

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
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John C. Lawn,
 Administrator, Drug Enforcement Administration.

Dated: October 21, 1987.

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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

internationally, the United States Government transmitted to the Secretary-General of the United Nations as, pursuant to 21 U.S.C. 811(d)(3)(C)(ii) and paragraph 7 of Article 2 of the Psychotropic Convention, a notice of qualified acceptance for each of these two drugs.

Even though the U.S. Government has notified the Secretary-General of a qualified acceptance of the decisions to control propylhexedrine and pyrovalerone in Schedule IV of the 1971 Convention, it must apply, as a minimum, certain control measures pending resolution of the matter. Among the minimum control measures which must be applied is the requirement for licensing (registration) of manufacturers and distributors (including importers and exporters) of both substances. Currently, pyrovalerone is neither manufactured nor distributed commercially within the United States. Propylhexedrine is marketed in the United States as the active ingredient in over-the-counter nasal decongestant inhalers. To retain the over-the-counter status of the preparations containing propylhexedrine in the United States, a notification has been sent by DEA informing the Secretary-General of the United Nations that the U.S. Government, under the provisions of Article 3 of the 1971 Convention, had decided to exempt certain preparations of propylhexedrine from specified measures of international control. The control measures from which propylhexedrine preparations will be exempted will include but not be limited to prescription requirements. This will permit the continuation of the present over-the-counter status of nasal inhalers containing propylhexedrine.

The Administrator, Drug Enforcement Administration, in accordance with the recommendations of the Assistant Secretary for Health, Department of Health and Human Services hereby proposes, pursuant to 21 U.S.C. 811(d)(4)(B) and 21 U.S.C. 811(d)(4)(C), to control propylhexedrine and pyrovalerone under Schedule V of the Controlled Substances Act. This action is proposed in order to carry out the minimum United States obligations under paragraph 7 of Article 2 of the 1971 Convention in the case of a drug or substance for which a notice of qualified acceptance has been transmitted.

All interested persons are invited to submit their comments in writing regarding this proposal. Comments should be submitted 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 propylhexedrine and pyrovalerone into Schedule V 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). 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 of Psychotropic Substances, 1971. Such formal proceeding 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 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

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

Accordingly, based upon the notification of the Secretary-General of the United Nations, the requests by the Government of the United States relative to a qualified acceptance of the scheduling decisions regarding propylhexedrine and pyrovalerone and in accordance with the recommendations of the Assistant Secretary for Health, DHHS, under the authority vested in the Attorney General by 21 U.S.C. 811(d)(4)(B) and (C) and delegated to the Administrator by regulations of the Department of Justice (28 CFR 0.100), the Administrator hereby proposes that 21 CFR 1308.15 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. A new paragraph (d) is added to § 1308.15 to read as follows:

§ 1308.15 Schedule V.

* * * * *

(d) 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 stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Propylhexedrine.....8161

(2) Pyrovalerone..... 1485

John C. Lawn,
Administrator, Drug Enforcement
Administration.

Dated: October 21, 1987.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Utah Permanent Regulatory Program; Utah

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Reopening and extension of public comment period.

SUMMARY: OSMRE is reopening the period for review and public comment on the substantive adequacy of program amendments submitted by the State of Utah to modify the Utah Permanent Regulatory Program (hereinafter referred to as the Utah program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments pertain to civil penalty assessments. OSMRE is reopening the comment period because the State has made revisions to the proposed amendments and submitted clarifying statements regarding the amendments since OSMRE announced receipt of the original proposed amendments in the March 27, 1987, Federal Register.

DATE: Written comments not received on or before 4:00 p.m. November 16, 1987 will not necessarily be considered.

ADDRESSES: Written comments should be mailed or hand-delivered to: Mr. Robert H. Hagen, Field Office Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 625 Silver Avenue SW., Suite 310, Albuquerque, NM 87102.

Copies of the Utah program, the proposed amendments to the program, and all written comments received in response to this notice will be available for review at the OSMRE offices and the office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting the OSMRE Albuquerque Field Office listed under **ADDRESSES**. The aforementioned documents are available for review at the following locations: