interest. This investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: September 19, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–24345 Filed 9–24–02; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 02–37]

James Greene Hamilton, M.D., Revocation of Registration

On February 27, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to James Greene Hamilton, M.D. (Respondent), proposing to revoke his DEA Certificate of Registration, BH5401550, and deny any pending applications for renewal or modification of that registration under 21 U.S.C. 823(f) for reason that such registration would be inconsistent with the public interest. The Order to Show Cause further proposed the revocation of the Respondent's DEA registration pursuant to 21 U.S.C. 824(a)(3) based on the suspension of his North Carolina medical license.

By letter dated April 22, 2002, along with supporting documents, the Respondent acting *pro se* requested a hearing in this matter. On May 17, 2002, the Government filed Government's Request for Stay of Proceedings and Motion for Summary Judgment (Motion). On May 21, 2002, the presiding Administrative Law Judge Gail A. Randall (Judge Randall) issued an Order Granting Stay (Order) in which the Government's motion for stay of the proceedings was granted. The Order further provided the Respondent until June 5, 2002, to respond to the Government's Motion. However, the Respondent did not file a response.

On July 9, 2002, Judge Randall issued her Opinion and Recommended Ruling of the Administrative Law Judge (Opinion and Recommended Ruling) in which she granted the Government's motion for summary disposition and found that the Respondent lacks authorization to handle controlled substances in the State of North Carolina. In granting the Government's motion, Judge Randall further recommended that the Respondent's DEA registration be revoked. Neither party filed exceptions to her Opinion and Recommended Decision, and on August 8, 2002, Judge Randall transmitted the record of these proceedings to the Office of the Deputy Administrator.

The Deputy Administrator finds that the Respondent currently possesses DEA Certificate of Registration BH5401550, issued to him at an address in Durham, North Carolina. The Respondent also previously held medical license number 29583, issued to him on May 25, 1996 by the North Carolina Medical Board (Board). The Deputy Administrator further finds that by Order of the Board dated November 21, 2000, the Respondent's medical license was summarily suspended. On February 21, 2001, the Respondent entered into a Consent Order with the Board whereby agreed to voluntarily surrender his medical license.

There is no evidence before the Deputy Administrator that the Respondent's medical license has been reinstated. In her Opinion and Recommended Ruling, Judge Randall found that the Respondent lacks state authorization to handle controlled substances. Therefore, the Deputy Administrator finds that the Respondent is not currently authorized to practice medicine in the State of North Carolina. As a result, it is reasonable to infer that he is also without authorization to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Muttaiya Darmarajeh, M.D.,* 66 FR 52936 (2001); *Dominick A. Ricci, M.D.* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 63 FR 11919 (1988).

Here, it is clear that Respondent is not licensed to handle controlled substances in North Carolina. Since Respondent lacks such authority, he is not entitled to a DEA registration in that state.

In light of the above, Judge Randall properly granted the Government's Motion for Summary Disposition. The parties do not dispute the fact that Respondent is currently without authorization to handle controlled substances in North Carolina. Therefore, it is well-settled that when no question of material fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. *See Gilbert Ross, M.D.,* 61 FR 8664 (1996); *Philip E. Kirk, M.D.,* 48 FR 32,887 (1983), *aff'd sub nom Kirk* v. *Mullen,* 749 F.2d 297 (6th Cir. 1984); *NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO,* 549 F.2d 634 (9th Cir. 1977).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certification of Registration BH5401550, issued to James Greene Hamilton, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective October 25, 2002.

Dated: September 18, 2002.

John B. Brown III,

Deputy Administrator.

[FR Doc. 02–24274 Filed 9–24–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 02–17]

Philip Washburn, M.D., Denial of Application

On November 8, 2001, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Philip Washburn, M.D. (Respondent), proposing to deny his pending application for DEA Certificate of Registration pursuant to 21 U.S.C. 824(a)(3). As a basis for the denial of his pending application, the Order to Show Cause alleged that the Respondent is not currently authorized to handle controlled substances in the State of Utah.

By letter dated December 8, 2001, the Respondent acting *pro se,* requested a hearing in this matter. On January 31, 2002, the Government filed Government's Motion for Summary Disposition, and further requested a stay of the proceedings pending a ruling on

its summary disposition motion. On February 4, 2002, the presiding Administrative Law Judge Gail A. Randall (Judge Randall) issued an Order allowing the Respondent to file a response to the Government's Motion no later than February 22, 2002. Subsequently, the Respondent was granted an extension of time until April 8, 2002, to file a response to the Government's Motion. Despite the extension afforded by Judge Randall, the Respondent again did not file a response to the Government's motion.

On April 25, 2002, Judge Randall issued her Ruling, Opinion and Recommended Decision of the Administrative Law Judge (Opinion and Recommended Decision) in which she granted the Government's Motion for Summary Disposition and found that the Respondent lacks authorization to handle controlled substances in the State of Utah. Neither party filed exceptions to her Opinion and Recommended Decision, and of June 4, 2002, Judge Randall transmitted the record of these proceedings to the Office of the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Ruling, Opinion and Recommended Decision of the Administrative Law Judge.

The Deputy Administrator finds that on June 18, 1996, the Respondent entered into a Stipulation and Order with the Division of Occupational & Professional Licensing, Department of Commerce for the State of Utah (DOPL). Among the terms and conditions entered into by the parties, the Respondent agreed to the surrender of his state controlled substance license. The Respondent further agreed that he would not reapply for a controlled substance license in the future. On August 3, 2001, DEA received from the Respondent an application for DEA Certificate of Registration as a practitioner.

There is no evidence before the Deputy Administrator that the Respondent's state controlled substance license has been restored. In her Opinion and Recommended Decision, Judge Randall found that the Respondent lacks state authority in Utah to handle controlled substances, and is not entitled to a DEA registration for that state. Therefore, the Deputy Administrator similarly finds that the Respondent is not currently authorized to handle controlled substances in the State of Utah.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Carla Johnson, M.D.,* 66 FR 52939 (2001); *Graham Travers Schuler, M.D.,* 65 FR 50570 (2000); *Demetris A. Green, M.D.,* 61 FR 60,728 (1996).

In the instant case, the Deputy Administrator finds the Government has presented evidence demonstrating that the Respondent is not authorized to handle controlled substances in the state in which he seeks a DEA registration. The Deputy Administrator also finds that Judge Randall provided the Respondent ample opportunity to refute the Government's contentions, however, the Respondent has provided no evidence or assertions to the contrary. Here, it is clear that the Respondent is not authorized to handle controlled substances in Utah. Since Respondent lacks such authority, he is not entitled to a DEA registration in that state.

In light of the above, Judge Randall properly granted the Government's Motion for Summary Disposition. The parties do not dispute the fact that Respondent is currently without authorization to handle controlled substances in Utah. Therefore, it is well-settled that when no question of material fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. *See Gilbert Ross, M.D.,* 61 FR 8664 (1996); *Philip E. Kirk, M.D.,* 48 FR 32,887 (1983), *aff'd sub nom Kirk* v. *Mullen,* 749 F.2d 297 (6th Cir. 1984); *NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO,* 549 F.2d 634 (9th Cir. 1977).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for DEA Certificate of Registration submitted by Philip Washburn, M.D. be, and it hereby is, denied. This order is effective October 25, 2002.

Dated: September 12, 2002.

John B. Brown III,

Deputy Administrator.

[FR Doc. 02–24276 Filed 9–24–02; 8:45 am]

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-day notice of information collection under review: New, Mental Health and Juvenile Justice: Building a Model for Effective Service Delivery.

The Department of Justice (DOJ), Office of Justice Programs has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register,** Volume 67, Number 120, page 42283 on June 21, 2002, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 25, 2002. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the