

for multiple transactions, of a listed chemical, except that such terms does not include:

(i) A domestic lawful distribution in the usual course of business between agents or employees of a single regulated person; in this context, agents or employees means individuals under the direct management and control of the regulated person;

(ii) A delivery of a listed chemical to or by a common or contract carrier for carriage in the lawful and usual course of the business of the common or contract carrier, or to or by a warehouseman for storage in the lawful and usual course of the business of the warehouseman, except that if the carriage or storage is in connection with the distribution, importation, or exportation of a listed chemical to a third person, this paragraph does not relieve a distributor, importer, or exporter from compliance with this part or parts 1309 and 1313 of this chapter;

(iii) Any category of transaction or any category of transaction for a specific listed chemical or chemicals specified by regulation of the Administrator as excluded from this definition as unnecessary for enforcement of the Act;

(iv) Any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act unless—

(A) The drug contains ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient. For purposes of this paragraph, the term "therapeutically insignificant quantities" shall apply if the product formulation (i.e., the qualitative and quantitative composition of active ingredients within the product) is not listed in *American Pharmaceutical Association (Apha) Handbook of Nonprescription Drugs; Drug Facts and Comparisons* (published by Wolters Kluwer Company); or *USP DI* (published by authority of the United States Pharmacopeial Convention, Inc.); or the product is not listed in § 1310.15 as an exempt drug product. For drug products having formulations not found in the above compendiums, the Administrator shall determine, pursuant to a written request as specified in § 1310.14, whether the active medicinal ingredients are present in quantities considered therapeutically significant for purposes of this paragraph; or

(B) The Administrator has determined pursuant to the criteria in § 1310.10 that:

(1) The drug or group of drugs is being diverted to obtain the listed chemical for use in the illicit production of a controlled substance; and

(2) The quantity of ephedrine or other listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical by the Administrator;

(v) Any transaction in a chemical mixture listed in § 1310.13.

(g) The term *chemical mixture* means a combination of two or more chemical substances, at least one of which is not a listed chemical, except that such term does not include any combination of a listed chemical with another chemical that is present solely as an impurity or which has been created to evade the requirements of the act.

(k) The terms *broker* and *trader* mean any individual, corporation, corporate division, partnership, association, or other legal entity which assists in arranging an international transaction in a listed chemical by—

(1) negotiating contracts;

(2) serving as an agent or intermediary; or

(3) fulfilling a formal obligation to complete the transaction by bringing together a buyer and seller, a buyer and transporter, or a seller and transporter, or by receiving any form of compensation for so doing.

(1) The term *international transaction* means a transaction involving the shipment of a listed chemical across an international border (other than a United States border) in which a broker or trader located in the United States participates.

3. Section 1310.02 is amended by revising the introductory text and paragraphs (a) and (b) to read as follows:

§ 1310.02 Substances Covered.

The following chemicals have been specifically designated by the Administrator of the Drug Enforcement Administration as the listed chemicals subject to the provisions of this part and parts 1309 and 1313 of this chapter. Each chemical has been assigned the DEA Chemical Code Number set forth opposite it.

(a) List I chemicals

- (1) Anthranilic acid, its esters, and its salts8530
- (2) Benzyl cyanide8735
- (3) Ephedrine, its salts, optical

isomers, and salts of optical

isomers.....	8113
(4) Ergonovine and its salts	8675
(5) Ergotamine and its salts	8676
(6) N-Acetylanthranilic acid, its esters, and its salts	8522
(7) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers.....	8317
(8) Phenylacetic acid, its esters, and its salts	8791
(9) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers.....	1225
(10) Piperidine and its salts.....	2704
(11) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers.....	8112
(12) 3,4-Methylenedioxyphenyl-2-propanone.....	8502
(13) Methylamine and its salts	8520
(14) Ethylamine and its salts	8678
(15) Propionic anhydride.....	8328
(16) Isosafrole (Isosafrole).....	8704
(17) Safrole.....	8323
(18) Piperonal.....	8750
(19) N-Methylephedrine, its salts, optical isomers, and salts of optical isomers (N-Methylephedrine).....	8115
(20) N-Methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers.....	8119
(21) Hydriotic acid (Hydriodic Acid).....	6695
(22) Benzaldehyde	8256
(23) Nitroethane	6724
(b) List II Chemicals:	
(1) Acetic anhydride	8519
(2) Acetone.....	6532
(3) Benzyl chloride.....	8570
(4) Ethyl ether.....	6584
(5) Potassium permanganate.....	6579
(6) 2-Butanone (or Methyl Ethyl Ketone or MEK)	6714
(7) Toluene.....	6594
(8) Hydrochloric acid.....	6545
(9) Sulfuric acid	6552
(10) Methyl Isobutyl Ketone (MIBK).....	6715

4. Section 1310.04 is amended by revising paragraphs (a), (b), (f)(1) introductory, and (f)(2) introductory text and (iv), by removing paragraphs (f)(1)(xiv), (f)(1)(xx), and (f)(1)(xxii); redesignating paragraphs (f)(1)(xv) through (xix) as (f)(1)(xiv) through (xviii), paragraph (f)(1)(xxi) as (f)(1)(xix) and paragraph (f)(1)(xxiii) as (f)(1)(xx); and adding new paragraphs (f)(1)(xxi) and (xxii) to read as follows:

§ 1310.04 Maintenance of records.

(a) Every record required to be kept subject to Section 1310.03 for a List I chemical, a tableting machine, or an encapsulating machine shall be kept by the regulated person for four years after the date of the transaction.

(b) Every record required to be kept subject to Section 1310.03 for List II chemical shall be kept by the regulated