

Copies of the Motion to Modify the Final Judgment, Stipulation, Memorandum in Support of the Motion to Modify the Final Judgment, and all other papers with the Court in connection with the motion are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 Fifth Street, NW., Suite 1010, Washington, DC 20530 (202-514-2481), on the Department of Justice Web site (<http://www.usdoj.gov/atr>), and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice Regulations. Public comment is invited within 30 days of the date of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Nancy Goodman, Chief, Telecommunications & Media Enforcement Section, Antitrust Division, U.S. Department of Justice, City Center Building, 1401 H Street, NW., Suite 8000, Washington, DC 20530 (202-514-5621).

**J. Robert Kramer II**,  
*Director of Operations, Antitrust Division.*  
 [FR Doc. E8-26563 Filed 11-10-08; 8:45 am]  
**BILLING CODE 4410-11-M**

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

[Docket No. DEA-307F]

**Controlled Substances: Final Revised Aggregate Production Quotas for 2008**

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

**ACTION:** Notice of final aggregate production quotas for 2008.

**SUMMARY:** This notice establishes final 2008 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

2008 published July 1, 2008 (73 FR 37496).

**DATES:** *Effective Date:* November 12, 2008.

**FOR FURTHER INFORMATION CONTACT:** Christine A. Sannerud, PhD, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, 8701 Morrisette Drive, Springfield, Virginia 22152, *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 28 CFR 0.100. The Administrator, in turn, has redelegated this function to the Deputy Administrator, pursuant 28 CFR 0.104.

The 2008 aggregate production quotas represent those quantities of controlled substances in schedules I and II that may be produced in the United States in 2008 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 July 1, 2008, a notice of the proposed revised 2008 aggregate production quotas for certain controlled substances in schedules I and II was published in the **Federal Register** (73 FR 37496). All interested persons were invited to comment on or object to these proposed aggregate production quotas on or before July 31, 2008.

Five companies commented on a total of 25 schedules I and II controlled substances within the published comment period. One additional comment was received after the comment period ended and therefore was not considered. Five companies proposed that the aggregate production quotas for amphetamine (for sale), codeine (for sale), codeine (for conversion), dextropropoxyphene, dihydromorphine, diphenoxylate, fentanyl, gamma-hydroxybutyric acid, hydrocodone (for sale), hydromorphone, methadone, methadone intermediate,

morphine (for sale), morphine (for conversion), nabilone, noroxymorphone (for conversion), opium, oripavine, oxycodone (for sale), oxycodone (for conversion), oxymorphone (for sale), oxymorphone (for conversion), sufentanil, tetrahydrocannabinols, 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 2007 year-end inventories, initial 2008 manufacturing quotas, 2008 export requirements, actual and projected 2008 sales, research, product development requirements and additional applications received. Based on this information, the DEA has adjusted the final 2008 aggregate production quotas for codeine (for conversion), diphenoxylate, heroin, hydrocodone (for sale), morphine (for conversion), nabilone, noroxymorphone (for conversion), oxymorphone (for conversion), phenazocine, and phenylacetone to meet the legitimate needs of the United States.

Regarding amphetamine (for sale), codeine (for sale), dextropropoxyphene, dihydromorphine, fentanyl, gamma-hydroxybutyric acid, hydromorphone, methadone, methadone intermediate, morphine (for sale), opium, oripavine, oxycodone (for sale), oxycodone (for conversion), oxymorphone (for sale), sufentanil, tetrahydrocannabinols, and thebaine, the DEA has determined that the proposed revised 2008 aggregate production quotas are sufficient to meet the current 2008 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 CSA (21 U.S.C. 826), and delegated to the Administrator of the DEA by 28 CFR 0.100, and redelegated to the Deputy Administrator, pursuant to 28 CFR 0.104, the Deputy Administrator hereby orders that the 2008 final aggregate production quotas for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class—Schedule I	Final revised 2008 quotas (grams)
2,5-Dimethoxyamphetamine .....	2
2,5-Dimethoxy-4-ethylamphetamine (DOET) .....	2
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7) .....	10
3-Methylfentanyl .....	2
3-Methylthiofentanyl .....	2

Basic class—Schedule I	Final revised 2008 quotas (grams)
3,4-Methylenedioxyamphetamine (MDA) .....	20
3,4-Methylenedioxy-N-ethylamphetamine (MDEA) .....	10
3,4-Methylenedioxymethamphetamine (MDMA) .....	22
3,4,5-Trimethoxyamphetamine .....	2
4-Bromo-2,5-dimethoxyamphetamine (DOB) .....	2
4-Bromo-2,5-dimethoxyphenethylamine (2-CB) .....	7
4-Methoxyamphetamine .....	77
4-Methylaminorex .....	2
4-Methyl-2,5-dimethoxyamphetamine (DOM) .....	12
5-Methoxy-3,4-methylenedioxyamphetamine .....	2
5-Methoxy-N,N-diisopropyltryptamine .....	5
Acetyl-alpha-methylfentanyl .....	2
Acetyldihydrocodeine .....	2
Acetylmethadol .....	2
Allylprodine .....	2
Alphacetylmethadol .....	2
Alpha-ethyltryptamine .....	2
Alphameprodine .....	2
Alphamethadol .....	3
Alpha-methylfentanyl .....	2
Alpha-methylthiofentanyl .....	2
Alpha-methyltryptamine .....	5
Aminorex .....	8
Benzylmorphine .....	2
Betacetylmethadol .....	2
Beta-hydroxy-3-methylfentanyl .....	2
Beta-hydroxyfentanyl .....	2
Betameprodine .....	2
Betamethadol .....	2
Betaprodine .....	2
Bufotenine .....	8
Cathinone .....	3
Codeine-N-oxide .....	302
Diethyltryptamine .....	2
Difenoxin .....	50
Dihydromorphine .....	2,549,000
Dimethyltryptamine .....	3
Gamma-hydroxybutyric acid .....	21,940,000
Heroin .....	20
Hydromorphenol .....	3,000
Hydroxypethidine .....	2
Ibogaine .....	1
Lysergic acid diethylamide (LSD) .....	61
Marihuana .....	4,500,000
Mescaline .....	2
Methaqualone .....	10
Methcathinone .....	4
Methyldihydromorphine .....	2
Morphine-N-oxide .....	310
N,N-Dimethylamphetamine .....	7
N-Ethylamphetamine .....	2
N-Hydroxy-3,4-methylenedioxyamphetamine .....	2
Noracymethadol .....	2
Norlevorphanol .....	52
Normethadone .....	2
Normorphine .....	16
Para-fluorofentanyl .....	2
Phenomorphan .....	2
Pholcodine .....	2
Psilocybin .....	7
Psilocyn .....	7
Tetrahydrocannabinols .....	312,500
Thiofentanyl .....	2
Trimeperidine .....	2
Basic class—Schedule II	Final revised 2008 quotas (grams)
1-Phenylcyclohexylamine .....	2
Alfentanil .....	8,000
Alphaprodine .....	2

Basic class—Schedule II	Final revised 2008 quotas (grams)
Amobarbital .....	3
Amphetamine (for sale) .....	17,000,000
Amphetamine (for conversion) .....	5,000,000
Cocaine .....	247,000
Codeine (for sale) .....	39,605,000
Codeine (for conversion) .....	71,000,000
Dextropropoxyphene .....	106,000,000
Dihydrocodeine .....	1,200,000
Diphenoxylate .....	761,000
Ecgonine .....	83,000
Ethylmorphine .....	2
Fentanyl .....	1,428,000
Glutethimide .....	2
Hydrocodone (for sale) .....	55,000,000
Hydrocodone (for conversion) .....	1,500,000
Hydromorphone .....	3,300,000
Isomethadone .....	2
Levo-alphaacetylmethadol (LAAM) .....	3
Levomethorphan .....	5
Levorphanol .....	10,000
Lisdexamfetamine .....	6,200,000
Meperidine .....	8,600,000
Metazocine .....	1
Methadone (for sale) .....	25,000,000
Methadone Intermediate .....	26,000,000
Methamphetamine .....	3,130,000
[680,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 2,405,000 grams for methamphetamine mostly for conversion to a schedule III product; and 45,000 grams for methamphetamine (for sale)]	
Methylphenidate .....	50,000,000
Morphine (for sale) .....	35,000,000
Morphine (for conversion) .....	110,000,000
Nabilone .....	5,502
Noroxymorphone (for sale) .....	10,000
Noroxymorphone (for conversion) .....	9,000,000
Opium .....	1,400,000
Oripavine .....	15,000,000
Oxycodone (for sale) .....	70,000,000
Oxycodone (for conversion) .....	4,820,000
Oxymorphone (for sale) .....	2,000,000
Oxymorphone (for conversion) .....	12,000,000
Pentobarbital .....	28,000,000
Phenazocine .....	1
Phencyclidine .....	2,021
Phenmetrazine .....	2
Phenylacetone .....	1
Racemethorphan .....	2
Remifentanyl .....	410
Secobarbital .....	2
Sufentanyl .....	10,300
Thebaine .....	126,000,000

The Deputy Administrator further orders that the aggregate production quotas for all other schedules I and II controlled substances included in 21 CFR 1308.11 and 1308.12 shall be 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 \$120,000,000 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: October 31, 2008.

**Michele M. Leonhart,**

*Deputy Administrator.*

[FR Doc. E8-26798 Filed 11-10-08; 8:45 am]

**BILLING CODE 4410-09-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (08-087)]

### Government-Owned Inventions, Available for Licensing

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of availability of inventions for licensing.

**SUMMARY:** Patent applications on the inventions listed below assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

**DATES:** November 12, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Kaprice L. Harris, Attorney Advisor, Glenn Research Center at Lewis Field, Code 500-118, Cleveland, OH 44135; telephone (216) 433-5754; fax (216) 433-6790.

NASA Case No. LEW-18324-1: Semiconductor Metal Oxide Modified Solid Electrolyte Carbon Dioxide Microsensors with Reduced Operation Temperature;

NASA Case No. LEW-18048-1: Two and Three Dimensional Near Infrared Subcutaneous Structure Images Using Real Time Nonlinear Video Processing;

NASA Case No. LEW-18362-1: Space Radiation Detector with Spherical Geometry.

Dated: November 4, 2008.

**Michael C. Wholley,**

*General Counsel.*

[FR Doc. E8-26824 Filed 11-10-08; 8:45 am]

**BILLING CODE 7510-13-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (08-088)]

### Government-Owned Inventions, Available for Licensing

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of availability of inventions for licensing.

**SUMMARY:** Patent applications on the inventions listed below assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

**DATES:** November 12, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Bryan A. Geurts, Patent Counsel, Goddard Space Flight Center, Mail Code 140.1, Greenbelt, MD 20771-0001; telephone (301) 286-7351; fax (301) 286-9502.

NASA Case No. GSC-15158-1:

Nanophase Dispersion Strengthened Low CTE Alloy;

NASA Case No. GSC-15364-1: Particle Surface Interaction Model and Method of Determining Particle Surface Interactions;

NASA Case No. GSC-15217-1: Spaceflight High Data Rate Radiation Hard KA-Band Modulator;

NASA Case No. GSC-15163-1: Detector for Dual Band Ultraviolet Detection;

NASA Case No. GSC-15445-1: Improved Time Delay and Distance Measurement;

NASA Case No. GSC-15416-1: Directed Flux Motor utilizing Concentric Magnets and Interwoven Flux Channels;

NASA Case No. GSC-15417-1: Joint Assembly;

NASA Case No. GSC-15419-1: Walk and Roll Robot;

NASA Case No. GSC-15208-1: Direct Solve Image Based Wavefront Sensing;

NASA Case No. GSC-15349-1: Multiple Frequency Optical Mixer and Demultiplexer and Apparatus for Remote Sensing;

NASA Case No. GSC-15136-1: Blocking Contacts for N-Type Cadmium Zinc Telluride;

NASA Case No. GSC-15470-1: Broadband Planar Magic-T with Low-Phase and Amplitude Imbalance; NASA Case No. GSC-15483-1: A Method and Apparatus for Relative Navigation Using Reflected GPS Signals.

Dated: November 4, 2008.

**Michael C. Wholley,**

*General Counsel.*

[FR Doc. E8-26818 Filed 11-10-08; 8:45 am]

**BILLING CODE 7510-13-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (08-089)]

### Government-Owned Inventions, Available for Licensing

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of availability of inventions for licensing.

**SUMMARY:** Patent applications on the inventions listed below assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

**DATES:** November 12, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Mark W. Homer, Patent Counsel, NASA Management Office—JPL, 4800 Oak Grove Drive, Mail Stop 180-200, Pasadena, CA 91109; telephone (818) 354-7770.

NASA Case No. DRG-008-023: Improved Process for Using Surface Strain Measurements to Obtain Operational Loads for Complex Structures;

NASA Case No. NPO-45462-1: System and Method for Critical Coupling to an Optical Resonator;

Dated: November 4, 2008.

**Michael C. Wholley,**

*General Counsel.*

[FR Doc. E8-26820 Filed 11-10-08; 8:45 am]

**BILLING CODE 7510-13-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (08-091)]

### Government-Owned Inventions, Available for Licensing

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of availability of inventions for licensing.

**SUMMARY:** Patent applications on the inventions listed below assigned to the