as such free transportation is not used, the continued existence of Part 232 will constitute no more than harmless surplusage.

Since this rule imposes no burden upon any person but merely constitutes an amendment to the Board's regulations of an interpretative and technical nature, so as to render them consistent with the Postal Reorganization Act, the Board finds that notice and public procedure hereon are unnecessary and the amendment may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends and reissues Part 233 of its Economic Regulations (14 CFR Part 233), effective June 13, 1973, as follows:

Sec. 233. Postal employees to be carried free.

233.1 Issuance of credentials and authorization of travel by Postal Service.


§ 233.1 Postal employees to be carried free.

Every air-carrying transportation the mail shall carry on any flight that it operates and without charge therefor, persons on duty in charge of the mail or traveling to or from such duty, upon the exhibition of their credentials.

§ 233.2 Issuance of credentials and authorization of travel by Postal Service.

With regard to free air travel by the persons described in § 233.1, the Postmaster General shall be responsible for: (a) The issuance of proper credentials for such persons and (b) the authorization of travel by such persons, subject to such rules and regulations as he may prescribe.

By the Civil Aeronautics Board.

[SEAL] EDDIN Z. HOLLAND, Secretary.

[FR Doc. 73-11978 Filed 6-14-73; 8:45 am]

Title 21—Food and Drugs
CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SUBCHAPTER C—DRUGS
PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE
Chloramphenicol Ophthalmic Ointment, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (68-1585V) filed by Eversco Pharmaceutical Corp., 3345 Royal Avenue, Oceanside, N.Y. 11572, proposing the safe and effective use of chloramphenicol ophthalmic ointment, veterinary, for the treatment of cats and dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 513(d), 29 Stat. 767; 21 U.S.C. 360b(d)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), part

135a is amended in § 135a.29 by revising paragraphs (b) and (c) as follows: § 135a.29 Chloramphenicol ophthalmic ointment, veterinary.

(b) Sponsor.—See code No. 049 for use in accordance with paragraph (e) (1) (i) and code No. 053 for use in accordance with paragraph (e) (1) (ii) in § 135.501.

(c) Conditions of use.—(1) It is used in dogs and cats for the treatment of bacterial conjunctivitis caused by pathogens susceptible to chloramphenicol as follows:

I. It is applied every 3 hours around the clock for 48 hours after which night installations may be omitted. Treatment should be continued for 2 days after the eye appears normal.

(2) It is applied to affected eye four to six times daily for the first 2 hours depending upon the severity of the condition. A small amount of ointment should be placed in the lower conjunctival sac. Continue treatment for 48 hours after eye appears normal.

(2) Therapy for cats should not exceed 7 days. Prolonged use in cats may produce blood dyscrasias. If improvement is not noted in a few days a change of therapy should be considered. When infection is suspected as the cause of a decrease process especially in purulent or cataral conjunctivitis, attempts should be made to determine the high susceptibility testing, which antibiotics will be effective prior to applying ophthalmic preparations. This chloramphenicol product must not be used in animals producing eggs, or milk; or in tissues of any animal that residues persist in milk or tissues has not been determined.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective on June 15, 1973.

[Sec. 812(1), 82 Stat. 347; 21 U.S.C. 357b(1)].


C. D. VAN HOEWINGE, Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 73-11977 Filed 6-14-73; 8:45 am]

CHAPTER II—BUREAU OF NARCOTICS AND DANGEROUS DRUGS, DEPARTMENT OF JUSTICE
PART 308—SCHEDULES OF CONTROLLED SUBSTANCES
Placement of Benzphetamine, Chlorpheniramine, Corztermine, Diethylpropion, Mepacrine, Phendimetrazine, and Phenmetrazine in Schedule III, and Placement of Fenfluramine in Schedule IV

Notices were published in the Federal Register on May 9 and 10, 1973, proposing placement of benzphetamine (28 FR 19119), chlorpheniramine (33 FR 12120), corztermine (38 FR 12121), diethylpropion (38 FR 12250), mepacrine (38 FR 12254), phendimetrazine (38 FR 12126), and fenfluramine (38 FR 12127) in schedule III of the Controlled Substances Act, and fenfluramine (38 FR 12123) in schedule IV of the Controlled Substances Act. All interested persons were given until June 7, 1973, to file objections, comments, or requests for a hearing. A notice was published in the Federal Register on May 31, 1973, extending the time for filing to June 11, 1973 (38 FR 14122).

No objections nor requests presenting reasonable grounds for a hearing regarding the proposed orders on benzphetamine, chlorpheniramine, corztermine, mepacrine, and fenfluramine were filed. An objection and request for a hearing regarding the proposed orders on fenfluramine and diethylpropion was filed on May 21, 1973, and supplemented on June 11, 1973, by Pennwalt Corp. Details of these filings are discussed under the headings "Fenfluramine" and "Phenmetrazine" below. An objection and request for a hearing regarding the proposed order on phentermine was filed on June 11, 1973, by Merrell National Laboratories, a division of Richardson Merrell, Inc. Details on this filing are discussed under the heading "Phenmetrazine" below.

A comment was filed on May 23, 1973, by Lexington Chemical Co., Inc., Walling, Mass., requesting that adequate time be provided between the publication of the effective order and the effective date of such an order to provide industry sufficient opportunity to adjust to the new controls. The Bureau has considered this suggestion and believes that the effective dates set in this order comply with the spirit of the comment.

Benzphetamine

Based upon the investigations and review 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 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a), (b), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, benzphetamine has a potential for abuse less than the drugs now listed in schedule IV. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs now being controlled and to the stimulants now listed in schedule II, present data regarding excessive usage or diversion, illicit sales, and abuse of benzphetamine is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Benzphetamine has a currently accepted medical use in treatments in the United States.

3. Abuse of benzphetamine may lead to high psychological dependence.

The Director has concluded from his review of the current situation that control of all anorectic drugs, including benzphetamine is desirable to prevent abuse, to insure that they will not become widely abused. This scheduling will fulfill the
congressional mandate to act before substantial problems have arisen. The Upjohn Company, the only manufacturer of bensceptamine in bulk or dosage form in the United States, has fully cooperated with the Bureau and has consented to the placement of its product in schedule III to ensure that it does not become subject to abuse in the future.

### Chlorpromazine

Based upon the investigations and review 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 sections 201(a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, chlorpromazine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmaceutically this drug is closely related to the other anorectic being controlled and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse of chlorpromazine is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Chlorpromazine has a currently accepted medical use in treatment in the United States.

3. Abuse of chlorpromazine may lead to high psychological dependence.

The Director has concluded from his review of the current situation that control of all anorectic drugs, including chlorpromazine, is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen. The USV Pharmaceutical Corporation, intending to market chlorpromazine in the United States, has fully cooperated with the Bureau. Upon the conditions set forth in a letter to the Bureau from counsel for USV Pharmaceutical Corporation dated April 20, 1973, the manufacturer has consented to the placement of chlorpromazine in schedule III to insure that it does not become subject to abuse in the future.

### Diethylpropion

The Bureau proposed placement of diethylpropion in schedule III, because it is one of the anorectics, control of which is desirable at this time (38 FR 12147).

Merrell National Laboratories, a division of Richardson Merrell, Inc., the only manufacturer of diethylpropion in the United States, filed comments, objections, and a request for a hearing regarding diethylpropion on June 11, 1973. In light of these objections and request for a hearing, the Director will issue a final order controlling diethylpropion at this time.

### Fenfluramine

The Pennwalt Corporation, a manufacturer of a phentermine product called "Tonalyn", filed comments, objections, and a request for a hearing regarding phentermine and fenfluramine on May 21, 1973. The comments of Pennwalt Corporation include the following paragraphs:

Pennwalt Corporation has no objection to the scheduling of "Tonalyn" in schedule II, provided that the same scientific and legal principles which would lead to this scheduling of "Tonalyn" are also applied to any other products of this nature. In particular, it is the basis of information available to Pennwalt Corporation, and to the field generally, that fenfluramine be more restricted than amphetamine, or at least an equal basis, for placing fenfluramine in an equal or more restrictive schedule than amphetamine.

It is Pennwalt's position that the Department of Health, Education, and Welfare should be placed in schedule III, and that fenfluramine be placed in schedule IV. The basis for Pennwalt's position is essentially that of the Department of Health, Education, and Welfare.

1. To the best of Pennwalt's knowledge, information and belief, the record of "Tonalyn" with respect to abuse or any adverse consequences hardly rises to the de minimis level. There is no study, to our knowledge, by any reputable physician or institution which suggests that the risks, if any, in marketing "Tonalyn" rise to the level of risk apparently already established for the use of fenfluramine.

2. The evidence with respect to the use of fenfluramine in Scotland, South Africa, and other countries suggests that the data on the use of fenfluramine in Scotland, South Africa, and other countries suggest that the data on the use of fenfluramine in these countries is not substantially less hazardous than the use of diethylpropion. The data from these countries suggests that the use of fenfluramine has a potential for abuse equal to the stimulants in schedule II or to the other anorectic drugs now being controlled. In addition, certain tests cited in the letter from the Department of Health, Education, and Welfare suggest a lower abuse potential for fenfluramine.

2. Fenfluramine will, upon the approval of new drug by the FDA, have a currently accepted medical use in treatment in the United States.
3. Abuse of fenfluramine may lead to limited physical dependence relative to the drugs or other substances in schedule II.

In making these findings, the Director is aware that material filed by the Pennwalt Corp., material previously referred to the Department of Health, Education, and Welfare concerning possible abuse of fenfluramine in South Africa (see 38 FR 12123, May 9, 1973), and other evidence which may become available might necessitate findings regarding the abuse potential and dependence liability of fenfluramine justifying placement of the substance in schedule III. Therefore, the findings made in this order should be the placement of fenfluramine in schedule IV to ensure that it does not become subject to abuse in the future.

Phenmetrazine

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretaries of Health, Education, and Welfare, received pursuant to sections 201(a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, phenmetrazine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs now being controlled, and to the drug now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse of phenmetrazine is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Phenmetrazine has a currently accepted medical use in treatment in the United States.

Mazindol

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretaries of Health, Education, and Welfare, received pursuant to sections 201(a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, mazindol has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although pharmacologically this drug is closely related to the other anorectic drugs now being controlled and to the stimulants now listed in schedule II, present data regarding these properties is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Mazindol will, upon the approval of a new drug application by the Food and Drug Administration, have a currently accepted medical use in treatment in the United States.

3. Abuse of mazindol may lead to high psychological dependence.

The Director has concluded from his review of the current situation that control of all anorectic drugs, including mazindol, in the United States, has fully cooperated with the Bureau and has consented to the placement of mazindol in schedule III to insure that it does not become subject to abuse in the future.

Phenetermine

The Bureau proposed placement of phenetermine in schedule III, because it is one of the anorectic controls of which is desirable at this time (38 FR 12127). The Dorsey Laboratories, Division of Sandoz-Warner, Inc., one of the two companies producing phenetermine in the United States, has fully cooperated with the Bureau and has consented to the placement of phenetermine in schedule III to insure that it does not become subject to abuse in the future.

Pennwalt Corp., the other manufacturer of phenetermine in the United States, filed comments, objections, and a request for a hearing regarding phenetermine and fenfluramine on May 21, 1973. The major portion of these comments were set forth above under the heading "Fenfluramine." On June 11, 1973, Pennwalt Corp. supplemented its filing regarding its objections to phenetermine. In light of these objections and request for a hearing, the Director will not issue a final order controlling phentermine at this time.

Conclusion

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 § 0.180 of title 28 of the Code of Federal Regulations, the Director orders that:

1. Paragraph (b) of § 308.13 of title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

(b) Stimulants.—Unless specifically excepted or unlisted in another schedule, any material, compound, mixture, or preparation which contains any of the following:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.20, and any other drug of the quinidine complications shown in the list for these drugs or which is the same except that it contains

(2) Benphentamine

(3) Chlorphentamine

(4) Chlordecone

(5) Mazindol

(6) Phentetamine

2. Section 308.14 of title 21 of the Code of Federal Regulations be amended by the addition of a new paragraph to read:

§ 308.14 Schedule IV.

(c) Fenfluramine.—Any material, compound, mixture, or preparation which contains any stimulant substances listed in schedule II, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Fenfluramine

Future Action Regarding Anorectics

Because of the similarities among the substances controlled by this order, and between these substances and the stimulants currently listed in schedule II, the Director is controlling these substances at this time in order to prevent their becoming the subject of abuse, and the amphetamines become less available in the illicit
market through the operation of the Bureau's regulatory controls and criminal enforcement actions. The Director believes that evidence suggests these anorectics may be future targets of stimulant abusers.

The Bureau will monitor the manufacture, distribution, and use of benzphetamine, chlorphentermine, cleftorolmine, fenfluramine, mazindol, and phendimetrazine in the United States, paying special attention to distribution of these drugs (such as shortages in accountability audits of distributors and dispensers, thefts from handlers, and availability on the illicit market) and to other indicators which indicate that any of these substances are actually being abused (such as excessive prescribing and dispensing, reports of adverse reactions and overdoses, and other medical experiences).

The Bureau will also consider, if available, clinical and other research in abusability, dependence-creating, and dependence-sustaining characteristics of any of these substances, and of the effects on the abuse potential of maintaining it in schedule III (or, in case of fenfluramine, schedule IV) and will request from the Secretary of Health, Education, and Welfare a new scientific and medical evaluation, and his recommendation, as to whether that substance should be so controlled or removed as a controlled substance.

Any interested person may petition the Bureau to decontrol any of these substances at any time. If any petition is received to decontrol any one of these substances, or if the Director, based upon the review of the petition, requests the evaluation and recommendation of the Secretary of Health, Education, and Welfare on any of these substances, all of the remaining substances will also be reviewed and, if appropriate, evaluated and recommendations regarding them will also be requested of the Secretary.

**Effective Dates**

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

1. **Registration.**—Unless currently registered to conduct that activity with schedule III (or, in the case of fenfluramine, schedule IV) nonnarcotic substances, or unless exempted from registration by law, or pursuant to §§ 301.24—301.28 or 311.24—311.28 of title 21 of the Code of Federal Regulations, any person who manufactures, distributes, dispenses, imports, or exports benzphetamine, chlorphentermine, cleftorolmine, fenfluramine, mazindol, and phendimetrazine, who or who propises to engage in the manufacture, distribution, dispensing, importation, or exportation of any of those substances, shall obtain a registration to conduct that activity on or before August 1, 1973.

2. **Securities.**—Benzphetamine, chlorphentermine, cleftorolmine, fenfluramine, mazindol, and phendimetrazine must be manufactured, distributed, and stored in accordance with §§ 301.72(b), 301.73, 301.74, 301.75(b), and 301.76 of title 21 of the Code of Federal Regulations on or before September 1, 1973. In the event that these special handling requirements are not met, the Director may, upon justification, extend this deadline.

3. **Labeling and packaging.**—All labels on commercial containers of, and all labeling of, chlorphentermine, fenfluramine, and mazindol, which were packaged after June 18, 1973, shall comply with the requirements of §§ 302.03—302.05 and 302.06 of title 21 of the Code of Federal Regulations. In accordance with § 302.06(c) of title 21 of the Code of Federal Regulations, the Director finds that early compliance with these labeling requirements is necessitated by the fact that these drugs, which have never before been marketed in the United States, fail to bear the appropriate symbol, physicians, pharmacists, and other handlers may not handle these drugs now controlled under the Controlled Substances Act, thereby endangering the public health and safety. As noted above, early control of these substances has been taken to prevent abuse before it begins; prompt and adequate notice of control is essential to carry out this purpose.

4. **Inventory.**—Every registrant required to keep records pursuant to § 301.24—301.28 and 311.24—311.28 of title 21 of the Code of Federal Regulations shall keep on file in the office of the registrant a complete inventory of all stocks of those substances on hand on September 1, 1973.

5. **Record.**—All registrants required to keep records pursuant to § 301.24—301.28 and 311.24—311.28 of title 21 of the Code of Federal Regulations shall maintain such records on benzphetamine, chlorphentermine, fenfluramine, mazindol, and phendimetrazine commencing on the date on which the inventory of those substances is taken.

6. **Prescriptions.**—All prescriptions for products containing benzphetamine, chlorphentermine, cleftorolmine, fenfluramine, mazindol, and phendimetrazine shall comply with §§ 306.01—306.06 and 306.21—306.28 of title 21 of the Code of Federal Regulations no later than September 1, 1973. Any prescription for any of the controlled substances which was issued before March 17, 1973, or which has been refilled more than five times, may not be refilled after September 1, 1973.

7. **Importation and exportation.**—All importation and exportation of benzphetamine, chlorphentermine, cleftorolmine, fenfluramine, mazindol, and phendimetrazine on and after September 1, 1973, shall be in compliance with part 312 of title 21 of the Code of Federal Regulations.

8. **Criminal Liability.**—Any activity with benzphetamine, chlorphentermine, cleftorolmine, fenfluramine, mazindol, and phendimetrazine, not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after June 18, 1973, shall be unlawful, except that any person who is not registered to handle these substances but who is registered to registration under these acts may continue to conduct normal business or professional practices with those substances between the dates upon which this order is published and the date on which he obtains the proper registration.

9. **Other.**—In all other respects, this order is effective on June 15, 1973.


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

Title 40—Protection of Environment

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions

On October 28, 1972 (37 FR 32685), pursuant to section 110(a) of the Clean Air Act, the Administrator promulgated regulations for several State implementation plans to correct disapproved portions of plans submitted by the States. A regulation providing for the review of new sources and modifications was promulgated for the State of New Jersey (37 FR 32685), Section 110(a) (3) of the Clean Air Act and 40 CFR 51.18 require that State implementation plans contain legally enforceable procedures which shall enable the States to prevent construction of new sources and modification of existing sources if such construction or modification will result in a net increase of applicable portions of the State's ambient air quality standard. The State of New Jersey, on March 22, 1973, submitted amended chapters 9 (permits) and 13 (ambient quality standards) of the New Jersey Air Pollution Control Act.