

has approved the information collection requirements in Order No. 487.

EFFECTIVE DATE: January 20, 1988.

FOR FURTHER INFORMATION CONTACT: Sandra S. Vincent, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. (202) 357-8530.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982) and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1987), require that OMB approve certain information collection requirements imposed by agency rules. On January 11, 1988, the OMB approved the information collection requirements of 18 CFR Part 2 as amended by this rule under Control Number 1902-0136. Therefore, the final rule in Docket No. RM87-6-000 is effective January 21, 1988.

Accordingly, Part 389 Chapter I, Title 18, Code of Federal Regulations is amended as set forth below.

Lois D. Cashell,
Acting Secretary.

PART 389—OMB CONTROL NUMBERS FOR COMMISSION INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for Part 389 continues to read as follows:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520 (1982).

§ 389.101 [Amended]

2. The Table of OMB Control Numbers in § 389.101(b) is amended by inserting "Part 4 Subpart M" below "Part 4 Subpart L" in the Section Column and inserting "0136" in the corresponding OMB Control Number Column and by revising the OMB Control Number Column corresponding to "4.32" in the Section Column to read "0058, 0073, 0115, 0136."

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Center for Veterinary Medicine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the

regulations for delegations of authority relating to approval of new animal drug applications and their supplements. This amendment authorizes specified division directors in the Center for Veterinary Medicine (CVM) to approve certain supplemental new animal drug applications.

EFFECTIVE DATE: January 27, 1988.

FOR FURTHER INFORMATION CONTACT: Melissa M. Moncavage, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: FDA is revising § 5.83 *Approval of new animal drug applications and their supplements* (21 CFR 5.83) by redesignating paragraph (c) as paragraph (d) and by adding a new paragraph (c) to authorize the Directors of the Division of Drug Manufacturing and Residue Chemistry, Office of New Animal Drug Evaluation, CVM, and the Division of Surveillance, Office of Surveillance and Compliance, CVM, to perform all the functions of the Commissioner of Food and Drugs with regard to approval of certain supplemental applications to new animal drug applications. The supplements covered by § 5.83(c) are the chemistry, manufacturing, and controls supplements described at 21 CFR 514.8(a)(4) (iii), (iv), and (v), and (d)(3). This redelegation of authority will expedite the handling and approval of such supplemental new animal drug applications.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR Part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552; 7 U.S.C. 2217; 15 U.S.C. 638, 1451 et seq.; 21 U.S.C. 41 et seq., 61-63, 141 et seq., 301-392, 467f(b), 679(b), 801 et seq., 823(f), 1031 et seq.; 35 U.S.C. 156; 42 U.S.C. 219, 241, 242(a) 242a, 242l, 242o, 243, 262, 263, 283b through 283m, 264; 265, 300u et seq., 1395y and 1395y note, 3248b(b)(3), 4831(a), 10007, and 10008; Federal Caustic

Poison Act (44 Stat. 1406); Federal Advisory Committee Act (Pub. L. 92-463); E.O. 11490, 11921.

2. In § 5.83, paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) is added to read as follows:

§ 5.83 Approval of new animal drug applications and their supplements.

(c) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of supplemental applications to new animal drug applications that are described by § 514.8(a)(4) (iii), (iv), and (v), and (d)(3) of this chapter.

(1) The Director, Division of Drug Manufacturing and Residue Chemistry, Office of New Animal Drug Evaluation, CVM.

(2) The Director, Division of Surveillance, Office of Surveillance and Compliance, CVM.

Dated: January 21, 1988.

Ronald G. Chesemore,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 88-1632 Filed 1-26-88; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Deletion of 3,4-Methylenedioxymethamphetamine (MDMA) From Schedule I of the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: By order of the the United States Court of Appeals for the First Circuit, the previous order of the Administrator of the Drug Enforcement Administration (DEA) placing 3,4-Methylenedioxymethamphetamine (MDMA) into Schedule I was vacated effective December 22, 1987. This rule will delete 3,4-Methylenedioxymethamphetamine (MDMA) from Schedule I.

EFFECTIVE DATE: The effective date of this order is January 27, 1988.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: On October 8, 1986, the Administrator of DEA signed a final order placing 3,4-Methylenedioxymethamphetamine (MDMA) into Schedule I of the Controlled Substances Act pursuant to a rulemaking proceeding. This order was published as a final rule in the *Federal Register*, on October 14, 1986. (51 FR 36552). The effective date of the order was November 13, 1986.

Dr. Lester Grinspoon, a party to the rulemaking proceedings, appealed the Administrator's order to the United States Court of Appeals for the First Circuit. On September 18, 1987, the Court issued its opinion vacating the Administrator's order and remanding the case to him for further proceedings. (828 F.2d 881). Following denial of the agency's petition for rehearing *en banc*, the Court issued its mandate on December 22, 1987.

This rule will delete MDMA from Schedule I until such time as the Administrator reconsiders the record in the scheduling proceeding and issues another final rule. While this rule removes MDMA from Schedule I, the illegal manufacture, distribution and possession of MDMA with intent for human consumption is a violation of the

Controlled Substances Act. (21 U.S.C. 813).

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the removal of MDMA from Schedule I of the Controlled Substances Act 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 removes a substance from control under the Controlled Substances Act.

In accordance with the provisions of section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this decontrol action is part of a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to provisions of the Administrative Procedures Act, 5 U.S.C. 556 and 557, and as such have been exempted from the consultation requirements of Executive Order 12291 (49 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 Controlled Substances 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 0.100(b); and pursuant to the order of the United States Court of Appeals for the First Circuit, the Administrator hereby orders that Part 1308, Title 21, Code of Federal Regulations, be amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

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

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

§ 1308.11 [Amended]

2. Section 1308.11 is amended by removing paragraph (d)(7), and redesignating existing paragraphs (d)(8) through (d)(25) as (d)(7) through (d)(24).

Dated: January 20, 1988.

John C. Lawn,
Administrator.

[FR Doc. 88-1592 Filed 1-26-88; 8:45 am]

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