

Secretary for Health, the DEA Administrator, pursuant to the provisions of 21 U.S.C. 811 (a) and (b), finds that:

- (1) MPPP and PEPAP have a high potential for abuse;
- (2) MPPP and PEPAP have no currently accepted medical use in treatment in the United States; and
- (3) MPPP and PEPAP lack accepted safety for use under medical supervision.

The above findings are consistent with the placement of MPPP and PEPAP into Schedule I of the CSA. The Administrator further finds that MPPP and PEPAP are opiates as defined in 21 U.S.C. 802(18) since both have an addiction-forming and addiction-sustaining liability similar to that of morphine. Consequently, MPPP and PEPAP are narcotics since the definition of narcotic, as stated in 21 U.S.C. 802(17)(A), includes: "Opium, opiates, derivatives of opium and opiates."

In accordance with 21 U.S.C. 811(h)(5) the emergency scheduling order for MPPP and PEPAP shall be vacated on the effective date of this final rule permanently placing MPPP and PEPAP into Schedule I of the CSA.

Since MPPP and PEPAP are already under temporary control in Schedule I, all regulations applicable to Schedule I narcotic substances will continue to be effective.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the placement of MPPP and PEPAP into Schedule I of the CSA will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). This action involves the permanent control of a substance with no legitimate medical use or manufacture in the United States.

In accordance with the provisions of 21 U.S.C. 811(a), this scheduling action 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 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

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 DEA by Department of Justice regulations (28 CFR 0.100), the Administrator hereby

orders that 21 CFR 1308.11 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Section 1308.11 is amended by redesignating the existing paragraphs (b)(33) through (b)(36) and (b)(37) through (b)(47) as (b)(34) through (b)(37) and (b)(39) through (b)(49), respectively and by adding new paragraphs (b)(33) and (b)(38) to read as follows:

* * *	* * *
(b) * * *	* * *
(33) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
* * *	* * *
(38) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
* * *	* * *

§ 1308.11 [Amended]

3. Section 1308.11 is amended by removing paragraphs (g)(2) and (g)(3) and redesignating the existing paragraphs (g)(4) through (g)(12) as (g)(2) through (g)(10).

Dated: January 16, 1987.

John C. Lawn,
Administrator, Drug Enforcement
Administration.

[FR Doc. 87-1400 Filed 1-22-87; 8:45 am]

BILLING CODE 4410-09-M

21 CFR Part 1308

Schedules of Controlled Substances; Rescheduling of Alfentanil From Schedule I to Schedule II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) in order to reschedule alfentanil, a narcotic substance, from Schedule I to Schedule II of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This action follows final approval by the Food and Drug Administration (FDA) of a new drug application for alfentanil. Alfentanil is being moved into Schedule II because it has been approved by FDA as being safe and effective for indicated uses in medicine. As a result of this rule, the regulatory controls and criminal sanctions of a Schedule II narcotic substance under the CSA will be applicable to the manufacture, distribution, importation and exportation of alfentanil.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: A notice was published in the Federal Register on April 17, 1986 (51 FR 13025) proposing that alfentanil be transferred from Schedule I to Schedule II of the CSA. Interested persons were given until May 19, 1986, to submit comments or objections regarding the proposal. No correspondence of any kind was received regarding the proposal. Furthermore, according to the December 29, 1986 letter from Paula Botstein, M.D., Acting Deputy Director, Office of Drug Research and Review, Center for Drugs and Biologics, Food and Drug Administration, the new drug application for alfentanil has been approved.

Based on the scientific and medical evaluation and recommendation contained in a January 31, 1986 letter from the Acting Assistant Secretary for Health, Department of Health and Human Services, the Administrator of the DEA, pursuant to the provisions of 21 U.S.C. 811(a) and (b), finds that:

- (1) Alfentanil has a high potential for abuse;
- (2) Alfentanil has a currently accepted medical use in treatment in the United States; and
- (3) Abuse of alfentanil may lead to severe psychological or physical dependence.

The above findings are consistent with the placement of alfentanil into Schedule II of the CSA. The Administrator further finds that alfentanil is an opiate as defined in 21 U.S.C. 802(18) since it has an addiction-forming and addiction-sustaining liability similar to morphine. Consequently, alfentanil is a narcotic since the definition of narcotic, as stated in 21 U.S.C. 802(17)(A), includes: "Opium, opiates, derivatives of opium and opiates."

Regulations that are effective on January 23, 1987 and imposed on alfentanil are as follows:

1. *Registration.* Any person who manufactures, distributes, engages in research, imports or exports alfentanil or who proposes to engage in alfentanil's manufacture, distribution, importation, exportation or research shall obtain a registration to conduct that activity by (date of publication in Federal Register), pursuant to Part 1301 of Title 21 of the Code of Federal Regulations.

2. *Security.* Alfentanil must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(a)(c)(d), 1301.73, 1301.74, 1301.75(b)(c) and 1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of, alfentanil which is packaged after January 23, 1987 shall comply with the requirements of §§ 302.03-1302.05 and 1302.07-1302.08 of Title 21 of the Code of Federal Regulations.

4. *Quotas.* Quotas for alfentanil are established pursuant to Part 1303 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Registrants possessing alfentanil are required to take inventories pursuant to §§ 1304.04 and 1304.11-1304.19 of Title 21 of the Code of Federal Regulations.

6. *Records.* All registrants must keep records pursuant to §§ 1304.04 and 1304.21-1304.29 of Title 21 of the Code of Federal Regulations.

7. *Reports.* All registrants are required to file reports pursuant to §§ 1304.31-1304.41 of Title 21 of the Code of Federal Regulations.

8. *Order Forms.* Each distribution of alfentanil requires the use of an order form pursuant to Part 1305 of Title 21 of the Code of Federal Regulations.

9. *Prescriptions.* As alfentanil has been approved by the FDA for use in medical treatment, the drug may be dispensed by prescription. Prescriptions for alfentanil are to be issued pursuant to §§ 1306.01-1306.07 and 1306.11-1306.15.

10. *Importation and Exportation.* All importation and exportation of alfentanil shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

11. *Criminal Liability.* Any activity with alfentanil not authorized by or in violation of the CSA or the Controlled Substances Import and Export Act continues to be unlawful. The applicable penalties before January 23, 1987 shall be those of a Schedule I narcotic controlled substance. On January 23, 1987, alfentanil for the purposes of criminal liability shall be treated as a Schedule II narcotic controlled substance. The penalties associated with Schedule I or II narcotic substances are the same:

12. *Other.* In all other respects, this order is effective on January 23, 1987.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the rescheduling of alfentanil, as ordered herein, will not have a significant impact upon small businesses or other entities whose interests must be considered under the

Regulatory Flexibility Act (Pub. L. 96-354). Most of the regulatory requirements imposed on Schedule II substances are the same as those imposed on Schedule I substances. Substances in Schedule II, however, may be prescribed by registered practitioners for use in medical treatment in the United States.

In accordance with the provisions of section 201(a) of the CSA (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such 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 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

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 (28 CFR Part 0.100), the Administrator hereby orders that 21 CFR Part 1308 be amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

§ 1308.11 [Amended]

2. Section 1308.11 is amended by removing paragraph (b)(2) and redesignating paragraphs (b)(3) through (b)(49) as (b)(2) through (b)(48).

3. Paragraph (c) of 1308.12 is amended by redesignating the existing paragraphs (c)(1) through (c)(23) as (c)(2) through (c)(24) and by adding new paragraph (c)(1) to read as follows:

§ 1308.12 Schedule II.

* * * * *
 (c) * * *
 (c)(1) alfentanil..... 9737
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Dated: January 16, 1987.

John C. Lawn,
Administrator, Drug Enforcement Administration.
 [FR Doc. 87-1401 Filed 1-22-87; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 800

Equal Pay For Equal Work Under the Fair Labor Standards Act

AGENCY: Wage and Hour Division, Labor.

ACTION: Final rule; removal of interpretative regulations.

SUMMARY: The Department of Labor is issuing a final rule to remove the interpretative regulations found at 29 CFR Part 800, which was promulgated under the equal pay provisions of the Fair Labor Standards Act.

On August 20, 1986, the Equal Employment Opportunity Commission published final interpretative regulations under the Equal Pay Act at 29 CFR Part 1620, thereby rendering obsolete and of no legal effect 29 CFR Part 800. Therefore the latter interpretative regulations are being removed from the CFR.

EFFECTIVE DATE: January 23, 1987.

FOR FURTHER INFORMATION CONTACT: Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-8305. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Pursuant to Reorganization Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978), and Executive Order No. 12144, 44 FR 37193 (June 26, 1979), responsibility and authority for enforcement of the Equal Pay Act of 1963 (EPA), 29 U.S.C. 206(d), was transferred from the Department of Labor (DOL) to the Equal Employment Opportunity Commission (EEOC) on July 1, 1979. At that time, the EEOC published a notice in the *Federal Register* stating that the EEOC was not adopting the EPA interpretations and opinions of DOL as its own, although employers could continue to rely on them to the extent they were consistent with statutory revisions and judicial interpretations until the EEOC issued its own interpretations. 44 FR 38671 (July 2, 1979).

On August 20, 1986, the EEOC published its final interpretative regulations under the EPA in the *Federal Register*, 51 FR 29816, stating that employers may no longer rely upon the DOL interpretations of EPA at 29 CFR Part 800.

Accordingly, 29 CFR Part 800 has now been rendered obsolete and of no legal