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 DEA by Department of Justice Regulations (28 CFR 0.100), the Administrator hereby proposes that 21 CFR 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).

2. Section 1308.11 is amended by adding new paragraphs (b)(31) and (b)(39), and redesignating the existing paragraphs (b)(31) through (b)(37) and (b)(38) through (b)(46) as (b)(32) through (b)(38) and (b)(40) through (b)(48), respectively:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

(31) 1-methyl-4-phenyl-4-propionoxy-piperidine (MPPP)	9661

* * * * *

(39) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP)	9663

* * * * *

Dated: August 5, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-17949 Filed 8-8-86; 8:45 am]

BILLING CODE 4410-09-M

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Tiletamine and Zolazepam Into Schedule I and the Placement Of Certain Preparations Which Contain Both Tiletamine and Zolazepam Into Schedule III

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration. It proposes the placement of the substances, tiletamine and zolazepam, into Schedule I of the Controlled Substances Act and the placement of preparations which contain equal amounts of both tiletamine and zolazepam into Schedule III. This action reinstates an action which was proposed in 1981 and not completed. The effect of this action is to facilitate the marketing of a veterinary pharmaceutical product and to discourage the abuse of the product and the individual ingredients.

DATE: Comments must be submitted on or before September 10, 1986.

ADDRESS: Comments and objections should be submitted in quintuplicate 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:

List of Subjects in 21 CFR Part 1308

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

A proposed rule was published in the **Federal Register** on July 9, 1981 (46 FR 35529-35531), proposing that the substances, tiletamine and zolazepam, be placed into Schedule I and that preparations containing equal weights of both be placed into Schedule III of the Controlled Substances ACt (CSA) (21 U.S.C. 801 et seq.). The action was initiated in response to a letter from the then Acting Assistant Secretary for Health, Department of Health and Human Services, which recommended that tiletamine and zolazepam be placed into Schedule III when the Food and Drug Administration (FDA) approved the new Animal Drug Application (NADA) for Telazol®. Comments supporting the proposed action were received from the American Veterinary Medical Association. The American Association of Zoo Veterinarians and the Warner-Lambert Company objected to the placement of tiletamine and zolazepam into Schedule I and the Warner-Lambert Company, the sponsor of the NADA, requested an administrative hearing.

On December 8, 1981, the then Administrator of the Drug Enforcement Administration (DEA), withdrew the proposed rule as it applied to the control of tiletamine and zolazepam and reaffirmed the proposed placement of preparations containing equal amounts of both substances into Schedule III (46 FR 60008-60009). The Administrator denied the request for a hearing since withdrawal of the proposed action seemed to obviate its necessity and stated that the drug control action, as it applied to the mixture, would be finalized when the FDA approved the NADA for Telazol®. No comments or objections were received in response to that announcement.

On April 9, 1982, the then Acting Director of the FDA Bureau of Veterinary Medicine, announced approval of a NADA for Telazol® (47 FR 15328-15329). The DEA proposal to place preparations containing equal amounts of tiletamine and zolazepam into Schedule III of the CSA was not finalized. In view of the time which has elapsed since the former Administrator issued the proposed rule, the current Administrator is initiating the drug control process anew and is again proposing that tiletamine and zolazepam be placed into Schedule I and that preparations containing equal weights of each substance be placed into Schedule III.

The former Administrator of the Drug Enforcement Administration received a letter dated March 18, 1981 from the then Acting Assistant Secretary for Health, on behalf of the former Secretary of the Department of Health and Human Services, recommending that tiletamine and zolazepam be placed into Schedule III of the CSA if and when the FDA approved the NADA for Telazol®. Enclosed with the letter from the Acting Assistant Secretary was a scientific and medical evaluation which listed the factors which the Act requires the Secretary to consider, and summarized the matters considered by the Acting Assistant Secretary in recommending the control of tiletamine, zolazepam and the veterinary product under the Controlled Substances Act. The factors considered by the Secretary for each entity were:

(1) Its actual or relative potential for abuse.

(2) Scientific evidence of its pharmacological effects, if known.

(3) The state of current scientific knowledge regarding the drug or other substance.

(4) Its history and current pattern of abuse.

(5) The scope, duration and significance of abuse.

(6) What, if any, risk there is to the public health.

(7) Its psychic or physiological dependence liability.

(8) Whether the substance is an immediate precursor of a substance already controlled under the Controlled Substances Act.

The Administrator, in accordance with section 201(b) of the ACT [21 U.S.C. 811(b)], has relied on the scientific and medical evaluations and the

recommendations of the Acting Assistant Secretary for Health, which were provided pursuant to section 201(f) of the Act [21 U.S.C. 811(f)].

Under 21 U.S.C. 811(a), the Administrator must apply the provisions of 21 U.S.C. 812 when considering whether to add a drug or other substance to a schedule. Title 21, United States Code, section 812(b) provides that a drug or other substance must have an accepted medical use in treatment in the United States in order that it be considered for placement into Schedules II, III, IV or V. That section also provides that a drug or other substance which has no currently accepted medical use in treatment in the United States be considered for placement into Schedule I.

The Administrator finds that approval of the NADA for the tiletamine-zolazepam combination product means that the product has an accepted medical use in treatment in the United States. The letter of the then Acting Assistant Secretary of Health was silent with respect to whether approval of the NADA confers accepted medical use status on the individual components of a veterinary combination product. However, the then Acting Director of the FDA Bureau of Veterinary Medicine specifically advised that neither of the ingredients, taken separately, had an acceptance in treatment in the United States. Currently neither tiletamine nor zolazepam is approved for marketing in the United States in single entity preparations for use in medical treatment.

Tiletamine, a chemical analog of phencyclidine (PCP), has pharmacological properties similar to that Schedule II substance. In addition, when administered alone, convulsive seizures and clonic muscular reactions result in some species of animals. When zolazepam is combined with tiletamine, the convulsive and clonic muscular reactions are absent. Currently there is no approved veterinary use for tiletamine as a single entity. Tiletamine is a hallucinogenic substance. In that PCP has been demonstrated to have a high potential for abuse, the Administrator finds in relation to the substance tiletamine, its salts, isomers, and salts of isomers that:

(1) Tiletamine has a high potential for abuse.

(2) Tiletamine has no currently accepted medical use in treatment in the United States.

(3) There is a lack of accepted safety for use of tiletmaine under medical supervision.

Zolazepam is chemically and pharmacologically related to chlordiazepoxide, diazepam and other benzodiazepines in Schedule IV. In addition, when administered alone, zolazepam produces bizarre behavioral reactions in some species of animals. When combined with tiletamine, the behavioral effects are absent. Acute lethality data indicate that zolazepam is considerably more toxic than the beonzodiazepines which are currently available for use in medical treatment. Although zolazepam has not been tested in human subjects, nor have animal studies been conducted to precisely determine the relative abuse potential of the substance, zolazepam is chemically and pharmacologically similar to other benzodiazepines which have been subject to a considerable amount of abuse and have presented unexpectedly severe medical consequences when withdrawal is attempted. Unlike these other benzodiazepines, the toxicity of zolazepam is significantly greater, the substance has not been accepted for use as a single entity, and its safety for use under medical supervision has not been established. Therefore, the Administrator finds in relation to the substance, zolazepam, its salts, isomers, and salts of isomers that:

(1) Zolazepam has a high potential for abuse.

(2) Zolazepam has not currently accepted medical use in treatment in the United States.

(3) There is a lack of accepted safety for use of zolazepam under medical supervision.

In 1982, the FDA Bureau of Veterinary Medicine (currently, the FDA Center for Veterinary Medicine) approved a NADA for a mixture of tiletamine hydrochloride and zolazepam hydrochloride for use as an anesthetic agent in dogs and cats. As the product has not been marketed, no data are available on actual human abuse. The abuse potential of the mixture was evaluated in animal studies and the then Acting Assistant Secretary found that the mixture has a potential for abuse less than the drugs or other substances in Schedules I and II. The pharmacological profile of the mixture is similar to that of PCP, and the data are consistent with the concept that the mixture will initiate and maintain self-administration behavior. The mixture was found to have positive reinforcing properties in drug-experienced rhesus monkeys, indicating that ingestion of the drug may produce high psychological dependence in humans. Unlimited access to the mixture resulted in a mild to moderate withdrawal syndrome in monkeys, indicating that the mixture produces moderate or low physical dependence.

The Administrator finds in relation to a mixture of equal weights of tiletamine and zolazepam and salts thereof that:

(1) The above described mixture has a potential for abuse less than the drugs or other substances in Schedules I and II.

(2) The above described mixture has an accepted medical use in treatment in the United States.

(3) Abuse of the above described mixture may lead to moderate or low physical dependence or high psychological dependence.

Interested persons are invited to submit their comments or objections in writing regarding this proposal. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his 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 that 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.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of tiletamine and zolazepam into Schedule I and the placement of commercial products which contain equal quantities of tiletamine and zolazepam into Schedule III of the Controlled Substances Act will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). These proposed drug control actions relate to the initial control of two substances which are not marketed in the United States and to an approved product which may be used in medical treatment in the United States but which has not yet been marketed. Commercial products with contain tiletamine and zolazepam will be used in veterinary clinics. This rule, if finalized, will cause such establishments to handle products which contain tiletamine and zolazepam in a manner identical to that already

used in relation to other Schedule III products.

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to place tiletamine and zolazepam into Schedule I and certain preparations thereof into Schedule III, is a formal rulemaking "on the record after opportunity for a hearing." Such 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).

Pursuant to the authority vested in the Attorney General by section 201(a) of the CSA [21 U.S.C. 811(a)] as redelegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, and for the reasons set forth above, the Administrator hereby proposes to amend 21 CFR Part 1308 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).

2. Paragraph (d) of § 1308.11 is amended by adding a new subparagraph (25) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) Hallucinogenic substances. * * *

(25) Tiletamine 7290
Some trade or other names: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.

* * * * *

3. Paragraph (e) of § 1308.11 is amended by adding a new subparagraph (3) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(e) Depressants. * * *

(3) Zolazepam 2930
Some trade or other names: 4-(o-flurophenyl)-6,8-dihydro-1,3,8-trimethylpyrazole-[3,4,e] [1,4]-diazepin-7(1H)-one.

* * * * *

4. Paragraph (c) of § 1308.1 is amended by redesignating the existing paragraphs (c)(4) through (c)(11) as (c)(5) through (c)(12) and adding a new paragraph (c)(4), reading as follows:

§ 1308.13 Schedule III.

* * * * *

(c) Depressants. * * *

(4) Any compound, mixture or preparation containing equal weights of both tiletamine and zolazepam or any salt thereof and not mixed with other psychoactive substances 7295

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Dated: August 5, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-17950 Filed 8-8-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modifications to the Iowa Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of a program amendment submitted by Iowa as an amendment to the State's permanent regulatory program (hereinafter referred to as the Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment submitted by letter dated June 16, 1986, consists of proposed changes that reorganize Iowa's State government. The proposed amendment would transfer all of the functions of Iowa's Department of Soil Conservation—including coal regulation and abandoned mine lands—to the newly created Division of Soil Conservation in the Iowa Department of Agriculture and Land Stewardship.

This notice sets forth the times and locations that the Iowa program and the proposed amendment will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed for the public hearing.

DATES: Written comments from the public not received by 4:30 p.m., September 10, 1986 will not necessarily be considered in the decision on whether the proposed amendment should be approved and incorporated into the Iowa regulatory program. If requested, a public hearing on the proposed amendments has been scheduled for September 1, 1986. Any person interested in speaking at the hearing should contact Mr. William J. Kovacic at the address or telephone number listed below by August 26, 1986. If no person has contacted Mr. Kovacic by that date to express an interest in the hearing, the hearing will be cancelled. If only one person requests an opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administative Record.

ADDRESSES: The public hearing if requested, is scheduled for 1:00 p.m. at the Kansas City Field Office, 1103 Grand Avenue, Kansas City, Missouri 64106.

Written comments and requests for an opportunity to speak at the hearing should be directed to Mr. William J. Kovacic, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, Room 502, 1103 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

Copies of the Iowa program, the proposed modification to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the OSMRE Field Office listed above and at the OSMRE Headquarters Office and the Office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendment by contacting the OSMRE Kansas City Field Office.

Office of Surface Mining Reclamation and Enforcement
Room 5315A
1100 L Street, NW.
Washington, DC 20240

Iowa Department of Soil Conservation
Wallace State Office Building
Des Moines, Iowa 50319

FOR FURTHER INFORMATION CONTACT: Mr. William J. Kovacic, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, Room 502, 1103 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

SUPPLEMENTARY INFORMATION:

I. Background to the Iowa Program

The Iowa program was conditionally approved by notice published in the January 21, 1981 **Federal Register** (48 FR