

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
Remifentanyl	0	1,800
Secobarbital	2	2
Sufentanyl	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.

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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.

The petition for the workers of American Wood Moulding, LLC, El Paso, Texas engaged in distribution of wood products was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

The petitioner contends that the Department erred in its interpretation of work performed at the subject facility as a service and further conveys that workers of the subject company converted wood products to customer specifications. He further states that because moulding was cut into various length to meet customer requests at the subject facility, workers of the subject firm should be considered engaged in production.

A company official was contacted for clarification in regard to the nature of the work performed at the subject facility. The official stated that the subject firm is strictly a distribution and warehousing facility. The official further clarified that workers of the subject firm do not produce an item, but only occasionally cut finished wood moulding into different lengths as requested by customers. He also stated that by cutting the moulding, workers do not add value or transform the finished moulding into a new and different product, and perform cutting for the retail purposes in the distribution stage.

The sophistication of the work involved is not an issue in ascertaining whether the petitioning workers are eligible for trade adjustment assistance, but rather only whether they produced an article within the meaning of section 222 of the Trade Act of 1974.

Cutting finished products from bulk form into various length as requested by customers in the distribution or retail stage is not considered production of an article within the meaning of section 222 of the Trade Act. Petitioning workers do not produce an "article" within the meaning of the Trade Act of 1974.

The investigation on reconsideration supported the findings of the primary investigation that the petitioning group of workers does not produce an article.

Only in very limited instances are service workers certified for TAA. Namely the worker separations must be caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently certifiable for TAA; or if the group of workers are leased workers who perform their duties onsite at the TAA certifiable location on established contractual basis.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 13th day of July, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-4213 Filed 8-4-05; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-57,046]

Bernhardt Furniture Company, Plant 7, Contract Office Furniture Division, Lenoir, NC; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Bernhardt Furniture Company, Plant 7, Contract Office Furniture Division, Lenoir, North Carolina. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-57,046; Bernhardt Furniture Company, Plant 7, Contract Office Furniture Division, Lenoir, North Carolina (July 18, 2005).

Signed in Washington, DC this 28th day of July 2005.

Timothy Sullivan,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E5-4214 Filed 8-4-05; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-57,409]

Elbeco, Inc., Meyersdale Manufacturing Co., Meyersdale, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974, as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on July 8, 2005, applicable to workers of Elbeco, Inc., Meyersdale Manufacturing Co., Meyersdale, Pennsylvania. The notice will soon be published in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers produce woven uniform shirts.

The review shows that all workers of Elbeco, Inc., Meyersdale Manufacturing, Meyersdale, Pennsylvania, were certified eligible to apply for adjustment assistance under petition number TA-W-41,709, which expired on August 23, 2004.

In order to avoid an overlap in worker group coverage, the Department is amending the current certification for workers of Elbeco, Inc., Meyersdale Manufacturing, Meyersdale, Pennsylvania, to change the impact date from June 7, 2004, to August 24, 2004.

The amended notice applicable to TA-W-57,409 is hereby issued as follows:

All workers of Elbeco, Inc., Meyersdale Manufacturing Co., Meyersdale, Pennsylvania, who became totally or partially separated from employment on or after August 24, 2004, through July 8, 2007, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 20th day of July 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5-4218 Filed 8-4-05; 8:45 am]

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