carrier shall retain for at least 1 year a record of the consideration received for the transfer.

§ 320.15 Expired and transferred charter authorizations.
(a) Second-year reduction. An air carrier's second-year allotment of charter authorizations will be reduced by one for each first-year charter authorization that it—
(1) Allows to expire unused at the end of the first year, or
(2) Obtains in the first year's grandfather allotment or lottery and transfers to another air carrier.
(b) Carryover to later years. If the reduction described in paragraph (a) of this section would result in a negative number of second-year charter authorizations, the carrier's second-year allotment will be zero and the balance of the reduction will be carried over to the third and, as necessary, later years.
(c) Reallocation. The Board will reallocate among other eligible air carriers the charter authorizations made available by the reductions described in paragraphs (a) and (b) of this section.

§ 320.16 Notice of Intent to Use charter authorization.
An air carrier shall file with the Director, Bureau of International Aviation, a notice of its intent to use a charter authorization at least 7 days before departure of the flight. The notice shall be labeled “NOTICE OF INTENT TO USE JAPAN CHARTER AUTHORIZATION.”

§ 320.17 Report of charter authorizations used.
Within 15 days after any month in which an air carrier uses a charter authorization, it shall file a report with the Director, Bureau of International Aviation. The report shall be labeled “Report of Japan Charter Authorizations Used.” It shall include flight itineraries, flight dates, aircraft type, and the number of passengers or cargo tons transported. Passenger and cargo figures may be aggregated for the month.
U.S.C. 801 et seq.), also known as the Controlled Substances Act (CSA). In order for the United States to be in compliance with its international treaties, it is necessary that parahexyl be controlled under the CSA.

Accordingly, on October 2, 1980, the Administrator of the Drug Enforcement Administration (DEA), sent a letter to the Assistant Secretary for Health, Department of Health and Human Services (DHHS), requesting a scientific and medical evaluation and a scheduling recommendation for parahexyl pursuant to 21 U.S.C. 811(b). On June 7, 1982, the Acting Administrator of DEA received a response from the Assistant Secretary for Health, acting on behalf of the Secretary of Health and Human Services, recommending that parahexyl be placed into Schedule I of the CSA to ensure that the United States is in compliance with its international treaty obligations. The letter from the Assistant Secretary for Health is set forth below!

June 7, 1982.
Mr. Francis M. Mullen.
Acting Administrator, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

Dear Mr. Mullen: Pursuant to your letter dated October 2, 1980 and to Section 201(b) of the Controlled Substances Act (CSA), 21 U.S.C. 811(b), this letter is notification of the recommendation for control of parahexyl into Schedule I of the CSA. This recommendation is being made to ensure that the United States is in compliance with its obligations under the Convention on Psychotropic Substances 1971.

The Food and Drug Administration (FDA) has considered the eight factors listed in Section 201(c) of the CSA, 21 U.S.C. 811(c). We have enclosed the basis for our recommendation as an attachment to this letter. Based on this review, the FDA has made the following findings with respect to the statutory criteria under Section 201(b) of the CSA, 21 U.S.C. 812(b) for CSA Schedule I:

A. The drug or other substance has a high potential for abuse—Parahexyl has a potential for abuse similar to trans-delta-9-tetrahydrocannabinol. Therefore, parahexyl has a high potential for abuse.

B. The drug or other substance has no currently accepted medical use in treatment in the United States—There are no approved or pending NDAs, NADAs, or active INDs for parahexyl. Therefore, the FDA does not recognize an accepted medical use for this substance.

C. There is a lack of accepted safety for use of the drug or other substance under medical supervision—Human exposure to parahexyl has been too limited to demonstrate safety for this substance.

Parahexyl meets the criteria for control in Schedule I of the CSA. It has no currently accepted medical use in treatment in the United States and there is a lack of accepted safety of parahexyl under medical supervision. Because parahexyl has a potential for abuse which is similar to delta-9-THC, parahexyl has a high potential for abuse.

Parahexyl is a cannabinoid; the CSA places drugs in this class in Schedule I unless they are specifically exempted or listed in another schedule.

United States obligations under the international Psychotropic Convention require that parahexyl have certain domestic controls found under Schedule I or Schedule II of the CSA. Parahexyl fits better under the CSA criteria for Schedule I. We therefore recommend that parahexyl be placed in CSA Schedule I to meet United States treaty obligations.

Should you have any questions regarding this recommendation, please contact the Chief, Drug Abuse Staff, telephone 443-3504.

Sincerely yours,

Edward N. Brandt, Jr., M.D.,
Assistant Secretary for Health.

Parahexyl is a synthetic analog of delta-9-tetrahydrocannabinol (THC), an active ingredient of marijuana. Chemically, parahexyl is 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran. Parahexyl has no legitimate medical use in the United States at this time. In preclinical and clinical tests, parahexyl demonstrated effects consistent with those of psychoactive cannabinoids, including delta-9-THC, and can be considered a hallucinogenic substance.

Based on the scientific and medical evaluation and recommendation of the Acting Administrator for Health, acting on behalf of the Secretary of Health and Human Services, and based on his independent evaluation in accordance with 21 U.S.C. 811(c), the Acting Administrator of DEA, pursuant to the provisions of 21 U.S.C. 811 (a) and (b), finds that:

1. Based on information now available, parahexyl has a high potential for abuse.

2. Parahexyl has no currently accepted medical use in treatment in the United States; and

3. There is a lack of accepted safety for use of parahexyl under medical supervision.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

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 Acting Administrator of the Drug Enforcement Administration by Department of Justice regulations (28 CFR 0.100), the Acting Administrator hereby proposes that 21 CFR 1308.11(d)(15)—(23) be redesignated as 21 CFR 1308.11(d)(16)—(24); and a new 21 CFR 1308.11(d)(15) be added to read as follows:

§ 1308.11 Schedule I.

* * * * *

(15) Parahexyl (C-1308.11d(15)) 7374

Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran, Synhexyl.

* * * * *

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 beliefs. All correspondence regarding this matter should be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, NE., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for hearing raise one or more issues which the Acting Administrator finds warrant a hearing, the Acting Administrator shall order a public hearing by notice in the Federal Register, summarizing the issues to be heard and setting the time for the hearing which will not be less than 30 days after the date of the notice.

If no objections presenting grounds for a hearing on this proposal are received within the time limitation or if interested parties waive or are deemed to have waived their opportunity for a hearing or to participate in a hearing, the Acting Administrator, after giving consideration to written comments and objections, will issue his final order pursuant to 21 CFR 1308.49 without a hearing.

Pursuant to 5 U.S.C. 605 (b), the Acting Administrator certifies that the placement of parahexyl into Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). The substance, parahexyl, proposed for control in this notice, has no legitimate use or manufacturer in the United States. Control of parahexyl is required for the United States to meet its international treaty obligations.

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to place parahexyl into Schedule I 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.

Dated: July 29, 1982.
Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

SUPPLEMENTARY INFORMATION:
I. Public Comment Procedures
Availiability of Copies
Revisions to the anthracite environmental protection provisions adopted by the Commonwealth of Pennsylvania since August 3, 1977, are available for public inspection and copying at the OSM Administrative Record, the address of which is listed in “Address” above, the OSM Pennsylvania State Office, 100 Chestnut Street, Suite 300, Harrisburg, Pennsylvania 17101, the Pennsylvania Department of Environmental Resources (DER), Fulton Bank Building, Tenth Floor, Third and Locust Streets, Harrisburg, Pennsylvania 17120, and other OSM and DER field locations in Pennsylvania.

Written Comments
Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter’s recommendations.
Comments received after the time indicated under "Dates" or at locations other than Washington, D.C., will not necessarily be considered or be included in the Administrative Record for the final rulemaking.

Public Hearing
Persons wishing to comment at the public hearing should contact the person listed under “For Further Information Contact” by the close of business three working days before the date of the hearing. If no one requests to comment at the public hearing, the hearing will not be held. If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment, and persons present in the audience who wish to comment, have been heard.

Public Meetings
Persons wishing to meet with OSM representatives to discuss the proposed rule may request a meeting at the OSM office listed in “Addresses” by contacting the person listed under “For Further Information Contact.”

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background
On March 13, 1979, OSM promulgated permanent program regulations (44 FR 15281) as required by Section 501(b) of SMCRA (30 U.S.C. 1201 et seq.). 30 CFR Part 820 of the permanent regulatory program contains special performance standards for anthracite mines in the Commonwealth of Pennsylvania. The environmental protection provisions in force on August 3, 1977, in that State for anthracite mining were adopted by OSM in accordance with Section 529 of SMCRA.

The legislative history of SMCRA confirms that Congress intended that OSM adopt the State environmental protection provisions applicable to anthracite surface coal mines and the surface effects of anthracite underground mines. [See H.R. Rept. No. 94-1445, 94th Cong., 2nd Sess. 125-126 (1976); H.R. Rept. No. 94-896, 94th Cong., 1st Sess. 207 (1975).] SMCRA also requires that changes in the State’s regulation of anthracite mining shall be reflected in the regulations that OSM promulgates.

III. Discussion of Proposed Rules
OSM proposes to amend 30 CFR 820.11 to reflect changes in the Commonwealth’s anthracite mining program since August 3, 1977, in accordance with Section 529 of SMCRA. Subsequent to August 3, 1977, the Commonwealth of Pennsylvania adopted revisions to the Administrative Code of 1929, the Coal Refuse Disposal Control Act, the Surface Mining Conservation and Reclamation Act, the Clean Streams Law, Chapters 86 and 88 of Title 25, Pennsylvania Code, and rescinded Chapters 99, 100 and 125 of Title 25, Pennsylvania Code as a part of its effort to obtain primary responsibility for regulating surface coal mining and reclamation activities and coal exploration activities on non-Federal and non-Indian lands in the anthracite region of the Commonwealth.

The revised statutes and regulations mentioned above were submitted to OSM by Pennsylvania as part of its program resubmission of January 25, 1982 (Administrative Record No. PA