In light of the HEW comments, the FAA has determined that the public interest requires suspension of the effectiveness of that part of Amendment 103–17 which amends § 103.23 and reinstatement of the rules of § 103.23 previously in effect on July 10, 1973. Such a suspension will permit current studies to be completed and make more data available, thereby providing HEW an opportunity to evaluate the public health significance of Amendment 103–17 and advise the FAA. Thereafter, the FAA will take whatever rule-making action that is deemed appropriate.

In view of the public health considerations involved, I find that notice and public procedure hereon are contrary to the public interest and that good cause exists for making these amendments effective on less than 30 days notice.

(Sec. 313(a), 601, 604, and 902, Federal Aviation Act of 1958 (49 U.S.C. 1345(a)), 1421, 1424, and 1472); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

In consideration of the foregoing, Part 103 of the Federal Aviation Regulations is amended, effective October 1, 1973, by suspending the effectiveness of that part of Amendment 103–17 which amends § 103.23, published in the FEDERAL REGISTER July 5, 1973 (38 FR 17831), and by reissuing § 103.23 as it was in effect July 10, 1973.

Issued in Washington, D.C., on September 13, 1973.

JAMES E. DOW,
Acting Administrator.

[FR Doc.73–20186 Filed 9–20–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Benomyl

A petition (FAP 2H5004) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the fungicide benomyl (methyl-1-(butylcarbamoyl) - 2 - benzimidazolecarbamate) in or on raisins at 50 parts per million, resulting from application of the fungicide to growing grapes.

Subsequently, the petitioner amended the petition by proposing that the tolerance for residues of benomyl be expressed as "combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl)" and by requesting additional tolerances for combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as the fungicide) in dried grape pomace and raisin waste at 125 parts per million. (For related document, see this issue of the FEDERAL REGISTER, page 26450.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). Pesticide and food additive tolerances for combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl) have previously been established.

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerances should be established.

Therefore, pursuant to provisions of the act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 121 is amended as follows:

1. Section 121.343 in Subpart C is revised to read as follows:

§ 121.343 Benomyl.

Tolerances are established for combined residues of the fungicide benomyl (methyl - 1 - (butylcarbamoyl) -2-benz - imidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) as follows:

125 parts per million in dried grape pomace and raisin waste when present therein as a result of application of the fungicide to growing grapes.

70 parts per million in dried apple pomace when present therein as a result of application (preharvest and/or postharvest) of the fungicide to the raw agricultural commodity apples.

2. Section 121.1254 is added to read as follows:

§ 121.1254 Benomyl.

A tolerance of 50 parts per million is established for combined residues of the fungicide benomyl (methyl-1-(butylcarbamoyl) - 2 - benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in raisins when present therein as a result of application of the fungicide to growing grapes.

Any person who will be adversely affected by the foregoing order may at any time on or before October 23, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on September 21, 1973.

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4).)

Dated September 18, 1973.

HENRY J. KORN,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–20181 Filed 9–20–73;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Additions to Schedule I

A notice was published in the FEDERAL REGISTER on May 31, 1973 (38 FR 14288), proposing placement of 2-5,dimethoxyamphetamine (2,5-DMA) in Schedule I of the Controlled Substances Act. All persons were given until July 6, 1973, to file objections, comments or requests for a hearing. No comments, objections, or requests for a hearing were received by that date.

A notice was published in the FEDERAL REGISTER on July 2, 1973 (38 FR 17499), proposing placement of 4-bromo-2,5-dimethoxyamphetamine (4 - bromo - 2,5 - DMA) in Schedule I of the Controlled Substances Act. All interested persons were given until August 1, 1973, to file objections, comments, or requests for a hearing. On July 27, 1973, the Church of the Tree of Life submitted comments on the proposal, stating that 4-bromo-2,5-DMA is a sacrament of their church, that its placement in Schedule I without an exemption for the members of the Church would violate the members' Constitutional rights, that the substance is unusually safe, non-toxic, and non-addictive, and that the proposal to place 4-bromo-2,5-DMA in Schedule I without controlling alcohol and tobacco was incongruous and distorted. In discussions between DEA and a representative of the Church of the Tree of Life, it was explained that an exemption for bona fide religious use of 4-bromo-2,5-DMA was subject to the decisions involving the Church of the Awakening (see Kennedy v. Bureau of Narcotics and Dangerous Drugs, 93 S.Ct. 901, 1414 (1973) and 459 F.2d 415 (9th Cir., 1972)), that all evidence available to the government indicated a definite toxicity for the substance, and that control over alcohol and tobacco was neither possible (see 21 U.S.C. 802(6)) nor relevant. The Church of the Tree of Life agreed not to request a hearing on this proposal but reserved its right to petition to decontrol 4-bromo-2,5-DMA in the future.

On August 23, 1973, a second comment regarding 4-bromo-2,5-DMA was received; although past the closing date for filing objections, the comments were considered. Dr. Thomas F. Budinger of the Lawrence Berkeley Laboratory of the University of California at Berkeley, objected to the placement of 4-bromo-2,5-DMA in Schedule I and proposed that it be placed in Schedule II instead. Dr. Budinger stated that the substance "clearly has a potential for abuse" but that research now indicates that radioactively-tagged 4-bromo-2,5-DMA may be the only known radiopharmaceutical preparation with a suitable radioactive half-life that concentrates specifically in the brain, thus giving the substance "great potential * * * in the practice of nuclear medicine for diagnosis of cerebrovascular accidents." Dr. Budinger further objected that inclusion in Schedule I would greatly hamper research and development of 4-bromo-2,5-DMA, and that inclusion in Schedule II would not. It is the position of the Drug Enforcement Administration that, at this time, 4-bromo-2,5-DMA does not have "a currently accepted medical use in treatment in the United States, or a currently accepted medical use with severe restrictions." This condition must be found to exist in order to place the substance in Schedule II (21 U.S.C. 812(b)(2)(B)), and therefore, Dr. Budinger's alternative proposal cannot be adopted. In addition, the DEA does not believe that inclusion of a substance in Schedule I will hamper or interfere with legitimate research. Dr. Budinger did not request a hearing.

A notice was published in the FEDERAL REGISTER on July 2, 1973 (38 FR 17499), proposing placement of 4-methoxyamphetamine in Schedule I of the Controlled Substances Act. All interested persons were given until August 1, 1973, to file objections, comments, or requests for a hearing. No objections, comments, or requests for a hearing were received by that date.

Based upon the investigations of the Drug Enforcement Administration (and its predecessor agency, the Bureau of Narcotics and Dangerous Drugs) and upon the scientific and medical evaluation and recommendations of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Controlled Substances Act (21 U.S.C. 811(b)), the Acting Administrator of the Drug Enforcement Administration finds that each of the following substances: 2,5-dimethoxyamphetamine; 4-bromo-2,5-dimethoxyamphetamine; and 4-methoxyamphetamine; and the salts, isomers and salts of isomers of each such substance (whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation):

(1) Has a high potential for abuse;

(2) Has no currently accepted medical use in treatment in the United States; and

(3) Lacks accepted safety for use under medical supervision.

Therefore, under the authority vested in the Attorney General by section 201(a) (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 (see 38 FR 18380, July 2, 1973), the Acting Administrator hereby orders that § 308.11(d) of Title 21 of the Code of Federal Regulations be amended by adding new subparagraphs (18), (19), and (20) to read:

§ 308.11 Schedule I.

* * * * *

(d) *Hallucinogenic substances.* * * *

(18) 2,5-dimethoxyamphetamine ____ 7396
Some trade or other names: 2,5 - dimethoxy-α-methylphenethylamine; 2,5-DMA.

(19) 4 - bromo-2,5-dimethoxyamphetamine ____ 7391
Some trade or other names: 4-bromo - 2,5-dimethoxy-α-methylphenethylamine; 4 - bromo-2,5-DMA.

(20) 4-methoxyamphetamine ____ 7411
Some trade or other names: 4-methoxy - α - methylphenethylamine; paramethoxyamphetamine; PMA.

EFFECTIVE DATES

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

1. *Registration.* Any person who manufactures, distributes, engages in research, imports or exports any of these substances or 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 that activity on or before October 31, 1973.

2. *Security.* These hallucinogens must be manufactured, distributed and stored in accordance with §§ 301.71, 301.72(a), 301.73, 301.74, 301.74(a) and 301.76 of Title 21 of the Code of Federal Regulations on or before October 31, 1973. In the event that this poses special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of, any of these hallucinogens which are packaged after October 31, 1973, shall comply with the requirements of §§ 301.03–302.05 and 302.08 of Title 21 of the Code of Federal Regulations. In the event these effective dates pose special hardships on any manufacturer, the Drug Enforcement Administration will entertain any justified requests for an extension of time.

4. *Inventory.* Every registrant required to keep records who possesses any quantity of any of these hallucinogens shall take an inventory of all stocks of those substances on hand on October 31, 1973.

5. *Records.* All registrants required to keep records pursuant to Part 304 of Title 21 of the Code of Federal Regulations shall maintain such records on these hallucinogens commencing on the date on which the inventory of those substances is taken.

6. *Order forms.* Each distribution of any of these hallucinogens on or after October 31, 1973, shall utilize an order form pursuant to Part 305 of Title 21 of the Code of Federal Regulations except as permitted in § 305.03 of that title.

7. *Quotas.* Quotas on these substances will be established to take effect on January 1, 1974. All interested persons required to obtain quotas shall submit applications on or before October 31, 1974.

8. *Importation and exportation.* All importation and exportation of any of these hallucinogenic substances on and after October 31, 1973, shall be in compliance with Part 312 of Title 21 of the Code of Federal Regulations.

9. *Criminal liability.* Any activity with any of these hallucinogens, not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after September 21, 1973 shall be unlawful, except that any person who is not now registered to handle these substances but who is entitled to registration under those Acts may continue to conduct normal business or professional practice with those substances between the date on which this order is published and the date on which he obtains the proper registration.

10. *Other.* In all other respects, this order is effective September 21, 1973.

Dated September 14, 1973.

JOHN R. BARTELS, Jr.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-20145 Filed 9-20-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 534-73]

PART 17—REGULATIONS RELATING TO THE CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL PURSUANT TO EXECUTIVE ORDER NO. 11652

Procedures for Review of Requests for Declassification of Documents

Correction

In FR Doc. 73-17963, appearing at page 22777 of the issue for Friday, August 24, 1973, the section heading for § 17.36 reading "Mandatory review of material over 30 years old." should read "Mandatory review of material over 10 years old."