

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-623]

Schedules of Controlled Substances: Placement of 4-hydroxy-N,N-diisopropyltryptamine (4-OH-DiPT), 5-methoxy-alpha-methyltryptamine (5-MeO-AMT), 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT), 5-methoxy-N,N-diethyltryptamine (5-MeO-DET), and N,N-diisopropyltryptamine (DiPT) in Schedule I; Withdrawal of Proposed Rule and Notice of Hearing

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Withdrawal of proposed rule and withdrawal of notice of hearing.

SUMMARY: The Drug Enforcement Administration (DEA) is withdrawing a proposed rule that was published in the **Federal Register** on January 14, 2022, which proposed to place five tryptamine hallucinogens in schedule I of the Controlled Substances Act. Upon further consideration, DEA has determined that it is appropriate to submit a new request to the Department of Health and Human Services (HHS) for an updated scientific and medical evaluation and scheduling recommendation for these substances. Accordingly, DEA is withdrawing the proposed rule and notice of hearing that was published in the **Federal Register** on July 6, 2022, and is canceling the public hearing and terminating the pending hearing proceedings. DEA may issue a new proposed rule in the future regarding these substances if warranted.

DATES: The proposed rule that was published in the **Federal Register** on January 14, 2022 (87 FR 2376) is withdrawn as of July 27, 2022. The notice of hearing on the proposed rule that was published in the **Federal Register** on July 6, 2022 (87 FR 40167) is withdrawn as of July 27, 2022. The public hearing, originally scheduled to commence on August 22, 2022, is cancelled, and all proceedings related thereto are terminated.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Ph.D., Chief, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3249.

SUPPLEMENTARY INFORMATION: On January 14, 2022, DEA published a Notice of Proposed Rulemaking (NPRM)

in the **Federal Register** (87 FR 2376) to place five tryptamine hallucinogens—specifically, 4-hydroxy-N,N-diisopropyltryptamine (4-OH-DiPT), 5-methoxy-alpha-methyltryptamine (5-MeO-AMT), 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT), 5-methoxy-N,N-diethyltryptamine (5-MeO-DET), and N,N-diisopropyltryptamine (DiPT)—in schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801, *et seq.*). The proposed placement of these substances in schedule I was based on the scientific and medical evaluations and recommendations that the HHS provided to DEA.

In response to the NPRM, DEA received numerous comments and four requests for a hearing on the proposed rule, as provided in 21 U.S.C. 811(a). DEA scheduled a hearing on the proposed rule and published a notice to that effect in the **Federal Register** on July 6, 2022 (87 FR 40167). The public hearing was scheduled to commence on August 22, 2022.

Upon further consideration, DEA has determined that it is appropriate to submit a new request to HHS for an updated scientific and medical evaluation and scheduling recommendation for these substances in accordance with 21 U.S.C. 811(b) and 21 CFR 1308.43(d).

Accordingly, DEA's proposed rule published in the **Federal Register** on January 14, 2022 (87 FR 2376), and the notice of hearing on the proposed rule published in the **Federal Register** on July 6, 2022 (87 FR 40167), are withdrawn. The public hearing scheduled to commence on August 22, 2022 is canceled, and all proceedings related thereto are hereby terminated. DEA may issue a new proposed rule in the future regarding the five tryptamine hallucinogens if warranted.

Signing Authority

This document of the Drug Enforcement Administration was signed on July 22, 2022, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this

document upon publication in the **Federal Register**.

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 13

[Docket No. FWS-HQ-ES-2021-0137; FF09E22000 FXES11130900000 212]

RIN 1018-BF63

Wildlife and Fisheries; Compensatory Mitigation Mechanisms

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The U.S. Fish and Wildlife Service (Service) seeks comments to assist us in developing a proposed rule establishing objectives, measurable performance standards, and criteria for use, consistent with the Endangered Species Act, for species conservation banking. The terms “you” or “your” in this document refer to those members of the public from whom we seek response. The terms “we” and “us” refer to the Service.

DATES: Submit comments on or before September 26, 2022.

ADDRESSES:

Comment submission: You may submit comments, identified by docket number FWS-HQ-ES-2021-0137, by any of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS-HQ-ES-2021-0137, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”
- *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: Docket No. FWS-HQ-ES-2021-0137; U.S. Fish and Wildlife Service; MS: PRB/3W; 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We will not accept email or faxes. All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on