CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Dextropropoxyphene and Nalbuphine Removal

On April 19, 1976, notice was published in the Federal Register (41 FR 16487) proposing to remove dextropropoxyphene from Schedule I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(a) Schedule I (a) (19); § 1308.11(b) (12), Title 21 of the Code of Federal Regulations (CFR)). On May 11, 1976, a notice was published in the Federal Register (41 FR 19227) proposing to remove nalbuphine from Schedule II of the Act (21 U.S.C. 812(c) Schedule II (a) (1); 21 CFR 1308.12(b) (1)).

Each notice gives all interested persons an opportunity to submit comments, objections, or requests for a hearing on the respective matters proposed therein. All such submissions were to be received by the Drug Enforcement Administration on or before May 25, 1976 regarding dextropropoxyphene, and on or before June 14, 1976 regarding nalbuphine.

No comments were received in response to either proposal.

In view thereof, and based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluations and recommendations of the Secretary of Health, Education, and Welfare, received pursuant to Section 201(b) of the Act (21 U.S.C. 811(b)), the Administrator of the Drug Enforcement Administration finds that neither dextropropoxyphene nor nalbuphine have sufficient potential for abuse or addiction liability to justify the continued control of either substance in any schedule under the Act.

Therefore, under the authority vested in the Attorney General by Section 501 (a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part O), the Administrator hereby orders that dextropropoxyphene and its salts be removed from Schedule I, and that nalbuphine and its salts be removed from Schedule II, and that 21 CFR 1308.11(b) and 1308.12(b) (1) be amended consistent therewith as hereinafter appears.

Schedules I through V are contained in Title 21, Code of Federal Regulations, Part 1308 (21 CFR 1308.11-1308.19).

Section 202(a) of the Act (21 U.S.C. § 812 (a)) states that the Schedules shall be updated and republished on an annual basis. This mandate is carried out when the Office of the Federal Register, National Archives and Records Service, General Services Administration, annually publishes Title 21, Code of Federal Regulations, Part 1308 To End, revised as of April 1 of the year of publication and includes in that volume Schedules I through V as amended during the twelve months preceding the annual date of revision.

The Drug Enforcement Administration has reviewed the most recent annual update and republication of Schedules I through V in Title 21, Code of Federal Regulations, Part 1308 To End (Revised as of April 1, 1976), and has recognized several instances where there is a need to make certain non-substantive changes in several Schedules in order to clarify or correct controlled substances nomenclature, spelling, and numerical sequence, and to assign drug control numbers.

In view of this, the Administrator has determined the need to amend Schedules I through V so as to reflect the removal of dextropropoxyphene and nalbuphine therefrom and to include therein the above-mentioned non-substantive clarifying and corrective changes.

Therefore, under the authority vested in the Attorney General by Section 501 (b) of the Act (21 U.S.C. 877(b)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part O), the Administrator hereby orders that §§ 1308.11-1308.19, Title 21 of the Code of Federal Regulations (Revised as of April 1, 1976), and the updated and republished list of Schedules I through V set out therein, be amended to conform to the following:

SCHEDULES

§ 1308.11 Schedule I.

(a) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, salts is possible within the specific chemical designation:

1. Acetylmethadol

(b) Depressants.

(c) Miscellaneous.

§ 1308.13 Schedule III.

§ 1308.15 Schedule IV.

§ 1308.17 Schedule V.

Drug and Chemical Names

(f) 4-methoxy-2-methylaminophenol, paramethoxyamphetamine, PMA.
flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (P.L. 93-384) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. § 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The deadline that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the community under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.6 List of eligible communities.

The purpose of this notice is to list those communities within the sale of