

DEPARTMENT OF JUSTICE**Drug Enforcement Administration**

[Docket No. 01-45]

Chattem Chemicals, Inc., Chattanooga, Tennessee; Notice of Administrative Hearing, Summary of Comments and Objections; Notice of Hearing

This Notice of Administrative Hearing, Summary of Comments and Objections, regarding the application of Chattem Chemicals, Inc. (Chattem), for registration as an importer of the Schedule II controlled substances raw opium and poppy straw concentrate is published pursuant to 21 CFR 1301.34(a). On August 10, 2001, notice was published in the **Federal Register**, 65 FR 42239 (DEA 2001), stating that Chattem has applied to be registered as an importer of amphetamine, methamphetamine, phenylacetone, thebaine, raw opium, and poppy straw concentrate.

On September 7, 2001, Organichem Corporation (Organichem), filed comments and a request for hearing on Chattem's application with respect to amphetamine. On September 10, 2001, Noramco of Delaware, Inc. (Noramco), filed comments and a request for hearing on Chattem's application with respect to raw opium, poppy straw concentrate, and thebaine; and Penick Corporation (Penick), filed comments and requested a hearing on Chattem's application with respect to raw opium, poppy straw concentrate, thebaine, phenylacetone, methamphetamine, and amphetamine. On September 13, 2001, Mallinckrodt, Inc. (Mallinckrodt), filed a request for hearing on Chattem's application with respect to thebaine, raw opium, amphetamine, and poppy straw concentrate. On December 5, 2001, Chattem withdrew its application with respect to amphetamine and thebaine; thus the comments of other manufacturers with respect to these substances are moot and Organichem is not a party to this proceeding. Subsequently, Penick limited its request for a hearing to Chattem's application to import raw opium and poppy straw concentrate. Notice is hereby given that a hearing with respect to Chattem's application to be registered as an importer of raw opium and poppy straw concentrate will be conducted pursuant to the provisions of 21 U.S.C. 952(a) and 958 and 21 CFR 1301.34.

Hearing Date: The hearing will begin at 9:30 a.m. on September 23, 2002, and will be held at the Drug Enforcement Administration Headquarters, 600 Army Navy Drive, Hearing Room, Room E-

2103, Arlington, Virginia. The hearing will be closed to any person not involved in the preparation or presentation of the case.

Notice of Appearance: Any person entitled to participate in this hearing pursuant to 21 CFR 1301.34, and desiring to do so, may participate by filing a notice of intention to participate, in triplicate, and in accordance with 21 CFR 1301.34, with the hearing Clerk, Office of Administrative Law Judges, Drug Enforcement Administration, Washington, DC 20537, within 30 days of the date of publication of this notice in the **Federal Register**. Each notice of appearance must be in the form prescribed in 21 CFR 1316.48. Chattem, Penick, Noramco, Mallinckrodt, and DEA Office of Chief Counsel need not file a notice of intention to participate.

For Further Information Contact: Helen Farmer, Hearing Clerk, Drug Enforcement Administration, Office of Administrative Law Judges, Washington, DC 20537; Telephone (202) 307-8188.

Summary of Comments and Objections

Noramco's Comments: Noramco asserts that Chattem bears the burden of proving that its registration to import would be consistent with the public interest, that because Chattem lacks experience manufacturing active pharmaceutical ingredients from raw opium and poppy straw concentrate, it will be difficult for Chattem to produce these materials as efficiently as existing registrants, thereby aggravating the long-term shortage of narcotic raw materials. Noramco also states that existing manufacturers of bulk narcotic substances are producing an adequate and uninterrupted supply under adequately competitive conditions.

Penick's Comments: Penick states that Chattem bears the burden of proving that its registration would be consistent with the public interest, that there needs to be a finding of the sufficiency of adequate competition in the marketplace, that it is not possible to determine Chattem's capabilities for processing opium or poppy straw concentrate, that Chattem lacks experience in the processing of opium and poppy straw concentrate, and there is insufficient public information about Chattem's knowledge and prior experience in the international marketplace.

Dated: August 14, 2002.

John B. Brown III,

Deputy Administrator, Drug Enforcement Administration.

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DEPARTMENT OF LABOR**Office of the Secretary****Submission for OMB Review; Comment Request**

August 12, 2002.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1996 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Marlene Howze at ((202) 693-4158 or e-mail Howze-Marlene@dol.gov).

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are 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.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics (BLS).

Title: The Consumer Expenditure Surveys: The Quarterly Interview and the Diary.

OMB Number: 1220-0050.

Affected Public: Individuals or households