

an experimental use permit which expires July 1, 1982.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Fenethylline in Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This is a final rule placing the substance, fenethylline, into Schedule I of the Controlled Substances Act. As a result of this rule, fenethylline will be subject to the manufacture, distribution, security, registration, recordkeeping, quotas, inventory, order forms, criminal liability, exportation and importation controls of Schedule I.

EFFECTIVE DATE: August 20, 1981.

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

SUPPLEMENTARY INFORMATION: A notice was published in the Federal Register on Friday, May 1, 1981 (46 FR 24593), proposing that fenethylline be placed into Schedule I of the Controlled Substances Act. All interested persons were given until June 2, 1981 to submit any comments or objections in writing regarding this proposal. One comment was received from the American Society of Hospital Pharmacists (ASHP), which supported the proposed placement of fenethylline in Schedule I. No other comments or objections were received in response to this proposal, nor were there any requests for a hearing.

Based on the scientific and medical evaluation and recommendation of the Secretary of Health and Human Services, received in accordance with section 201(b) of the Controlled Substances Act (21 U.S.C. 811(b)), the Administrator of the Drug Enforcement Administration, pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), finds that:

(1) Based on information now available, fenethylline has a high potential for abuse;

(2) Fenethylline has no currently accepted medical use in treatment in the United States; and,

(3) Fenethylline lacks accepted safety for use under medical supervision.

The above findings are consistent with the placement of fenethylline in Schedule I of the Controlled Substances Act. All regulations applicable to Schedule I substances are effective on August 20, 1981.

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports fenethylline, or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Fenethylline must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(a), (c), and (d), 1301.73, 1301.74(a)-(f), 1301.75(a), and 1301.76 of Title 21 of the Code of Federal Regulations on or before August 20, 1981. In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of fenethylline and all labeling of fenethylline packaged after August 20, 1981 must comply with the requirements of § 1302.03-1302.05, 1302.07, and 1302.08 of Title 21 of the Code of Federal Regulations. In the event this imposes special hardships on any manufacturer, as defined in section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)), the Drug Enforcement Administration will entertain any justified request for an extension of time.

4. *Quotas.* All persons required to obtain quotas on fenethylline shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of fenethylline shall take an inventory pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of fenethylline on hand.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding fenethylline commencing on the date on which the inventory of fenethylline is taken.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.37-1304.41 of Title 21 of the Code of Federal Regulations shall do so regarding fenethylline commencing on the date on

which the inventory of fenethylline is taken.

8. *Order Forms.* The order form requirements of §§ 1305.01-1305.16 of Title 21 of the Code of Federal Regulations shall be in effect on the date which the inventory of fenethylline is taken.

9. *Importation and Exportation.* All importation and exportation of fenethylline shall be required to be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to fenethylline not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful, except that any person who is entitled to registration under such Acts may continue to conduct normal business, research or professional practice with fenethylline between the date on which this order is published and the date on which he obtains or is denied registration: *Provided,* That application for such registration is submitted on or before August 20, 1981.

11. *Other.* In all other respects, this order is effective August 20, 1981.

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that control of fenethylline, as ordered herein, will have no significant impact upon small business or other entities whose interests must be considered under the Regulatory Flexibility Act. This action involves initial control of a substance not approved for marketing in the United States.

In accordance with the provisions of Section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal 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 12991 and from the postponement of pending regulations under the President's memorandum of January 30, 1981.

Under the authority vested in the Attorney General by section 201(a) of the Act (21 U.S.C. 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Administrator hereby orders that § 1308.11 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (f)

entitled *Stimulants* and that § 1308.11 be amended to read as follows:

§ 1308.11 Schedule I.

* * * * *

(f) *Stimulants*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant-effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylamine 1,503

Dated: July 10, 1981.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

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**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of Assistant Secretary for
Housing—Federal Housing
Commissioner**

24 CFR Part 201

[Docket No. R-81-923]

**Increase in Manufactured (Mobile)
Home Loans**

AGENCY: Department of Housing and
Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule provides for increases in loan amounts for manufactured (mobile) home loans as authorized by Section 308 of the Housing and Community Development Act of 1980. Rising costs of housing without corresponding increases in loan amounts results in excessive downpayment requirements, thus precluding many low and moderate income families from homeownership. This rule will establish increased loan limits for manufactured (mobile) homes making it easier for low and moderate income families to purchase them which will convey a benefit on the manufactured housing and other related industries.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT:
John L. Brady, Director, Office of Title I Insured Loans, Department of Housing and Urban Development, Room 9172, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-6680 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 308 of the Housing and Community

Development Act of 1980 amended Section 2(b) of the National Housing Act to authorize increases for manufactured (mobile) home loans in the following amounts: (1) On single-wide homes from \$18,000 to \$20,000; (2) on double-wide homes from \$27,000 to \$30,000.

The term, manufactured housing, has been used throughout this rule to reflect the new terminology of the 1980 Act. However, the word, mobile, is used parenthetically as a guide to persons familiar with the old terminology.

Rising costs of housing without corresponding increases in loan amounts results in excessive downpayment requirements, thus precluding many low and moderate income families from homeownership. This rule will establish increased loan limits for manufactured (mobile) homes making it easier for low and moderate income families to purchase them which will convey a benefit on the manufactured housing and other related industries. Publishing a notice of proposed rulemaking with comments would cause substantial delay in making the benefits available. Therefore, the Secretary finds that prior notice and public procedure on the rule would be contrary to public interest and that the rule should become effective as soon as possible under legal applicable requirements.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The program affected by this rule change is identified in the Catalog of Federal Domestic Assistance as follows:

14.110 Mobile Home Loan Insurance. Financing Purchase of Mobile Homes as Principal Residences of Borrowers (Title I).

Accordingly, 24 CFR Part 201 is amended by revising the first sentence of paragraph (a) and by revising paragraph (c) of § 201.530 to read as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation*. The proceeds of a manufactured (mobile) home loan shall not exceed the lesser of \$20,000 (\$30,000 where the manufactured (mobile) home is composed of two or more modules) or 116 percent of the total price for such home, as stated in the manufacturer's invoice (ninety percent of the appraised value of a used mobile home if the used mobile home was previously financed with a loan under this part). * * *

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(c) The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than \$20,000 (\$30,000 where the manufactured (mobile) home is composed of two or more modules).

(Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)) Title I, sec. 2, 48 Stat. 1246 (12 U.S.C. 1703 as amended))

Issued at Washington, D.C., July 7, 1981.
Philip D. Winn,
Assistant Secretary for Housing—Federal
Housing Commissioner.

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**Office of the Assistant Secretary for
Community Planning and
Development**

24 CFR Part 571

[Docket No. R-81-924]

**Community Development Block Grants
for Indian Tribes and Alaskan Natives;
Allocation of Funds**

AGENCY: Community Planning and
Development, HUD.

ACTION: Final rule.

SUMMARY: This rule revises the regional allocation formula for the Indian Community Development Block Grant Program. The funding formula phases out the weight given to past funding while increasing the weight given to population. A study of the old formula revealed that funds had not been distributed equitably. This revision is being made to more equitably distribute the funds among the various tribes.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT:
Marcia A. B. Brown, Office of Policy
Planning, Department of Housing and
Urban Development, 451 7th Street, SW.,
Washington, D.C. 20410, Telephone