another Order to Show Cause to revoke Respondent's registration. In its response to the Government's exceptions, Respondent indicates that ''although disagreeing with portions of the (Administrative Law Judge's) opinion (R)espondent believes that in totality it is an appropriate ruling. Respondent has accepted the ruling and has already completed four hours training in the proper handing (sic) of controlled substances.'' Respondent argues that there were no complaints regarding his prescribing practices before the undercover visits and there has been no complaints since the investigation approximately six years ago. The Acting Deputy Administrator concludes that the public interest would not be served by suspending Respondent's registration. However, the Acting Deputy Administrator hereby orders that should Respondent fail to comply with the training requirement imposed on his registration, all involved in the administrative process to potentially revoke Respondent's registration should act as expeditiously as possible.

In addition, the Government takes exception to Judge Randall's recommended requirement that Respondent merely has to notify DEA of any change in his employment from the HMO. Judge Randall found the oversight offered by the HMO to be significant in recommending that Respondent's registration be continued and she therefore recommended that Respondent be required to notify DEA of any change in employment. The Government makes a compelling argument that ''if no additional sanctions are imposed and Respondent leaves the HMO, gives DEA the required notification and enters into private practice without participating in an HMO, any putative advantages in Respondent's prior participation in an HMO are dissipated. Yet DEA is left with no recourse because Respondent has not violated any conditions.'' Consequently, the Government suggested that Respondent be required to keep a log of his controlled substance handling and to make the log available for inspection. The Acting Deputy Administrator agrees with the Government that mere notification of a change in employment is not enough to monitor Respondent's prescribing practices.

Therefore, the Acting Deputy Administrator finds that Respondent's DEA Certificate of Registration should be continued subject to the following conditions:

(1) Within six months of the effective date of this final order, Respondent shall provide to the Special Agent in charge of the DEA San Diego Field Division, or his designee, evidence of his successful completion of at least 15 hours of training in the proper handling of controlled substances, to include coverage of the addictive characteristics of such substances.

(2) For a period of three years from the effective date of this final order, Respondent shall notify in writing the Special Agent in Charge of the DEA San Diego Field Division, or his designee, of any change in employment. This notification shall be provided at least thirty days prior to the effective date of the actual change of employment.

(3) For three years from the effective date of this final order, Respondent shall maintain a log of all controlled substances that he prescribes. At a minimum, the log shall include the name of the patient, the date that the controlled substance was prescribed, and the name, dosage and quantity of the controlled substance prescribed. Upon the request of the Special Agent in Charge of the DEA San Diego Field Division, or his designee, Respondent shall submit or otherwise make his prescription log available for inspection.

Accordingly, the Acting 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 Certificate of Registration, AM0006571, issued to Merritt Matthews, M.D., be continued, and any pending applications for renewal be granted, subject to the above described restrictions. This order is effective September 17, 1998.

Dated: August 11, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98–22098 Filed 8–17–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated March 13, 1998, and published in the **Federal Register** on March 27, 1998, (63 FR 14975), North Pacific Trading Company, 815 NE Davis Street, Portland, Oregon 97202, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of marihuana (7360), a basic class of controlled substance listed in Schedule I.

This application is for the importation of marihuana seed which will be rendered non-viable and used as bird seed.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of North Pacific Trading Company to import marihuana is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: July 7, 1998.

John H. King,

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

[FR Doc. 98–22095 Filed 8–17–98; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 98–5]

Michael J. Septer, D.O.; Revocation of Registration

On October 8, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Michael J. Septer, D.O. (Respondent) of Grand Rapids, Michigan notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BS0321430, and deny any pending applications for the renewal of such registration pursuant to 21 U.S.C. 823(f) and 824, for reason that he is not currently authorized to handle controlled substances in the State of Michigan.

By letter dated November 3, 1997, Respondent filed a request for a hearing, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On November 12, 1997, the Government filed a Motion for Summary Disposition, alleging effective August 18, 1997, the Board of Osteopathic Medicine and Surgery for the State of Michigan (Michigan Board) suspended Respondent's license to practice osteopathic medicine and surgery in Michigan for at least six months and one day. The Government

argued that Respondent is therefore not authorized to handle controlled substances in that state.

Respondent submitted a response dated December 15, 1997, to the Government's motion arguing that the Board suspended his license in Michigan as a ''sister state action'' to the revocation of his Arizona license, and that evidence would be presented at a hearing that would show that ''the Arizona Osteopathic Board of Medical Examiners acted with prejudicial error in there (sic) determination.'' Respondent further argued that both the Arizona Osteopathic Board of Medical Examiners and the Michigan Board engaged in ''prosecutorial indiscretion'' and ''misfeasance.'' However, Respondent did not deny that he was not currently authorized to handle controlled substances in Michigan.

On January 23, 1998, Judge Bittner issued a Memorandum to Parties and Order noting that Respondent did not indicate in his response to the Government's motion ''whether he is pursuing reinstatement of his Michigan license upon conclusion of the minimum six month and one day suspension period.'' Therefore, Judge Bittner gave Respondent until March 12, 1998 to submit documentation that his Michigan license has been reinstated. Judge Bittner warned that, (i)f Respondent fails to timely submit such documentation, I shall grant the Motion for Summary Disposition.'' Respondent did not submit any documentation nor did he indicate that he intends to do so in the future.

On March 24, 1998, Judge Bittner issued her Opinion and Recommended Decision, finding that Respondent lacked authorization to practice medicine in the State of Michigan, and therefore handle controlled substances; granting the Government's Motion for Summary Disposition; and recommending that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her opinion, and on April 28, 1998, Judge Bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting 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 Acting Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrator Law Judge.

The Acting Deputy Administrator finds that by a Superseding Final Order dated July 18, 1997, the Michigan Board suspended Respondent's license to practice osteopathic medicine and surgery effective August 18, 1997, for six month and one day. The Michigan Board further ordered that reinstatement of Respondent's license would not be automatic at the conclusion of the suspension period. Respondent did not deny that he was not currently authorized to handle controlled substances in the State of Michigan and he did not offer evidence that he has sought to have his Michigan license reinstated.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Romeo J. Perez, M.D.,* 62 16,193 (1997), *Demetris A. Green,* M.D., 61 F.R. 60,728 (1996); *Dominick A. Ricci, M.D.,* 58 FR 51,104(1993).

Here it is clear that Respondent is not licensed to practice osteopathic medicine in Michigan. Consequently, it is reasonable to infer that he is not authorized to handle controlled substances in Michigan, where he is registered with DEA. Since Respondent lacks this state authority, he is not entitled to a DEA registration in that state.

In light of the above, Judge Bittner properly granted the Government's Motion for Summary Disposition. Here, the parties did not dispute the fact that Respondent was unauthorized to handle controlled substances in Michigan. Therefore, it is well-settled that when no question of material fact is involved, a plenary, adversary administrative proceeding involving evidence an cross-examination of witness is not obligatory. *See Phillip 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. *Internatioal Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO,* 549 F.2d 634 (9th Cir. 1977); *United States* v. *Consolidated Mines & Smelting Co.* 44 F.2d 432 (9th Cir. 1971).

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby order that DEA Certificate of Registration BS0321430, previously issued to Michael J. Septer, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration, be, and they hereby are, denied. This order is effective September 17, 1998.

Dated: August 11, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98–22097 Filed 8–17–98; 8:45 am]

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Statistics; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; New collection; 1998 National Study of DNA Laboratories.

The Department of Justice, Bureau of Justice Statistics, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on March 16, 1998 allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until September 17, 1998. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Information Management and Security Staff, Justice Management Division, Attention: Department Clearance Officer, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514–1590.

Written comments and/or suggestions from the public and effected agencies concerning the proposed collection of information 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