

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.

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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

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

(1) *Type of Information Collection:* New.

(2) *Title of the Form/Collection:* Mental Health and Juvenile Justice: Building a Model for Effective Service Delivery.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: OJP Form 1121 Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households; State and Local Government. This study is designed to examine: (1) The mental health status of youth in selected facilities and programs; (2) the availability of mental health and related substance abuse services for these youth; (3) the extent to which needed services are services are received by the youth; and (4) the level of youth and family satisfaction with services received.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that approximately 2,700 youth will complete the Massachusetts Youth Screening Instrument—Second Version (MAYSI-2) which takes 6–10 minutes to administer. In addition, a brief youth survey on service utilization and satisfaction, including some demographic items, will be administered to all study participants with the MAYSI. This survey will take no more than 15 minutes to administer. The Voice Diagnostic Interview Schedule for Children Version 4 (V-DISC 4) will be administered to 50% of those completing the MAYSI-2 interview. The V-DISC 4 takes about 1 hour to administer. We anticipate a total of 24 participants in the family focus groups and 45 key staff interviews. It is anticipated that the focus groups will take approximately 2 hours each, and the key staff interviews will take 45 minutes each.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total burden to complete all data collection activities is estimated to be 2,556.75 hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: September 19, 2002.

Brenda E. Dyer,

*Department Deputy Clearance Officer,
Department of Justice.*

[FR Doc. 02-24312 Filed 9-24-02; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL INSTITUTE FOR LITERACY

Notice of Partially Closed Meeting

AGENCY: National Institute for Literacy (NIFL)

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Institute for Literacy Board (Advisory Board). This notice also describes the function of the Advisory Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act (FACA). This document is intended to notify the general public of their opportunity to attend the meeting.

DATE AND TIME: October 2, 2002 from 9 a.m. to 4:30 p.m. Closed session from 1:30–3:30 p.m.

ADDRESSES: National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Shelly Coles, Executive Assistant, National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006. Telephone number (202) 233-2027, email: scoles@nifl.gov.

SUPPLEMENTARY INFORMATION: The Advisory Board is established under the Workforce Investment Act of 1998, Title II of Public Law 105-220, Sec. 242, the National Institute for Literacy. The Advisory Board consists of ten individuals appointed by the President with the advice and consent of the Senate. The Advisory Board is established to advise and make recommendations to the Interagency Group, composed of the Secretaries of Education, Labor, and Health and Human Services, which administers the National Institute for Literacy (Institute). The Interagency Group considers the Advisory Board's recommendations in planning the goals of the Institute and in the implementation of any programs

to achieve the goals of the Institute. Specifically, the Advisory Board performs the following functions: (a) Makes recommendations concerning the appointment of the Director and the staff of the Institute; (b) provides independent advice on operation of the Institute; and (c) receives reports from the Interagency Group and Director of the Institute. In addition, the Institute consults with the Advisory Board on the award of fellowships. The National Institute for Literacy Advisory Board meeting on October 2, 2002, will focus on future and current NIFL program activities, and other relevant literacy activities and issues.

On October 2, 2002 from 1:30–3:30 p.m., the meeting will be closed to the public to discuss personnel issues of a sensitive nature relating to the internal personnel rules and practices of an agency and are likely to disclose information of personal nature where disclosure would constitute a clearly unwarranted invasion of personnel privacy if conducted in open session. Such matters are protected by exemption under the Sunshine Act, 5 U.S.C. 552b(c)(2) and (6). A summary of the activities at the closed session and related matters which are informative to the public and consistent with the policy of title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting. Furthermore, due to the sensitive nature of this request, this meeting notice will not meet the fifteen-day requirement under FACA.

Records are kept of all Advisory Board proceedings and are available for public inspection at the National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006, from 8:30 a.m. to 5 p.m.

Dated: September 19, 2002.

Sharyn Abbott,
Executive Officer.

[FR Doc. 02-24277 Filed 9-24-02; 8:45 am]

BILLING CODE 6055-01-P

COMMISSION ON OCEAN POLICY

Public Meeting

AGENCY: Commission on Ocean Policy.

ACTION: Notice.

SUMMARY: The U.S. Commission on Ocean Policy will hold a meeting to hear and discuss ocean-related issues of concern in the development of recommendations for a coordinated national ocean policy. This will be the twelfth public Commission meeting.

DATES: The public meeting will be held Wednesday, October 30, 2002 from 8:30 a.m. to 6:00 p.m.