

employee's claim for credit for service or compensation that is not shown in the Board's records of service and compensation shall be verified in accordance with §§ 210.7 and 211.14 of this chapter.

(c) *Employer fails to report.* When an employer has failed or refuses to file a report under part 209 of this chapter, an employee may establish his or her base year service and compensation by submitting:

(1) Statements, under oath or otherwise, signed by an official or a duly authorized employee of a Federal or State governmental agency, based upon reports to the agency by the employer; or

(2) Statements, under oath or otherwise, signed by an officer or a duly authorized employee of the employer, or if not so signed, on forms prepared by the employer.

(Approved by the Office of Management and Budget under control numbers 3220-0025 and 3220-0070)

PART 348—MISCELLANEOUS [REMOVED]

2. Part 348, Miscellaneous, is hereby removed and reserved.

Dated: July 20, 1990.

By Authority of the Board

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 90-17439 Filed 7-25-90; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances: Proposed Transfer of Glutethimide From Schedule III to Schedule II

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Acting Administrator of the Drug Enforcement Administration (DEA) proposes to transfer glutethimide from Schedule III to Schedule II of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This proposed action is based on data gathered and reviewed by DEA and the evaluation and recommendation of the Assistant Secretary for Health. When finalized, this proposed action would impose the regulatory control mechanisms and criminal sanctions of Schedule II on the manufacture, distribution and possession of the substance, glutethimide.

DATES: Comments must be submitted on or before September 24, 1990.

ADDRESSES: Comments and objections should be submitted to: Acting Administrator, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, telephone: (202) 307-7183.

SUPPLEMENTARY INFORMATION: Glutethimide was introduced into medical practice in 1955 as a sedative-hypnotic substitute for the barbiturates. Its early popularity waned in the 1960's when it was recognized that glutethimide offered no therapeutic advantage over other drugs, that overdoses were difficult to treat and that its addiction liability and severity of withdrawal symptoms were equal to those of the barbiturates. As a result, glutethimide was largely replaced by newer, safer drugs. Glutethimide was controlled under the Drug Abuse Control Amendments of 1965 because of its potential for abuse and in 1970 it was incorporated into Schedule III of the CSA. Despite the controls of Schedule III, since the early 1980's, significant diversion and abuse of glutethimide have occurred. At least seven states (California, Connecticut, Delaware, Illinois, New Jersey, New York and Pennsylvania) have transferred glutethimide from Schedule III to Schedule II in order to minimize the diversion and abuse of this substance. While these actions have had some success locally, the national or interstate availability of glutethimide has not been affected and more stringent regulation is necessary at the Federal level.

By letter dated April 12, 1989, the Administrator of the DEA submitted information to the Acting Assistant Secretary for Health, delegate of the Secretary of the Department of Health and Human Services, and in accordance with 21 U.S.C. 811(b), requested a scientific and medical evaluation and scheduling recommendation for glutethimide. By letter dated June 22, 1990, the Assistant Secretary for Health provided his evaluation and recommended that glutethimide be controlled in Schedule II.

The following is a summary of the information submitted to the Acting Assistant Secretary for Health. Glutethimide, along with codeine containing products, is commonly encountered on the street as "Fours and Dors," "Pancakes and Syrup" and

"Hits." This combination is reported to produce a heroin-type euphoria which lasts approximately six to eight hours. The DEA conducted 66 criminal investigations between January 1986 and December 1987 which involved the documented diversion of over four million dosage units of the drug. During that same period, the Drug Abuse Warning Network (DAWN) provided evidence that significant levels of abuse existed. Medical examiners reported 189 cases and hospitals reported 1,054 emergency room visits related to the abuse of glutethimide. Philadelphia, PA and Newark, NJ were responsible for the largest number of these reports. Since 1983, the abuse of glutethimide has prompted at least six states to place glutethimide under Schedule II controls.

Review of 1988-1990 information indicates that the diversion and abuse of glutethimide continue and Federal action is needed. Placement of glutethimide into Schedule II federally will allow limiting the amount produced to that needed for legitimate medical, scientific and industrial needs, will permit monitoring of the amounts transferred between parties, and will require that only non-refillable prescriptions be written.

The DEA Acting Administrator, based on the information gathered and reviewed by his staff and the recommendation of the Assistant Secretary for Health and after consideration of the factors in 21 U.S.C. 811(c), believes that sufficient data exists to propose that glutethimide be transferred from Schedule III to Schedule II of the CSA pursuant to 21 U.S.C. 811(a). The specific findings required pursuant to 21 U.S.C. 811 and 812 for a substance to be placed into Schedule II are as follows:

(1) The drug or other substance has a high potential for abuse.

(2) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.

(3) Abuse of the drug or other substance may lead to severe psychological or physical dependence.

Interested persons are invited to submit their comments, objections or requests for a hearing in writing with regard to this proposal. Requests for a hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted to the Acting Administrator, Drug Enforcement Administration, Washington, DC 20537. Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for a hearing raise one or more issues which the Acting Administrator finds warrant a hearing, the Acting Administrator shall order a public hearing by notice in the Federal Register, summarizing the issues to be heard and setting the time for the hearing.

Pursuant to 5 U.S.C. 605(b), the Acting Administrator certifies that the proposed transfer of glutethimide from Schedule III to Schedule II of the CSA will have no significant economic impact on a substantial number of small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). The provisions which accompany the placement of glutethimide into Schedule II are identical to those which apply to any Schedule II substance. Six of the seven companies which manufacture and market pharmaceutical glutethimide products already are registered to handle Schedule II products.

In accordance with the provisions of 21 U.S.C. 811(a), this proposal to transfer glutethimide from Schedule III to Schedule II 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, are exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 (52 FR 41685), and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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 DEA by Department of Justice Regulations (28 CFR 0.100), the Acting Administrator hereby proposes that Title 21 CFR 1308 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for title 21, CFR part 1308 continued to read as follows:

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

2. Section 1308.12 is amended to redesignating paragraphs (e)(2) through

(e)(4) as (e)(3) through (e)(5) and by adding new paragraph (e)(2) to read as follows:

§ 1308.13 Schedule II.

(e) * * *
(2) Glutethimide.....2550
* * *

§ 1808.13 [Amended]

3. Section 1308.13 is amended by removing paragraph (c)(5) and redesignating paragraphs (c)(6) through (c)(12) as (c)(5) through (c)(11).

Dated: July 18, 1990.

Terrence M. Burke,
Acting Administrator, Drug Enforcement
Administration.

[FR Doc. 90-17403 Filed 7-25-90; 8:45 am]

BILLING CODE 4410-09-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-3813-4]

Ocean Dumping; Proposed Site Designation in Gulf of Mexico Offshore of Pascagoula, MS

AGENCY: U.S. Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate an Ocean Dredged Material Disposal Site (ODMDS) in the Gulf of Mexico offshore of the Port of Pascagoula, Mississippi, as an EPA-approved ocean dumping site for the dumping of suitable dredged material. This action is necessary to provide an acceptable ocean dumping site for consideration as a disposal option for dredged material disposal projects in the greater Pascagoula, Mississippi vicinity.

DATES: Comments must be received on or before August 27, 1990.

ADDRESSES: Send comments to: Wesley B. Crum, Chief, Wetlands and Coastal Programs Section, Water Management Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

The file supporting this proposed designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), room 2904 (rear), 401 M Street SW., Washington, DC 20460.

EPA/Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT:
Jeffrey A. Kellam, (404) 347-2126.

SUPPLEMENTARY INFORMATION: Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the sites are located. This proposed designation of a site offshore the Port of Pascagoula, Mississippi, which is within Region IV, is being made pursuant to that authority.

The EPA Ocean Dumping Regulations promulgated under the Act (40 CFR chapter I, subchapter H, section 228.4) state that ocean dumping sites will be designated by promulgation in this part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 (January 11, 1977)). The list established the existing Pascagoula site as an interim site. Interested persons may participate in this proposed rulemaking by submitting written comments on or before August 27, 1990, to the address given above.

EIS Development

Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321 *et seq.*, requires that Federal agencies prepare an EIS on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

The object of NEPA is to build careful consideration of all environmental aspects of proposed actions into the agency decision-making process. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designations such as this (see 39 FR 16186 (May 7, 1974)). EPA, in cooperation with the Mobile District of the U.S. Army Corps of Engineers (COE), has prepared a draft EIS entitled "Draft Environmental Impact Statement for Designation and Use of a New Ocean Dredged Material Disposal Site Pascagoula, Mississippi". This proposed rule and the subsequent final rule are procedural follow-ups to the EIS. This proposed rule includes EIS excerpts.

The action discussed in this EIS is the final designation for continuing use and expansion of the expired interim ocean dredged material disposal site near Pascagoula, Mississippi. The purpose of the action is to provide an