

**List of Subjects in 21 CFR Part 5**

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

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commission 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 is revised 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, 467(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, 263b through 263m, 264, 265, 300u *et seq.*, 1395y and 1395y note, 3246b(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 § 5.61 by redesignating paragraph (b)(2) as paragraph (b)(3), by revising paragraphs (b)(1) and (d)(3), and by adding a new paragraph (b)(2) to read as follows:

**§ 5.61 Food standards, food additives, generally recognized as safe (GRAS) substances, and color additives.**

(b)(1) The Director and Deputy Director, CFSAN, are authorized to perform all of the functions of the Commissioner of Food and Drugs under sections 409 and 706 of the act regarding the approval of the use of food additives under section 409(e) of the act and the listing of color additives other than those on the provisional list, under section 706(d) of the act (including notices of confirmation of effective date), where the listing does not involve novel or controversial issues and does not involve any question about the applicability of the Delaney Anti-Cancer Clause.

(2) The Director and Deputy Director, CFSAN, are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 401 of the act regarding the issuance of notices of temporary permits for foods varying from standards of identity under § 130.17 of this chapter.

(d) \* \* \*

(3) The Director and Deputy Director, Division of Color and Cosmetics, Office of Physical Sciences, CFSAN.

Dated: February 20, 1987.

George R. White,  
Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 87-4065 Filed 2-26-87; 8:45 am]

BILLING CODE 4160-01-M

**DEPARTMENT OF JUSTICE****Drug Enforcement Administration****21 CFR Part 1308****Changes in Administration Controlled Substances Code Numbers**

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Final rule.

**SUMMARY:** The Dangerous Drug Diversion Control Act of 1984, which was part of the Comprehensive Crime Control Act of 1984, amended portions of the Controlled Substances Import and Export Act. Included in these amendments was the establishment of a new limitation which prohibits importers and exporters from importing or exporting any controlled substance not specified in their registration. The mechanism by which a controlled substance is specified in a registration is through the use of its Administration Controlled Substance Code Number. However, although a number of controlled substances appear in more than one schedule, not all of these substances have different code numbers for each schedule. As a result, importers and exporters are unable to specify which schedule of these substances they actually wish to include in their registration. The purpose of this rule is to remedy this situation by assigning additional code numbers so that each substance appearing in more than one schedule will have a different code number for each schedule.

**EFFECTIVE DATE:** March 30, 1987.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alfred A. Russell, Chief, Regulatory Support Section, Office of Diversion Control, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Telephone (202) 633-1570.

**SUPPLEMENTARY INFORMATION:** The Dangerous Drug Diversion Control Act of 1984, which was Part B of Chapter V of the Comprehensive Crime Control Act of 1984 (Pub. L. 98-473), amended portions of the Controlled Substances Import and Export Act (21 U.S.C. 951-970). Included in these amendments was an expansion of the scope of 21 U.S.C. 958(b) to prohibit importers and exporters from importing or exporting,

respectively, any controlled substance not specified in their registration. Previously, this restriction had applied only to substances in Schedules I and II. The mechanism by which a controlled substance is specified in a registration is through the use of its Administration Controlled Substance Code Number which is listed in 21 CFR 1308.11-51.

The purpose of this rule is to modify the list of code numbers which appears in Part 1308 so that all those substances which appear in more than one schedule have a different code number for each schedule. At present, certain substances such as codeine and morphine do have different code numbers for each schedule whereas certain others such as amobarbital and dextropropoxyphene do not. This not only represents an inconsistency in the manner in which code numbers are assigned, it has created a barrier to the full implementation of the new requirements of 21 U.S.C. 958(b). For example, if an exporter registered in Schedules III-V wishes to specify Schedule III codeine preparations in its registration, it can readily do so through use of the appropriate code number. However, an exporter cannot specify Schedule III amobarbital preparations in its registration because the same code number is used for amobarbital products in Schedules II and III. This rule will resolve this difficulty. However, it should be noted that this rule will follow the general policy of not assigning code numbers to substances in Schedule V.

The Administrator hereby certifies that this rule will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This rule imposes no new regulatory requirements, it merely makes it possible for registrants to comply with an already existing requirement in a more specific manner.

This rule is not a major rule for the purposes of Executive Order (E.O.) 12291 of February 17, 1981. Pursuant to sections 3(c)(3) and 3(e)(2)(C) of E.O. 12291, this final rule has been submitted for review to the Office of Management and Budget.

**List of Subjects in 21 CFR Part 1308**

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

**PART 1308—[AMENDED]**

For the reasons set out in the preamble, 21 CFR Part 1308 is amended as follows:

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

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

2. 21 CFR 1308.13 is amended by revising paragraphs (c)(1) (i) through (iii) and (c)(2) (i) through (iii) to read as follows:

§ 1308.13 Schedule III.

(c) ***	
(1) ***	
(i) Amobarbital.....	2126
(ii) Secobarbital.....	2316
(iii) Pentobarbital.....	2271
(2) ***	
(i) Amobarbital.....	2126
(ii) Secobarbital.....	2316
(iii) Pentobarbital.....	2271

3. 21 CFR 1308.14 is amended by revising paragraphs (b)(1) and (b)(2) to read as follows:

§ 1308.14 Schedule IV.

- (b) \*\*\*
- (1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, 9167
- (2) Dextropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane), 9278

4. 21 CFR 1308.15 is amended by revising paragraph (c)(6) to read as follows:

§ 1308.15 Schedule V.

- (c) \*\*\*
- (6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

Dated: February 18, 1987.

John C. Lawn,  
Administrator

[FR Doc. 87-3975 Filed 2-26-87; 8:45 am]

BILLING CODE 4410-09-M

## UNITED STATES INFORMATION AGENCY

### 22 CFR Part 514

[Rulemaking No. 2—Exchange Visitor Boards]

### Functions of Exchange Visitor Policy Boards

AGENCY: United States Information Agency.

ACTION: Interim Final Rule.

**SUMMARY:** United States Information Agency amends Title 22, Code of Federal Regulations, Part 514 to provide for two Exchange Visitor Boards, an "Exchange Visitor Waiver Board" and an "Exchange Visitor Program Designation Suspension and Revocation Board" to perform certain functions and exercise certain responsibilities in connection with: (1) The Agency's statutory function of recommending to the Attorney General (Immigration and Naturalization Service) whether an exchange visitor shall be granted a waiver of the two year home country residence requirement of Title 8 United States Code, section 1182(e); and (2) other functions in the management of the exchange visitor program authorized by the Mutual Educational and Cultural Exchange Act of 1961 ("Fulbright-Hays Act") as amended, Pub. L. No. 87-256, 75 Stat. 527, 22 U.S.C. 2451 *et seq.*, and Subpart "C" of Part 514. By this notice an interim rule is adopted and comments are requested.

The purpose of the Exchange Visitor Waiver Board is to provide a mechanism for thorough and equitable review of waiver applications where there is disagreement between concerned United States government agencies as to whether the waiver should be granted, or which for some other reason are unusually significant, sensitive or controversial. The purpose of the Exchange Visitor Program Designation Suspension and Revocation Board is to provide a forum to consider and decide issues concerning revocation or suspension of designations of exchange visitor programs as provided in § 514.17.

**DATES:** This interim rule will become effective March 27, 1987. Comments on this interim rule will be accepted until May 28, 1987. All written communications received on or before the closing date will be considered by the Agency before taking action on a final rule.

**ADDRESS:** Interested persons should submit relevant views or arguments to Richard L. Fruchterman, Assistant General Counsel, United States Information Agency, 301 4th St., SW, Washington, DC 20547 (202) 485-7976.

**SUPPLEMENTARY INFORMATION:** The Agency has determined that this interim rule is "non-major" under criteria set forth in Executive Order 12291. The rule will not have an annual effect on the economy of \$100 million or more; nor will it result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. Furthermore, competition,

employment, investment, productivity, innovation, and the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets will not be adversely affected.

Section 514.17 is revised so that the sponsor's program may be suspended for sixty days by the General Counsel or his or her designee for violations of this Subpart, acts of commission or omission which would endanger the health, safety, or welfare of participants in the sponsor's program, failure to submit complete, current and accurate reports as required by this Subpart or requested by the Agency, or conduct on the part of the sponsor which may have the effect of bringing the Exchange Visitor Programs administered by the Agency into notoriety or disrepute. The revised regulation provides that following suspension the Exchange Visitor Program Designation Suspension and Revocation Board may revoke the sponsor's designation. The procedures providing for due process set forth.

### List of Subjects in 22 CFR Part 514

Cultural exchange programs. The United States Information Agency amends the Regulations in Chapter V, Part 514 of Title 22, Code of Federal Regulations as set forth below.

1. The authority citation for 22 CFR Part 514 is revised as follows and the authority citations for the sections are hereby removed.

Authority: U.S. Information and Education Exchange Act of 1948, as amended, Pub. L. 80-402, as amended (22 U.S.C. 1431-1442); Mutual Education and Cultural Exchange Act of 1961, as amended, Pub. L. 87-256, as amended, 75 Stat. 527, 534, 535 (8 U.S.C. 1101, 1104, 1182, 1258 and 22 U.S.C. 2451-2460); Pub. L. 97-241, 96 Stat. 291; 66 Stat. 166, 182, 184, 204 (8 U.S.C. 1101(a)(15)(j), 1182(e), 1182(j), 1258); Pub. L. 91-225, 84 Stat. 116, 117 (8 U.S.C. 1101, 1182); Pub. L. 97-118, 95 Stat. 1611, 1612, 1613 (8 U.S.C. 1101, 1182); Reorg. Plan. No. 2 of 1977; E.O. 12048 of March 27, 1978; USIA Delegation Order No. 85-5 (50 F.R. 27393).

2. Section 514.1 is amended by adding in alphabetical order the following:

### § 514.1 Definitions.

- \*\*\*
- "Exchange Visitor Program Designation Suspension and Revocation Board" refers to a Suspension and Revocation Board consisting of the—
- (1) Deputy Director of Academic Programs in the Bureau of Educational and Cultural Affairs;
  - (2) A person designated by the Chief of the Policy and Guidance Staff of the Bureau of Programs; and
  - (3) A legal member designated on a case-by-case basis by the General

Counsel of the Agency from among the attorneys in the Office of General Counsel.

"Exchange Visitor Waiver Board" refers to a Board consisting of—

(1) The Chief of the Academic Programs Branch covering the geographical area of the applicant in the Bureau of Educational and Cultural Affairs;

(2) The country desk officer from the geographic Area Office covering the geographical area of the applicant;

(3) A legal member designated on a case-by-case basis by the General Counsel of the Agency from among the attorneys in the Office of General Counsel (other than the Supervisory Attorney, Waiver Review Branch).

"Facilitative Services Branch" means the staff within the Office of the General Counsel of the Agency designated by the General Counsel to carry out the functions and responsibilities of the Agency set forth in Subparts "B" and "C" of this part.

"Waiver Review Branch" means a Supervisory Attorney and supporting staff within the Office of the General Counsel of the Agency designated by the General Counsel to carry out the functions and responsibilities set forth in Subpart "D" of this part.

3. Section 514.17 is revised to read as follows:

**§ 514.17 Revocation or suspension of designation.**

(a) *Reasons.* The Agency may suspend or revoke the designation of a sponsor's program if it has been found that: there has been willful violation by the sponsor of one or more provisions of this part; there has been a negligent disregard of the applicable regulations; there has been a continued failure to comply with the provisions of this part; there has been a failure to submit complete, current and accurate reports as required by this Part or as requested by the Agency; the sponsor has committed an act of commission or omission which has or could have the effect of endangering the health, safety or welfare of participants in the sponsor's program; or there has been conduct on the part of the sponsor which may have the effect of bringing the Exchange-Visitor Programs administered by the Agency into notoriety or disrepute.

(b) *Suspension.* The General Counsel or his or her designee may in his or her discretion, upon not less than ten (10) calendar days written notice to the sponsor specifying the grounds therefor and the effective date thereof, summarily suspend the designation of the sponsor's program for a period not to

exceed sixty (60) days. *Provided,* That, before the suspension of the sponsor is effected the General Counsel or his or her designee shall consider and take into account any response, including any documentary evidence or affidavits submitted by the sponsor in response to such notice and shall decide whether or not to effect the suspension. The sponsor may appeal the suspension decision to the Exchange Visitor Program Designation Suspension and Revocation Board which must make a decision within ten (10) working days of receipt of the appeal. The Exchange Visitor Program Designation Suspension and Revocation Board will issue a written decision signed by all three voting members, stating the basis for its action. A decision will be reached by a majority vote, a Board member who disagrees may write a dissenting opinion. Written notice of any suspension shall be given on or before the effective date thereof to the sponsor, to the Immigration and Naturalization Service, to the Bureau of Consular Affairs of the Department of State, and such other agencies, public or private, as the Board shall deem necessary. During the period of such suspension no Forms IAP-66 issued by the sponsor shall be recognized or accepted for the issuance of non-immigrant visas for entry into the United States.

(c) *Revocation.* Revocation must be preceded by Suspension following the procedures outlined in paragraph (b) of this section. Before the institution of formal proceedings for the revocation of designation, the sponsor shall be given notice in writing of the facts or conduct warranting such revocation and shall be given a reasonable opportunity to demonstrate or to achieve compliance with all lawful requirements. In the event that the sponsor does not, after the written notice last above mentioned, demonstrate to the satisfaction of the General Counsel that revocation of its designation is not warranted, then the sponsor shall be given not less than thirty (30) days formal notice in writing of intention to revoke its designation, including a full statement of the facts and reasons to be relied on therefor, and advising the sponsor of its right to formal hearing before the Exchange Visitor Program Designation Suspension and Revocation Board pursuant to Title 5, United States Code, sections 556 and 557, and its right to be represented by counsel, to cross-examine witnesses and to present oral or documentary evidence. If such a hearing is demanded in writing by the sponsor within ten days after receipt of formal notice, the hearing shall be scheduled promptly, after proper notice, and shall be

conducted in accordance with section 556. If a hearing is not demanded the Exchange Visitor Program Designation Suspension and Revocation Board shall act on the proposed revocation by majority vote on the basis of available evidence, including any evidence submitted by the sponsor. The Exchange Visitor Program Designation Suspension and Revocation Board will issue a written decision signed by all three voting members, stating the basis for its action. Whenever one of the three Board members disagrees with the majority, the member may write a dissenting opinion.

(d) If the Exchange Visitor Program Designation Suspension and Revocation Board decides that the designation of the sponsor should be revoked, a copy of its decision shall be given to the sponsor, the Immigration and Naturalization Service, the Bureau of Consular Affairs of the Department of State, and to such other agencies, public or private, as the Board shall deem necessary, and thereafter no Forms IAP-66 issued by the sponsor shall be recognized or accepted for the issuance of non-immigrant visas for entry into the United States, *Provided,* That no such revocation shall invalidate any such visas previously issued for Exchange-Visitors enrolled in the sponsor's programs, nor in any way diminish or restrict the sponsor's legal or financial responsibilities toward such visitors.

4. Section 514.18 is revised to read as follows:

**§ 514.18 Authority of the Director or of the General Counsel.**

Except as to acts herein provided to be done by the Waiver Board or the Suspension and Revocation Board established pursuant to this Part, all acts herein provided to be done by the Agency shall be performed on its behalf by the General Counsel, his or her Deputy, or his or her designee. Nothing in these regulations precludes the exercise of any functions by the Director.

5. Section 514.32 is revised to read as follows:

**§ 514.32 Action by the Director on requests for waivers.**

(a) Upon receipt of a request for a recommendation of waiver of the two-year home country physical residence requirement of section 212(e) of the Immigration and Nationality Act, as amended, the request shall be forwarded to the Supervisory Attorney of the Waiver Review Branch in the Office of the General Counsel of the Agency, who will review the program,

policy and foreign relations aspects of the case, and shall make a recommendation in the case.

(b) The recommendation of the Supervisory Attorney shall constitute the final recommendation of the Agency and shall be transmitted to the Attorney General or his or her designee for decision except in: cases involving requests of interested United States Government agencies, in which the recommendation of the Supervisory Attorney is unfavorable; cases in which another federal agency has provided the Agency with a written opposition to a waiver in which the recommendation of the Supervisory Attorney is favorable; cases in which a "no objection" letter from the Government of the exchange visitor's country or nationality or last legal residence appears in the file and whose participation in any program is financed by the United States Government in an amount exceeding \$2000, and as to which the recommendation of the Supervisory Attorney is unfavorable, except for an exchange visitor who received graduate medical education; cases involving claims of probable persecution on the ground of race, religion, political opinion, nationality, or membership in a particular social group, in which the Department of State has provided the Agency with a written opinion that there is no genuine basis for a claim of probable persecution on the ground alleged, and in which the recommendation of the Supervisory Attorney is favorable; and cases in which for any reason the Supervisory Attorney requests Exchange Visitor Waiver Board review of his or her recommendation. The Agency's complete file in any such case shall be referred to the Exchange Visitor Waiver Board. The Exchange Visitor Waiver Board shall review the program, policy and foreign relations aspects of the case, and shall prepare and transmit to the Attorney General or his or her designee a recommendation which, whether favorable or unfavorable, shall constitute the final recommendation of the Agency. The Exchange Visitor Waiver Board's recommendation shall be signed by its Chairperson. The exchange visitor will be advised of the decision in the case by the Immigration and Naturalization Service.

Dated: February 2, 1987.

C. Normand Poirier,

*Acting General Counsel.*

[FR Doc. 87-4235 Filed 2-26-87; 8:45 am]

BILLING CODE 8230-01-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 1, 4, 5, 7, 9, 18, 19, 20, 21, 22, 47, 55, 70, 71, 72, 170, 178, 194, 250, 251, 252, and 285

[T.D. ATF-249]

#### Technical Amendments

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

**ACTION:** Final rule, Treasury decision.

**SUMMARY:** This Treasury decision makes technical amendments and conforming changes to Chapter I of Title 27 Code of Federal Regulations (CFR). It makes nomenclature changes in Parts 1, 70, and 71; changes the address for the ATF Distribution Center, and; makes conforming changes to Part 9. Some of these changes were requested by the CFR Unit of the Office of the Federal Register. All changes are to provide clarity and uniformity throughout Title 27 Code of Federal Regulations.

**EFFECTIVE DATE:** February 27, 1987.

**FOR FURTHER INFORMATION CONTACT:** Lori Weins, FAA, Wine and Beer Branch, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (202) 566-7626.

**SUPPLEMENTARY INFORMATION:** The Bureau of Alcohol, Tobacco and Firearms administers regulations published in Chapter I of Title 27 Code of Federal Regulations. These regulations are updated April 1 of each year to incorporate new or revised regulations that were published by ATF in the *Federal Register* during the preceding year. Upon reviewing Title 27 for the annual revision ATF and the CFR Unit of the Office of the Federal Register identified several amendments and conforming changes that are needed to provide uniformity in Chapter I of Title 27, Code of Federal Regulations. These amendments and changes do not make any substantive regulations changes and are only intended to improve the clarity of Title 27. Throughout Title 27 the address for the ATF Distribution Center has been changed to reflect the new address wherever it appears. Nomenclature changes have been made in Parts 1, 70, and 71. Part 9 has been amended by only making conforming changes in the map and boundary descriptions to provide uniformity throughout the Part. In Part 71 fees for services provided under the Freedom of Information Act are being increased in accordance with 31 CFR Part 1, and the addresses for the

ATF Regional Offices have been updated.

#### Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory analysis (5 U.S.C. 604) are not applicable to this final rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law.

#### Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" since it will not result in:

(a) An annual effect on the economy of \$100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions, or

(c) Significant adverse affect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises in domestic or export markets. Administrative Procedures Act

Because this final rule merely makes technical amendments and conforming changes to improve the clarity of the regulations, it is unnecessary and impractical to issue this final rule with notice and public procedure under 5 U.S.C. 553(b). Similarly it is unnecessary and impractical to subject this final rule to the effective date limitation of 5 U.S.C. 553(d).

#### Drafting Information

The principal author of this document is Lori D. Weins, of the FAA, Wine, and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects

##### 27 CFR Part 1

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Imports, Warehouses.

##### 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.