

and to comment on the current methodology. Comments on other aspects of the temporary alien labor certification program are outside the scope of this invitation for comments.

Signed at Washington, D.C., this 20th day of July, 1984.

Raymond J. Donovan,
Secretary of Labor.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances
Proposed Placement of 3,4-Methylenedioxymethamphetamine Into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration (DEA) to place the substance, 3,4-methylenedioxymethamphetamine, into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). This proposed action follows DEA's review of the abuse and illicit trafficking of 3,4-methylenedioxymethamphetamine, which was found by the Assistant Secretary for Health, Department of Health and Human Services, to support DEA's position that this substance be placed into Schedule I of the CSA. The effect of this proposed action would be to impose the regulatory control mechanisms and criminal sanctions of Schedule I on the manufacturing, distribution and possession of 3,4-methylenedioxymethamphetamine.

DATES: Comments must be submitted on or before August 27, 1984.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

On March 13, 1984, the Administrator of the Drug Enforcement Administration, submitted information relevant to the abuse potential and illicit trafficking of 3,4-methylenedioxymethamphetamine (MDMA) to the Assistant Secretary for Health, Department of Health and Human Services. Briefly, the information documented that 3,4-methylenedioxymethamphetamine, trafficked on the street as MDMA or ecstasy: (1) Is an analogue of the Schedule I Substance, 3,4-methylenedioxymethamphetamine (MDA), (2) has no legitimate medical use or manufacturer in the United States, (3) has been clandestinely synthesized and encountered in the illicit drug traffic, (4) produces stimulant and psychotomimetic effects in humans similar to those produced by MDA, and (5) has been associated with medical emergencies as reported by the Drug Abuse Warning Network (DAWN).

In accordance with the provisions of 21 U.S.C. 811(b), the DEA Administrator requested a scientific and medical evaluation of the relevant information and a scheduling recommendation for 3,4-methylenedioxymethamphetamine from the Assistant Secretary for Health. On June 6, 1984, the Administrator of the Drug Enforcement Administration received a letter from the Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, stating that 3,4-methylenedioxymethamphetamine (MDMA) has a high potential for abuse and presents a significant risk to the public health, and recommending that it should be placed into Schedule I of the Controlled Substances Act.

Based upon the investigations and review of the Drug Enforcement Administration and relying on the scientific and medical evaluation and the recommendation of the Secretary of Health and Human Services in accordance with 21 U.S.C. 811(c), the Administrator of the Drug Enforcement Administration, pursuant to the provisions of 21 U.S.C. 811(a), finds that:

- 1. Based on information now available, 3,4-methylenedioxymethamphetamine (MDMA) has a high potential for abuse;
- 2. 3,4-methylenedioxymethamphetamine has no currently accepted medical use in treatment in the United States; and,
- 3. There is a lack of accepted safety for use of 3,4-methylenedioxymethamphetamine under medical supervision.

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 by

Department of Justice regulations (28 CFR 0.100), the Administrator hereby proposes that 21 CFR 1308.11(d) (7)-(24) be redesignated as (d) (8)-(25), respectively, and that a new (d)(7) be added to read as follows:

§ 1308.11 Schedule I

* * * * *

(d) * * *

(7) 3,4-methylenedioxymethamphetamine.....7405

Some trade or other names: 3,4-methylenedioxy-N-methylphenylisopropylamine; MDMA

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Interested persons are invited to submit their comments, objections or requests for hearing in writing with regard to this proposal. Requests for hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for hearing raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the Federal Register, summarizing the issues to be heard and setting the time for the hearing which will not be less than 30 days after the date of the notice.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the proposed placement of 3,4-methylenedioxymethamphetamine into Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). The substance, 3,4-methylenedioxymethamphetamine, proposed for control in this notice, has no legitimate use or manufacturer in the United States. In accordance with the provisions of Title 21, United States Code, section 811(a), this proposal to place 3,4-methylenedioxymethamphetamine into Schedule I, is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

Dated: July 20, 1984.
Francis M. Mullen, Jr.,
Drug Enforcement Administration.
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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine *Erigeron Maguirei* var. *Maguirei* (Maguire Daisy) To Be an Endangered Species

AGENCY: Fish and Wildlife Service.
Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Erigeron maguirei* var. *maguirei* (Maguire daisy) to be an endangered species under the authority of the Endangered Species Act as amended. The only known location of the Maguire daisy is at the upper ends of a slickrock sandstone canyon in Emery County, Utah. Only seven plants were seen in 1982, all on Bureau of Land Management (BLM) land. There are undeveloped oil and gas leases and mineral claims in the area; the probability of commercial development is remote. Although there is no surface disturbance near the few plants presently, any minor surface disturbance could easily cause their extinction. The taxon may also be depleted genetically as a consequence of its reduced population size.

This proposal, if made final, would implement for this taxon the protection and management measures provided by the Endangered Species Act of 1973, as amended. The Service is requesting comments on this proposed action.

DATES: Comments from all interested parties must be received by September 25, 1984. Public hearing requests must be received by September 10, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Comments and materials received will be available for public inspection by appointment during usual business hours of the Service's Regional Endangered Species Staff at 134 Union, Fourth Floor, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Regional Botanist, Regional Endangered Species Staff at

either address above (303/234-2496 or FTS 234-2496).

SUPPLEMENTARY INFORMATION:

Background

Erigeron maguirei var. *maguirei* (Maguire daisy) is a small perennial daisy growing up to 5 inches tall, which blooms in mid-June and is characterized by leafy, hairy and glandular stems and 1-5 flower heads with white to pinkish ray flowers around a yellow center. It was first collected by Dr. Bassett Maguire in 1940 in the dry, rocky, sandy bottom of Calf Canyon in the San Rafael Swell. The Maguire daisy was described by Dr. Arthur Cronquist in his monograph of the genus (Cronquist, 1947, p. 165). Not until 1980 was it seen again when James Harris, then a Brigham Young University graduate student, found a single plant in the bottom of Pine Canyon, a side canyon of Calf Canyon. This one plant, which was on State land, was looked for in 1981 but not found. In 1982, John Anderson, a Service botanist, hiked the entire length of Calf Canyon and its two side canyons, Cow Canyon and Pine Canyon, and found only seven plants, all at the upper ends of branches of Pine Canyon on sandstone ledges or among boulders (the Harris plant was not found in 1982 either). The seven known plants are on BLM land at about 5,800 feet elevation in the pinyon-juniper zone, growing with *Amelanchier utahensis* (Utah serviceberry), *Fraxinus anomalous* (single-leaf ash), *Rhus trilobata* (skunkbush), and *Philadelphus microphyllus* (little-leaf mock-orange) (Anderson, 1982). The daisy is one of the rarest taxa in Utah.

There are mining claims for uranium and oil and gas leases in the area, as in much of this part of Utah. Assessment work on mining claims is hard to monitor. Any mining development or oil and gas drilling plans require BLM permits, which would take into account the presence of endangered species. If there were to be an effect on the Maguire daisy, Section 7 consultation with the Service would be necessary. However, any development is a remote possibility, as no commercial deposits are known in the area at present. The canyon bottoms where the Maguire and Harris collections were made are grazed by cattle, which may have affected the taxon. In addition, these seven remnant plants, from a larger population known to be extirpated, may not remain viable without management.

Section 12 of the Endangered Species Act directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This

report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the Federal Register (40 FR 27823) of its acceptance of this report as a petition within the context of section 4(c)(2) of the 1973 Act, and of its intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the Federal Register (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to section 4 of the Act. This list was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, Federal Register notice. *Erigeron maguirei* was included in the July 1975 notice (40 FR 27880) and the June 1976 proposal (41 FR 24531). General comments received in relation to the 1976 proposal were summarized in an April 26, 1978, Federal Register publication (43 FR 17909). Comments on this taxon that are received during the comment period for this new proposal will be summarized in the final rule.

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. On December 10, 1979, the Service published a notice of the withdrawal of the still applicable portions of the June 16, 1976, proposal along with other proposals that had expired (44 FR 70796). The July 1, 1975, notice of review was replaced on December 15, 1980, by the Service's publication in the Federal Register (45 FR 82479) of a new notice of review for plants, which included *Erigeron maguirei*. No comments on this taxon have been received in response to the 1980 plant notice. On February 15, 1983, the Service published a notice in the Federal Register (48 FR 6752) of its prior petition finding that sufficient information exists to show that the listing of this taxon may be warranted, in accord with section 4(b)(3)(A) of the Act as amended in 1982.

In the spring of 1982, new field work was carried out at the site of the Maguire daisy by John Anderson, a Service botanist. Only seven plants were found and historical sites visited did not have any plants. In April 1983, *Erigeron maguirei* var. *harrisonii* was published as a new variety for plants in Wayne County, Utah, outside the historical and current range of *E. maguirei* var. *maguirei* in Emery County (Welsh, 1983a; 1983b, p. 274).

On October 13, 1983, the petition finding was made that listing *Erigeron*