

Issued in Anchorage, AK, on September 14, 2000.

**Anthony M. Wylie,**

*Acting Manager, Air Traffic Division, Alaskan Region.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 00-AAL-12]

#### Proposed Establishment of Class E Airspace; Cape Newenham, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish Class E airspace at the Long Range Radar (LRR) site at Cape Newenham, AK. The United States Air Force requested this action to create controlled airspace for the instrument approach and departure procedures to runway (RWY) 14 and RWY 32 at Cape Newenham, AK. This action is necessary in order for the approach and departure procedures to be published in the U.S. Government Flight Information Publication, U.S. Terminal Procedures—Alaska. Adoption of this proposal would result in the provision of adequate controlled airspace for Instrument Flight Rules (IFR) operations at Cape Newenham, AK.

**DATES:** Comments must be received on or before November 9, 2000.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL-530, Docket No. 00-AAL-12, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at <http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

**FOR FURTHER INFORMATION CONTACT:** Major Roger Stirm, Department of the Air Force Representative, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5892; fax: (907) 271-2850; email: [Roger.Stirm@faa.gov](mailto:Roger.Stirm@faa.gov). Internet address:

<http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 00-AAL-12." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of Notice of Proposed Rulemaking's (NPRM's)

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the **Federal Register's** electronic bulletin board service (telephone: 202-512-1661).

Internet users may reach the **Federal Register's** web page for access to recently published rulemaking documents at [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html).

Any person may obtain a copy of this NPRM by submitting a request to the Operations Branch, AAL-530, Federal Aviation Administration, 222 West 7th

Avenue, Box 14, Anchorage, AK 99513-7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the individual(s) identified in the **FOR FURTHER INFORMATION CONTACT** section.

##### The Proposal

The FAA proposes to amend 14 CFR part 71 by establishing Class E airspace at Cape Newenham, AK, to create controlled airspace for the instrument approach and departure procedures to RWY 14 and RWY 32, in order for the approach and departure procedures to be published in the U.S. Government Flight Information Publication, U.S. Terminal Procedures—Alaska. The intended effect of this proposal is to provide additional controlled airspace for IFR operations at Cape Newenham, AK.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 in FAA Order 7400.9H, *Airspace Designations and Reporting Points*, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR part 71 as follows:

**PART 71— DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H, *Airspace Designations and Reporting Points*, dated September 1, 2000, and effective September 16, 2000, is to be amended as follows:

\* \* \* \* \*

*Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**AAL AK E5 Cape Newenham, AK [New]**

Cape Newenham LRRS, AK

(Lat. 58°38'47" N., long. 162°03'46" W.)

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the Cape Newenham LRRS; and that airspace extending upward from 1,200 feet above the surface from lat. 58°38'00" N long. 162°18'00" W, clockwise to lat. 58°50'00" N long. 162°26'00" W, to lat. 59°14'00" N long. 162°26'00" W, to lat. 59°14'00" N long. 161°35'00" W, to lat. 59°00'00" N long. 161°35'00" W, to the point of beginning.

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR Part 1310**

[DEA Number 198P]

RIN 1117–AA57

**Control of Red Phosphorus, White Phosphorus and Hypophosphorous Acid (and Its Salts) as List I Chemicals**

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Comprehensive Drug Abuse Prevention and Control Act (hereinafter the “Controlled Substances

Act” or “CSA”) provides the Attorney General with the authority to specify by regulation, additional chemicals as “List I” chemicals if they are used in the manufacture of a controlled substance in violation of the CSA and are important to the manufacture of the controlled substance. Because of their use and importance in the illicit manufacture of methamphetamine, a Schedule II controlled substance, the DEA is proposing the addition of red phosphorus, white phosphorus (also known as yellow phosphorus) and hypophosphorous acid (and its salts) as List I chemicals.

These phosphorus chemicals have been identified as being important chemicals for the illicit production of methamphetamine. As List I chemicals, handlers of these materials will be subject to CSA chemical regulatory controls including registration, recordkeeping, reporting, and import/export requirements. The Drug Enforcement Administration (DEA) has determined that these controls are necessary to prevent the diversion of these chemicals to clandestine drug laboratories.

Given the small quantities and limited uses of these chemicals necessary for the production of methamphetamine, the DEA is proposing that no threshold be established for domestic and international transactions. As such, all transactions (regardless of size) shall be considered regulated transactions, subject to recordkeeping, reporting and/or import/export notification requirements.

**DATES:** Written comments must be submitted on or before November 24, 2000.

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

**FOR FURTHER INFORMATION CONTACT:** Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington D.C. 20537 at (202) 307–7183.

**SUPPLEMENTARY INFORMATION:**

**What Is the Purpose of This Notice?**

The Controlled Substances Act (CSA) and its implementing regulations, specifically 21 U.S.C. 802(34) and 21 CFR 1310.02 (c), provide the Attorney General with the authority to specify, by regulation, additional chemicals as “List I” chemicals if they are used in the manufacture of a controlled substance in violation of the CSA and are important to the manufacture of the

controlled substance. This authority has been delegated to the Administrator of DEA by 28 CFR 0.100 and redelegated to the Deputy Administrator under 28 CFR 0.104 (Subpart R) Appendix Sec. 12.

This notice proposes the addition of red phosphorus, white phosphorus (also known as yellow phosphorus) and hypophosphorous acid (and its salts) as List I chemicals. Additionally, this notice proposes that no threshold be established for domestic and international transactions.

**What Specific Chemicals Does This Proposed Regulation Include? What Related Chemicals Will Not Be Subject to This Control Action?**

Phosphorus is a nonmetallic element that can occur in three main allotropic (*i.e.* crystalline) forms (white, red and black). Elemental phosphorus is derived from phosphate rock. The most abundant variety produced is white phosphorus (also known as yellow phosphorus). Most other forms of phosphorus and phosphorus chemicals are produced from white phosphorus. The white form is extremely flammable and toxic and must be stored and shipped in water.

The second crystalline form is red phosphorus. Red phosphorus is usually prepared as a powder and is more stable and less toxic than the white form. A black crystalline form of phosphorus is also occasionally made and is similar to graphite in its physical, thermal and electrical properties.

The DEA is proposing that the white and red forms of elemental phosphorus be designated as List I chemicals. Black phosphorus and phosphate rock will not be affected by this proposed action.

Additionally, the DEA is proposing to designate hypophosphorous acid and its salts as List I chemicals. While hypophosphorous acid (H<sub>3</sub>PO<sub>2</sub>) is most commonly sold as 10%, 30% or 50% solutions, the DEA is proposing the control of all aqueous dilutions of hypophosphorous acid. Salts of hypophosphorous acid are known as hypophosphite salts. The DEA is also proposing that these salts be included as List I chemicals. Examples of these salts include: ammonium hypophosphite, calcium hypophosphite, iron hypophosphite, potassium hypophosphite, manganese hypophosphite, magnesium hypophosphite and sodium hypophosphite. Sodium hypophosphite is the most commercially available salt and is distributed in a white crystalline form.