of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/ Information Resources Management/ Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

Revision of a Currently Approved Collection

(1) Application—Inspections Facilitation Program.

(2) Form I–823, I–832A, I–823B, I–823C, and I–823D. Immigration and Naturalization Service. United States Department of Justice.

(3) Primary: Individuals or households. Other: None. The information collected will be used to determine eligibility for automated inspections programs and to secure those data elements necessary to confirm enrollment at the time of application for admission to the United States.

(4) 500,000 annual respondents .5 hours per response.

(5) 250,000 annual burden hours.

(6) Not applicable under section 3504(h) of Pub. L. 96–511.

Public comment on this item is encouraged.

Dated: August 8, 1995.

Kathleen T. Albert,

Acting Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–19950 Filed 8–11–95; 8:45 am]

BILLING CODE 4410–10–M

Drug Enforcement Administration

[Docket No. 95–3]

Habit Management Institute, Inc.; Denial of Application

On October 31, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Habit Management Institute, Inc., of Manchester, New Hampshire (Respondent), proposing to deny its application for DEA registration as a Narcotic Treatment Program (NTP) under 21 U.S.C. 823(g). The statutory basis for the Order to Show Cause was that Respondent was not authorized to dispense controlled substances in the State of New Hampshire, the state in which it proposed to operate.

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause, and the matter was docketed before Administrative Law Judge Paul A. Tenney. On December 16, 1994, the Government filed a motion for summary disposition clarifying the Order to Show Cause and alleging, *inter alia*, that Respondent was not authorized to handle controlled substances in the State of New Hampshire, and, that Respondent lacked authority from the Food and Drug Administration of the Department of Health and Human Services (FDA), to operate an NTP. The Government's motion was supported by a letter from an FDA official informing Respondent that because the State of New Hampshire had denied its application to establish an NTP, the FDA was unable to approve its application. Respondent did not file a response to the Government's motion and did not deny that FDA has denied its application.

On January 30, 1995, the administrative law judge issued his conclusions of law and recommended ruling, recommending that Respondent's application for a DEA Certificate of Registration as an NTP be denied. On March 9, 1995, the administrative law judge transmitted the record to the Deputy Administrator. After a careful consideration of the record in its entirety, the Deputy Administrator, pursuant to 21 CFR 1316.67, enters his final order in this matter, based on the conclusions of law set forth herein.

Practitioners who dispense narcotic drugs as part of a maintenance treatment or detoxification treatment are required to obtain a separate DEA registration under 21 U.S.C. 823(g). Authorization from the FDA is a prerequisite to the granting of registration by DEA. 21 U.S.C. 823(g)(1). The administrative law judge found that FDA notified Respondent, in writing, that the FDA had not approved Respondent's NTP.

DEA does not have statutory authority under the Controlled Substances Act to register an NTP unless that entity is authorized by the FDA to dispense controlled substances. 21 U.S.C. 823(g). In a proceeding to obtain registration as an NTP, if the applicant does not possess the requisite FDA authorization to operate an NTP, a motion for summary disposition is properly entertained. *Rosalind A. Cropper, Inc.,* 60 FR 18143 (1995). It is well settled that where no question of fact exists, or where the material facts are agreed, a plenary administrative proceeding is not required. *Phillip E. Kirk, M.D.,* 48 FR 32887 (1983), aff'd sub nom, *Kirk* v. *Mullen,* 749 F.2d 297 (6th Cir. 1984).

Accordingly, the Deputy Administrator adopts the conclusions of law and recommended ruling of the administrative law judge in its entirety. Based on the foregoing, the Deputy Administrator of the Drug Enforcement Administration, pursuant to 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that Respondent's application for DEA Certificate of Registration as an NTP be, and it hereby is, denied. This order is effective September 13, 1995.

Dated: August 7, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95–19956 Filed 8–11–95; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 95–19]

Derrick K. Mobley, M.D.; Revocation of Registration

On December 14, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Derrick K. Mobley, M.D. of Philadelphia, Pennsylvania (Respondent), proposing to revoke his DEA Certificates of Registration, BM2550829, issued to him in Pennsylvania, and BM1810109, issued to him in New Jersey, and deny any pending applications for registration as a practitioner. The statutory basis for the Order to Show Cause was that Respondent's continued registration as a practitioner is not consistent with the public interest and that Respondent is no longer authorized to handle controlled substances in the Commonwealth of Pennsylvania or the State of New Jersey. 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(3).

Respondent, *pro se*, requested a hearing on the issues raised in the Order to Show Cause, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On March 9, 1995, the Government filed a motion for summary disposition alleging that Respondent was not authorized to handle controlled substances in either New Jersey or Pennsylvania, the jurisdictions in which he proposes to practice. Respondent did not file a response to the Government's motion, and did not deny that he had surrendered his New Jersey license and that his Pennsylvania license had been revoked. No evidentiary hearing was held on this matter as no questions of fact were to be resolved, only a question of law.

On May 15, 1995, the administrative law judge issued her opinion and