

month is  $\frac{1}{30}$  of the monthly rate times the number of days in the partial month.

(b) *Spouse annuity payable for part of a month*—(1) *Spouse not included in O/M before beginning date of spouse annuity and O/M applies as of the spouse annuity beginning date.* If a spouse annuity begins after the first day of a month, and the spouse is not includable in the O/M before the beginning date of the spouse annuity, and the O/M rate paid to the family group, including the spouse, as of the spouse annuity beginning date exceeds the amounts payable using the benefit formulas under the Railroad Retirement Act, the amount payable to the spouse for the partial month is  $\frac{1}{30}$  of the spouse's share of the O/M rate times the number of days in the month beginning with the spouse's annuity beginning date. In such a case, if the employee annuity is payable from the first day of the month, the amount payable to the employee is:

(i) One-thirtieth of the higher of the railroad formula or the O/M rate, without the spouse included, times the number of days in the month before the spouse annuity begins, plus

(ii) One-thirtieth of the employee's share of the O/M rate, with the spouse included, times the number of days in the month beginning with the spouse's annuity beginning date.

(2) *Spouse included in O/M before beginning date of spouse annuity and the O/M continues to apply.* If a spouse annuity begins after the first day of a month, and the spouse is includable in the O/M before the beginning date of the spouse annuity, and the O/M rate paid to the family group, including the spouse, as of the spouse annuity beginning date continues to exceed the amounts payable using the benefit formulas under the Railroad Retirement Act, the amount payable to the spouse for the partial month is  $\frac{1}{30}$  of the spouse's share of the O/M rate times the number of days in the month beginning with the spouse's annuity beginning date. In such a case, if the employee annuity is payable from the first of the month, the amount payable to the employee is:

(i) One-thirtieth of the O/M rate, with the spouse included, times the number of days in the month before the spouse annuity begins; plus

(ii) One-thirtieth of the employee's share of the O/M rate, with the spouse included, times the number of days in the month beginning with the spouse's annuity beginning date.

(3) *O/M rate applies before beginning date of spouse annuity and the railroad formula applies as of the spouse annuity beginning date.* If a spouse

annuity begins after the first day of a month and the O/M rate applies to the family group, with or without the spouse included, before the beginning date of the spouse annuity, and the O/M rate paid to the family group, including the spouse, as of the spouse annuity beginning date is less than the amounts payable using the formulas under the Railroad Retirement Act, the amount payable to the spouse for the partial month is  $\frac{1}{30}$  of the spouse's railroad formula rate times the number of days in the month beginning with the spouse's annuity beginning date. In such a case, if the employee annuity is payable from the first day of the month, the amount payable to the employee is:

(i) One-thirtieth of the O/M times the number of days in the month before the spouse annuity begins; plus

(ii) One-thirtieth of the employee's railroad formula rate times the number of days in the month beginning with the spouse's annuity beginning date.

Dated: September 30, 1993.

By authority of the Board.

For the Board:

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 93-24689 Filed 10-14-93; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1308

#### Schedules of Controlled Substances; Placement of Methcathinone into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

**SUMMARY:** This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to place methcathinone into Schedule I of the Controlled Substances Act (CSA). This action is based on findings made by the DEA Administrator, after review and evaluation of the relevant data by both DEA and the Acting Assistant Secretary for Health, Department of Health and Human Services, that methcathinone meets the statutory criteria for inclusion in Schedule I of the CSA. Since this substance has been temporarily scheduled in Schedule I, the regulatory control mechanisms and criminal sanctions of Schedule I continue to be applicable to the possession, manufacture, distribution, importation and exportation of this substance.

**EFFECTIVE DATE:** October 15, 1993.

**FOR FURTHER INFORMATION CONTACT:** Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section; Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307-7183.

**SUPPLEMENTARY INFORMATION:** On April 28, 1993, in a notice of proposed rulemaking published in the *Federal Register* (58 FR 25788) and after a review of relevant data, the DEA Administrator proposed to place methcathinone into Schedule I of the CSA pursuant to 21 U.S.C. 811(a). Prior to that time, the DEA Administrator submitted data which DEA gathered regarding methcathinone to the Assistant Secretary for Health, delegate of the Secretary of the Department of Health and Human Services. In accordance with 21 U.S.C. 811(b), the DEA Administrator also requested a scientific and medical evaluation and a scheduling recommendation for methcathinone from the Assistant Secretary for Health.

Methcathinone had been temporarily placed into Schedule I of the CSA by the DEA Administrator on May 1, 1992 for a period of one year (57 FR 18824) using the temporary scheduling provisions of the CSA (21 U.S.C. 811(h)). The temporary scheduling of methcathinone subsequently was extended for six months until November 1, 1993 (58 FR 25934). The temporary scheduling was based on a finding by the DEA Administrator that such scheduling was necessary to avoid an imminent hazard to the public safety.

By letter dated August 31, 1993, the DEA Administrator received the scientific and medical evaluation and scheduling recommendation for methcathinone from the Acting Assistant Secretary for Health, delegate of the Secretary of the Department of Health and Human Services. The Acting Assistant Secretary recommended that methcathinone be placed into Schedule I of the CSA based on a scientific and medical evaluation of the available data.

The notice of proposed rulemaking for methcathinone provided the opportunity for interested parties to submit comments, objections or requests for a hearing regarding the scheduling of methcathinone. No comments, objections or requests for a hearing were received regarding methcathinone.

Methcathinone has a chemical structure similar to that of methamphetamine and cathinone. All forms of methamphetamine have been controlled in Schedule II of the CSA since 1971. Cathinone was placed in Schedule I of the CSA of February 14, 1993.

In preclinical studies, methcathinone hydrochloride produces pharmacological effects and appears to have an abuse potential similar to that of the amphetamines. Methcathinone hydrochloride increases spontaneous rodent locomotor activity, potentiates the release of radiolabelled dopamine from dopaminergic nerve terminals in the brain and causes appetite suppression. In drug discrimination studies, methcathinone hydrochloride evokes both (+)-amphetamine and cocaine induced appropriate responding. When examined in particular pharmacological assays for psychomotor stimulant-like activity, both the d and the l enantiomeric forms of methcathinone hydrochloride have been found to be pharmacologically active. In these assays, the l-form of methcathinone is more active than either d-methcathinone or (+)-amphetamine. Racemic methcathinone hydrochloride is intravenously self-administered by baboons, thus indicating that methcathinone produces reinforcing effects in this laboratory animal and suggesting that this drug has a potential for abuse in the human population.

To date, the abuse of methcathinone has been primarily documented in Michigan and Wisconsin. The abuse of methcathinone is believed to have originated in Michigan in 1989. Since that time, the abuse of methcathinone in Michigan has increased substantially, almost exclusively in the Upper Peninsula of the state. Methcathinone abuse spread from Michigan into Wisconsin approximately in the Fall of 1992. Health officials in Michigan and Wisconsin have encountered abusers of methcathinone. There have been a number of documented emergency room cases involving the purported abuse of methcathinone. Drug abuse treatment centers in Marquette and Iron Mountain, Michigan, as well as several psychiatric treatment centers in Wisconsin have reported encounters with methcathinone abusers.

The principal form of methcathinone distributed and abused is the hydrochloride salt of the l-enantiomer, which exists as a white to off-white, chunky powdered material. It is usually sold as itself under such street names as "Cat" and "Goob". Less often it is passed off as methamphetamine under such names as "Crank" or "Speed". The most common route of administration is via nasal insufflation. Other routes of administration include oral ingestion, intravenous injection and smoking. Methcathinone is abused in binges lasting two to six days. During this time, methcathinone is repeatedly

administered, resulting in the daily administration of amounts surpassing one or two grams. The methcathinone binge resembles amphetamine binges in that the abuser does not sleep or eat and takes in little in the way of liquids. The methcathinone binge is followed by a "crash" characterized by long periods of sleep, excess eating and, in some cases, depression.

Methcathinone is abused for its psychomotor stimulant effects. It is reported by abusers to produce such desirable effects as a "burst of energy", "headrush", "bodyrush", a "speeding of the mind", an "increased feeling of self-confidence" and "euphoria". Abusers have also reported that methcathinone produces unpleasant effects such as paranoia, hallucinations, anxiety, tremor, insomnia, malnutrition, weight loss, dehydration, sweating, stomach pains, nose bleeding and body aches. Following the crash, some individuals have experienced depression with or without thoughts of suicide.

Methcathinone hydrochloride is produced for street distribution in clandestine laboratories. Between June, 1991 and August, 1993, 27 active or inactive clandestine methcathinone laboratories were seized by Federal, state and local law enforcement officials in Michigan. Since January, 1993, at least five clandestine methcathinone laboratories have been encountered in Wisconsin. In August 1992 a clandestine methcathinone laboratory was seized in Seattle, Washington. In June 1993 a clandestine methcathinone laboratory was seized in Illinois. In September 1993 four clandestine methcathinone laboratories were seized in Indiana.

Methcathinone has been encountered by law enforcement officials in Michigan, Wisconsin, Washington, Illinois and Missouri. Michigan State Police obtained the first street sample of methcathinone in February, 1991. Since that time there have been over 75 encounters of methcathinone by Federal, state and local law enforcement officials in Michigan. Methcathinone was first encountered in Wisconsin in March 1992. Since October 1992, there have been more than 30 Federal, state or local law enforcement encounters of methcathinone in Wisconsin.

The Food and Drug Administration (FDA) has notified DEA that there are no exemptions or approvals in effect under section 505 of the Federal Food, Drug and Cosmetic Act for methcathinone. A search of the scientific and medical literature revealed no indications of current medical use of methcathinone in or outside of the United States.

Based upon the investigation and review conducted by DEA and upon the scientific and medical evaluation and recommendation of the Acting Assistant Secretary for Health, delegate of the Secretary of the Department of Health and Human Services, received in accordance with 21 U.S.C. 811(b), the DEA Administrator, pursuant to the provisions of 21 U.S.C. 811(a) and (b), finds that:

- (1) Methcathinone has a high potential for abuse;
- (2) Methcathinone has no currently accepted medical use in treatment in the United States; and,
- (3) Methcathinone lacks accepted safety for use under medical supervision.

These findings are consistent with the placement of methcathinone into Schedule I of the CSA.

All regulations applicable to Schedule I substances continue to be effective as of October 15, 1993 with respect to methcathinone. This substance has been in Schedule I pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h) since May 1, 1992. The current applicable regulations are as follows:

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports methcathinone or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with parts 1301 and 1311 of title 21 of the Code of Federal Regulations.

2. *Security.* Methcathinone must be manufactured, distributed and stored in accordance with §§ 1301.71-1301.76 of title 21 of the Code of Federal Regulations.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of methcathinone must comply with the requirements of §§ 1302.03-1302.05, 1302.07 and 1302.08 of title 21 of the Code of Federal Regulations.

4. *Quotas.* All persons required to obtain quotas for methcathinone shall submit applications pursuant to §§ 1303.12 and 1303.22 of title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records and who possesses any quantity of methcathinone shall take an inventory of all stocks of this substance on hand pursuant to §§ 1304.11-1304.19 of title 21 of the Code of Federal Regulations.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21-1304.27 of title 21 of the Code of Federal Regulations shall maintain such records on methcathinone.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.34–1304.37 of title 21 of the Code of Federal Regulations shall do so regarding methcathinone.

8. *Order Forms.* All registrants involved in the distribution of methcathinone must comply with the order form requirements of §§ 1305.01–1305.16 of title 21 of the Code of Federal Regulations.

9. *Importation and Exportation.* All importation and exportation of methcathinone shall be in compliance with part 1312 of title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* Any activity with respect to methcathinone not authorized by, or in violation of, the CSA or the Controlled Substances Import and Export Act shall be unlawful.

The Administrator of the DEA hereby certifies that the permanent placement of methcathinone into Schedule I of the CSA 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 action involves the control of a substance with no currently approved medical use in the United States.

This final rule is not a major rule for the purposes of Executive Order 12291 (46 FR 13193) of February 17, 1981. It has been determined that drug scheduling matters are not subject to review by the Office of Management and Budget (OMB) pursuant to the provisions of Executive Order 12291. Accordingly, this drug scheduling action is not subject to the provisions of Executive Order 12778 which are contingent upon review by OMB.

This action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined that this scheduling action 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 DEA by Department of Justice Regulations (28 CFR 0.100), the Administrator hereby orders that 21 CFR part 1308 be amended as follows:

#### PART 1308—[AMENDED]

1. The authority citation for 21 CFR part 1308 continues to read as follows:

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

2. Section 1308.11(f) is amended by redesignating paragraphs (f)(3) through (f)(5) to (f)(4) through (f)(6) and by adding a new paragraph (f)(3) to read as follows:

#### § 1308.11 Schedule I.

\* \* \* \* \*

(f) \* \* \*

(3) Methcathinone (Some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiofenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432), its salts, optical isomers and salts of optical isomers . . . 1237.

\* \* \* \* \*

#### § 1308.11 [Amended]

3. Section 1308.11(g) is amended by removing paragraph (g)(3) and redesignating paragraphs (g)(4) and (5) as (g)(3) and (4).

Dated: October 7, 1993.

**Robert C. Bonner,**

*Administrator of Drug Enforcement.*

[FR Doc. 93–25279 Filed 10–14–93; 8:45 am]

BILLING CODE 4410–09–M

### PENSION BENEFIT GUARANTY CORPORATION

#### 29 CFR Parts 2610 and 2622

#### Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning October 1, 1993. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in August 1993 through October 1993. These interest rates are established pursuant to section 4006 of the Employee Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise

plan sponsors and pension practitioners of these new interest rates.

**EFFECTIVE DATE:** October 1, 1993.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, Office of the General Counsel (Code 22000), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; telephone (202) 778–8850 (202) 778–8859 for TTY and TTD). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** As part of title IV of the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), the Pension Benefit Guaranty Corporation (“PBGC”) collects premiums from ongoing plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code (“Code”). Similarly, under 29 CFR § 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in appendix A to the premium regulation and appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning October 1, 1993, the interest charged on the underpayment of taxes will be at a rate of 7 percent.

Accordingly, the PBGC is amending appendix A to 29 CFR part 2610 and appendix A to 29 CFR part 2622 to set forth this rate for the October 1, 1993, through December 31, 1993, quarter.

Under ERISA section 5006(a)(3)(E)(iii)(II), in determining a single-employer plan’s unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes these rates in appendix B to the regulation.

The PBGC publishes these monthly interest rates in appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in appendix A. (The PBGC