

KLEINBERG AND KAPLAN

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chemical structure and physical, biochemical and pharmacological characteristics between amphetamine salts and amphetamine ion exchange resin complexes, it is factually and scientifically incorrect, inappropriate, and misleading to classify amphetamine resin complexes as amphetamine salts or as any of the other substances included within the terms used in proposed Section 308.12(d)(1) of the regulations.

2. There is not sufficient reliable, probative, and substantial evidence to support the placement of Biphettamine and Biphettamine-T in Schedule II.

The Director, in the May 26 Federal Register proposal, made a blanket assertion that amphetamines and methamphetamine and their salts, optical isomers and salts of their optical isomers, all meet the criteria for Schedule II control. Pennwalt denies the truth of this assertion as it may be sought to be applied to the preparations Biphettamine and Biphettamine-T. Pennwalt is prepared to rebut by adequate factual and scientific evidence and testimony that the Director may offer which might seek to establish that Biphettamine and Biphettamine-T are salts of amphetamine or, even if they are such salts, that they meet the Schedule II criteria (1) of having a "high potential for abuse" and (2) that their abuse may lead to severe psychological dependence. The Pennwalt rebuttal evidence includes scientific data which demonstrates that the abuse potential of amphetamine resin complexes is substantially less than that of amphetamines, amphetamine salts