

manner. Therefore, the New Jersey Board of Medical Examiners revoked Dr. Hassmann's license to practice medicine in New Jersey on March 18, 1991, based upon his conviction and the revocation of his Texas medical license.

On February 21, 1991, the Oklahoma Medical Board granted Dr. Hassmann a probationary license to practice medicine in that state subject to various conditions for five years, one of which was to refrain from alcohol and drug consumption. In 1994, upon Dr. Hassmann's request, the term regarding abstinence from alcohol was lifted. One month later, he was arrested and charged with first degree residential burglary and driving under the influence of alcohol. Dr. Hassmann pled guilty to the charges and received a one year deferred sentence. On September 6, 1996, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control granted Dr. Hassmann a limited license to handle controlled substances in Schedules III through V only, and placed him on probation until September 2001.

On March 23, 1995, Dr. Hassmann submitted an application for registration with DEA. On the application, Dr. Hassmann answered "No" to a question (hereinafter referred to as the liability question) which asks whether "the applicant ever had a State professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation?" Dr. Hassmann provided this response despite the revocation of his medical licenses in Texas and New Jersey in 1988 and 1991 respectively, and the granting of a probationary medical license in Oklahoma in 1991.

Pursuant to 21 U.S.C. 823(f), the Deputy Administrator may deny an application for a DEA Certificate of Registration if he determines that such registration would be inconsistent with the public interest. In determining the public interest, the following factors are considered:

- (1) The recommendation of the appropriate State licensing board or professional disciplinary authority.
- (2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.
- (3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.
- (4) Compliance with applicable State, Federal, or local laws relating to controlled substances.
- (5) Such other conduct which may threaten the public health and safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See Henry J. Schwarz, Jr., M.D., 54 FR 16,422 (1989).

Regarding factor one, Dr. Hassmann's state medical licenses in Texas and New Jersey have been revoked. He is now applying for DEA registration in Oklahoma. While he is currently authorized to practice medicine and handle Schedule III through V controlled substances in Oklahoma, such authorization is not dispositive of whether he should be issued a DEA registration in that state. The recommendation of the state licensing authority is only one of the factors to be considered in determining the public interest.

As to factor two, there is no evidence before the Acting Deputy Administrator regarding Dr. Hassmann's experience in dispensing or conducting research with controlled substances.

Regarding factor three, Dr. Hassmann was ultimately convicted of the use of interstate facilities to commit a crime, however this conviction related to the unlawful distribution of cocaine.

As to Dr. Hassmann's compliance with controlled substance laws, it is undisputed that he participated in a scheme to illegally distribute large quantities of cocaine in violation of 21 U.S.C. 841(a)(1). In addition, under 21 U.S.C. 843(a)(4)(A), it is "unlawful for any person knowingly or intentionally—to furnish false or fraudulent material information in, or omit any material information from, any application, report, record, or other document required to be made, kept, or filed under this subchapter of subchapter II of this chapter." Answers to the liability questions on applications for registration are material, since DEA relies upon such answers to determine whether an investigation is needed prior to granting the application. See Ezzat E. Majd Pour, M.D., 55 FR 47,547 (1990). The Acting Deputy Administrator concludes that Dr. Hassmann materially falsified his application for registration by answering "No" to the question which asks in part whether he had even had a state license revoked or placed on probation, when his licenses in Texas and New Jersey were revoked, and his Oklahoma license was placed on probation.

Based upon the above, the Acting Deputy Administrator concludes that Dr. Hassmann's registration with DEA

would be inconsistent with the public interest. 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 orders that the application for registration, executed by Gary C. Hassmann, M.D., be, and it hereby is, denied. This order is effective September 24, 1998.

Dated: August 14, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 27, 1998, National Center for Development of Natural Products, The University of Mississippi, 135 Cox Waller Complex, University, Mississippi 38677, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I

The firm plans to bulk manufacture for product development.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 26, 1998.

Dated: August 14, 1998.

John H. King,

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

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