

conviction for a misdemeanor involving theft, smuggling, or a theft-connected crime, resulting from acts committed while a corporate officer, will not preclude application of this provision.

\* \* \* \* \*

#### **PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN**

1. The authority citation for Part 112 continues to read as follows:

**Authority:** 19 U.S.C. 66, 1551, 1565, 1623, 1624.

2. It is proposed to amend § 112.30(a)(5) to read as follows:

#### **§ 112.30 Suspension or revocation of license.**

(a) \* \* \*

(5) The holder of such a license or an officer of a corporation holding such a license is convicted of or has committed acts which would constitute a felony, or a misdemeanor involving theft, smuggling, or a theft-connected crime. Any change in the employment status of the corporate officer (e.g., discharge, resignation, demotion, or promotion) prior to conviction for a felony or prior to conviction for a misdemeanor involving theft, smuggling, or a theft-connected crime, resulting from acts committed while a corporate officer, will not preclude application of this provisions.

\* \* \* \* \*

#### **PART 146—FOREIGN TRADE ZONES**

1. The authority citation for Part 146 continues to read as follows:

**Authority:** 19 U.S.C. 66, 81a-81u, 1202 (Gen. Hdnote 11), 1623, 1624.

2. It is proposed to amend § 146.82(a)(3) to read as follows:

#### **§ 146.82 Suspension.**

(a) \* \* \*

(3) The Operator, or any officer of a corporation which has been granted the right to operate a zone, is convicted of or has committed acts which would constitute a felony, or a misdemeanor involving theft, smuggling, or a theft-connected crime. Any change in the employment status of the corporate officer (e.g., discharge, resignation, demotion, or promotion) prior to conviction for a felony or prior to conviction for a misdemeanor involving theft, smuggling, or a theft-connected crime, resulting from acts committed while a corporate officer, will

not preclude application of this provision.

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**Michael H. Lane,**  
*Acting Commissioner of Customs.*

Approved: April 7, 1987.

**John P. Simpson,**  
*Actg. Assistant Secretary of the Treasury.*

**Editorial note:** This document was received at the Office of the Federal Register on October 27, 1987.

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### **DEPARTMENT OF JUSTICE**

#### **Drug Enforcement Administration**

#### **21 CFR Part 1308**

#### **Schedules of Controlled Substances; Placement of Cathinone and 2,5-Dimethoxy-4-ethylamphetamine (DOET) in Schedule I and Cathine, Fencamfamin, Fenproporex and Mefenorex in Schedule IV**

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice is a proposed rule to place cathinone and 2,5-dimethoxy-4-ethylamphetamine (DOET) in Schedule I and cathine, fencamfamin, fenproporex and mefenorex in Schedule IV of the Controlled Substances Act (21 U.S.C. *et seq.*). This action is being taken to enable the United States to meet its obligations under the 1971 Psychotropic Convention. This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration (DEA) pursuant to 21 U.S.C. 811(d)(3)(B).

**DATE:** Comments must be submitted on or before December 29, 1987.

**ADDRESS:** Comments and objections should be submitted to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

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

**SUPPLEMENTARY INFORMATION:** During its February 1986 session, the United Nations Commission on Narcotic Drugs (CND) included 17 phenethylamines in the schedules of the Convention on Psychotropic Substances (NAR/CL.2/1986, dated February 28, 1986).

Nine of the 17 substances are already controlled under the Controlled

Substances Act (CSA) and do not require any additional action by the United States. The nine substances already controlled in the United States are: Dimethoxyamphetamine (DMA), N-ethylamphetamine, fenethylline, levamphetamine, levomethamphetamine, paramethoxyamphetamine (PMA), trimethoxyamphetamine, 5-methoxy-3,4-methylenedioxyamphetamine (MMDA) and 3,4-methylenedioxyamphetamine (MDMA). Two of the eight substances which are controlled by the CND (propylhexedrine and pyrovalerone) are the subject of a separate Federal Register Notice. The remaining six psychotropic substances added to the schedules by the CND decision are not currently controlled in the United States and do not have currently accepted medical use in treatment in the United States. These substances are cathine, cathinone, 2,5-dimethoxy-4-ethylamphetamine (DOET), fencamfamin, fenproporex and mefenorex.

The CND, accepting the World Health Organization (WHO) recommendations, determined that, in accordance with Article 2, paragraph 5 of the 1971 Convention of Psychotropic Substances, cathinone and DOET should be included in Schedule I of that Convention. (Decisions 1 S-IX and 5 S-IX, respectively.) The CND decided to place cathine (Decision 11 S-IX) in Schedule III of the 1971 Convention, even though the WHO had recommended listing it in Schedule II. The remaining three psychotropic substances recommended for control by the WHO (fencamfamin, fenproporex and mefenorex) were placed in Schedule IV of the 1971 Convention by the CND. (Decisions 13 S-IX through 15 S-IX, respectively.) The Secretary of Health and Human Services accepted the CND decisions regarding cathinone, DOET, cathine, fencamfamin, fenproporex and mefenorex and determined that existing controls in the United States were not sufficient to meet international drug control treaty obligations.

The CSA requires the Secretary of Health and Human Services, should he concur with the CND scheduling decision and should he feel that control measures under the CSA are not adequate to meet the requirements of the schedules specified in the notification, to recommend to the Attorney General that he initiate proceedings for scheduling the substance (see 21 U.S.C. 811(d)(3)(B)). By letter dated July 2, 1987, the Assistant Secretary of Health recommended to the Administrator of DEA that he initiate scheduling actions under the CSA to

assure compliance with international requirements.

The Administrator finds that cathine, cathinone, 2,5-dimethoxy-4-ethylamphetamine (DOET), fencamfamin, fenproporex and mefenorex must be controlled under the CSA in order to meet the requirements imposed by the Convention on Psychotropic Substances. He further finds that the most appropriate schedules into which these substances should be placed, based on the CND action, are Schedule I for cathinone and 2,5-dimethoxy-4-ethylamphetamine (DOET) and Schedule IV for the remaining four substances.

All interested persons are invited to submit their comments in writing regarding this proposal. Comments should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

Pursuant to 5 U.S.C. 805(b), the Administrator certifies that the placement of cathinone and 2,5-dimethoxy-4-ethylamphetamine into Schedule I and cathine, fencamfamin, fenproporex and mefenorex into Schedule IV of the CSA will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). None of the substances listed above are marketed in the United States. This action must be carried out in order to fulfill United States international treaty obligations.

In accordance with the provisions of 21 U.S.C. 811(d), this scheduling action is a formal rulemaking that is required by the United States obligations under international convention, that is, the Convention on Psychotropic Substances, 1971. 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 12291 (46 FR 13193).

**List of Subjects in 21 CFR Part 1308**

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

Based upon the notification of the Secretary-General of the United Nations and in accordance with the recommendations of the Assistant Secretary for Health of the Department of Health and Human Services and under the authority vested in the Attorney General by 21 U.S.C. 811(d)(3)(B) and delegated to the Administrator by the regulations of the

Department of Justice (28 CFR Part 0.100), the Administrator hereby proposes that 21 CFR be amended as follows:

**PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES**

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

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

2. New paragraph (d)(3) is added to § 1308.11 and existing paragraphs (d)(3) through (d)(25) are redesignated as (d)(4) through (d)(26) as follows:

**§ 1308.11 Schedule I.**

\* \* \* \* \*  
 (d) \* \* \*  
 (3) 2,5-dimethoxy-4-ethylamphetamine (DOET)..... 7399  
 \* \* \* \* \*

3. Section 1308.11 is further amended by redesignating existing paragraphs (f)(1) and (2) as (f)(2) and (3) and add a new paragraph (f)(1) to read as follows:

\* \* \* \* \*  
 (f) \* \* \*  
 (1) Cathinone.....1235

4. Section 1308.14 is amended by redesignating existing paragraph (e)(1) as (2), existing paragraph (e)(2) as (5) and existing paragraph (e)(3) through (6) as (e)(7) through (10) and adding new paragraph (e)(1), (3) (4) and (6) to read as follows:

**§ 1308.14 Schedule IV.**

\* \* \* \* \*  
 (e) \* \* \*  
 (1) Cathine..... 1230  
 \* \* \* \* \*  
 (3) Fencamfamin.....1760  
 (4) Fenproporex..... 1575  
 \* \* \* \* \*  
 (6) Mefenorex.....1580  
 \* \* \* \* \*

John C. Lawn,  
 Administrator, Drug Enforcement Administration.

Dated: October 21, 1987.

[FR Doc. 87-24807 Filed 10-29-87; 8:45 am]  
 BILLING CODE 4410-09-M

**21 CFR Part 1308**

**Schedules of Controlled Substances; Placement of Propylhexedrine and Pyrovalerone in Schedule V**

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice is a proposed rule to place propylhexedrine and

pyrovalerone in Schedule V of the Controlled Substances Act (21 U.S.C. *et seq.*) This action is being taken to enable to the United States to meet its obligations under the 1971 Psychotropic Convention. This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration (DEA) pursuant to 21 U.S.C. 811(d)(4)(B).

**ADDRESS:** Comments and objections should be submitted to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

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

**SUPPLEMENTARY INFORMATION CONTACT:** During its February 1986 session, the United Nations Commission on Narcotic Drugs (CND) decided to include 17 phenethylamines in the schedules of the Convention on Psychotropic Substances (NAR/CL.2/1986, dated February 28, 1986).

Nine of the 17 substances are already controlled under the Controlled Substances Act (CSA) and do not require any additional action by the United States. Eight of the 17 phenethylamines added to the schedules of the 1971 Convention by the CND decisions are not currently controlled within the United States. Six of them are the subject of a separate Federal Register Notice. The remaining two, propylhexedrine and pyrovalerone, are among the psychotropic substances newly added to Schedule IV of the 1971 Convention by Decisions 16 (S-IX) and 17 (S-IX), respectively, of the CND. While pyrovalerone is not marketed in the United States, propylhexedrine is the active ingredient in over-the-counter nasal inhalers.

The CSA allows the Secretary, Department of Health and Human Services (DHHS), should he not concur with a CND scheduling decision, to request the Secretary of State to transmit a notice of qualified acceptance to the Secretary-General of the United Nations (see 21 U.S.C. 811(d)(3)(C)(ii)). The Secretary (DHHS) may also request the Secretary of State to take appropriate action under the Convention to initiate proceedings to remove a substance from the schedules under the Convention (see 21 U.S.C. 811(d)(3)(C)(iv)).

Because the Secretary did not concur with the CND decisions to control propylhexedrine and pyrovalerone