It appearing, that the St. Louis-San Francisco Railway Co. (SL–SF), is unable to operate over its line between Enid, Oklahoma, and Arkansas City, Kansas, because of extensive damage from flooding; that The Atchison, Topeka, and Santa Fe Railway Company (ATSF) has consented to the use of its lines between Perry, Oklahoma, and Arkansas City, Kansas, and between Ponca City, Oklahoma, and Blackwell, Oklahoma, by the SL–SF; that use of the aforementioned ATSF tracks by the SL–SF will enable the SL–SF to restore service on a portion of its damaged line; that operation by the SL–SF over the aforementioned tracks of the ATSF is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1161 Service Order No. 1161.

(a) *(St. Louis-San Francisco Railway Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company).* The St. Louis-San Francisco Railway Co. (SL–SF) be, and it is hereby, authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF), between Perry, Oklahoma, and Arkansas City, Kansas, a distance of approximately 58.2 miles, and between Ponca City, Oklahoma, and Blackwell, Oklahoma, a distance of approximately 16 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the SL–SF over tracks of the ATSF is deemed to be due to carrier's disability, the rates applicable to traffic moved by the SL–SF over these tracks of the ATSF shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., November 7, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-24188 Filed 11-12-73;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Schedule II Control of Amobarbital, Pentobarbital, Secobarbital and Their Salts

A notice dated May 25, 1973, and published in the FEDERAL REGISTER on May 31, 1973 (38 FR 14289), proposed the transfer of nine derivatives of barbituric acid and their salts from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513). The notice stated that the proposal was "based upon the investigation 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 secured pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970." All interested persons were given until June 29, 1973, to submit their objections, comments or requests for hearings.

By notice dated July 6, 1973, and published in the FEDERAL REGISTER on July 11, 1973 (38 FR 18469), all interested persons were given an extension of time until July 18, 1973, to submit their objections, comments or request for hearing on the above proposal.

No objections or requests presenting reasonable grounds for a hearing were received regarding the proposed order transferring amobarital, secobarbital, pentobarbital, cyclobarbital, heptabarbital, probarbital, talbutal, vinbarbital and their salts from Schedule III to Schedule II.

On June 29, 1973, Covington and Burling, Counsel for McNeil Labroatories, Inc. (McNeil) a principal manufacturer and distributor of sodium butabarbital, a salt of butabarbital, under the trade name "Butisol Sodium", filed comments and requested a hearing concerning the proposed transfer of butabarbital and its salts from Schedule III to Schedule II.

Following establishment of the Drug Enforcement Administration on July 1, 1973 (38 FR 18380), a new and thorough review was made of the situation involving the derivatives of barbituric acid. As a result of that review the Administrator of the Drug Enforcement Administration has determined that amobarbital, secobarbital, and pentobarbital should be transferred promptly into Schedule II.

It has further been determined, on the basis of all relevant factors, that additional study and monitoring of cyclobarbital, heptabarbital, probarbital, talbutal, vinbarbital, butabarbital and their salts are required before a final decision on the transfer of these drugs is reached.

The Administrator, Drug Enforcement Administration finds that amobarbital, secobarbital, and pentobarbital and their salts:

(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.

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 Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, it is hereby ordered that:

1. Section 1308.12 of Title 21 of the Code of Federal Regulations be amended by adding new paragraph (e)(2), (3) and (4) to read as follows:

§ 1308.12 Schedule II.

* * * * * *

(e) * * *

(2) Amobarbital	2125
(3) Secobarbital	2315
(4) Pentobarbital	2270

2. Section 1308.13(c) of Title 21 of the Code of Federal Regulations be amended to reads as follows:

§ 1308.14 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, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule	2351
(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository	2100
(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof	2100
(4) Chlorhexadol	2510
(5) Glutethimide	2550
(6) Lysergic acid	7300
(7) Lysergic acid amide	7310
(8) Methyprylon	2575
(9) Phencyclidine	7471
(10) Sulfondiethylmethane	2600
(11) Sulfonethylmethane	2605
(12) Sulfonmethane	2610

The requirements imposed upon the substances controlled by this order shall become effective as follows:

1. *Registration.* Any registrant presently authorized to manufacture, distribute, engage in research, import or export any of these substances should

apply pursuant to 21 CFR 1301.61 to modify their registration to authorize the handling of such controlled substances in Schedule II on or before December 17, 1973.

Any person presently not authorized to handle such controlled substances and who proposes to engage in the manufacture, distribution, importation, or exportation of, or research with, any of these substances, shall obtain a registration to conduct his proposed activity pursuant to sections 302 and 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 822, 823).

2. *Security.* These substances must be manufactured, distributed, and stored in accordance with 21 CFR 1301.71, 1301.72(a), 1301.73, 1301.74(a), 1301.75, and 1301.76 on or before May 13, 1974. Provided, that upon application and approval by the Drug Enforcement Administration, those parenteral dosage forms containing amobarbital, or secobarbital, or pentobarbital or any salt of any of these drugs which are required by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.) or regulations promulgated thereunder to be kept in storage under refrigeration may be stored in compliance with the Schedule III security regulations set forth in 21 CFR 1301.71–1301.76. In the event that any security requirement imposes special hardship, the Drug Enforcement Administration will entertain any justified requests for an extension of time.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of, any of, these substances which are packaged after May 13, 1973, shall comply with the requirements of 21 CFR 1302.03–1302.05, 1302.07 and 1302.08. In the event this effective date imposes special hardships on any "manufacturer", as defined in Section 102(14) of the Controlled Substances Act, 21 U.S.C. 802(14), the Drug Enforcement Administration will entertain any justified requests for extension of time.

4. *Quotas.* Interim quotas and these substances will be established to take effect on January 1, 1974, to be adjusted on or before July 1, 1974. All interested persons required to obtain quotas shall submit applications pursuant to 21 CFR 1303.12 or 1303.22 on or before December 3, 1974.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of any of these substances shall take an inventory, pursuant to 21 CFR 1304.11–1304.19, of all stocks of those substances on hand on January 1, 1974.

6. *Records.* All registrants required to keep records pursuant to 21 CFR 1304.21–1307.27 shall maintain such records on these substances commencing on the date on which the inventory of those substances is taken.

7. *Reports.* All registrants required to file reports with the Drug Enforcement Administration pursuant to 21 CFR 1304.37–1304.41 shall report on the inventory taken under paragraph five (above) and on all subsequent transactions.

8. *Order forms.* Each distribution of any of these on or after January 1, 1974, shall utilize an order form pursuant to 21 CFR Part 1305 except as permitted in § 1305.03 of that title.

9. *Prescriptions.* All prescriptions for the above controlled substances shall comply with 21 CFR 1306.01–1306.15 on or before December 17, 1973. Any prescriptions for the above controlled substances, which are entitled to be refilled under 21 CFR 1306.22 shall not be entitled to such refill in accordance with 21 CFR 1306.12 on and after December 17, 1973.

10. *Excepted substances.* This order does not amend 21 CFR 1308.32. Those combination products containing amobarbital, secobarbital, pentobarbital or any salt thereof currently excepted under § 1308.32 will remain excepted. The Drug Enforcement Administration recognizes that certain combination drugs containing amobarbital, secobarbital, pentobarbital or any salts thereof and excepted under the Drug Abuse Control Amendments of 1965 have not been excepted under § 1308.32. As a matter of policy, those substances shall be deemed excepted under § 1308.32 pending further action by the Drug Enforcement Administration.

11. *Importation and exportation.* All importation and exportation of any of the substances on and after January 1, 1974, shall be in compliance with 21 CFR Part 1312.

12. *Criminal liability.* Any activity with amobarbital, or secobarbital, or pentobarbital or any salt of any of these drugs not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act (Public Law 91–513) shall continue to be unlawful under the provisions of the two Acts applicable to a nonnarcotic drug in Schedule III until December 17, 1973. On and after December 17, 1973, any activity with amobarbital, or secobarbital, or pentobarbital or any salt of any of these drugs not authorized by, or in violation of the Controlled Substances Act or the Controlled Substances Import and Export Act (Public Law 91–513), shall be unlawful under the provisions of those two Acts applicable to a nonnarcotic drug in Schedule II.

13. *Other.* In all other respects, this order is effective on the date of publication.

Dated: November 8, 1973.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration, U.S. Department of Justice.

[FR Doc.73-24304 Filed 11-12-73;8:45 am]