because such sales allegedly ''clearly'' excessive and should have been reported pursuant to 21 CFR 1310.05(a)(1).

The Deputy Administrator disagrees, and concerns instead with the position of the ALJ, who found DEA failed to prove by a preponderance of the evidence that PDK violated the excessive sales reporting requirements. The Deputy Administrator concurs with her finding that the record contains insufficient evidence to support the conclusion that the sales to these individuals constituted excessive quantities since the Government failed to rebut PDK's evidence that it reasonably believed the products were intended for repackaging and resale, and not for personal consumption by the purchasing individuals.

Further, despite the subsequent Federal arrest and conviction of two of these individuals for operating methamphetamine laboratories, the Deputy Administrator concurs with the ALJ's finding that there is no evidence in the record showing that PDK was aware if any illicit activity by these individuals at the time of the sales. The Deputy Administrator further concurs with the ALJ's finding evidence in the record demonstrating PDK's willingness to file suspicious transaction reports in cases where PDK had a factual basis for doing so.

The Deputy Administrator notes the record is replete with PDK's contentions that it has worked hard to evaluate its activities and to cooperate with DEA in stemming diversion. However, the record shows that diversion of PDK products has continued to occur, and that, based upon the Warning Letters received, PDK should have known its remedial actions were insufficient to stem the diversion of its List I chemical products. Moreover, the record shows evidence that PDK violated DEA export regulations on at least four occasions by failing to file the required notifications of its shipments to Sun Labs. The totality of the circumstances therefore supports the Government's assertion that the list chemicals sought to be imported and distributed to PDK may be diverted and furthermore that the Suspension Orders were proper and should be sustained. Mediplas, 67 FR at 41264. The fact that PDK products containing ephedrine and pseudolephedrine have repeatedly been found at the site of clandestine methamphetamine laboratories and dump sites is a significant indicator that these products may continue to be diverted to such illicit activities.

In arriving at this decision, the Deputy Administrator has considered PDK's stature and activities in the business community, its efforts at compliance, as well as the evidence available to DEA up to the time of the hearing. The Deputy Administrator finds that there was sufficient evidence at the time of the hearing to support DEA's contention that the chemicals may be diverted. Mediplas, 67 FR at 41260–41261. As the Deputy Administrator has previously noted, ''[e]vidence of a violation of law is not necessary to demonstrate that the suspensions were lawful.'' Mediplas, at 67 FR at 41262, citing Suspension of Shipments, 65 FR at 51337. Therefore, the Deputy Administrator concludes that the suspensions set forth in the January 25 and 26, 2001 Orders to Suspend Shipments of ephedrine hydrochloride issued to Indace and Malladi were justified.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 971 and 28 CFR 0.100(b) and 0.104, hereby orders that the suspensions of the above described shipments, be, and hereby are, sustained, and that these proceedings are hereby concluded.

This final order is effective immediately.

Dated: December 13, 2002.

John B. Brown, III,

Deputy Administrator.

[FR Doc. 02–31949 Filed 12–18–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA # 237E]

Controlled Substances: Established Initial Aggregate Production Quotas for 2003

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of aggregate production quotas for 2003.

SUMMARY: This notice establishes initial 2003 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act (CSA).

EFFECTIVE DATE: December 19, 2002.

FOR FURTHER INFORMATION CONTACT: Frank L. Sapienza, Chief, Drug & Chemical Evaluation Section, Drug Enforcement Administration, Washington, D.C. 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 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 for use in industrial processes.

On November 1, 2002, a notice of the proposed initial 2003 aggregate production quotas for certain controlled substances in Schedules I and II was published in the **Federal Register** (67 FR 66663). All interested persons were invited to comment on or object to these proposed aggregate production quotas on or before November 22, 2002.

Ten companies commented on a total of twenty Schedules I and II controlled substances within the published comment period. The companies commented that the proposed aggregate production quotas for amobarbital, amphetamine, codeine (for sale), codeine (for conversion), dextropropoxyphene, dihydrocodeine, fentanyl, glutethimide, hydrocodone (for sale), hydromorphone, methadone (for sale), methadone intermediate, methamphetamine (for conversion), methamphetamine (for sale), morphine (for conversion), noroxymorphone (for sale), opium, oxycodone (for sale), 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. One company commented that the proposed aggregate production quota for methamphetamine (for sale) was adequate to provide for the estimated medical needs of the United States.

DEA has taken into consideration the above comments along with the relevant 2002 manufacturing quotas, current 2002 sales and inventories, 2003 export requirements and research and product development requirements, and

additional and revised applications for 2003 manufacturing quotas. Based on this information, the DEA has adjusted the initial aggregate production quotas for amobarbital, codeine (for conversion), codeine-N-oxide, glutethimide, methadone (for sale), methadone intermediate, levo-desoxyephedrine, methamphetamine (for conversion), morphine-N-oxide, opium, and sufentanil to meet the legitimate needs of the United States.

Regarding amphetamine, codeine (for sale), dextropropoxyphene, dihydrocodeine, fentanyl, hydrocodone (for sale), hydromorphone, morphine (for conversion), noroxymorphone (for sale), oxycodone (for sale), and thebaine, the DEA has determined that the proposed initial 2003 aggregate production quotas are sufficient to meet the current 2003 estimated medical, scientific, research and industrial needs of the United States.

Pursuant to Section 1303 of Title 21 of the Code of Federal Regulations, the Deputy Administrator of the DEA will, in early 2003, adjust aggregate production quotas and individual manufacturing quotas allocated for the year based upon 2002 year-end inventory and actual 2002 disposition data supplied by quota recipients for each basic class of Schedules I and II controlled substance.

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 2003 initial aggregate production quotas for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class	Established initial 2003 quotas
Schedule I:	
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	2
Allylprodine	2
Alphacetylmethadol	7
Alpha-ethyltryptamine	2
Alphameprodine	2
Alphamethadol	2
Alpha-methylfentanyl	2
Alpha-methylthiofentanyl	2
Aminorex	17
Benzylmorphine	2
Betacetylmethadol	2
Beta-hydroxy-3-methylfentanyl	2
Beta-hydroxyfentanyl	2
Betameprodine	2
Betamethadol	2
Betaprodine	2
Bufotenine	2
Cathinone	12
Codeine-N-oxide	202
Diethyltryptamine	2
Difenoxin	9,000
Dihydromorphine	1,101,000
Dimethyltryptamine	3
Gamma-hydroxybutyric acid	45,566,000
Heroin	5
Hydromorphinol	2
Hydroxypethidine	2
Lysergic acid diethylamide (LSD)	61
Marihuana	840,000
Mescaline	7
Methaqualone	9
Methcathinone	9
Methyldihydromorphine	2
Morphine-N-oxide	202
N,N-Dimethylamphetamine	7
N-Ethyl-1-Phenylcyclohexylamine (PCE)	5

Basic class	Established initial 2003 quotas
N-Ethylamphetamine	7
N-Hydroxy-3,4-Methylenedioxyamphetamine	2
Noracymethadol	2
Norlevorphanol	52
Normethadone	7
Normorphine	57
Para-fluorofentanyl	2
Phenomorphan	2
Pholcodine	2
Propiram	415,000
Psilocybin	2
Psilocyn	2
Tetrahydrocannabinols	131,000
Thiofentanyl	2
Trimeperidine	2
Schedule II:	
1-Phenylcyclohexylamine	12
1-Piperidinocyclohexanecarbonitrile (PCC)	10
Alfentanil	700
Alphaprodine	2
Amobarbital	451,000
Amphetamine	10,987,000
Cocaine	171,000
Codeine (for sale)	43,494,000
Codeine (for conversion)	43,559,000
Dextropropoxyphene	167,365,000
Dihydrocodeine	741,000
Diphenoxylate	501,000
Ecgonine	31,000
Ethylmorphine	12
Fentanyl	733,000
Glutethimide	1,002
Hydrocodone (for sale)	29,243,000
Hydrocodone (for conversion)	3,800,000
Hydromorphone	1,409,000
Isomethadone	12
Levo-alphacetylmethadol (LAAM)	12
Levomethorphan	2
Levorphanol	8,600
Meperidine	9,649,000
Metazocine	1
Methadone (for sale)	14,057,000
Methadone Intermediate	17,393,000
Methamphetamine	2,325,000
804,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 1,520,000 grams for methamphetamine for conversion to a Schedule III product; and 1,000 grams for methamphetamine (for sale)	
Methylphenidate	20,967,000
Morphine (for sale)	18,218,000
Morphine (for conversion)	110,774,000
Nabilone	2
Noroxymorphone (for sale)	40,000
Noroxymorphone (for conversion)	4,400,000
Opium	1,000,000
Oxycodone (for sale)	34,482,000
Oxycodone (for conversion)	700,000
Oxymorphone	454,000
Pentobarbital	27,728,000
Phencyclidine	16
Phenmetrazine	2
Phenylacetone	21,975,000
Secobarbital	1,100
Sufentanil	3,000
Thebaine	43,292,000

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 be established 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 $100,000,000 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.

The Drug Enforcement Administration makes every effort to write clearly. If you have suggestions as to how to improve the clarity of this regulation, call or write Frank L. Sapienza, Chief, Drug & Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

Dated: December 13, 2002.

John B. Brown, III,

Deputy Administrator.

[FR Doc. 02–31898 Filed 12–18–02; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Trade Act of 2002; Notice of Further Assignment of Functions

AGENCY: Office of the Secretary, Labor.

ACTION: The Secretary of Labor (Secretary) is further assigning functions under the Trade Act of 2002 (Trade Act) to other agencies and departments of the Executive Branch.

SUMMARY: The Trade Act specifically granted to the President certain authorities and assigned certain functions related to agreements covered by Trade Act provisions. In Executive Order 13277 (67 FR 7305), the President delegated certain authorities and assigned certain functions to the Secretary and provided guidance for exercising that authority and performing those functions, including the redelegation of authority and further assignment of functions to officers of any other department or agency within the Executive Branch. This notice informs the public of the Secretary's further assignment of functions. This order does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

EFFECTIVE DATE: These actions are effective immediately.

FOR FURTHER INFORMATION CONTACT: Thomas B. Moorhead, Deputy Under Secretary for International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202–693–4470. E-Mail: *moorhead-thomas@dol.gov*.

SUPPLEMENTARY INFORMATION: *Further Assignment of Functions:* Pursuant to section (3)(b)(ii) of Executive Order 13277, the Secretary hereby assigns the functions of the President under section 2102(c)(8) and (9) of the Trade Act to the Secretary of State and the United States Trade Representative, to be carried out by the Secretary of Labor, the Secretary of State and the United States Trade Representative. Agencies and departments to which these functions are assigned shall perform them in a manner that is supportive of agreements subject to the Trade Act.

Signed in Washington, DC, this 13th day of December, 2002.

Elaine L. Chao,

Secretary of Labor.

[FR Doc. 02–31950 Filed 12–18–02; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–6584]

State of Alaska Commercial Fisheries Entry Commission Permit #56739M, Dillingham, AK; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on September 5, 2002 in response to a petition filed by the Bristol Bay Native Association on behalf of Bristol Bay salmon fishermen, State of Alaska Commercial Fisheries Entry Commission Permit #56739M, Dillingham, Alaska.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 22nd day of November, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–31951 Filed 12–18–02; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–6585]

State of Alaska Commercial Fisheries Entry Commission Permit # 57548Z, Dillingham, AK; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was