

hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945).

List of Subjects in 21 CFR Part 561

Feed additives, Pesticides and pests.

Dated: March 28, 1986.

Steven Schatzow,
Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, 21 CFR Part 561 is amended as follows:

1. The authority citation continues to read as follows:

Authority: 21 U.S.C. 348.

2. Section 561.437 is added, to read as follows:

§ 561.437 (Alpha RS,2R)-fluvalinate [(RS)-alpha-cyano-3phenoxybenzyl (R)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate].

A regulation is established permitting residues of the insecticide (alpha RS, 2R)-fluvalinate [(RS)-alpha-cyano-3-phenoxybenzyl (R)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate] in or on the following feed commodities:

Commodities	Parts per million
Cottonseed hulls.....	0.3
Cottonseed oil (crude and refined).....	1.0

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances, Changes in Definitions; Use of Administration Controlled Substances Code Numbers; Addition of an Emergency Scheduling Regulation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration and revises 21 CFR Part 1308 to reflect statutory changes necessitated by parts of the Comprehensive Crime Control Act of 1984 (Pub. L. 98-473). The Dangerous Drug Diversion Control Act of 1984, as part of the Comprehensive Crime Control Act of 1984 (Pub. L. 98-473), which became effective on October 12, 1984, amended portions of the Controlled Substances Act (CSA) pertaining to the schedules and scheduling of controlled substances.

These amendments include a new definition of the term "isomer," a redefinition of the term "narcotic drug," and a revision of Schedule II (A)(4) to specifically list cocaine, ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives. In addition, the Administrator of the Drug Enforcement Administration (DEA) is given an emergency authority to expeditiously and temporarily place new substances of abuse into Schedule I of the CSA in order to avoid an imminent hazard to the public safety. The Dangerous Drug Diversion Control Act of 1984 also amended portions of the Controlled Substances Import and Export Act which necessitates the use of the Administration Controlled Substances Code Number by registrants.

EFFECTIVE DATE: April 23, 1986.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

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

A notice published in the Federal Register on Thursday, February 13, 1985 (51 FR 5370-2) proposed several revisions to 21 CFR Part 1308. These changes reflect statutory amendments to the Controlled Substances Act (21 U.S.C.

801 et seq.) brought about by the enactment of the Comprehensive Crime Control Act of 1984 (Pub. L. 98-473).

All interested persons were given until March 17, 1985 to submit written comments or objections regarding this matter. No such comments or objections have been received by the Drug Enforcement Administration.

Therefore, pursuant to the authority vested in the Attorney General by 21 U.S.C. 871(b) and delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, the Administrator hereby orders that 21 CFR Part 1308 be amended as follows:

PART 1308—[AMENDED]

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

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

2. Section 1308.02 is amended by revising paragraph (c), adding a new paragraph (e), redesignating existing paragraphs (e) and (f) as (f) and (g) as follows:

§ 1308.02 Definitions.

* * * * *

(c) The term "isomer" means the optical isomer, except as used in § 1308.11(d) and § 1308.12(b)(4). As used in § 1308.11(d), the term "isomer" means the optical, positional, or geometric isomer. As used in § 1308.12(b)(4), the term "isomer" means the optical or geometric isomer.

* * * * *

(e) The term "narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium.

(2) Poppy straw and concentrate of poppy straw.

(3) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine or their salts have been removed.

(4) Cocaine, its salts, optical and geometric isomers, and salts of isomers.

(5) Ecgonine, its derivatives, their salts, isomers and salts of isomers.

(6) Any compound, mixture, or preparation which contains any quantity

of any of the substances referred to in subparagraphs (1) through (5).

3. Section 1308.03 is amended by revising paragraph (a) to read as follows:

§ 1308.03 Administration Controlled Substances Code Number.

(a) Each controlled substance, or basic class thereof, has been assigned an "Administration Controlled Substances Code Number" for purposes of identification of the substances or class on certain Certificates of Registration issued by the Administration pursuant to §§ 1301.44 and 1311.43 of this chapter and on certain order forms issued by the Administration pursuant to § 1305.05(d) of this chapter. Applicants for procurement and/or individual manufacturing quotas must include the appropriate code number on the application as required in §§ 1303.12(b) and 1303.22(a) of this chapter. Applicants for import and export permits must include the appropriate code number on the application as required in §§ 1312.12(a) and 1312.22(a) of this chapter. Authorized registrants who desire to import or export a controlled substance for which an import or export permit is not required must include the appropriate Administration Controlled Substances Code Number beneath or beside the name of each controlled substance listed on the DEA Form 236 (Controlled Substance Import/Export Declaration) which is executed for such importation or exportation as required in §§ 1312.18(c) and 1312.27(b) of this chapter.

4. Section 1308.12(b)(4) is revised to read as follows:

§ 1308.12 Schedule II.

(b) * * *

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves (including cocaine (9041) and ecgonine (9180) and their salts, isomers, derivatives and salts of isomers and derivatives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

5. A new § 1308.52 is added to read as follows:

§ 1308.52 Emergency Scheduling.

Pursuant to 21 U.S.C. 811(h) and without regard to the requirements of 21 U.S.C. 811(b) relating to the scientific and medical evaluation of the Secretary of Health and Human Services, the Administrator may place a substance into Schedule I on a temporary basis, if he determines that such action is necessary to avoid an imminent hazard to the public safety. An order issued under this section may not be effective before the expiration of 30 days from: (a) The date of publication by the Administrator of a notice in the *Federal Register* of his intention to issue such order and the grounds upon which such order is to be issued, and (b) the date the Administrator has transmitted notification to the Secretary of Health and Human Services of his intention to issue such order. An order issued under this section shall be vacated upon the conclusion of a subsequent rulemaking proceeding initiated under Section 201(a) (21 U.S.C. 811(a)) with respect to such substance or at the end of one year from the effective date of the order scheduling the substance, except that during the pendency of proceedings under section 201(a) (21 U.S.C. 811(a)) with respect to the substance, the Administrator may extend the temporary scheduling for up to six months.

Regulatory Flexibility and Paperwork Reduction

The Administrator hereby certifies that this rule will have no significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. These changes are predominantly clarifications of existing regulations. The new regulation regarding emergency scheduling applies only to clandestinely produced and harmful drugs of abuse which have no currently accepted medical use in the United States, and therefore does not impact upon the legitimate pharmaceutical industry.

Pursuant to Section 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, this final rule has been submitted for review by 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. 3501, et seq.).

Dated: April 3, 1986.

John C. Lawn,
Administrator, Drug Enforcement
Administration.

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DEPARTMENT OF STATE

22 CFR Part 7

[Department Regulations 108.848]

Board of Appellate Review; South Africa Fair Labor Standard Cases

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Board of Appellate Review is revising its regulations to reflect jurisdiction acquired pursuant to 22 CFR 64.1(b), which entitles any U.S. national operating in South Africa, who under 22 CFR 64.1(a), has been determined by the Department of State to have failed to comply with the Fair Labor Standards set forth in 22 CFR 6.2, to file a written appeal within 30 days of notification of the decision with the Board of Appellate Review.

EFFECTIVE DATE: April 8, 1986.

FOR FURTHER INFORMATION CONTACT: Alan G. James (Chairman), Board of Appellate Review. (202) 663-1364.

SUPPLEMENTARY INFORMATION: 22 CFR Parts 50 through 65 implement the Fair Labor provisions of Executive Order 12532 of September 9, 1985 (50 FR 36861), which provide that no department or agency of the United States may intercede after December 31, 1985 with any foreign government regarding the export marketing activities of certain U.S. firms operating in South Africa unless they adhere to the Fair Labor Standards set forth in the Executive Order.

22 CFR 64.1(b), provides that any U.S. national who has been determined by the Department of State to have failed to adhere to the principles specified in 22 CFR 61.2 shall be entitled to appeal the determination to the Board of Appellate Review within 30 days of receipt of notification of the decision.

The Board of Appellate Review is revising regulations to reflect this newly acquired jurisdiction.

List of Subjects in 22 CFR Part 7

Administrative practices and procedures, Citizenship and naturalization, Organization and functions (Government agencies), Passports and visas, South Africa.

PART 7—BOARD OF APPELLATE REVIEW

In consideration of the foregoing, Chapter I of Title 22, Code of Federal Regulations, Part 7, is amended as follows:

1. The authority citation for 22 CFR Part 7 is revised to read as follows: