Improvement Act of 1970 (33 U.S.C. 1161, 1162), provides that the Secretary of the Treasury, at the request of the Secretary of the Department in which the Coast Guard is operating, shall withhold clearance of any vessel the owner or operator of which is subject to a penalty for violation of the Act.

Section 466a, Customs Regulations (19 CFR 4.66a), provides that if a district director of Customs receives a request from an officer of the Coast Guard to withhold clearance of a vessel whose owner or operator is subject to a civil penalty for knowingly discharging oil in violation of the Water Quality Improvement Act of 1970, clearance shall not be granted until the request is withdrawn or a bond or other surety satisfactory to the Coast Guard has been filed.

Section 466b, Customs Regulations (19 CFR 4.66b), provides procedures for Customs officers to follow in reporting to the Coast Guard discharges of refuse matter, hazardous substances, or oil in U.S. waters in violation of section 13 of the Act. (30 Stat. 1152; 33 U.S.C. 407), and the Water Quality Improvement Act of 1970 (33 U.S.C. 1161, 1162).

The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1321 (1976)), extended the provision for withholding clearance to include discharges of hazardous substances as well as oil, whether discharged knowingly or not, and deleted the provision for granting clearance upon withdrawal of the Coast Guard's request for withdrawal clearance. In addition, the authority cited for §§ 4.66a and 4.66b was changed to section 2, 68 Stat. 682, 864, 865, as amended; 33 U.S.C. 1321. Therefore, Customs proposes to amend §§ 4.66a and 4.66b, Customs Regulations, to conform with the amended law.

Proposed Amendments

It is proposed to amend Part 4, Customs Regulations (19 CFR Part 4), in the following manner:

Section 4.66a would be revised to read as follows:

§ 466a Illegally discharged oil and hazardous substances.

If a district director receives a request from an officer of the U.S. Coast Guard to withhold clearance of a vessel whose owner or operator is subject to a civil penalty for discharging oil or a hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in quantities determined to be harmful by appropriate authorities, such clearance shall not be granted until the district director is informed that a bond or other surety satisfactory to the Coast Guard has been filed.


Section 4.66b(a) would be revised to read as follows:

§ 466b Pollution of coastal and navigable waters.

(a) If any Customs officer has reason to believe that any refuse matter is being or has been deposited in navigable waters or any tributary of any navigable waters in violation of section 13 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407), or oil or a hazardous substance is being or has been discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in violation of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1321), he shall promptly furnish to the district director a full report of the incident, together with the names of witnesses and, when practicable, a sample of the material discharged from the vessel in question.

* * * * *


Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs.

Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on normal business days during the hours of 9:00 a.m. to 4:30 p.m., at the Regulations and Information Division, Room 2428, Headquarters, U.S. Customs Service, 1301 Constitution Avenue N.W., Washington, D.C. 20229.

Authority


Inapplicability of Regulatory Flexibility Act

Because the contemplated effects of the Federal Water Pollution Control Act Amendments of 1972 are presumed to have been considered by the Congress, and are considered to flow from that legal authority, not from the regulation, the regulation is not expected to have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from small entities through comments, either formal or informal.

Accordingly, the proposed amendments do not require a regulatory flexibility analysis under the provisions of Pub. L. 96–554, the "Regulatory Flexibility Act" (5 U.S.C. 601, et seq.).

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Approved: April 22, 1981.

John P. Simpson,
Acting Assistant Secretary of the Treasury.
William T. Archey,
Acting Commissioner of Customs.

[FR Doc. 81-2222 Filed 4-22-81; 81:10 am]
BILLING CODE 4410-22-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Halazepam, Alprazolam and Triazolam into Schedule IV

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice is a proposed rule to place the drugs, halazepam, alprazolam and triazolam, into Schedule IV of the Controlled Substances Act. The Administrator of the Drug Enforcement Administration has received recommendations from the Department of Health and Human Services that halazepam, alprazolam and triazolam be controlled in Schedule IV.

DATES: Comments must be submitted on or before June 29, 1981.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1400 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.
FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537; Telephone: (202) 336–1366.

SUPPLEMENTARY INFORMATION: On March 19, 1981, the Administrator of the Drug Enforcement Administration received a letter from the Acting Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, recommending that triazolam be placed in Schedule IV of the Controlled Substances Act (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801–808)). Enclosed with this letter from the Acting Assistant Secretary was a document which listed the factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in recommending control. Relying on the evaluations and recommendations of the Secretary, the Administrator of the Drug Enforcement Administration, in a Federal Register notice (41 FR 31553) dated July 29, 1976, proposed to place halazepam in Schedule IV of the Controlled Substances Act. No comments, objections or requests for hearing were received during the comment period. Since this scheduling proposal for halazepam was published almost five years ago, in light of the probability of the availability of new data relevant to the scheduling of halazepam, and in order to provide any newly interested parties an opportunity to comment on this matter, the Administrator of the Drug Enforcement Administration has decided to publish a second proposal to place halazepam in Schedule IV.

The factors considered by the Secretary for each of the drugs, triazolam, alprazolam and halazepam were:

1. Its actual or relative potential for abuse;
2. Scientific evidence of its pharmacological effect, if known;
3. The status 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; and
8. Whether the substance is an immediate precursor of a substance already controlled under the Controlled Substances Act.

Relying on the scientific and medical evaluation and the recommendation of the Acting Assistant Secretary for Health, received in accordance with section 201(f) of the Act (21 U.S.C. 811(f)), the Administrator of the Drug Enforcement Administration, pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), finds that:

1. Based on information now available, alprazolam, halazepam and triazolam each have a low potential for abuse relative to the drugs or other substances currently listed in Schedule III;
2. Alprazolam, halazepam and triazolam will, upon issuance of New Drug Applications by the Food and Drug Administration, have currently accepted medical uses in treatment in the United States; and
3. Abuse of alprazolam, halazepam and triazolam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.

Therefore, under the authority vested in the Attorney General by section 201(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 (26 CFR Part 0), the Administrator hereby proposes to revise 21 CFR 1308.14(c)(1)–(24) to read as follows:

§1308.14 Schedule IV.

All 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. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537. Attention: DEA Federal Register Representative.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the Federal Register, summarizing the issues to be heard and setting the time for the hearing (which will not be less than 30 days after the date of the order).

Pursuant to Title 5, United States Code, Section 505(b), the Administrator certifies that the control of alprazolam, halazepam, and triazolam, as proposed herein, will have no significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act. The actions involve the proposed initial
control of substances not previously approved for marketing in the United States.

In accordance with the provisions of Section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this proposal to place alprazolam, haloperidol and triazolam into Schedule IV, is a formal rulemaking "on the record after opportunity for a hearing." Such formal 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.

Dated: April 21, 1981.

Peter B. Bensinger,
Administration, Drug Enforcement Administration.
[FR Doc. 81-12271 Filed 4-29-81; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 888

[S0cket No. R-61-918]

Section 8 Housing; Fair Market Rents; New Construction and Substantial Rehabilitation; Congressional Waiver Request

AGENCY: Office of the Secretary, HUD.
ACTION: Notice of Congressional waiver request.

SUMMARY: Section 709(4) of the Department of Housing and Urban Development Act permits the Secretary to request waiver of the legislation's requirements in appropriate instances. This Notice lists and briefly summarizes for public information a final rule with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Richard F. Lasner, Assistant General Counsel for Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both Congressional Banking Committees the final rule listed below. The purpose of the transmittal is to request waiver of the 30-day delayed effective date for the final rule under Section 709(3) of the Department of Housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

Final Rule—24 CFR Part 888—Fair Market Rents

This final rule establishes Section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for the States of New Hampshire, Rhode Island and Virginai; as well as Market Areas within the States of Kansas, Louisiana, Michigan, North Carolina and Pennsylvania, in compliance with the requirements of Section 6(c)(1) of the U.S. Housing Act of 1937.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 5855(d); Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., April 21, 1981.

Samuel R. Pierce, Jr.,
Secretary, Department of Housing and Urban Development.
[FR Doc. 81-12271 Filed 4-29-81; 8:45 am]
BILLING CODE 4410-09-M

PENNSYLVANIA AVENUE
DEVELOPMENT CORPORATION

36 CFR Ch. IX

Semiannual Regulatory Agenda

AGENCY: Pennsylvania Avenue Development Corporation.
ACTION: Semiannual regulatory agenda and review.

SUMMARY: Pursuant to Executive Order 12291, "Federal Regulations," February 27, 1981 (46 FR 31393, February 19, 1981), the Pennsylvania Avenue Development Corporation (Corporation), is not planning to issue, prior to October 1, 1981, any major rules as defined in Executive Order 12291. In addition, the Corporation has determined that none of its existing rules in Subchapter A (36 CFR Parts 901-907) are "major." The Corporation plans to review the balance of its existing rules, Subchapter B, 36 CFR 920-923, prior to October 1, 1981. Pursuant to the Regulatory Flexibility Act ("Act," 5 U.S.C. 601, et seq.), the Corporation is not planning to issue, prior to October 1, 1981, any rules which would have a significant economic impact on a substantial number of small entities. In addition, the Corporation has determined that none of its existing rules in Subchapter A (36 CFR Parts 901-907) have had or will have a significant economic impact on a substantial number of small entities. The Corporation plans to review the balance of its existing rules, Subchapter B, 36 CFR 920-923, prior to October 1, 1981.

As an informational aid to the public, the Corporation is enumerating below, those non-major and nonsignificant rules that it plans to publish prior to October 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Dated: April 24, 1981.

T. J. Regan, Jr.,
Acting Executive Director.

Regulatory Agenda for Period Ending Sept. 30, 1981

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EDVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 1793-8]

State of Washington; Primary Nonferrous Smelter Orders; Maintenance of Pay Provision

AGENCY: Environmental Protection Agency (EPA).
ACTION: Proposed rule.

SUMMARY: This Notice solicits public comment on EPA's proposed approval of maintenance of pay provision. On June 24, 1980, EPA published in the Federal Register (45 FR 45214) minimum requirements for primary nonferrous smelter orders (NSO) issued pursuant to Section 119 of the Clean Air Act (herein referred to as the Act). However, before any NSO can be issued, a provision limiting protection of the employee from loss of pay must be included in the Washington State Implementation Plan. EPA advised the State of this requirement and the State submitted on