On January 19, 1978, the Commission issued its order to respondent to show cause why the Commission should not alter or modify the July 29, 1975 Order so as to delete the words "in camera" from paragraph IV C.(9) thereof.

On March 6, 1978, respondent filed an answer that did not oppose the proposed modification. Section 3.72(b)(3) of the Commission's rules provides that if an order to show cause is not opposed by the Commission may, in its discretion, decide the matter on the basis of that order and the answer thereto.

Accordingly, it is ordered, That the matter be reopened, and that paragraph IV C.(9) of the order of July 29, 1975, be modified to read as follows:

If Xerox grants a license under order patents either pursuant to the terms of paragraph II of this order or otherwise, the license agreement shall contain the irrevocable covenant of the licensee to license such of its patents as are licensed to Xerox on reasonable terms and conditions (including the license to itself of its licensees' patents or improvement patents) to any other person who is entitled to a license from Xerox pursuant to paragraph II of this order, Provided, That such license need not be effective prior to the effective date of the licensee's license to Xerox. Within 60 days following execution of a license agreement subject to this paragraph IV C.(9), Xerox shall submit to the Commission a copy thereof.

JAMES A. TOBIN, Acting Secretary.

[FR Doc. 78-13421 Filed 5-18-78; 8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Technical Requirements for Determining a Sharp Metal or Glass Edge in Toys and Other Articles Intended for Use by Children Under 8 Years of Age

Correction

In FR Doc. 78-7689, appearing at page 15886 in the issue of Friday, March 24, 1978, make the following changes in § 1500.49:

1. On page 12645, third column, the third line of paragraph (e)(1) should read, "either before or after the test of" and the seventh line of paragraph (e)(3)(ii) should read, "diam-eter of Probe B, but less than 8.00 inches".

2. On page 12646, first column, the fifth line of paragraph (e)(3)(ii) should read, "di-mension of 9.00 inches (228.6 millimeters)", the third from last line of that paragraph should read, "dimension that is 7.28 inches (185.9 millimeters)", and the sixteenth line of paragraph (d)(1) should read, "force of 1.35 pounds (6.00 Newtons) such".

3. On page 12646 second column, the last line of paragraph (d)(1) should read, "up to 1.35 pounds (6.00 Newtons)". The fifth line of paragraph (d)(2) should read, "force of 1.35 pounds (6.00 Newtons) and the thirteenth line of paragraph (d)(2)(iii) should read, "6.00 Newtons measured in a direction at".

4. On page 12646, third column, the third and fourth lines of paragraph (e)(1) should read, "glass density of 1.00±0.08 inch per second (25.4±2.0 millimeters per second) during"; the text of footnote one, with the exception of the first sentence, should appear as regular text following the footnote reference in paragraph (e)(2) and the tenth line of paragraph (e)(3) should read, "Thick-ness of the poy-terfluorofothylene"

[4610-01]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of 1-Phenylcyclohexylamine and 1-Piperidino-cyclohexane-Carbonitrile, Immediate Precursors of Phenacyclidine, in Schedule II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This rule is issued as a result of receipt by the Administrator of DEA of a letter from the Assistant Secretary for Health, Department of Health, Education, and Welfare, which requested DEA to consider the control of analogs and precursors of phenacyclidine, and subsequent publication in the Federal Register (43 FR 11586, March 20, 1978) of a Notice of Proposed Rulemaking to place 1-phenylcyclohexylamine and 1-piperidinocyclohexane-carbonitrile, which are immediate precursors of phenacyclidine, into Schedule II. No comments or objections were received in response to the Notice. This rule replaces these two immediate precursors of phenacyclidine under Schedule II requirements of the Controlled Substances Act.

Effective Date: The effective date of Schedule II control is June 10, 1978 except as otherwise provided in the Supplemental Information Section of this Order.

For Further Information Contact:

Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, telephone 202-633-1368.

Supplemental Information: A Notice was published in the Federal Register on March 20, 1978 (43 FR 11586) proposing that 1-phenylcyclohexylamine and 1-piperidinocyclohexane-carbonitrile be placed in Schedule II of the Controlled Substances Act of 1970 (21 U.S.C. 801-996) as immediate precursors of phenacyclidine, and that Title 21 of the Code of Federal Regulations, § 1308.12 (Schedule II) be amended accordingly. All interested persons were given until April 19, 1978 to submit their comments or objections in writing regarding this proposal.

No comments nor objections were received, nor were there any requests for a hearing, and in view thereof, and based upon the investigations and review of the Drug Enforcement Administration and upon the request of the Assistant Secretary for Health in behalf of the Secretary of Health, Education, and Welfare, the Administrator of the Drug Enforcement Administration finds, pursuant to the authority delegated to him by regulations of the Department of Justice, that:

1. 1-phenylcyclohexylamine and 1-piperidinocyclohexane-carbonitrile are immediate chemical intermediates used or likely to be used in the manufacture of a controlled substance;

2. 1-phenylcyclohexylamine and 1-piperidinocyclohexane-carbonitrile are immediate chemical intermediates used or likely to be used in the manufacture of a controlled substance; and

3. The control of 1-phenylcyclohexylamine and 1-piperidinocyclohexane-carbonitrile is necessary to prevent, curtail, or limit the manufacture of a controlled substance.

Therefore, under the authority vested in him by the Act and by regulations of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby orders that § 1308.12(e) of Title 21 of the Code of Federal Regulations be amended as follows:

FEDERAL REGISTER, VOL. 43, NO. 95—WEDNESDAY, MAY 17, 1978
§ 1308.12 Schedule II

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital
(2) Methaqualone
(3) Pentobarbital
(4) Phencyclidine
(5) Phencyclidine immediate precursors.
   (a) 1-phenylcyclohexylamine
   (b) 1-piperidino-2-cyclohexylamine
(6) Secobarbital

(EFFECTIVE DATES)

As to 1-phenylcyclohexylamine and 1-piperidino-2-cyclohexylamine:

1. Registration. Any person who manufactures, distributes, dispenses, imports or exports such substances or who proposes to engage in such activities, shall submit an application for registration to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations on or before (90 days after publica-

2. Security. Such substances must be manufactured, distributed, and stored in accordance with §§1301.71, 1301.72, 1301.73, 1301.74 (a), (c), and (d), 1301.75, 1301.76 (b)(c), and 1301.76 of Title 21 of the Code of Federal Regulations on or before (90 days after publication). From now until the effective date of this provision, it is expected that manufacturers and distributors of such substances will initiate whatever preparation as may be necessary in order to provide adequate security in accordance with the DEA regulations so that substantial compliance with this provision can be met by (90 days after publication). In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. Labeling and packaging. All labels on commercial containers, and all labeling of such substances packaged after (90 days after publication) shall comply with the requirements of §§1302.03—1302.06, 1302.07, 1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any manufacturer, as defined in section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)) the Drug Enforcement Administration will entertain any justified requests for an extension of time;