pursuant to information obtained and furnished by the Secretary of State, that a foreign nation does not restrict the transportation of certain articles between its ports by vessels of the U.S., reciprocal privileges will be accorded to vessels of that nation, and the prohibition against the transportation of those articles between points in the U.S. will not apply to those vessels.

Sections 48(b)(1), Customs Regulations (19 CFR 4.93(b)(1)), lists those nations found to extend reciprocal privileges to vessels of the U.S. for the transportation of empty cargo vans, empty lift vans, and empty shipping tanks. Section 49(b)(2), Customs Regulations (19 CFR 4.93(b)(2)), lists those nations found to extend reciprocal privileges to vessels of the U.S. for the transportation of equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and certain equipment for use with these barges; certain empty instruments of international traffic; and certain stevedoring equipment and material.

On October 16, 1984, the Department of State advised the Director, Carriers, Drawbridge and Barges Division, of the Customs Service Headquarters that the Netherlands Antilles places no restrictions on the transportation of the articles listed in the Act by vessels of the U.S. between ports in the Netherlands Antilles. The effective date of such notification was October 22, 1984.

The Carriers, Drawbridge and Barges Division is of the opinion that satisfactory evidence has been furnished to establish the reciprocity required in § 4.93(b). Therefore, the Director of the Division has determined that, effective retroactively to October 22, 1984, the Netherlands Antilles should be added to the lists of nations set forth in § 4.93(b)(1) and (2).

By Treasury Department Order 185-25 the Secretary of the Treasury has delegated authority to the Commissioner of Customs to prescribe regulations relating to §§ 4.42(2), 4.81(a)(b), 4.92(b)(1) and (2), 4.94(b), and 10.59(f), Customs Regulations (19 CFR 4.22, 4.81(a)(b), 4.93(b)(1) and (2), 4.94(b), and 10.59(f)). These sections relate to lists of nations entitled to preferential treatment in Customs matters because of reciprocal privileges accorded to vessels and aircraft of the U.S. Subsequently, by Customs Delegation Order No. 66 (T.D. 82-201), dated October 13, 1982, the Commissioner delegated this authority to the Assistant Commissioner (Commercial Operations), who redelegated this authority to the Director, Office of Regulations and Rulings, who then redelegated it to the Director, Regulations Control and Disclosure Law Division.

Finding

On the basis of the information received from the Secretary of State, as described above, it is determined that the Netherlands Antilles places no restrictions on the transportation of the articles specified in the 8th proviso of § 27 of the Merchant Marine Act of 1920, as amended, by vessels of the U.S. between ports in the Netherlands Antilles. Therefore, reciprocal privileges are accorded as of October 22, 1984, to vessels registered in the Netherlands Antilles.

List of Subjects in 19 CFR Part 4

Customs duties and inspection, cargo vessels, maritime carriers, vessels.

Regulations Amendments

To reflect the reciprocal privileges granted to vessels registered in the Netherlands Antilles, Part 4, Customs Regulations (19 CFR Part 4), is amended in the following manner:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The authority citation for Part 4 continues to read as follows:


§ 4.93 [Amended]

2. Section 4.93(b) (1) and (2), Customs Regulations (19 CFR 4.93(b)(1), (b)(2)), are amended by adding ‘‘Netherlands Antilles”, in appropriate alphabetical order to the lists of nations entitled to reciprocal privileges.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this is a minor amendment in which the public is not particularly interested and there is a statutory basis for the described extension of reciprocal privileges, notice and public procedure pursuant to 5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. 553(d)(1), a delayed effective date is not required because this amendment grants an exemption.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of 5 U.S.C. 603, 604, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulations such as this for which a notice of proposed rulemaking is not required by the

Administrative Procedure Act (5 U.S.C. 551 et seq.) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.


B. James Fritz.  
Director, Regulations Control and Disclosure Law Division.

[FR Doc. 86-6487 Filed 3-24-86; 8:45 am]

BILLING CODE 4520-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Quazepam and Midazolam into Schedule IV

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to place the benzodiazepine substances, quazepam and midazolam, into Schedule IV of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). This action is based on a finding that quazepam and midazolam each fit the statutory criteria for inclusion in Schedule IV of the CSA. As a result of this rule, the regulatory controls and criminal sanctions of Schedule IV of the CSA will be applicable to the manufacturing, distribution, importation and exportation of each substance.

EFFECTIVE DATE: March 25, 1986.


SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.
A proposed rule was published in the Federal Register on February 7, 1986 (51 FR 4763-4764), proposing that quazepam and midazolam be placed into Schedule IV of the CSA if and when each New Drug Application (NDA) receives final approval from the Food and Drug Administration (FDA). All persons were given until March 10, 1986, to submit any comments or objections in writing regarding this proposal. No comments or objections were received by the Drug Enforcement Administration.

By letter dated March 3, 1986, the FDA notified DEA of the final NDA approval for each substance contingent upon the announcement of a final scheduling decision in the Federal Register. This final rule fulfills that scheduling condition for quazepam and midazolam.

Relaying on the scientific and medical evaluations and recommendations of the Acting Assistant Secretary for Health and based on his independent evaluations in accordance with the provisions of 21 U.S.C. 811(c) that quazepam and midazolam each are similar to other substances in Schedule IV, the Administrator of the Drug Enforcement Administration, pursuant to the provisions of 21 U.S.C. 811(a) and 811(b), finds that:

(1) Based on information now available, quazepam and midazolam each has a low potential for abuse relative to the drugs or other substances listed in Schedule III.

(2) Quazepam and midazolam each has a currently accepted medical use in treatment in the United States; and

(3) Abuse of either quazepam or midazolam cannot 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 CSA (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 0.100), the Administrator hereby orders that 21 CFR 1308.14(c) be amended by the addition of quazepam and midazolam.

The above findings are consistent with the placement of each into Schedule IV of the CSA. In order to avoid delays in the initial marketing of each, the control of quazepam and midazolam in Schedule IV will be effective on March 25, 1986. In the event this imposes special hardships on any registrant, the Drug Enforcement Administration will entertain any justified request for an extension of time to comply with the Schedule IV regulations. The applicable regulations are as follows:

1. Registration. Any person who manufactures, distributes, delivers, imports or exports each substance, quazepam and midazolam, must take inventories of all stocks of quazepam and midazolam on hand.

2. Security. Each substance, quazepam and midazolam, 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 and labeling for commercial containers of quazepam and midazolam must comply with the requirements of §§ 1302.03-1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. Inventory. Every registrant required to keep records who possesses any quantity of each substance, quazepam and midazolam, shall take inventories, pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of quazepam and midazolam on hand.

5. Records. All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding quazepam and midazolam.

6. Prescriptions. All prescriptions for products containing quazepam or midazolam shall comply with §§ 1306.01-1306.08 and §§ 1306.21-1306.25 of Title 21 of the Code of Federal Regulations.

7. Importation and Exportation. All importation and exportation of quazepam and midazolam shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

8. Criminal Liability. The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to quazepam and midazolam not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the control of quazepam or midazolam, as ordered herein, will have no significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). These scheduling actions relate to the initial control of drugs 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 order to place each substance, quazepam and midazolam, 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.

PART 1308—AMENDED

Accordingly, 21 CFR Part 1308 is amended as follows:

1. The authority citation for Part 1308 continues to read as follows:


2. Section 1308.14(c) is amended by revising the listing in paragraph (c) to read as follows:

§ 1308.14 Schedule IV.

(c) *

(1) Alprazolam ........................................... 2862
(2) Barbital .................................................. 2145
(3) Bromazepam ............................................ 2748
(4) Cambazepam ............................................. 2749
(5) Chloral betaine ........................................ 2460
(6) Chloral hydrate ....................................... 2405
(7) Chloridiazepoxide .................................... 2744
(8) Clofazam ............................................... 2751
(9) Clonazepam ............................................. 2737
(10) Clozapine ............................................. 2768
(11) Clozapine ............................................. 2752
(12) Cloxazolam ........................................... 2753
(13) Diazepam ............................................... 2754
(14) Diazepam ............................................... 2765
(15) Estazolam .............................................. 2758
(16) Ethchlorvynol ........................................ 2540
(17) Ethinamate ............................................ 2545
(18) Ethyl lofazepate ..................................... 2758
(19) Fludiazepam ........................................... 2759
(20) Flunitrazepam ....................................... 2763
(21) Flurazepam ........................................... 2707
(22) Flurazepam ........................................... 2762
(23) Halofazepam ......................................... 2771
(24) Ketazolam .............................................. 2772
(25) Loprazolam ............................................. 2773
(26) Lurasepam ............................................... 2885
(27) Lormezepam .......................................... 2774
(28) Lormezepam .......................................... 2800
(29) Medazepam ............................................ 2630
(30) Meprobamate .......................................... 2820
(31) Methohexitol ......................................... 2264
(32) Metylphenobarbital (mephobar- bital) .............. 2250
(33) Midazolam ............................................. 2884
(34) Nimetasazepam ........................................ 2837
(35) Nitrazezepam ........................................ 2834
(36) Nordiazepam .......................................... 2838
(37) Oxazepam ............................................... 2835
(38) Oxazepam ............................................... 2830
(39) Paraldehyde ........................................... 2585
(40) Petichloral ............................................. 2591
(41) Phenobarbital ........................................ 2885
(42) Phazepam ............................................... 2883
(43) Phazepam ............................................... 2704
(44) Quazepam ............................................... 2881
(45) Temazepam ............................................. 2925
(46) Tetrazepam ............................................. 2886
PART 504—ORGANIZATION

Sec. 504.1 Introduction.

504.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.


§ 504.1 Introduction. It is the policy of the United States Information Agency that information about its operations, organization, procedures, and records be freely available to the public in accordance with the provisions of Pub. L. 89–487, the “Public Information Act of 1966”, referred to hereinafter as “The Act”, which amended the Public Information section of the Administrative Procedure Act (5 U.S.C. 552).

§ 504.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.


(b) The United States International Communication Agency was established as an independent agency of the Executive Branch of the Government by Reorganization Plan No. 2 of 1977. The Director of the Agency is responsible for reporting to the President and the Secretary of State, as well as advising the National Security Council, on international informational, educational, and cultural matters. The scope of the Director’s advice includes assessments of the impact of actual and proposed U.S. foreign policy decisions on public opinion abroad.


(d) The United States Information Agency has responsibility for the conduct of international information, educational, and cultural activities, including exchange programs to build bridges of mutual understanding between Americans and the other peoples of the world. The United States Information Agency engages in a wide variety of communication activities—from academic and cultural exchanges to press, radio, and television programs—to accomplish its goals of strengthening foreign understanding of American society and support of United States policies. The United States Information Agency operates field posts in 129 foreign countries.

(1) A four Bureaus are: Voice of America (VOA), Programs (P), Educational and Cultural Affairs (E), and Management (M).

(i) The Voice of America is the global radio network of the United States Information Agency which seeks to promote understanding abroad of the United States, its people, culture, and policies. In carrying out its mission, VOA is responsible for conducting its operations in accordance with the VOA Charter. (Pub. L. 94–350), which states:

(A) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

(B) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

(C) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussion and opinion of these policies.