

Register pursuant to section 6(b) of the Act on August 18, 2004 (69 FR 51329).

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. 04-26614 Filed 12-2-04; 8:45 am]

BILLING CODE 4410-11-M

**DEPARTMENT OF JUSTICE**

**Antitrust Division**

**Notice Pursuant to the National Cooperative Research and Production Act of 1993—VSI Alliance**

Notice is hereby given that, on October 8, 2004, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), VSI Alliance has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Microelectronics Research Institute "PROGRESS", Moscow, RUSSIA; and David Gardner (individual member), Round Rock, TX have been added as parties to this venture.

Also, Alcatel, Edegem, BELGIUM; Bob Altizer (individual member), Phoenix, AZ; Guy Bois (individual member), Montreal, Quebec, CANADA; Annette Bunker (individual member), Salt Lake City, UT; Ramesh Chandra (individual member), San Diego, CA; Edoardo Charbon (individual member), Berkeley, CA; Lee Dilley (individual member), Doylestown, PA; Dolphin Technology, San Jose, CA; GDA Technology, Karnatake, INDIA; Qun Ge (individual member), Shanghai, PEOPLE'S REPUBLIC OF CHINA; David Greenstein (individual member), Cupertino, CA; Carolyn Hayden, Ottawa, Ontario, CANADA; HD Labs, Yokohama, JAPAN; Robert Helt (individual member), Moraga, CA; IPTC Corporation, Yokohama, JAPAN; Gerald Keeler (individual member), San Francisco, CA; Alfred Kwok (individual member), San Jose, CA; Kun-Bin Lee (individual member), Hsinchu, TAIWAN; Samy Makar (individual member), Fremont, CA; Microelectronics Center of Harbin Institute of Technology, Harbin, PEOPLE'S REPUBLIC OF CHINA; Seijiro Moriyama (individual member), Kohoku-ku, JAPAN; Miodrag Potkonjak (individual member), Los Angeles, CA; Hardy Pottinger (individual member),

Rolla, MO; Gang Qu (individual member), College Park, MD; Alberto Sangiovanni-Vincentelli (individual member), Berkeley, CA; Richard Stolzman (individual member), Campbell, CA; Patrick Sullivan (individual member), Palo Alto, CA; James Tobias (individual member), San Jose, CA; Kumar Venkatramani (individual member), Saratoga, CA; Joe Villella (individual member), Palo Alto, CA; and Kurt Woodland (individual member), Morgan Hill, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project remains open, and VSI Alliance intends to file additional written notification disclosing all changes in membership.

On November 29, 1996, VSI Alliance filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 4, 1997 (62 FR 9812).

The last notification was filed with the Department on July 12, 2004. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 18, 2004 (69 FR 51330).

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

[Docket No. DEA-259P]

**Controlled Substances: Proposed Aggregate Production Quotas for 2005**

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Notice of proposed year 2005 aggregate production quotas.

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

**DATES:** Comments or objections must be received on or before December 27, 2004.

**ADDRESSES:** To ensure proper handling of comments, please reference "Docket No. DEA-259P" 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](mailto: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.

The proposed year 2005 aggregate production quotas represent those quantities of controlled substances 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.

In determining the proposed year 2005 aggregate production quotas, the Deputy Administrator considered the following factors: total actual 2003 and estimated 2004 and 2005 net disposals of each substance by all manufacturers; estimates of 2004 year-end inventories of each substance and of any substance manufactured from it and trends in accumulation of such inventories;

product development requirements of both bulk and finished dosage form manufacturers; projected demand as indicated by procurement quota applications filed pursuant to Section 1303.12 of Title 21 of the Code of Federal Regulations; and other pertinent information.

Pursuant to Section 1303 of Title 21 of the Code of Federal Regulations, the Deputy Administrator of the DEA will, in early 2005, adjust aggregate

production quotas and individual manufacturing quotas allocated for the year based upon 2004 year-end inventory and actual 2004 disposition data supplied by quota recipients for each basic class of Schedule I or II controlled substance.

Therefore, under the authority vested in the Attorney General by Section 306 of the CSA 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 proposes that the year 2005 aggregate production quotas for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class—Schedule I	Proposed year 2005 quotas
2,5-Dimethoxyamphetamine .....	2,801,000 g
2,5-Dimethoxy-4-ethylamphetamine (DOET) .....	2 g
2,5-Dimethoxy-4-(n)-propylthiophenethylamine .....	10 g
3-Methylfentanyl .....	2 g
3-Methylthiofentanyl .....	2 g
3,4-Methylenedioxyamphetamine(MDA) .....	15 g
3,4-Methylenedioxy-N-ethylamphetamine (MDEA) .....	5 g
3,4-Methylenedioxymethamphetamine (MDMA) .....	15 g
3,4,5-Trimethoxyamphetamine .....	2 g
4-Bromo-2,5-dimethoxyamphetamine (DOB) .....	2 g
4-Bromo-2,5-dimethoxyphenethylamine (2-CB) .....	2 g
4-Methoxyamphetamine .....	2 g
4-Methylaminorex .....	2 g
4-Methyl-2,5-dimethoxyamphetamine (DOM) .....	2 g
5-Methoxy-3,4-methylenedioxyamphetamine .....	2 g
5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT) .....	10 g
Acetyl-alpha-methylfentanyl .....	2 g
Acetyldihydrocodeine .....	2 g
Acetylmethadol .....	2 g
Allylprodine .....	2 g
Alphacetylmethadol .....	2 g
Alpha-ethyltryptamine .....	2 g
Alphameprodine .....	2 g
Alphamethadol .....	3 g
Alpha-methyltryptamine (AMT) .....	10 g
Alpha-methylfentanyl .....	2 g
Alpha-methylthiofentanyl .....	2 g
Aminorex .....	2 g
Benzylmorphine .....	2 g
Betacetylmethadol .....	2 g
Beta-hydroxy-3-methylfentanyl .....	2 g
Beta-hydroxyfentanyl .....	2 g
Betameprodine .....	2 g
Betamethadol .....	2 g
Betaprodine .....	2 g
Bufotenine .....	2 g
Cathinone .....	2 g
Codeine-N-oxide .....	252 g
Diethyltryptamine .....	2 g
Difenoxin .....	5,000 g
Dihydromorphine .....	1,551,000 g
Dimethyltryptamine .....	3 g
Gamma-hydroxybutyric acid .....	8,000,000 g
Heroin .....	2 g
Hydromorphenol .....	2 g
Hydroxypethidine .....	2 g
Lysergic acid diethylamide (LSD) .....	60 g
Marihuana .....	840,020 g
Mescaline .....	2 g
Methaqualone .....	5 g
Methcathinone .....	4 g
Methyldihydromorphine .....	2 g
Morphine-N-oxide .....	252 g
N,N-Dimethylamphetamine .....	2 g
N-Ethylamphetamine .....	2 g
N-Hydroxy-3,4-methylenedioxyamphetamine .....	2 g
Noracymethadol .....	2 g
Norlevorphanol .....	52 g
Normethadone .....	2 g

Basic class—Schedule I	Proposed year 2005 quotas
Normorphine .....	12 g
Para-fluorofentanyl .....	2 g
Phenomorphane .....	2 g
Pholcodine .....	2 g
Propiram .....	50,000 g
Psilocybin .....	2 g
Psilocyn .....	7 g
Tetrahydrocannabinols .....	211,000 g
Thiofentanyl .....	2 g
Trimeperidine .....	2 g
Basic class—Schedule II	Proposed year 2005 quotas
1-Phenylcyclohexylamine .....	2 g
Alfentanil .....	2,500 g
Alphaprodine .....	2 g
Amobarbital .....	2 g
Amphetamine .....	12,700,000 g
Cocaine .....	228,000 g
Codeine (for sale) .....	39,605,000 g
Codeine (for conversion) .....	55,000,000 g
Dextropropoxyphene .....	167,365,000 g
Dihydrocodeine .....	748,000 g
Diphenoxylate .....	571,000 g
Ecgonine .....	53,000 g
Ethylmorphine .....	2 g
Fentanyl .....	1,428,000 g
Glutethimide .....	2 g
Hydrocodone (for sale) .....	37,604,000 g
Hydrocodone (for conversion) .....	g 1,500,000
Hydromorphone .....	1,951,000 g
Isomethadone .....	2 g
Levo-alphaacetylmethadol (LAAM) .....	2 g
Levomethorphan .....	2 g
Levorphanol .....	5,000 g
Meperidine .....	9,753,000 g
Metazocine .....	1 g
Methadone (for sale) .....	13,900,000 g
Methadone Intermediate .....	18,000,000 g
Methamphetamine .....	2,782,000 g
[680,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 2,050,000 grams for methamphetamine mostly for conversion to a Schedule III product; and 52,000 grams for methamphetamine (for sale)]	
Methylphenidate .....	30,817,000 g
Morphine (for sale) .....	35,000,000 g
Morphine (for conversion) .....	110,774,000 g
Nabilone .....	2 g
Noroxymorphone (for sale) .....	1,002 g
Noroxymorphone (for conversion) .....	4,000,000 g
Opium .....	1,180,000 g
Oxycodone (for sale) .....	49,200,000 g
Oxycodone (for conversion) .....	920,000 g
Oxymorphone .....	534,000 g
Pentobarbital .....	18,251,000 g
Phencyclidine .....	2,006 g
Phenmetrazine .....	2 g
Racemethorphan .....	2 g
Secobarbital .....	2 g
Sufentanil .....	4,000 g
Thebaine .....	72,453,000 g

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 be established 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.

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 \$114,000,000 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 30, 2004.

**Michele M. Leonhart,**

*Deputy Administrator.*

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**BILLING CODE 4410-09-P**

## DEPARTMENT OF LABOR

### Employment Standards Administration; Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for the delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be

impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

#### Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Act" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

##### Volume I

##### Connecticut

CT030001 (Jun. 13, 2003)  
CT030003 (Jun. 13, 2003)  
CT030004 (Jun. 13, 2003)  
CT030005 (Jun. 13, 2003)  
CT030008 (Jun. 13, 2003)

##### Maine

ME030012 (Jun. 13, 2003)

##### New Hampshire

NH030011 (Jun. 13, 2003)

##### New Jersey

NJ030006 (Jun. 13, 2003)

##### New York