

two years, but may be extended upon reapplication. The Federal Deposit Insurance Corporation will provide notice to the depository institution's appropriate federal regulator and any state regulatory agency, as appropriate, that a request for waiver has been filed so that such agency(ies) may have an opportunity to consult with the Federal Deposit Insurance Corporation prior to the Federal Deposit Insurance Corporation taking action on the institution's request for a waiver. Notwithstanding the foregoing, prior notice and/or consultation shall not be required in any particular case where the Corporation determines that the circumstances require it to take action without giving such notice and opportunity for consultation.

(2) Any application filed by an institution that is CAMEL- or MACRO-rated 1 or 2 by its principal federal regulator shall be deemed approved for the period requested (not to exceed 2 years) 30 days after filing unless the institution in the interim has been notified in writing that further review and consideration is required and that it will be specifically notified when its application has been decided.

(f) *Exclusion for institutions in FDIC conservatorship.* No insured depository institution for which the Federal Deposit Insurance Corporation has been appointed conservator shall be subject to the prohibition on the acceptance, renewal or rollover of brokered deposits contained in this § 337.6 or section 29 of the Federal Deposit Insurance Act for 90 days after the date on which the institution was placed in conservatorship. During this 90-day period, the institution shall, nevertheless, be subject to the restriction on the payment of interest contained in paragraph (b)(2)(ii) of this section. After such 90-day period, the institution may not accept, renew or rollover any brokered deposit.

(g) *Deposit brokers.* (1) A deposit broker shall not solicit or place any deposit with an insured depository institution unless it has provided the Federal Deposit Insurance Corporation with written notice that it is acting as a deposit broker. The notice may be in letter form and shall describe generally the history, nature and volume of its deposit brokerage operations, including the sources and placement of such funds. The notice should be submitted to the Federal Deposit Insurance Corporation, Office of Compliance and Special Activities, Division of Supervision, Washington, DC 20429. The notice shall be effective upon receipt.

(2) A deposit broker shall maintain records sufficient to reveal the volume

of brokerage deposits placed with any insured depository institution over the preceding 12 months and the volume outstanding currently, including the maturities, rates and costs associated with such deposits.

(3) The Federal Deposit Insurance Corporation Director, Division of Supervision, or his designee may request from time to time a written report from any deposit broker regarding the volume of brokered deposits placed with a specified insured depository institution and the maturities, rates and costs associated with such deposits.

(4) When a deposit broker ceases to act as such, it shall notify the Federal Deposit Insurance Corporation in writing at the address indicated above that it is no longer acting as a deposit broker.

By order of the Board of Directors.

Dated at Washington, DC, this 24th day of March, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-7521 Filed 4-2-92; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Removal of Thebaine-Derived Butorphanol From Schedule II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration (DEA) to remove thebaine-derived butorphanol from Schedule II of the Controlled Substances Act (CSA). This action is based on a recommendation from the Assistant Secretary for Health, Department of Health and Human Services (DHHS), that thebaine-derived butorphanol be decontrolled from Schedule II. As a result of this proposed rulemaking, regulatory controls and criminal sanctions pertaining to Schedule II substances will not be applicable to thebaine-derived butorphanol.

DATES: Comments and objections should be received on or before June 2, 1992.

ADDRESSES: Comments and objections should be submitted to: Administrator, Drug Enforcement Administration,

Washington, DC 20537. Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 307-7183.

SUPPLEMENTARY INFORMATION:

Butorphanol is an agonist/antagonist, narcotic analgesic used to treat moderate to severe pain. To date, butorphanol marketed in the United States has been produced by totally synthetic means. When synthetic butorphanol was approved for marketing, no recommendation was made by DHHS for scheduling this drug under the CSA. In addition, there was no information indicating that butorphanol could be derived from thebaine, an opium constituent. As a result, synthetic butorphanol has never been considered a controlled substance under the CSA.

On May 16, 1990, a petition was filed with the DEA requesting that butorphanol derived from thebaine be decontrolled. The petitioner noted that new chemistry manufacturing information indicated that butorphanol could be manufactured from thebaine. As such, the thebaine-derived butorphanol would be a Schedule II substance since 21 U.S.C. 812(c), Schedule II(a)(1) includes "opium and opiate, and any salt, compound, derivative or preparation of opium or opiate."

On February 15, 1991, in accordance with 21 U.S.C. 811(b), the Administrator of the DEA requested that the Assistant Secretary for Health conduct a scientific and medical evaluation of thebaine-derived butorphanol and provide the DEA with a recommendation concerning the scheduling of this drug. On October 8, 1991, following a review of relevant medical and scientific data, the Assistant Secretary for Health recommended that thebaine-derived butorphanol be decontrolled from Schedule II. Accordingly, the Administrator proposes this decontrol action.

Interested persons are invited to submit, in writing, their comments or objections with regard to this proposal to decontrol thebaine-derived butorphanol. If a person believes that one or more issues raised warrant a hearing, that individual should so state and summarize the reasons for their belief. In the event comments, objections or requests for a hearing received in response to this proposal raise one or more issues which warrant

a hearing, the Administrator will publish, in the Federal Register, an order for a public hearing which will summarize the issues to be heard and set the time for the hearing that will not be less than 30 days after the date of the order. If no objections presenting grounds for a hearing on this proposal are received within the time limitation or if interested parties waive or are deemed to have waived their opportunity for a hearing or to participate in a hearing, the Administrator, after giving consideration to written comments and objections, will issue a final order pursuant to 21 CFR 1308.48 without a hearing. All correspondence concerning this matter should be submitted to the Administrator, Drug Enforcement Administration, Washington, DC 20537. Attention: DEA Federal Register Representative.

The Administrator of the DEA hereby certifies that this proposed rule will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. Drug scheduling matters are a formal action required by statute to be made on the record after opportunity for an agency hearing. It is not a major rule for purposes of Executive Order (E.O.) 12291. Accordingly, it has not been submitted for review by the Office of Management and Budget (OMB) pursuant to the provisions of E.O. 12291. This matter is not subject to those provisions of E.O. 12776 which are contingent upon review by OMB. As a formal rulemaking, this action is not subject to the 90-day moratorium on regulations ordered by the President in his memorandum of January 28, 1992.

This action has been analyzed in accordance with the principles and criteria in E.O. 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

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

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)) and delegated to the Administrator of the DEA by Department of Justice Regulations (28 CFR 0.100), the Administrator hereby proposes that 21 CFR part 1308 be amended as follows:

PART 1308—AMENDED

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

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

2. Section 1308.12(b)(1) introductory text is proposed to be revised to read as follows:

§ 1308.12 Schedule II.

* * * * *

(b) * * *

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

* * * * *

Dated: March 26, 1992.

Robert C. Bonner,
Administrator of Drug Enforcement.
[FR Doc. 92-7550 Filed 4-2-92; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 990

[Docket No. R-92-1595; FR 3088-P-01]

RIN 2577-AB08

Low-Income Public Housing—Project-Based Accounting

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule.

SUMMARY: The Department is proposing to amend 24 CFR chapter IX by adding a new subpart C in part 990 to require Public Housing agencies (but not Indian Housing Authorities) to establish and maintain a system of accounting for income and expenses by project or other appropriate cost center. This proposed change is directed by section 502(c) of the National Affordable Housing Act of 1990. The 1990 Act requires that the Department promulgate regulations under section 553 of title 5, U.S.C., taking into account the requirements of public housing agencies of different sizes and characteristics, to achieve compliance with the requirements of the above-cited section by January 1, 1993.

DATES: Comments must be received by June 2, 1992.

ADDRESSES: Interested persons are invited to submit written comments regarding this proposed rule to the

Office of the General Counsel, Rules Docket Clerk, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours in room 10276.

FOR FURTHER INFORMATION CONTACT:

Mr. John T. Comerford, Director, Financial Management Division, Office of Management Operations, Public and Indian Housing, room 4212, U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708-1872. Hearing or speech impaired individuals may call HUD's TDD number, (202) 708-0650. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

The information collection requirements contained in this proposed rule have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1980. The estimated public reporting burden for the collection of information requirements contained in this rule are set out elsewhere in this document under the caption "Other Matters".

Comments regarding this burden estimate, or any other aspect of this proposed collection of information, including suggestions for reducing the reporting burden, should be sent to the U.S. Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street SW., room 10276, Washington, DC 20410; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

II. Statutory Requirement

Section 502(c) of the National Affordable Housing Act of 1990 adds a new subsection (E) to section 6(c)(4) of the U.S. Housing Act of 1937, as follows:

(4) the public housing agency shall comply with such procedures and requirements as the Secretary may prescribe to assure that sound management practices will be followed in the operation of the project, including requirements pertaining to—

* * * * *

(E) except in the case of agencies not receiving operating assistance under section 9, the establishment and maintenance of a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair and other operating costs) for each project or operating cost center (as determined by the Secretary)