years into the federal laws and regulations governing drugs of abuse and are reflected in published federal court decisions and DEA final administrative orders. A more detailed recitation of these principles, as they relate to the dispensing of controlled substances for the treatment of pain, will be provided in a future **Federal Register** document to be published by the agency.

Nature of This Document and the August 2004 FAQ Under the Administrative Procedure Act

This document is a statement of policy within the meaning of the Administrative Procedure Act (APA). It is termed an ''interim'' statement to indicate that a more complete statement on the subject will subsequently be issued by the agency. (Given the misstatements in the August 2004 FAQ, and the significant questions DEA has received following the withdrawal of that document, an immediate preliminary explanation is warranted.) The APA expressly requires agencies to make available to the public and publish in the **Federal Register** statements of general policy and interpretations formulated and adopted by the agency. 5 U.S.C. 552(a)(1)(D). Further, the APA contemplates that agencies shall issue policy statements without engaging in the notice-and-comment proceedings that are required for legislative rules. 5 U.S.C. 553(b)(A). This is because policy statements, unlike legislative rules, are not binding. Consistent with these APA principles, this document does *not* create any new substantive requirements or change the rights and duties of any member of the public; nor is DEA applying the CSA or DEA regulations in a new manner as a result of this document. Rather, this document provides the public with DEA's policy for ensuring that the law administered by the agency relating to the subject matter of this document is faithfully executed.

It also bears emphasis that the August 2004 FAQ was *not* an official statement of the agency. As indicated above, the APA requires publication in the **Federal Register** of agency policy statements or interpretations of the law administered by the agency. The August 2004 FAQ was not published by the agency in the **Federal Register** and did not constitute an authoritative or official statement of the agency.

Dated: November 12, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–25469 Filed 11–12–04; 10:57 am]

BILLING CODE 4410–09–U

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–249F]

Controlled Substances: Final Revised Aggregate Production Quotas for 2004

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of final aggregate production quotas for 2004.

SUMMARY: This notice establishes final 2004 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act (CSA). The DEA has taken into consideration comments received in response to a notice of the proposed revised aggregate production quotas for 2004 published September 9, 2004 (69 FR 54703).

EFFECTIVE DATE: November 16, 2004.

FOR FURTHER INFORMATION CONTACT: Christine A. Sannerud, Ph.D., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

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

The 2004 aggregate production quotas represent those quantities of controlled substances in Schedules I and II that may be produced in the United States in 2004 to provide adequate supplies of each substance for: the estimated medical, scientific, research and industrial needs of the United States; lawful export requirements; and the establishment and maintenance of reserve stocks (21 U.S.C. 826(a) and 21 CFR 1303.11). These quotas do not include imports of controlled substances.

On September 9, 2004 a notice of the proposed revised 2004 aggregate production quotas for certain controlled substances in Schedules I and II was published in the **Federal Register** (69 FR 54703). All interested persons were invited to comment on or object to these proposed aggregate production quotas on or before September 30, 2004.

Eight companies commented on a total of 15 Schedules I and II controlled substances within the published comment period. The companies commented that the proposed aggregate production quotas for amphetamine, codeine (for conversion), fentanyl, hydrocodone, hydromorphone, marihuana, methamphetamine (for conversion), methamphetamine (for sale), methylphenidate, morphine (for conversion), morphine (for sale), opium, tetrahydrocannabinols, and thebaine were insufficient to provide for the estimated medical, scientific, research, and industrial needs of the United States, for export requirements and for the establishment and maintenance of reserve stocks.

DEA has taken into consideration the above comments along with the relevant 2003 year-end inventories, initial 2004 manufacturing quotas, 2004 export requirements, actual and projected 2004 sales and use, and research and product development requirements. Based on this information, the DEA has adjusted the final 2004 aggregate production quotas for codeine (for conversion), fentanyl, hydromorphone, methamphetamine (for conversion), methamphetamine (for sale), methylphenidate, morphine (for sale), tetrahydrocannabinols, and thebaine to meet the legitimate needs of the United States.

Regarding amphetamine, hydrocodone, marihuana, morphine (for conversion), and opium the DEA has determined that the proposed revised 2004 aggregate production quotas are sufficient to meet the current 2004 estimated medical, scientific, research, and industrial needs of the United States and to provide for adequate inventories.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the DEA by Section 0.100 of Title 28 of the Code of Federal Regulations, and redelegated to the Deputy Administrator, pursuant to Section 0.104 of Title 28 of the Code of Federal Regulations, the Deputy Administrator hereby orders that the 2004 final aggregate production quotas for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class	Established final 2004 quotas
Schedule I	
2,5–Dimethoxyamphetamine	3,501,000
2,5–Dimethoxy-4-ethylamphetamine (DOET)	2
2,5–Dimethoxy-4-n-proplythiophenetyhlamine (2C-T–7)	10
3–Methylfentanyl	2
3–Methylthiofentanyl	2
3,4–Methylenedioxyamphetamine(MDA)	11
3,4–Methylenedioxy-N-ethylamphetamine (MDEA)	5
3,4–Methylenedioxymethamphetamine (MDMA)	16
3,4,5–Trimethoxyamphetamine	2
4–Bromo-2,5–Dimethoxyamphetamine (DOB)	2
4–Bromo-2,5–Dimethoxyphenethylamine (2–CB)	2
4–Methoxyamphetamine	2
4–Methylaminorex	2
4–Methyl-2,5–Dimethoxyamphetamine (DOM)	2
5–Methoxy-3,4–Methylenedioxyamphetamine	2
5–Methoxy-N,N-diisopropyltryptamine (5–MeO-DIPT)	10
Acetyl-alpha-methylfentanyl	2
Acetyldihydrocodeine	2
Acetylmethadol	2
Allylprodine	4
Alphacetylmethadol	2
Alpha-ethyltryptamine	2
Alphameprodine	2
Alphamethadol	3
Alpha-methyltryptamine (AMT)	10
Alpha-methylfentanyl	2
Alpha-methylthiofentanyl	2
Aminorex	2
Benzylmorphine	2
Betacetylmethadol	2
Beta-hydroxy-3-methylfentanyl	2
Beta-hydroxyfentanyl	2
Betameprodine	2
Betamethadol	2
Betaprodine	2
Bufotenine	2
Cathinone	2
Codeine-N-oxide	502
Diethyltryptamine	2
Difenoxin	8,000
Dihydromorphine	1,101,000
Dimethyltryptamine	3
Gamma-hydroxybutyric acid	8,000,000
Heroin	5
Hydromorphinol	2
Hydroxypethidine	2
Lysergic acid diethylamide (LSD)	61
Marihuana	840,020
Mescaline	2
Methaqualone	5
Methcathinone	4
Methyldihydromorphine	2
Morphine-N-oxide	502
N,N-Dimethylamphetamine	2
N-Ethyl-1–Phenylcyclohexylamine (PCE)	5
N-Ethylamphetamine	7
N-Hydroxy-3,4–Methylenedioxyamphetamine	2
Noracymethadol	2
Norlevorphanol	52
Normethadone	2
Normorphine	12
Para-fluorofentanyl	2
Phenomorphan	2
Pholcodine	2
Propiram	210,000
Psilocybin	2
Psilocyn	2
Tetrahydrocannabinols	180,000
Thiofentanyl	2
Trimeperidine	2

Basic class	Established final 2004 quotas
Schedule II	
1–Phenylcyclohexylamine	2
1–Piperidinocyclohexanecarbonitrile (PCC)	10
Alfentanil	2,000
Alphaprodine	2
Amobarbital	3
Amphetamine	12,700,000
Cocaine	200,000
Codeine (for sale)	41,341,000
Codeine (for conversion)	48,252,000
Dextropropoxyphene	167,365,000
Dihydrocodeine	776,000
Diphenoxylate	836,000
Ecgonine	38,000
Ethylmorphine	2
Fentanyl	1,428,000
Glutethimide	2
Hydrocodone (for sale)	34,000,000
Hydrocodone (for conversion)	1,500,000
Hydromorphone	1,724,000
Isomethadone	2
Levo-alphacetylmethadol (LAAM)	2
Levomethorphan	2
Levorphanol	15,000
Meperidine	9,753,000
Metazocine	1
Methadone (for sale)	14,720,000
Methadone Intermediate	18,296,000
Methamphetamine [675,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 1,525,000 grams for methamphetamine mostly for conversion to a Schedule III product; and 50,000 grams for methamphetamine (for sale)]	2,250,000
Methylphenidate	28,693,000
Morphine (for sale)	35,021,000
Morphine (for conversion)	110,774,000
Nabilone	2
Noroxymorphone (for sale)	99,000
Noroxymorphone (for conversion)	3,800,000
Opium	1,300,000
Oxycodone (for sale)	49,200,000
Oxycodone (for conversion)	920,000
Oxymorphone	534,000
Pentobarbital	18,251,000
Phencyclidine	2,060
Phenmetrazine	2
Phenylacetone	11,000,000
Racemethorphan	2
Secobarbital	2
Sufentanil	4,000
Thebaine	72,453,000

The Deputy Administrator further orders that aggregate production quotas for all other Schedules I and II controlled substances included in Sections 1308.11 and 1308.12 of Title 21 of the Code of Federal Regulations remain at zero.

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 does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this action does not have federalism implications warranting the application of Executive Order 13132.

The Deputy Administrator hereby 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 aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international treaty obligations. 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.

This action meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

This action will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $113,000,000 or more in any one year, and will not significantly or uniquely affect small

governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

This action is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This action will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Dated: November 5, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–25340 Filed 11–15–04; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1412]

Meeting of the Juvenile Justice Advisory Committee

AGENCY: Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, Justice.

ACTION: Notice of meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention is announcing the meeting of the Juvenile Justice Advisory Committee (JJAC) in Washington, DC, on December 9, 2004, at the meeting times and location noted below. The meeting will discuss and approve two annual reports for 2004. The first report contains recommendations to the President and Congress on Federal legislation pertaining to juvenile justice and delinquency prevention. The second report contains recommendations to the Administrator regarding the work of OJJDP. The meeting will also reorganize the JJAC subcommittees and begin discussing recommendations for the 2005 reports.

DATES: The meeting will take place on Thursday, December 9, 2004, from 9 a.m. to 3 p.m., E.D.T.

ADDRESSES: The meeting will take place at the Capital Hilton, 1001 16th Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Timothy Wight, Designated Federal Official, OJJDP, at *Timothy.Wight@usdoj.gov,* or by telephone at (202) 514–2190. [**Note:** this is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Juvenile Justice Advisory Committee, established pursuant to sec. 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App. 2), will meet to carry out its advisory functions under sec. 223(f)(2)(C–E) of the Juvenile Justice and Delinquency Prevention Act of 2002. JJAC is composed of one representative from each state and territory and the District of Columbia. Their duties are to review Federal policies regarding juvenile justice and delinquency prevention; advise the OJJDP Administrator with respect to particular functions and aspects of the work of OJJDP; and advise the President and Congress with regard to state perspectives on the operation of OJJDP and federal legislation pertaining to juvenile justice and delinquency prevention. More information on JJAC, including a list of members, may be found at *http://www.ojjdp.ncjrs.org/jjac/.*

Schedule: The schedule of events is as follows:

9 a.m.–9:15 a.m.—Call to Order by JJAC Chairman (Open Session)
9:15 a.m.–9:45 a.m.—Opening Remarks by OJJDP Administrator J. Robert Flores, followed by questions and answers
9:45 a.m.–10 a.m.—Annual Report Committee: Recommendations to approve the 2004 Annual Report to the President and Congress and the 2004 Annual Recommendations Report to the Administrator of OJJDP
10 a.m.–10:40 a.m.—Reorganization of JJAC Subcommittees (if necessary) in preparation for calendar year 2005 activities
10:45 a.m.–1 p.m.—Working Lunch for JJAC Annual Report, Grants, Legal Affairs, and Planning Subcommittees (Closed Session)
1 p.m.–3 p.m.—Subcommittee Reports (Open Meeting)
3 p.m.—Meeting will be adjourned

Access: Members of the public who wish to attend the open sessions of the meeting should register by sending an e-mail containing their name, affiliation, address, phone number, and a statement concerning the sessions they would like to attend, to *JJAC@jjrc.org.* If e-mail is not available, please call (301) 519–6473 (Daryel Dunston). Because space is limited, notification should be sent by November 24, 2004.

Written Comments: Interested parties may submit written comments by November 24, 2004, to Timothy Wight, Designated Federal Official for the Juvenile Justice Advisory Committee, OJJDP, at *Timothy.Wight@usdoj.gov*, or by telephone at (202) 514–2190. [**Note:** this is not a toll-free number.] No oral presentations will be permitted at this meeting.

Dated: November 10, 2004.

J. Robert Flores,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 04–25408 Filed 11–15–04; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

November 1, 2004.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202–693–4129 (this is not a toll-free number) or e-mail: *king.darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Mine Safety and Health Administration (MSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,