TABLE III.—AVERAGE COUNT RANGES (PER POUND)

Size designation	Variety Group 1		Variety Group 2	
	Except Ascolano, Barouni, St. Agostino	Ascolano, Barouni St. Agostino	Obliza	Except obliza
Small	N.A.	N.A.	N.A.	128-140
Medium	N.A.	N.A.	106-121	106-121
Large	N.A.	N.A.	91-105	91-105
Ex. Large	65-75	65-90	65-90	65-90
Jumbo	51-60	51-60	51-60	51-60
Colossal	41-50	41-50	41-50	41-50
Sup. Colossal	(1)	(1)	(1)	(1)

N.A.—Not Applicable.
[1] 40 or fewer.

* * * * *

PART 944—FRUITS; IMPORT REGULATIONS

5. Section 944.401(b) is amended by revising paragraph (b)(3) and the introductory text of paragraph (b)(12) to read as follows:

§ 944.401 Olive Regulation 1.

* * * * *

(b) * * *

(3) Canned whole ripe Variety Group 1 olives of the Ascolano, Barouni, and St. Agostino varieties shall be of such size that not more than 25 percent, by count, of the olives may weigh less than 1/90 pound (5 grams) each except that not more than 10 percent, by count, of the olives may weigh less than 1/98 pound (4.6 grams) each:

* * * * *

(12) Imported bulk olives when used in the production of canned ripe olives must be inspected and certified as prescribed in this section. Imported bulk olives which do not meet the applicable minimum size requirements specified in paragraphs (b)(2) through (b)(11) of this section may be imported during the period October 15, 1987 through July 31, 1988, for limited use, but any such olives so used shall not be smaller than the following applicable minimum size:

* * * * *

6. In § 944.401(b)(12), subparagraphs (i) through (x) remove the words "25 percent" or "20 percent" wherever they appear and add, in their place, the words "35 percent."

Dated: October 7, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87-23878 Filed 10-14-87; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Temporary Placement of 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine and 4-methylaminorex into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) in order to temporarily place 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxy-amphetamine and 4-methylaminorex into Schedule I of the Controlled Substances Act (CSA) pursuant to the emergency scheduling provisions of the CSA. This action is based on a finding that the scheduling of 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxy-amphetamine and 4-methylaminorex is necessary to avoid and imminent hazard to the public safety. As a result of this rule, the regulatory controls and criminal sanctions imposed on a Schedule I substance under the CSA will be applicable to the manufacture, distribution and possession of 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxy-amphetamine and 4-methylaminorex.

EFFECTIVE DATE: October 15, 1987.

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

SUPPLEMENTARY INFORMATION: Notice of intent to temporarily place 3,4-methylenedioxy-N-ethylaphetamine, N-hydroxy-3,4-methylenedioxyamphetamine and 4-methylaminorex into Schedule I of the CSA were published in the **Federal Register** on August 13, 1987 (52 FR 30174-75 and 52 FR 30175-77). The Comprehensive Crime Control Act of 1984 (Pub. L. 98-473) which was signed into law on October 12, 1984, amended section 201 of the CSA (21 U.S.C. 811) to give the Attorney General the authority to temporarily place substances into schedule I of the CSA if he finds that such action is necessary to avoid and imminent hazard to the public safety. The Attorney General has delegated his authority under 21 U.S.C. 811 to the Administrator of the Drug Enforcement Administration (28 CFR 0.100).

The Administrator transmitted notice of his intention to temporarily place 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine and 4-methylaminorex into Schedule I of the CSA to the Assistant Secretary for Health of the Department of Health and Human Services. In response to the notification, the Food and Drug Administration has advised DEA that none of the three substances being proposed for emergency scheduling are currently being investigated under the Food, Drug and Cosmetic Act nor are they the subject of approved new drug applications. Therefore, the Food and Drug Administration has no objections to the placement of 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine and 4-methylaminorex into Schedule I of the CSA. No comments have been received from any other interested parties.

Based upon the information and data contained in the notices of intent (52 FR 30174-75 and 52 FR 30175-77), the Administrator, pursuant to Section 201(h) of the CSA (21 U.S.C. 811(h)) and

28 CFR 0.100, has found that scheduling 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine and 4-methylaminorex in Schedule I of the CSA, on a temporary basis, is necessary to avoid an imminent hazard to the public safety.

Regulations that are effective on October 15, 1987 and imposed on 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine and 4-methylaminorex are as follows:

1. *Registration.* Any person who manufactures, distributes, engages in research, imports or exports 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3, 4-methylenedioxyamphetamine or 4-methylaminorex or who proposes to engage in the manufacture, distribution, importation, exportation or research of 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine or 4-methylaminorex shall obtain a registration to conduct that activity by October 15, 1987, pursuant to Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine or 4-methylaminorex must be manufactured, distributed and stored in accordance with §§ 1301.71–1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of, 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine or 4-methylaminorex which are packaged after October 15, 1987 shall comply with the requirements of §§ 1302.03–1302.05, 1302.07 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. *Quotas.* All persons required to obtain quotes for 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxy-amphetamine or 4-methylaminorex shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the CFR.

5. *Inventory.* Registrants possessing 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine or 4-methylaminorex are required to take inventories pursuant to §§ 1304.11–1304.19 of Title 21 of the CFR.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the CFR shall do so regarding 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine or 4-methylaminorex.

7. *Reports.* All registrants engaged in the manufacture, packaging, labelling or distribution of 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine or 4-methylaminorex are required to file reports pursuant to §§ 1304.35–1304.37 of Title 21 of the CFR.

8. *Order Forms.* Each distribution of 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine or 4-methylaminorex requires the use of an order form pursuant to §§ 1305.01–1305.16 of Title 21 of the CFR.

9. *Importation and Exportation.* All importation and exportation of 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine or 4-methylaminorex shall be in compliance with Part 1312 of Title 21 of the CFR.

10. *Criminal Liability.* Any activity with 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine or 4-methylaminorex not authorized by or in violation of the CSA or the Controlled Substances Import and Export Act occurring on or after October 15, 1987 is unlawful.

Pursuant to Title 5, U.S.C., section 605(b), the Administrator certifies that the temporary placement of 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine and 4-methylaminorex into Schedule I of the CSA, as ordered herein, 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). This action involves the temporary control of substances with no currently approved medical use or manufacture in the United States.

It has been determined that the temporary placement of 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine and 4-methylaminorex into Schedule I of the CSA under the emergency scheduling provision is a statutory exception to the 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.

Under the authority vested in the Attorney General by section 201(h) of the CSA (21 U.S.C. 811(h)), and delegated to the Administrator of DEA by Department of Justice regulations (28 CFR 0.100), the Administrator hereby amends 21 CFR Part 1308 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. Paragraphs (g)(4) through (g)(6) are added to § 1308.11 to read as follows:

§ 1308.11 Schedule I.

* * * * *

(g) * * *

(4) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA)—7404

(5) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-hydroxy MDA)—7402

(6) 4-methylaminorex (also known as 2-amino-4-methyl-5-phenyl-2-oxazoline)—1590

Dated: October 2, 1987.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 87–23781 Filed 10–14–87; 8:45 am]

BILLING CODE 4410–09–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1613

Equal Employment Opportunity in the Federal Government

AGENCY: Equal Employment Opportunity Commission.

ACTION: Revocation of adoption of Federal Personnel Manual (FPM) letters and Civil Service Commission (CSC) bulletins.

SUMMARY: Pursuant to Reorganization Plan No. 1 of 1978, effective January 1, 1979, all equal opportunity in federal employment enforcement and related functions vested in the former Civil Service Commission pursuant to section 717 (b) and (c) of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16(b) and (c); section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791; the Equal Pay Act under the Fair Labor Standards Act, as amended, 29 U.S.C. 204 *et seq.*, the Portal-to-Portal Act of 1947 as amended, 29 U.S.C. 259 and the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.*,