CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1305—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Mebumatane in Schedule IV

A notice was published in the Federal Register, on Friday, December 13, 1974 (49 FR 4418) proposing that Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513) be amended to include mebumatane (and its salts). All interested persons were given until January 13, 1975 to submit their objections, comments, or requests for hearing.

In view of the fact that no comments, objections, or requests for a hearing were received as to the proposed order, and based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, mebumatane has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Mebumatane will, upon the approval of a New Drug Application by the FDA, have a currently accepted medical use in treatment of disease in the United States.

3. Abuse of mebumatane may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that Title 21 of the Code of Federal Regulations (CFR) be revised to read as follows:

§ 1308.14 Schedule IV.

2. A new section, § 240.42, is added, immediately following § 240.41, to provide a definition of Regional Director, Bureau of Alcohol, Tobacco, and Firearms, as added, § 240.42 reads as follows:

§ 240.42 Regional Director.

"Regional Director" shall mean a Regional Director, Bureau of Alcohol, Tobacco, and Firearms, who is responsible to, and functions under the direction and supervision of, the Director, Bureau of Alcohol, Tobacco, and Firearms.

3. Section 240.531 is amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine. As amended, § 240.531 reads as follows:

§ 240.531 General.

The addition to (and retention in) still wines of small quantities of carbon dioxide is permitted. Provided, That, at the time of removal for consumption or sale, the still wine need not contain more than 0.392 gram of carbon dioxide per 100 milliliters of wine, subject to the tolerance provisions of § 240.533. Where carbon dioxide is added to, or retained in, still wines, the Administrator shall issue notice in accordance with § 240.532. Where such carbon dioxide content of wine, at the time of removal for consumption or sale, is to be less than 0.392 gram per 100 milliliters of wine, the provisions of § 240.534 shall not be applicable.


4. Section 240.533 is amended to change the quantity of carbon dioxide permitted in still wine from 0.277 gram per 100 milliliters of wine to 0.392 gram per 100 milliliters of wine, and to replace the phrase "assistant regional commissioner" by the phrase "regional director." As amended, § 240.533 reads as follows:

§ 240.533 Tolerance.

A tolerance to the maximum limita

1. Section 240.15 is amended by deleting the language defining the term "assistant regional commissioner" and inserting instead, a cross-reference to new § 240.42. As amended, § 240.15 reads as follows:

§ 240.15 Assistant regional commissioner.

"Assistant regional commissioner", wherever used in this part shall mean a Regional Director, Bureau of Alcohol, Tobacco, and Firearms, as defined in § 240.42.

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