a. Prohibiting Brokers from offering consumers any type of rebate or inducement, including but not limited to, cash rebates, free products and services such as televisions or home inspections, discounts or vouchers for products and services such as home moving services or home improvement stores, and donations to charities on the customer's behalf, on the basis that such conduct violates the Commission's administrative regulations;

b. Prohibiting rebates or other inducements in private contracts that involve Brokers; and

c. Preventing Brokers from offering rebates or other inducements by among other things:

i. Investigating alleged violations of the Rebate Ban;

ii. Asking Brokers to inform the Commission when one or more competing Brokers offers rebates or other inducements;

iii. Instructing Brokers to cease offering rebates or other inducements;

iv. Threatening to bring disciplinary actions against Brokers unless they cease offering rebates or other inducements;

v. Bringing disciplinary actions against Brokers for offering rebates or other inducements; and

vi. Sanctioning Brokers the Commission has found to have offered rebates or other inducements by one or more of the following: suspending licenses, revoking licenses, imposing monetary fines, issuing reprimands, and requiring completion of additional academic credit hours.

34. The Rebate Ban also enables sellers and/or seller Brokers to fix the commission at which the buyer's Broker is to be compensated in a particular real estate transaction, thereby insulating the Brokers from competing among themselves on the basis of price when they enter into agreements with buyers.

35. As a result of the Rebate Ban, Brokers cannot—and thus need not—compete with one another by offering rebates or other valuable inducements.

36. The Commission has worked closely with Brokers and Brokers' associations, including the Association, in its continued enforcement of the Rebate Ban. Among other things, the Commission has rejected proposals to eliminate the Rebate Ban as recently as 2004 after receiving substantial opposition from Brokers.

Anticompetitive Effects

37. The Rebate Ban has injured, and continues to injure, buyers and sellers of real property throughout Kentucky. The Rebate Ban restricts competition and deprives the property-buying and property-selling public of a myriad of price and non-price discounts, including, but not limited to, cash rebates, vouchers or coupons, and discounted or free services related to buying and selling property such as home inspections, title services, or moving services. These rebates and inducements benefit consumers. Real estate brokers and sales associates operating in states without a similar ban offer rebates, inducements, and many of the discounts set forth above to buyers and sellers as they compete to offer their services to buyers and sellers. Such rebates, for example, may amount to several thousand dollars in a single transaction.

38. The agreements, combinations, or conspiracies alleged herein have had, and will continue to have, anticompetitive effects, including:

a. A suppression of price competition in the provision of real estate brokerage services;

b. The limitation of products and services available to buyers and sellers of property; and

c. The creation of barriers to entry into the provision of real estate brokerage services by companies that offer rebates, discounts, and reduced commissions as part of their business model.

Violation Alleged

39. The allegations of paragraphs 1 through 38 of this Complaint are re-alleged and incorporated by reference herein with the same force and effect as though set forth in full.

40. Defendant's promulgation, adoption, maintenance, and enforcement of regulations 201 Ky. Admin. Reg. 11:011, Section 1(5) and 201 Ky. Admin. Reg. 11:121, Section 1(2) arise from and result in agreements, combinations, or conspiracies that restrain competition in numerous Kentucky real estate brokerage service markets in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

Request for Relief

Wherefore, the United States prays that final judgment be entered against Defendant declaring, ordering, and adjudicating that:

a. The agreements, combinations, or conspiracies alleged herein restrain trade and are illegal under Section 1 of the Sherman Act, 15 U.S.C. 1;

b. Defendant be restrained and enjoined from, either directly or indirectly, prohibiting Brokers from advertising or offering rebates or inducements;

c. Defendant's regulations 201 Ky. Admin. Reg. 11:011, Section 1(5) and 201 Ky. Admin. Reg. 11:121, Section 1(2) are preempted by the federal antitrust laws and are null and void;

d. Defendant shall mail a copy of the Complaint, order, and explanatory notice to:

i. Each Commissioner, director, representative, agent, and employee of Defendant Kentucky Real Estate Commission; and

ii. Each person licensed to provide real estate brokerage in Kentucky;

e. Defendant publish in its Newsletter the explanatory notice and an article stating that the regulations prohibiting rebates and inducements have been eliminated;

f. The United States recover its costs in this action; and

g. Such other relief as the United States may request and that the Court deems just and proper.

Dated: March 30, 2005.

Respectfully submitted:

For Plaintiff United States of America.

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BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–259R]

Controlled Substances: Proposed Revised Aggregate Production Quotas for 2005

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed revised 2005 aggregate production quotas.

SUMMARY: This notice proposes revised 2005 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act (CSA).

DATES: Written comments must be postmarked, and electronic comments

must be sent, on or before August 26, 2005.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–259R on all written and electronic correspondence. Written comments being sent via regular mail should be sent to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/ODL. Written comments sent via express mail should be sent to DEA Headquarters, Attention: DEA **Federal Register** Representative/ODL, 2401 Jefferson-Davis Highway, Alexandria, VA 22301. Comments may be directly sent to DEA electronically by sending an electronic message to *dea.diversion.policy@usdoj.gov*. Comments may also be sent electronically through *http://www.regulations.gov* using the electronic comment form provided on that site. An electronic copy of this document is also available at the *http://www.regulations.gov* Web site. DEA will accept attachments to electronic comments in Microsoft Word, WordPerfect, Adobe PDF, or Excel file formats only. DEA will not accept any file format other than those specifically listed here.

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.

On January 3, 2005, DEA published a notice of established initial 2005 aggregate production quotas for certain controlled substances in Schedules I and II (70 FR 120). This notice stipulated that the DEA would adjust the quotas in early 2005 as provided for in Part 1303 of Title 21 of the Code of Federal Regulations.

The proposed revised 2005 aggregate production quotas represent those quantities of controlled substances in Schedules I and II that may be produced in the United States in 2005 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. These quotas do not include imports of controlled substances for use in industrial processes.

The proposed revisions are based on a review of 2004 year-end inventories, 2004 disposition data submitted by quota applicants, estimates of the medical needs of the United States, product development, and other information available to the DEA.

Therefore, under the authority vested in the Attorney General by Section 306 of the CSA of 1970 (21 U.S.C. 826), 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 proposes the following revised 2005 aggregate production quotas for the following controlled substances, expressed in grams of anhydrous acid or base:

Basic class—schedule I	Previously established initial 2005 quotas (grams)	Proposed revised 2005 quotas (grams)
2,5-Dimethoxyamphetamine	2,801,000	2,801,000
2,5-Dimethoxy-4-ethylamphetamine (DOET)	2	2
2,5-Dimethoxy-4-(n)-propylthiophenethylamine	10	10
3-Methylfentanyl	2	2
3-Methylthiofentanyl	2	2
3,4-Methylenedioxyamphetamine (MDA)	15	15
3,4-Methylenedioxy-N-ethylamphetamine (MDEA)	5	5
3,4-Methylenedioxymethamphetamine(MDMA)	15	17
3,4,5-Trimethoxyamphetamine	2	2
4-Bromo-2,5-dimethoxyamphetamine (DOB)	2	2
4-Bromo-2,5-dimethoxyphenethylamine (2–CB)	2	2
4-Methoxyamphetamine	2	5
4-Methylaminorex	2	2
4-Methyl-2,5-dimethoxyamphetamine (DOM)	2	2
5-Methoxy-3,4-methylenedioxyamphetamine	2	2
5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT)	10	10
Acetyl-alpha-methylfentanyl	2	2
Acetyldihydrocodeine	2	2
Acetylmethadol	2	2
Allylprodine	2	2
Alphacetylmethadol	2	2
Alpha-ethyltryptamine	2	2
Alphameprodine	2	2
Alphamethadol	3	3
Alpha-methyltryptamine (AMT)	10	10
Alpha-methylfentanyl	2	2
Alpha-methylthiofentanyl	2	2
Aminorex	2	2
Benzylmorphine	2	2
Betacetylmethadol	2	2
Beta-hydroxy-3-methylfentanyl	2	2
Beta-hydroxyfentanyl	2	2
Betameprodine	2	2
Betamethadol	2	2

Basic class—schedule I	Previously established initial 2005 quotas (grams)	Proposed revised 2005 quotas (grams)
Betaprodine	2	2
Bufotenine	2	2
Cathinone	2	2
Codeine-N-oxide	252	252
Diethyltryptamine	2	2
Difenoxin	5,000	5,000
Dihydromorphine	1,551,000	1,826,000
Dimethyltryptamine	3	3
Gamma-hydroxybutyric acid	8,000,000	8,000,000
Heroin	2	2
Hydromorphinol	2	2
Hydroxypethidine	2	2
Lysergic acid diethylamide (LSD)	61	61
Marihuana	913,020	4,500,000
Mescaline	2	2
Methaqualone	5	5
Methcathinone	4	4
Methyldihydromorphine	2	2
Morphine-N-oxide	252	252
N,N-Dimethylamphetamine	2	2
N-Ethylamphetamine	2	2
N-Hydroxy-3,4-methylenedioxyamphetamine	2	2
Noracymethadol	2	2
Norlevorphanol	52	52
Normethadone	2	2
Normorphine	12	12
Para-fluorofentanyl	2	2
Phenomorphan	2	2
Pholcodine	2	2
Propiram	50,000	50,000
Psilocybin	2	2
Psilocyn	7	7
Tetrahydrocannabinols	312,500	312,500
Thiofentanyl	2	2
Trimeperidine	2	2

Basic class—schedule II	Previously established initial 2005 quotas (grams)	Proposed revised 2005 quotas (grams)
1-Phenylcyclohexylamine	2	2
Alfentanil	2,500	2,500
Alphaprodine	2	2
Amobarbital	2	2
Amphetamine	12,700,000	14,500,000
Cocaine	228,000	228,000
Codeine (for sale)	39,605,000	39,605,000
Codeine (for conversion)	55,000,000	55,000,000
Dextropropoxyphene	167,365,000	167,365,000
Dihydrocodeine	748,000	750,000
Diphenoxylate	571,000	828,000
Ecgonine	53,000	73,000
Ethylmorphine	2	2
Fentanyl	1,428,000	1,428,000
Glutethimide	2	2
Hydrocodone (for sale)	37,604,000	37,604,000
Hydrocodone (for conversion)	1,500,000	1,500,000
Hydromorphone	2,751,000	3,300,000
Isomethadone	2	2
Levo-alphacetylmethadol (LAAM)	2	2
Levomethorphan	2	2
Levorphanol	5,000	5,000
Meperidine	9,753,000	9,753,000
Metazocine	1	1
Methadone (for sale)	13,900,000	15,490,000
Methadone Intermediate	18,000,000	19,208,000
Methamphetamine	2,932,000	2,340,000
[680,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 1,615,000 grams for methamphetamine mostly for conversion to a Schedule III product; and 45,000 grams for methamphetamine (for sale)]		
Methylphenidate	30,817,000	35,000,000 g

Basic class—schedule II	Previously established initial 2005 quotas (grams)	Proposed revised 2005 quotas (grams)
Morphine (for sale)	35,000,000	35,000,000
Morphine (for conversion)	110,774,000	110,774,000
Nabilone	2	2
Noroxymorphone (for sale)	1,002	1,002
Noroxymorphone (for conversion)	4,000,000	4,000,000
Opium	1,180,000	1,280,000
Oxycodone (for sale)	49,200,000	49,200,000
Oxycodone (for conversion)	920,000	920,000
Oxymorphone	534,000	534,000
Pentobarbital	18,251,000	18,251,000
Phencyclidine	2,006	2,006
Phenmetrazine	2	2
Racemethorphan	2	2
Remifentanil	0	1,800
Secobarbital	2	2
Sufentanil	4,000	4,000
Thebaine	72,453,000	72,453,000

The Deputy Administrator further proposes 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.

All interested persons are invited to submit their comments in writing or electronically regarding this proposal following the procedures in the ''Addresses'' section of this document. 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 as per 21 CFR 1303.13(c).

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 not have a 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 $115,000,000 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: July 29, 2005

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 05–15493 Filed 8–4–05; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,876]

American Wood Moulding, LLC, El Paso, Texas; Notice of Negative Determination Regarding Application for Reconsideration

By application of May 18, 2005, petitioners requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on April 13, 2005, and published in the **Federal Register** on May 16, 2005 (70 FR 25859).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.