

When the revised Listing of Impairments was published in 1985, we indicated that medical advances in disability evaluation and treatment and program experience would require that the listings be periodically reviewed and updated. Accordingly, we established termination dates ranging from 4 to 8 years for each of the listings for specific body systems. A date of December 6, 1989, was established for the cardiovascular system listings in part A to no longer be effective. A date of December 6, 1993, was established for part B of the cardiovascular system listings to no longer be effective.

The potential program impact of the changes to update the cardiovascular system listings required careful analysis and consideration within the Agency. As our analysis continued, it became evident that we would be unable to publish a proposed and then a final regulation containing revised criteria for part A of the cardiovascular system listings by December 6, 1989. We published in the Federal Register of December 5, 1989 (54 FR 50233), a final regulation extending the current part A cardiovascular system listings for a period of 18 months through June 5, 1991. The part A cardiovascular system listings were again extended an additional 12 months through June 5, 1992, by final regulation published in the Federal Register on June 6, 1991 (56 FR 26030), and were extended to January 5, 1993, by final regulation published in the Federal Register on June 5, 1992 (57 FR 23945), and to July 6, 1993, by final regulation published in the Federal Register on December 29, 1992 (57 FR 61795). The part A and part B cardiovascular system listings were extended to January 6, 1994, by final regulation published in the Federal Register on July 6, 1993 (58 FR 36133).

On July 9, 1991, we published an NPRM proposing revisions to the medical criteria contained in parts A and B of the cardiovascular system listings (56 FR 31266), with provisions for a 60-day comment period. The complex issues raised by the numerous comments we received have required extensive analysis and careful consideration. In order to ensure sufficient time for this review, we are extending the date on which the current cardiovascular system listings in parts A and B will no longer be effective from January 6, 1994, to February 15, 1994.

**Regulatory Procedures**

The Department, even when not required by statute, as a matter of policy, generally follows the Administrative Procedure Act notice of proposed rulemaking and public

comment procedures specified in 5 U.S.C. 553 in the development of its regulations. The Administrative Procedure Act provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for waiver of notice of proposed rulemaking and public comment procedures on this rule because it only extends the dates on which parts A and B of the cardiovascular system listings will no longer be effective and makes no substantive changes to these listings. The current regulations expressly provide that the listings may be extended by the Secretary, as well as revised and promulgated again. Because we are not making any revisions to the current listings, we have determined that use of public comment procedures is unnecessary under the Administrative Procedure Act.

*Regulatory Flexibility Act*

We certify that this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

*Paperwork Reduction Act*

This regulation imposes no reporting or recordkeeping requirements necessitating clearance by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program No. 93.802, Social Security-Disability Insurance; No. 93.807, Supplemental Security Income)

**List of Subjects in 20 CFR Part 404**

Administrative practice and procedure, Blind, Disability benefits, Old-age, Survivors and disability insurance, Reporting and recordkeeping requirements.

Dated: December 21, 1993.

Shirley Chater,  
Commissioner of Social Security.

Approved: December 29, 1993.

Donna E. Shalala,  
Secretary of Health and Human Services.

For the reasons set forth in the preamble, part 404, title 20 of the Code of Federal Regulations is amended as set forth below.

**PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950— )**

1. The authority citation for subpart P of part 404 is revised to read as follows:

Authority: Secs. 202, 205 (a), (b), and (d) through (h), 216(i), 221 (a) and (i), 222(c), 223, 225, and 1102 of the Social Security Act; 42 U.S.C. 402, 405 (a), (b), and (d) through (h), 416(i), 421 (a) and (i), 422(c), 423, 425, and 1302.

2. Appendix 1 to subpart P is amended by revising item 5 of the introductory text before part A to read as follows:

**Appendix 1 to Subpart P—Listing of Impairments**

- \* \* \* \* \*
- 5. Cardiovascular System (4.00 and 104.00): February 15, 1994.
- \* \* \* \* \*

[FR Doc. 94-222 Filed 1-5-94; 8:45 am]  
BILLING CODE 4190-29-M

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**21 CFR Part 1308**

**Schedules of Controlled Substances Temporary Placement of 4-Bromo-2,5-dimethoxyphenethylamine Into Schedule I**

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

**SUMMARY:** The Acting Administrator of the Drug Enforcement Administration (DEA) is issuing this final rule to temporarily place 4-bromo-2,5-dimethoxyphenethylamine into Schedule I of the Controlled Substances Act (CSA) pursuant to the emergency scheduling provisions of the CSA. This action is based on the finding by the Acting Administrator of the DEA that the placement of 4-bromo-2,5-dimethoxyphenethylamine in Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety. As a result of this rule, the criminal sanctions and regulatory controls of Schedule I substances under the CSA will be applicable to the manufacture, distribution, and possession of 4-bromo-2,5-dimethoxyphenethylamine.

**EFFECTIVE DATE:** January 6, 1994.

**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:** The Comprehensive Crime Control Act of 1984 (Pub. L. 98-473) amended section 201 of the Controlled Substances Act (CSA) (21 U.S.C. 811) to give the Attorney General the authority to temporarily place a substance into Schedule I of the CSA if it is found that such action is necessary to avoid an imminent hazard to the public safety. A substance may be temporarily scheduled under the emergency provision of the CSA if that substance is not listed in any other schedule under Section 202 of the CSA (21 U.S.C. 812) or if there is no approval or exemption in effect under 21 U.S.C. 355 of the Food, Drug, and Cosmetic Act for the substance. The Attorney General has delegated his authority under 21 U.S.C. 811 to the Administrator of the DEA (28 CFR 0.100).

A notice of intent to temporarily place 4-bromo-2,5-dimethoxyphenethylamine into Schedule I of the CSA was published in the *Federal Register* on November 4, 1993, (58 FR 58819). The Administrator transmitted notice of his intention to temporarily place 4-bromo-2,5-dimethoxyphenethylamine into Schedule I of the CSA to the Assistant Secretary of Health of the Department of Health and Human Services (HHS). In response to this notification, the Food and Drug Administration has advised DEA that there are no exemptions or approvals in effect under 21 U.S.C. 355 of the Food, Drug, and Cosmetic Act for 4-bromo-2,5-dimethoxyphenethylamine and HHS has no objection to DEA's intention to temporarily place 4-bromo-2,5-dimethoxyphenethylamine into Schedule I of the CSA. No other comments were received regarding this matter.

In accordance with 21 U.S.C. 811(h)(3), the Acting Administrator has considered the following factors regarding 4-bromo-2,5-dimethoxyphenethylamine: (1) Its history and current pattern of abuse; (2) scope, duration and significance of abuse; and (3) what, if any, risk there is to the public health.

4-Bromo-2,5-dimethoxyphenethylamine is structurally similar to the Schedule I phenylisopropylamine hallucinogens, 4-methyl-2,5-dimethoxyamphetamine (STP or DOM) and 4-bromo-2,5-dimethoxyphenethylamine (DOB). Like DOM and DOB, 4-bromo-2,5-dimethoxyphenethylamine displays high affinity for central serotonin receptors and is capable of substituting for either DOM or DOB in drug discrimination studies conducted in rats. These data suggest that 4-bromo-2,5-dimethoxyphenethylamine is a

psychoactive substance capable of producing effects similar, though not identical, to DOM and DOB. Data from human studies indicate that 4-bromo-2,5-dimethoxyphenethylamine is orally active at 0.1-0.2 mg/kg producing an intoxication with considerable euphoria and sensory enhancement which lasts for 6 to 8 hours. Higher doses have been reported to produce intense and frightening hallucinations.

DEA first encountered 4-bromo-2,5-dimethoxyphenethylamine in Texas in 1979. Since that time, several other exhibits of 4-bromo-2,5-dimethoxyphenethylamine have been analyzed by DEA and state forensic laboratories in California, Arizona, Louisiana, Pennsylvania, Iowa, Oregon, Georgia, Tennessee and Florida. Clandestine laboratories producing 4-bromo-2,5-dimethoxyphenethylamine were seized in California in 1986 and in Arizona in 1992. It has been represented as 3,4-methylenedioxy-methamphetamine (MDMA) and has been sold in sugar cubes as LSD. More recently, it has been promoted as an aphrodisiac and distributed under the product name of NEXUS whose purported active ingredient is brominated cathinone. DEA has recently seized several thousand dosage units of this product.

The continued clandestine production, illicit importation, distribution and abuse of 4-bromo-2,5-dimethoxyphenethylamine poses an imminent hazard to public safety. DEA is not aware of any commercial use for this substance in the United States.

In accordance with the provisions of section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100 and based on a consideration of the requisite factors and other relevant information, the Acting Administrator finds that placement of 4-bromo-2,5-dimethoxyphenethylamine into Schedule I of the CSA on a temporary basis is necessary to avoid an imminent hazard to the public safety.

The following regulations are effective with respect to 4-bromo-2,5-dimethoxyphenethylamine on January 6, 1994, except for those individuals registered with DEA in accordance with part 1301 or part 1311 of title 21 of the Code of Federal Regulations, who currently possess 4-bromo-2,5-dimethoxyphenethylamine may continue to do so pending DEA's receipt of an application for amended registration no later than February 7, 1994:

1. Registration. Any person who manufactures, distributes, delivers, imports or exports 4-bromo-2,5-dimethoxyphenethylamine or who

engages in research or conducts instructional activities with respect to 4-bromo-2,5-dimethoxyphenethylamine 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. 4-Bromo-2,5-dimethoxyphenethylamine must be manufactured, distributed and stored in accordance with §§ 1301.71 through 1301.76 of title 21 of the Code of Federal Regulations.

3. Labeling and Packaging. All labels and labeling for commercial containers of 4-bromo-2,5-dimethoxyphenethylamine must comply with requirements of §§ 1302.03 through 1302.05, 1302.7 and 1302.08 of title 21 of the Code of Federal Regulations.

4. Quotas. All persons required to obtain quotas for 4-bromo-2,5-dimethoxyphenethylamine must 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 4-bromo-2,5-dimethoxyphenethylamine is required to take an inventory of all stocks of this substance on hand pursuant to §§ 1304.11 through 1304.19 of title 21 of the Code of Federal Regulations.

6. Records. All registrants required to keep records pursuant to §§ 1304.21 through 1304.27 of title 21 of the Code of Federal Regulations must do so regarding 4-bromo-2,5-dimethoxyphenethylamine.

7. Reports. All registrants required to submit reports in accordance with §§ 1304.34 through 1304.37 of title 21 of the Code of Federal Regulations shall do so regarding 4-bromo-2,5-dimethoxyphenethylamine.

8. Order Forms. All registrants involved in the distribution of 4-bromo-2,5-dimethoxyphenethylamine must comply with the order form requirements of §§ 1305.01 through 1305.16 of title 21 of the Code of Federal Regulations.

9. Importation and Exportation. All importation and exportation of 4-bromo-2,5-dimethoxyphenethylamine must be in compliance with part 1312 of title 21 of the Code of Federal Regulations.

10. Criminal Liability. Any activity with 4-bromo-2,5-dimethoxyphenethylamine not authorized by, or in violation of, the CSA or the Controlled Substances Import and Export Act occurring on or after January 6, 1994, is unlawful.

The Acting Administrator of the DEA hereby certifies that the temporary

placement of 4-bromo-2,5-dimethoxyphenethylamine 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 temporary control of a substance with no currently approved medical use in the United States.

The temporary scheduling of 4-bromo-2,5-dimethoxyphenethylamine is not a significant regulatory action for the purposes of Executive Order (E.O.) 12866 of September 30, 1993. Drug scheduling matters are not subject to review by the Office of Management and Budget (OMB) pursuant to the provisions of E.O. 12866, section 3(d)(1). Accordingly, this proposed emergency scheduling action is not subject to provisions of E.O. 12778 which are contingent upon review by OMB. This regulation both responds to an emergency situation posing an imminent hazard to the public safety, and is essential to a criminal law enforcement function of the United States.

This action has been analyzed in accordance with the principles and criteria in E.O. 12612, and it has been determined that the temporary placement of 4-bromo-2,5-dimethoxyphenethylamine into Schedule I of the CSA 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(h) of the CSA (21 U.S.C. 811(h)), and delegated to the Administrator of the DEA by the Department of Justice regulations (28 CFR 0.100), the Acting Administrator hereby amends 21 CFR part 1308 as follows:

#### PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

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

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

2. Section 1308.11 is amended by adding paragraph (g)(5) to read as follows:

#### § 1308.11 Schedule I.

\* \* \* \* \*  
(g) \* \* \*  
(5) 4-bromo-2,5-dimethoxyphenethylamine, its optical

isomers, salts and salts of isomers—7392. Some other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B.

Dated: December 27, 1993.

Stephen H. Greene,  
Acting Administrator of Drug Enforcement.  
[FR Doc. 94-234 Filed 1-5-94; 8:45 am]  
BILLING CODE 4410-09-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD02 93-035]

RIN 2115-AE46

#### Special Local Regulations; Operation Anzio Reenactment (Ohio River Between Mile 630.0-636.5)

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** A special local regulation is being adopted for the Operation Anzio Reenactment training exercise which the U.S. Army will hold on the Ohio River near Fort Knox, Kentucky on January 20-22, 1994. This regulation is needed to control vessel traffic in the immediate vicinity of the event. The regulation will restrict general navigation in the regulated area for the safety of spectators, participants and through traffic.

**EFFECTIVE DATES:** This regulation becomes effective daily at 12 p.m. to 3 p.m. local time on January 20-22, 1994.

**FOR FURTHER INFORMATION CONTACT:** LTJG D.R. Dean, Chief, Boating Affairs Branch, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832. The telephone number is (314) 539-3971, fax (314) 539-2685.

#### SUPPLEMENTARY INFORMATION:

##### Drafting Information

The drafters of these regulations are LTJG D.R. Dean, Project Officer, Second Coast Guard District, Boating Safety Division and LCDR A.O. Denny, Project Attorney, Second Coast Guard District Legal Office.

##### Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Specifically, the sponsor's late submission of the regatta

application left insufficient time to publish a notice of proposed rulemaking in advance of the scheduled event. However, the Coast Guard deems it to be in the public's best interest to issue a regulation now as the benefits of holding the training during the winter, as scheduled, rather than later in the spring will mean less impact on the boating public.

#### Background and Purposes

Operation Anzio Reenactment consists of river crossing training for the 19th Engineer Battalion, Fort Knox, Kentucky. The Training will take place over three days, January 20-22, 1994. Each day's training will begin at 12 p.m., and will end at 3 p.m. local time. In order to provide for the safety of spectators and participants, and for the safe passage of through traffic, the Coast Guard will restrict vessel movement in the regatta area. The river will be closed during part or all of the effective period to all vessel traffic except participants, official regatta vessels, and patrol craft. These regulations are issued pursuant to 33 U.S.C. 1233 and 33 CFR 100.35.

#### Regulatory Evaluation

This regulation is not considered a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979), it will not have a significant economic impact on a substantial number of small entities, and it contains no collection of information requirements. A full regulatory analysis is unnecessary because the Coast Guard expects the impact of this regulation to be minimal due to its short duration.

#### Federalism Assessment

Under the principles and criteria of Executive Order 12612, this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environmental Assessment

Under section 2.B.2.c of Commandant Instruction M16475.1B, this regulation is categorically excluded from further environmental documentation.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Records and recordkeeping requirements, Waterways.

#### Temporary Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows: