

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA # 153R]

Controlled Substances: Notice of Proposed Revised 1997 Aggregate Production Quotas

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed revised 1997 aggregate production quotas and request for comments.

SUMMARY: This notice proposes revised 1997 aggregate production quotas for controlled substances in Schedules I and II, as required under the Controlled Substances Act of 1970.

DATES: Comments or objections should be received on or before July 7, 1997.

ADDRESSES: Send comments or objections to the Administrator, Drug Enforcement Administration, Washington, DC. 20537, Attn: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT:

Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, D.C. 20537, (202) 307-7183.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act, (21 U.S.C. 826), requires the Attorney General to establish aggregate production quotas for controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the DEA pursuant to § 0.100 of Title 28 of the Code of Federal Regulations. The Administrator, in turn, has redelegated this function to the Deputy Administrator of the DEA pursuant to § 0.104 of Title 28 of the Code of Federal Regulations.

On December 17, 1996, a notice of the established initial 1997 aggregate production quotas was published in the **Federal Register** (61 FR 66311). The notice stipulated that the Deputy Administrator of the DEA would adjust the quotas in early 1997 as provided for in Title 21, Code of Federal Regulations, § 1303.13(c). The proposed revised 1997

aggregate production quotas represent those quantities of controlled substances that may be produced in the United States in 1997, and do not include imports of controlled substances for use in industrial processes.

The proposed revisions are based on a review of 1996 year-end inventories, 1996 disposition data submitted by quota applicants, estimates of the medical needs of the United States submitted to the DEA by the Food and Drug Administration, and other information available to the DEA.

Therefore, under the authority vested in the Attorney General by section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), delegated to the Administrator of the DEA by § 0.100 of Title 28 of the Code of Federal Regulations, and redelegated to the Deputy Administrator, pursuant to § 0.104 of Title 28 of the Code of Federal Regulations, the Deputy Administrator hereby proposes the following revised 1997 aggregate production quotas for the listed controlled substances, expressed in grams of anhydrous acid or base:

Basic class	Previously established 1997 aggregate production quotas	Proposed revised 1997 aggregate production quotas
Schedule I		
2,5-Dimethoxyamphetamine	15,200,100	15,200,100
2,5-Dimethoxy-4-ethylamphetamine	2	2
3-Methylfentanyl	14	14
3-Methylthiofentanyl	2	2
3,4-Methylenedioxyamphetamine	22	22
3,4-Methylenedioxy-N-ethylamphetamine	27	27
3,4-Methylenedioxymethamphetamine	7	7
3,4,5-Trimethoxyamphetamine	2	2
4-Bromo-2,5-Dimethoxyamphetamine	2	2
4-Bromo-2,5-Dimethoxyphenethylamine	2	2
4-Methoxyamphetamine	17	17
4-Methylaminorex	2	2
4-Methyl-2,5-Dimethoxyamphetamine	2	2
5-Methoxy-3,4-Methylenedioxyamphetamine	2	2
Acetyl-alpha-methylfentanyl	2	2
Acetylmethadol	7	7
Alpha-acetylmethadol	7	7
Alpha-ethyltryptamine	2	2
Alpha-methadol	2	2
Alpha-methylfentanyl	2	2
Alpha-methylthiofentanyl	2	2
Aminorex	7	7
Beta-acetylmethadol	2	2
Beta-hydroxyfentanyl	2	2
Beta-hydroxy-3-methylfentanyl	2	2
Beta-methadol	2	2
Bufotenine	2	2
Cathinone	9	9
Codeine-N-oxide	2	2
Difenoxin	14,000	14,000
Dihydromorphine	7	7
Ethylamine Analog of PCP	5	5
Heroin	2	2
Lysergic acid diethylamide	32	32
Mescaline	7	7
Methaqualone	17	17
Methcathinone	11	11

Basic class	Previously established 1997 aggregate production quotas	Proposed revised 1997 aggregate production quotas
Morphine-N-oxide	2	2
N-Ethylamphetamine	7	7
N-Hydroxy-3,4-Methylenedioxyamphetamine	2	2
N,N-Dimethyltryptamine	7	7
Norlevorphanol	2	2
Normethadone	7	7
Normorphine	7	7
Para-fluorofentanyl	2	2
Pholcodine	2	2
Psilocin	2	2
Psilocybin	2	2
Tetrahydrocannabinols	25,100	25,100
Thiofentanyl	2	2
Thiophene Analog of Phencyclidine	5	5
Schedule II		
1-Phenylcyclohexylamine	10	10
1-Piperidinocyclohexanecarbonitrile	12	12
Alfentanil	9,300	9,300
Amobarbital	15	15
Amphetamine	2,968,000	3,137,000
Carfentanil	500	500
Cocaine	550,100	550,100
Codeine (for sale)	49,103,000	53,140,000
Codeine (for conv)	19,679,000	19,679,000
Desoxyephedrine	1,422,000	1,393,000
1,361,000 grams of levodesoxyephedrine for use in a noncontrolled, nonprescription product and 32,00 grams for methamphetamine.		
Dextropropoxyphene	116,469,000	116,469,000
Dihydrocodeine	255,100	188,000
Diphenoxylate	1,572,000	1,572,000
Ecgonine (for conv)	651,000	651,000
Ethylmorphine	12	12
Fentanyl	193,000	193,000
Glutethimide	2	2
Hydrocodone (for sale)	13,891,000	13,891,000
Hydrocodone (for conv)	1,769,000	1,769,000
Hydromorphone	563,000	563,000
Isomethadone	12	12
Levo-alpha-acetylmethadol	356,000	356,000
Levomethorphan	2	2
Levorphanol	16,400	12,000
Meperidine	9,843,000	9,843,000
Methadone (for sale)	3,977,000	3,977,000
Methadone (for conv)	364,000	364,000
Methadone Intermediate (for conv)	5,275,000	5,275,000
Methamphetamine (for conv)	723,000	723,000
Methylphenidate	13,824,000	13,824,000
Morphine (for sale)	11,126,000	11,126,000
Morphine (for conv)	68,165,000	68,165,000
Noroxymorphone (for sale)	30,000	30,000
Noroxymorphone (for conv)	2,000,000	2,000,000
Opium	937,000	575,000
Oxycodone (for sale)	6,634,000	6,634,000
Oxycodone (for conv)	1,200	1,200
Oxymorphone	56,000	56,000
Pentobarbital	16,772,000	16,772,000
Phencyclidine	60	60
Phenmetrazine	2	2
Phenylacetone	10	10
Secobarbital	491,000	491,000
Sufentanil	1,000	1,000
Thebaine	9,325,000	9,325,000

All interested persons are invited to submit their comments in writing regarding this proposal. A person may object to or comment on the proposal relating to any of the above mentioned

substances without filing comments or objections regarding the others. If a person believes that one or more of these issues warrant a hearing, the

individual should so state and summarize the reasons for this belief.

In the event that comments or objections to this proposal raise one or more issues which the Deputy

Administrator finds warrant a hearing, the deputy 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.

The Office of Management and Budget has determined that notices of aggregate production quotas are not subject to centralized review under Executive Order 12866. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Deputy Administrator thereby certifies that this action will have no significant impact upon small entities whose interests must be considered under the Regulatory Flexibility act, 5 U.S.C. 601, et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international treaty obligations. Aggregate production quotas apply to approximately 200 DEA registered bulk and dosage form manufacturers of schedule I and II controlled substances. The quotas are necessary to provide for the estimated medical, scientific, research and industrial needs of the United States, for export requirements and the establishment and maintenance of reserve stocks. While aggregate production quotas are of primary importance to large manufacturers, their impact upon small entities is neither negative nor beneficial. Accordingly, the Deputy Administrator has determined that this action does not require a regulatory flexibility analysis.

Dated: May 28, 1997.

James S. Milford,

Acting Deputy Administrator.

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INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Availability of Final Programmatic Environmental Assessment and Finding of No Significant Impact

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of availability of final programmatic environmental assessment and finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR Parts 1500 through 1508); and the Operational Procedures of the United States Section, International Boundary and Water Commission, United States and Mexico (USIBWC), for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981 (46 FR 44083-44094); the USIBWC hereby gives notice that the Final Programmatic Environmental Assessment (PEA) and Final Finding of No Significant Impact (FONSI) to address the potential adverse environmental impacts of oil and natural gas development within the Falcon Dam and Reservoir Project, Starr and Zapata counties, Texas are available. The USIBWC finds that the proposed action to grant exceptions to its policy of prohibiting development within the reservoir is not a major federal action that would have a significant adverse effect on the quality of the human environment. A Notice of FONSI was signed February 10, 1997, and published in the **Federal Register** on February 19, 1997 (62 FR 7475-7477) for a thirty (30) day review and comment period.

ADDRESSES: Mr. Yusuf E. Farran, Division Engineer, Environmental Management Division, United States Section, International Boundary and Water Commission, United States and Mexico, 4171 North Mesa Street, C-310, El Paso, Texas 79902-1441. Telephone: 915/534-6704.

SUPPLEMENTARY INFORMATION:

Proposed Action

The action proposed is for the USIBWC to grant exceptions on a case-by-case basis to its policy of prohibiting oil and gas development upon USIBWC real property within Falcon Reservoir. The proposed action would alter USIBWC policy so that limited exceptions may be granted in appropriate cases, allowing some oil and gas exploration and development on USIBWC real property located below the 307-foot elevation traverse (the United States property line also called the "307-foot traverse") within Falcon Reservoir but above the 307-foot mean sea level elevation.

Alternatives Considered

Two alternatives were considered in the Final Programmatic Environmental Assessment (PEA):

The Proposed Action Alternative is for the USIBWC to grant exceptions to its policy of prohibiting oil and natural

gas development upon USIBWC real property within Falcon Reservoir on a case-by-case basis. If the USIBWC makes the determination to allow exceptions to this prohibition, the United States Bureau of Land Management (BLM), the federal authorizing agency which approves applications for permits to drill for federal reserves, could then approve applications to drill from sites below the 307-foot traverse property line for oil and gas reserves located within the reservoir. Separate environmental assessments would then be prepared by project proponents tiered from this PEA to address the specific impacts of drilling for oil and natural gas at specific locations within the reservoir, and the USIBWC would consider issuing land use permits to ensure that such works do not interfere with the operation and maintenance of the Falcon Dam and Reservoir Project.

The No Action Alternative is for the USIBWC to not grant any exceptions to its policy of prohibiting oil and natural gas development upon USIBWC real property within Falcon Reservoir. BLM would only be able to approve applications for permits to drill from sites above the 307-foot traverse property line; hence outside the reservoir. Project proponents would need to consider use of alternative means to recover private and public natural gas reserves within the reservoir. Since no oil and natural gas development would be done within the Falcon Reservoir, the USIBWC would not issue land use permits to project proponents. The no action alternative would result in no development below the 307-foot traverse for private and public reserves in the reservoir; avoidance of any potential impacts associated with the proposed action; the loss of tax and royalty revenues to the local, state and federal governments; the loss of royalty revenues to mineral owners; and the loss of an otherwise recoverable clean energy source.

Programmatic Environmental Assessment

TransTexas Gas Corporation (TransTexas) requested the USIBWC to grant them permission to construct a drill pad site on an island above the 307-foot mean sea level elevation located within USIBWC real property below the 307-foot traverse within Falcon Reservoir for the purpose of drilling natural gas wells. The USIBWC began coordination with BLM, and BLM indicated it would not approve the application for permit to drill until the USIBWC determined whether it would waive the stipulation that prohibits oil and natural gas development within the