

Dated: September 17, 2003.

**Bradley A. Buckles,**

*Director.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[DEA # 237F]

#### Controlled Substances: Final Revised Aggregate Production Quotas for 2003

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

**ACTION:** Notice of final aggregate production quotas for 2003.

**SUMMARY:** This notice establishes final 2003 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 2003 published August 6, 2003 (68 FR 46664) and August 19, 2003 (68 FR 49843) [Corrections].

**EFFECTIVE DATE:** September 30, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Frank L. Sapienza, 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 2003 aggregate production quotas represent those quantities of controlled substances in Schedules I and II that may be produced in the United States in 2003 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 August 6, 2003, a notice of the proposed revised 2003 aggregate production quotas for certain controlled substances in Schedules I and II was published in the **Federal Register** (68 FR 46664) and (68 FR 49843) [Corrections]. All interested persons were invited to comment on or object to these proposed aggregate production quotas on or before August 27, 2003.

Seven companies commented on a total of 18 Schedules I and II controlled substances within the published comment period. The companies commented that the proposed aggregate production quotas for tetrahydrocannabinols, codeine (for conversion), dextropropoxyphene, diphenoxylate, fentanyl, hydrocodone (for sale), hydromorphone, meperidine, levo-desoxyephedrine (levo-methamphetamine), methamphetamine (for sale), methylphenidate, morphine (for sale), morphine (for conversion), noroxymorphone (for sale), oxycodone (for sale), pentobarbital, sufentanil 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 2002 year-end inventories, initial 2003 manufacturing quotas, 2003 export requirements, actual and projected 2003 sales and use, and research and product development requirements. Based on this information, the DEA has adjusted the final 2003 aggregate production quotas for tetrahydrocannabinols, amobarbital, diphenoxylate, fentanyl, hydrocodone (for sale), hydrocodone (for conversion), hydromorphone, levo-desoxyephedrine (l-methamphetamine), methamphetamine (for sale), morphine (for sale), noroxymorphone (for sale), oxycodone (for sale) and thebaine to meet the legitimate needs of the United States.

Regarding codeine (for conversion), dextropropoxyphene, meperidine, methylphenidate, morphine (for conversion), pentobarbital, and sufentanil, the DEA has determined that the proposed revised 2003 aggregate production quotas are sufficient to meet the current 2003 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 Acting Deputy Administrator hereby orders that the 2003 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 2003 quotas
<b>Schedule I</b>	
2,5-Dimethoxyamphetamine .....	9,501,000
2,5-Dimethoxy-4-ethylamphetamine (DOET) .....	2
3-Methylfentanyl .....	4
3-Methylthiofentanyl .....	2
3,4-Methylenedioxyamphetamine (MDA) .....	15
3,4-Methylenedioxy-N-ethylamphetamine (MDEA) .....	10
3,4-Methylenedioxymethamphetamine (MDMA) .....	19
3,4,5-Trimethoxyamphetamine .....	2
4-Bromo-2,5-Dimethoxyamphetamine (DOB) .....	2
4-Bromo-2,5-Dimethoxyphenethylamine (2-CB) .....	2
4-Methoxyamphetamine .....	7
4-Methylaminorex .....	2
4-Methyl-2,5-Dimethoxyamphetamine (DOM) .....	2
5-Methoxy-3,4-Methylenedioxyamphetamine .....	2
Acetyl-alpha-methylfentanyl .....	2
Acetyldihydrocodeine .....	2
Acetylmethadol .....	3
Allylprodine .....	2