

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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* * * (10) information may be furnished to professional organizations or associations with which individuals covered by this system of records may be affiliated, such as state bar disciplinary authorities, to meet their responsibilities in connection with the administration and maintenance of standards of conduct and discipline.

[Following this sentence insert the three paragraphs below.]

(11) Relevant information contained in this system of records may be disclosed to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

(12) Relevant and necessary information may be disclosed to former employees of the Department of Justice for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(13) Relevant information contained in this system of records may be disclosed to a member of the judicial branch of Federal Government in response to a written request where disclosures are relevant to the authorized function of the recipient judicial office or court system.

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[FR Doc. 02-29879 Filed 11-26-02; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

James F. Graves, M.D.; Revocation of Registration

On April 8, 2002, the Administrator of the Drug Enforcement Administration (DEA), issued an Order to Show Cause, Immediate Suspension of Registration, to James F. Graves, M.D. (Dr. Graves) of Milton, Florida, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA

Certificate of Registration, AG3101235 under 21 U.S.C. 824(a), and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Graves is not currently authorized to handle controlled substances in Florida, the state in which he practices, and had been convicted of a felony involving controlled substances. The order also notified Dr. Graves that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

By letter dated April 16, 2002, Dr. Graves requested an administrative hearing. On May 7, 2002, DEA filed Government's Motion for Summary Disposition and Request for Stay of the Filings of Prehearing Statement. The Motion was based upon the argument that no facts were at issue: DEA cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts business. Dr. Graves did not respond to the Motion. On July 10, 2002, Administrative Law Judge Mary Ellen Bittner certified and transmitted the record in the matter to the Deputy Administrator along with her Opinion and Recommended Decision. In her Decision, the Administrative Law Judge granted DEA's Motion for Summary Disposition and recommended that Dr. Graves' DEA registration be revoked.

The Deputy Administrator has carefully reviewed the entire record in this matter, as defined above, and hereby issues this final order as prescribed by 1301.46, based upon the following findings and conclusions. The Deputy Administrator adopts the Opinion and Recommended Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law. The Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Dr. Graves possesses DEA Certificate of Registration AG3101235. On January 29, 2002, the Florida Department of Health ordered an emergency suspension of Dr. Graves' medical license. Loss of state authority to engage in the practice of medicine is an independent ground to revoke a practitioner's registration under 21 U.S.C. 824(a)(3). This agency has consistently held that a person may not maintain a DEA registration if he is without appropriate authority under the laws of the State in which he does

business. *See* Anne Lazar Thorn, M.D., 62 FR 12847 (DEA 1997); Bobby Watts, M.D., 53 FR 11919 (DEA 1988).

Dr. Graves has not denied that he is currently not licensed to practice medicine in Florida, the jurisdiction in which he is registered. Accordingly, he is not entitled to a DEA registration. As the Administrative Law Judge stated, it is well-settled that when no question of fact is involved, or when the material facts are agreed upon, a plenary, adversarial administrative proceedings is not required. *See* Jesus R. Juarez, M.D., 62 FR 14945 (DEA 1997).

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, grants the agency's Motion for Summary Disposition and hereby orders that DEA Certificate of Registration AG3101235 issued to James F. Graves, M.D. be, and 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 December 27, 2002.

Dated: November 4, 2002.

John B. Brown, III,

Deputy Administrator.

[FR Doc. 02-30022 Filed 11-26-02; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

K.V.M. Enterprises; Denial of Registration

On February 25, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to K.V.M. Enterprises (KVM) of Detroit, Michigan, notifying it of an opportunity to show cause as to why DEA should not deny its application for DEA registration as a distributor of list 1 chemicals. As a basis for the denial, the Order to Show Cause alleged that KVM's registration would not be in the public interest. The order also notified KVM that should not a request for a hearing be filed within 30 days, its hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to KVM to the address included on the application for registration. DEA received a signed receipt indicating that the Order to Show Cause was received on KVM's behalf on March 4, 2002. DEA has not received a request for hearing or any

other reply from KVM or anyone purporting to represent it in this matter. Therefore, the Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that KVM is deemed to have waived its hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that on January 23, 2001, KVM submitted an application for DEA registration as a distributor of the list I chemical ephedrine (DEA chemical code number 8113). The application was submitted by Kwana McBurrows (Ms. McBurrows), owner of KVM.

Ephedrine is a legitimately imported and distributed product used in the production of bronchial dilators and asthma relief medication. Ephedrine is also a precursor chemical used in the illicit manufacture of methamphetamine. DEA has developed information which demonstrates a recent increase in the use of ephedrine in the illicit manufacture of methamphetamine: in 1998, DEA was directly involved in the seizure of 1,626 clandestine methamphetamine laboratories. Of these laboratories, there were 135 instances where ephedrine was positively identified as a precursor chemical for methamphetamine (8.3 percent of total clandestine laboratory seizures). In 1999, DEA was directly involved in the seizure of 2,025 clandestine methamphetamine laboratories. Of these laboratory seizures, there were 269 instances where ephedrine was positively identified as a precursor chemical for methamphetamine (13.3 percent of total clandestine laboratory seizures). In 2000, the number of total DEA clandestine seizures dropped to 1,815, however, those involving ephedrine products (249) remained consistent.

During a March 16, 2001, pre-registration investigation, DEA learned that KVM is a distributor of products containing Ginseng. DEA also learned that prior to submitting an application for DEA registration, Ms. McBurrows worked as a beauty consultant, and sold "Mary Kay" health and beauty products. DEA's investigation further revealed that Ms. McBurrows had no prior experience in handling list I chemicals.

DEA's investigation also revealed that KVM does not presently have any customers, but proposes to sell its products exclusively to gas stations. DEA has developed information that

certain list I chemicals such as pseudoephedrine and ephedrine are often purchased in large quantities by non-traditional retail outlets such as gas station retailers who are not typically engaged in the sale of these products. These establishments in turn have sold these listed chemicals to individuals engaged in the illicit manufacture of methamphetamine.

DEA also requested information regarding proposed suppliers of list I chemicals to KVM. Ms. McBurrows informed DEA that the Hammer Corporation (Hammer) of Atlanta, Georgia is one of its potential suppliers. Hammer has been the recipient of 16 Warning Letters from DEA between October 1997 and January 2001. These letters notified Hammer that list I chemicals distributed by the firm have been associated with the illicit manufacture of methamphetamine.

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 KVM's application for DEA registration be denied, on the ground that registration of KVM would not be in the public interest. 21 U.S.C. 824(a)(4). This order is effective December 27, 2002.

Dated: November 4, 2002.

John B. Brown, III,

Deputy Administrator.

[FR Doc. 02-30021 Filed 11-26-02; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Request OMB emergency approval; application for certificate of citizenship in behalf of an adopted child.

The Department of Justice, Immigration and Naturalization Service (NS) has submitted an emergency information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with section 1320.13(a)(1)(ii) and (a)(2)(iii) of the Paperwork Reduction Act of 1995. The INS has determined that it cannot reasonably comply with the normal clearance procedures under this part because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information.

Therefore, OMB approval has been requested by November 30, 2002. If granted, the emergency approval is only valid for 180 days. ALL comments and/or questions pertaining to this pending request for emergency approval MUST be directed to OMB, Office of Information and Regulatory Affairs, Attention: Karen Lee, Department of Justice Desk Officer, Washington, DC 20503. Comments regarding the emergency submission of this information collection may also be submitted via facsimile to Ms. Lee at 202-395-6974.

During the first 60 days of this same period, a regular review of this information collection is also being undertaken. During the regular review period, the INS requests written comments and suggestions from the public and affected agencies concerning this information collection. Comments are encouraged and will be accepted until January 27, 2003. During 60-day regular review, ALL comments and suggestions, or questions regarding additional information, to include obtaining a copy of the information collection instrument with instructions, should be directed to Mr. Richard A. Sloan, 202-514-3291, Director, Regulations and Forms Services Division, Immigration and Naturalization Service, U.S. Department of Justice, Room 4304, 425 I Street, NW., Washington, DC 20536. Written comments and suggestions from the public and affected 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 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 use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection: