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Rules and Regulations

Federal Register
Vol. 53, No. 64
Monday, April 4, 1988

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CAS-RM-79-102]

Energy Conservation Program for Consumer Products; Final Rulemaking Regarding Test Procedures for Central Air Conditioners, Including Heat Pumps; Correction

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Fianal rule; correction.

SUMMARY: On March 14, 1988 (53 FR 8304), DOE published a final rule amending test procedures for central air conditioners, including heat pumps. This document corrects an editorial error in that notice. The correction is set out below.

EFFECTIVE DATE: September 12, 1988.

Issued in Washington, DC, March 29, 1988.

Donna R. Fitzpatrick,

Assistant Secretary, Conservation and Renewable Energy.

PART 430—[CORRECTED]

1. In § 430.2 the definition of "Central air conditioners," is correctly revised as follows.

§ 430.2 Definitions

* * * * *

"Central air conditioner" means a product, other than a packaged terminal air conditioner, which is powered by single phase electric current, air cooled, rated below 65,000 Btu per hour, not contained within the same cabinet as a furnace, the rated capacity of which is above 225,000 Btu per hour, and is a heat pump or a cooling unit only.

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[FR Doc. 88-7242 Filed 4-1-88; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Propylhexedrine and Pyrovalerone Into Schedule V

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 place propylhexedrine and pyrovalerone into Schedule V of the Controlled Substances Act (CSA). This action is being taken to enable the United States to meet its obligations under the 1971 Psychotropic Convention. As a result of this rule, some of the regulatory controls and the criminal sanctions of a Schedule V substance under the CSA will be applicable to the manufacture, distribution and possession of propylhexedrine and pyrovalerone.

EFFECTIVE DATE: The effective date for the requirements imposed by this Order is May 4, 1988, unless otherwise set forth below in the supplementary information section.

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 of proposed rulemaking regarding placement of propylhexedrine and pyrovalerone into Schedule V of the CSA was published in the **Federal Register** on October 30, 1987 (52 FR 41737). The Administrator found that the temporary placement of propylhexedrine and pyrovalerone into Schedule V is necessary in order to satisfy United States obligations under the 1971 Convention on Psychotropic Substances.

In response to the Notice of Proposed Rulemaking, a comment was received from SmithKline Consumer Products, the manufacturer of a preparation that contains propylhexedrine. In that comment, SmithKline asserted that U.S. treaty obligations would be satisfied by provisions of the Federal Food, Drug and Cosmetic Act, and therefore, that placement of propylhexedrine into Schedule V was unnecessary. The provisions of the Psychotropic Substances Act of 1978, Pub. L. 95-633, clearly indicate that Congress intended that

> control of psychotropic substances in the United States should be accomplished within the framework of the procedures and criteria for classification of substances provided in the Comprehensive Drug Abuse Prevention and Control Act of 1970. 21 U.S.C. 801(a)(3).

The provision of the Psychotropic Substances Act, as codified into the CSA, which applies with regard to propylhexedrine and pyrovalerone is found at 21 U.S.C. 811(d)(4)(B). It clearly states that in a case such as the one at issue, a substance shall be placed in Schedule IV or V of the CSA in order to carry out the minimum United States obligations under the treaty. This paragraph further specifies that the Attorney General shall except the drug from application of any provision of the CSA which he finds is not necessary to carry out treaty obligations. Consistent with this requirement, the Administrator will except propylhexedrine and pyrovalerone from certain recordkeeping and security requirements of the CSA. The requirements necessary for compliance with the treaty include: licensing or registration of manufacturers, import and export restrictions, and penal measures for illegal activity. These requirements cannot be imposed under the Federal Food, Drug and Cosmetic Act.

It should be noted that the United States has formally requested that the Secretary-General of the United Nations exempt the propylhexedrine-containing preparations presently approved by the Food and Drug Administration, including the SmithKline product, from specified measures of international control. In conjunction with this request, DEA will accept applications from manufacturers of products containing propylhexedrine for exclusion of their products pursuant to 21 U.S.C. 811(g)(1) and 21 CFR 1308.22. Such exclusions