Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that § 308.11(d) o ftitle 21 of the Code of Federal Regulations be amended by adding a new paragraph (18) to read:

§ 308.11 Schedule I.

* * * * *

(d) * * *

| | |
|---|---|
| (18) 2,5-dimethoxyamphetamine. Some trade or other names: 2,5-dimethoxy - α - methylphenethylamine; 2,5-DMA. | 7396 |

* * * * *

Conferences have been held between the Bureau and the only two companies known to manufacture and use 2,5-dimethoxyamphetamine in the United States. These companies have fully cooperated with the Bureau and consented to the placement of the chemical in schedule I to insure that it does not become subject to abuse in the future.

All other interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 I Street NW., Washington, D.C. 20537, and must be received no later than July 6, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at the time and place set forth in the letter. A notice of hearing will simultaneously be published in the FEDERAL REGISTER. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

Dated May 25, 1973.

JOHN E. INGERSOLL,
*Director, Bureau of Narcotics and Dangerous Drugs.*

[FR Doc.73-10857 Filed 5-30-73;8:45 am]

## [21 CFR Part 308]

## SCHEDULES OF CONTROLLED SUBSTANCES

### Proposed Transfer of Nine Derivatives of Barbituric Acid and Their Salts From Schedule III to Schedule II

Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201 (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal, and vinbarbital, and the salts of each:

(1) Have a high potential for abuse;

(2) Have a currently accepted medical use in treatment in the United States; and

(3) May, when abused, lead to severe physical and psychological dependence.

Consequently, the Director has determined that the nine subject barbituric acid derivatives and their salts should be transferred to schedule II of the Comprehensive Drug Abuse Prevention and Control Act of of 1970. The Director has also determined that compounds, mixtures, and preparations containing one of the nine subject barbituric acid derivatives and one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, should not be transferred to schedule II at this time. As proposed, all such combination products would remain in schedule III, and the combination products currently excepted under § 308.32 of title 21 of the Code of Federal Regulations would remain excepted. The Bureau believes that at the present time the overwhelming majority of abused barbituric drugs are in the form of single entity preparations or combinations of two derivatives of barbituric acid with no other active ingredients. This is the problem, therefore, that demands an immediate response. The Bureau recognizes, however, that the numerous barbiturate combination products do present potential abuse problems which require the establishment of effective criteria for the implementation of appropriate controls, by proper placement in schedule II, schedule III, or exception from certain controls.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that:

1. Section 301.02 of title 21 of the Code of Federal Regulations be amended by adding new paragraphs (b)(10), (11), (12), (13), (14), (15), (16), (17), and (18) to read:

§ 308.02 Definitions.

(b) * * *

(10) Amobarbital.
(11) Butabarbital.
(12) Cyclobarbital.
(13) Heptabarbital.
(14) Pentobarbital.
(15) Probarbital.
(16) Secobarbital.
(17) Talbutal.
(18) Vinbarbital.

* * * * *

2. Section 308.12 of title 21 of the Code of Federal Regulations be amended by the addition of a new subparagraph to read:

§ 308.12 Schedule II.

* * * * *

(e) *Depressants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

| | |
|---|---|
| (1) Amobarbital and its salts | 2125 |
| (2) Butabarbital and its salts | 2175 |
| (3) Cyclobarbital and its salts | 2190 |
| (4) Heptabarbital and its salts | 2225 |
| (5) Pentobarbital and its salts | 2270 |
| (6) Probarbital and its salts | 2305 |
| (7) Secobarbital and its salts | 2315 |
| (8) Talbutal and its salts | 2324 |
| (9) Vinbarbital and its salts | 2335 |

* * * * *

3. Section 308.13(c) of title 21 of the Code of Federal Regulations be amended to read as follows:

§ 308.13 Schedule III.

* * * * *

(c) *Depressants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

| | |
|---|---|
| (1) Any compound, mixture, or preparation containing amobarbital, butabarbital, cyclobarbital, heptabarbital, phentobarbital, probarbital, secobarbital, talbutal, or vinbarbital or any salt thereof and one or more other active medicinal ingredients which other such ingredients are not listed in any schedule | 2351 |
| (2) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof | 2100 |
| (3) Chlorhexadol | 2510 |
| (4) Glutethimide | 2550 |
| (5) Lysergic acid | 7300 |
| (6) Lysergic acid amide | 7310 |
| (7) Methyprylon | 2575 |
| (8) Phencyclidine | 7471 |
| (9) Sulfondiethylmethane | 2600 |
| (10) Sulfonethylmethane | 2605 |
| (11) Sulfonmethane | 2610 |

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state

with particularity the issues concerning which the person desires to be heard. A person may comment on or object to the application of this proposal to any one or more of the nine derivatives named without filing comments on the remaining derivatives. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 I Street NW., Washington, D.C. 20537, and must be received no later than June 29, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m., on July 16, 1973, in room 1210, 1405 I Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

A petition dated March 8, 1972, was submitted to the Director by Robert M. Brandon and Steven T. Wax, co-Directors of the task force on Drug Abuse, and four other persons under the provisions of section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)) requesting that the Director initiate proceedings to place amobarbital, secobarbital, pentobarbital and two other substances in schedule II. On April 4, 1972, the Bureau received a letter from the American Publice Health Association requesting to join in the foregoing petition (37 FR 9500). In light of the investigation of the Bureau and the recommendation of the Department of Health, Education, and Welfare referred to earlier, it is not necessary to determine whether the grounds upon which the petitioners relied in the petition are sufficient in themselves to justify the initiation of the requested proceedings. The question of whether any one of the petitioners has standing as an "interested party" is also academic and a decision in this regard is hereby reserved.

Dated May 25, 1973.

JOHN E. INGERSOLL,
*Director, Bureau of Narcotics and Dangerous Drugs.*

[FR Doc.73-10858 Filed 5-30-73;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [7 CFR Part 929]

[Docket No. AO 341-A3]

### CRANBERRIES GROWN IN CERTAIN STATES

### Notice of Recommended Decision and Opportunity To File Written Exceptions Regarding Proposed Amendment of Amended Marketing Agreement and Order Regulating Handling

This recommended decision, issued pursuant to the rules of practice and procedure governing the formulation of and amendments to marketing agreements and orders, discusses the issues presented at a public hearing in Wareham, Mass., on February 14, 1973, in Wisconsin Rapids, Wis., on February 22, and in Long Beach, Wash., on February 27, to consider amendments to the marketing agreement and order regulating the handling of cranberries produced in the States listed above.

The proposed amendments are discussed in detail in the recommended decision. The recommended decision concludes that the marketing agreement and order should be amended and an appropriate amendment is set forth therein.

Interested persons may file exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than June 15, 1973. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR part 900), notice is hereby given of the filing with the hearing clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Oregon, Washington, and Long Island in the State of New York, hereinafter referred to collectively as the "order". The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act".

*Preliminary statement.*—The public hearing, on the record of which the proposed amendment of the order is formulated, was instituted by the Agricultural Marketing Service as a result of proposals submitted by the Cranberry Marketing Committee, the administrative agency established pursuant to the amended marketing agreement and order. A notice that such public hearing would be held in the Town Hall, Wareham, Mass., on February 14, 1973, in the McMillian Memorial Library, Wisconsin Rapids, Wis., on February 22, 1973, and in the Long Beach Grange Hall, Long Beach, Wash., on February 27, 1973, was published in the FEDERAL REGISTER on February 9, 1973 (38 FR 38985).

*Material issues.*—The material issues presented on the record of the hearing involved amendatory action relating to:

1. Changing the beginning date of the 2-year term of office for the committee from September 1 to August 1; and authorizing the committee to meet earlier than now permitted to formulate its marketing policy, consider the need for regulations and submit its recommendation with respect thereto when it deems the production and marketing situation warrants;

2. Changing the requirements with respect to submission of the names of nominees from two to one or more for each committee position to be filled; and authorizing the Secretary to consider other qualified persons;

3. Providing representation on the committee for all growers in District 4 (Oregon and Washington) who are not affiliated with the major cooperative, and allow them to participate in nomination proceedings;

4. Providing authority for the committee, with the approval of the Secretary, to levy a late-payment charge and an interest charge on assessments that are not paid within the time specified;

5. Clarifying the withholding provisions so that each handler and the committee can more easily and accurately determine the withholding obligation;

6. Liberalizing the provisions dealing with interhandler transfers to permit handlers to transfer cranberries freely to other handlers, and require each handler to report such transfers to the committee twice each year;

7. Elimination of the requirement for inspection of withheld (restricted from marketing) cranberries, when such cranberries are released to the handler in accordance with the special provisions of the order relating to withheld cranberries; and

8. Making conforming changes.

*Findings and conclusions.*—The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

1. The order should be amended to change the beginning date of the 2-year term of office of committee members from September 1 to August 1. The Crop Reporting Board issues its report of estimated production during the 3d week