Centre of New Jersey, 661 Highway One, North Brunwswick, New Jersey 08902, made application by renewal to the drug Enforcement Administration to be registered as an importer of Phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import the listed controlled substances to manufacture amphetamine.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such from as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing 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: Federal Register Representative, Office of Chief Counsel (CCD) and must be filed no later than September 13, 2003.

This procedure is to be conducted simultaneously with an independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: June 25, 2003.

Laura M. Nagel,

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

[FR Doc. 03–17716 Filed 7–11–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Deanwood Pharmacy: Denial of Application for Registration

I. Background

On September 5, 2001, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Deanwood Pharmacy (Respondent) of Washington, DC, notifying Respondent of an opportunity to show cause as to why DEA should not deny its application for DEA registration as a pharmacy pursuant to 21 U.S.C. 824(a)(2) and (3) and 823(f), on the ground that such registration would be inconsistent with the public interest. As a basis for revocation, the Order to Show Cause alleged that (1) Respondent's employee, Mr. Watson, was hired in violation of 21 CFR 1301.76, since the Respondent did not seek a waiver of this provision prior to hiring him; (2) that Mr. Watson had used Deanwood Pharmacy's previous DEA Certificate of Registration to purchase various controlled substances for his personal use; (3) that in April 1999, DEA investigators performed an accountability audit of controlled substances, resulting in a finding of overages and shortages of the audited drugs; and (4) that an October 22, 1999, Mr. Watson was convicted, upon entry of a guilty pleas, of an offense related to this handling of controlled substances.

By letter filed on October 12, 2001, the Respondent's owner requested a hearing in this matter. On November 6, 2001, Administrative Law Judge Gail A. Randall (the ALJ) issued an Order for Prehearing Statements. On November 15, 2001, the Government filed a Motion for Summary Disposition (Motion).

The Government attached to its Motion an affidavit from Antoinette J. Williams, the Chief of DEA's registration had been surrendered on April 2, 1999, and that the Respondent had submitted a new application for a DEA Certificate of Registration for a retail pharmacy on or around April 12, 1999. The Government also attached a letter dated August 1, 2001, from the Government of the District of Columbia, Department of Health, asserting that Deanwood Pharmacy did not have a current pharmacy license or DC Controlled Substance Registration.

Based on the attachments, the Government argued that the Respondent did not have a valid license to operate a pharmacy or to handle controlled substances in the jurisdiction of his requested DEA certificate. Accordingly, the Government asserted that the Respondent's pending DEA application must be denied.

After numerous extensions of time and motions to stay proceedings, the ALJ issued an Order on January 30, 2002, giving the respondent until February 22, 2002, to respond to the Government's Motion. On that date, the Respondent filed an Opposition to Government's Motion for Summary Disposition, asserting that the Respondent had a pending application filed on January 11, 2002, before the Department of Health for the District of Columbia, (Department of Health) for a controlled substances registration. The Respondent also noted that the Government contacted the Department of Health on or about January 18, 2002, and provided that office the information in the show cause order in this matter. As a result of the exchange of information, the Respondent now believed that the Department of Health's decision regarding the application for authority to handle controlled substances would not be resolved for several months. Accordingly, the Respondent asked that this matter be stayed until a decision was rendered by the Department of Health, in order to avoid further delay in DEA's processing of Respondent's application. The Respondent did not disagree with the Government's assertions that the Respondent was currently not authorized to handle controlled substances in the District of Columbia, the business address of the Respondent-pharmacy, or that the Respondent lacked a pharmacy license.

By order of March 7, 2002, the ALJ granted the Government's Motion, on the ground that DEA does not have statutory authority under the Controlled Substances Act to grant a registration if the applicant has no state authority to dispense controlled substances.

II. Final Order

The Acting Administrator adopts the ALJ's decision granting the Government's Motion, and all of the ALJ's prior decisions on motions in this matter. The Acting Administrator has carefully reviewed the entire record in this matter, as defined above, and hereby issues this final rule and final order prescribed by 21 CFR 1316.67 and 21 CFR 1301.46, based upon the following findings of fact and conclusions.

As stated by the ALJ in her order granting the Government's motion, DEA has no authority to grant a registration if the registrant is without state authority to dispense controlled substances in the state in which the Respondent's business is located. 21 U.S.C. 823(f) and 824(a)(3): *See* Graham Travers Schuler, M.D., 65 FR 50,570 (DEA 2000); *see also* Saihb S. Halil, M.D., 64 FR 33,319 (DEA 1999); Greenbelt Professional Pharmacy, 57 FR 55,000 (DEA 1992).

Moreover, when there is not material questions of fact involved, or when the facts are agreed upon, there is no need

for a plenary, administration hearing. Congress did not intend for administrative agencies to perform meaningless tasks. *See Michael G. Dolin,* M.D., 65 FR 5,661 (2000); *see also Jesus R. Juarez,* M.D., 62 FR 14,945 (1997); Philip E. Kirk, M.D., 48 FR 32,887 (1983), *aff'd sub nom Kirk* v. *Mullen,* 749 F.2d 297 (6th Cir. 1984).

In the instate case, the documents attached to the Government's Motion fully support the allegation that Respondent does not have state authority to handle controlled substances. Moreover, the Respondent does not argue that this information is incorrect. Accordingly, absent an affirmative dispute of that fact by the Respondent, there is no need for a hearing in this matter.

Furthermore, as the ALJ found, given DEA's lack of statutory authority to grant the Respondent's application for a DEA registration, due to the Respondent's lack of authority to handle controlled substances in the District of Columbia, it is unnecessary to determine whether the Respondent's application should be denied based upon any of the other grounds alleged in the Order to Show Cause. *See* Greenbelt Professional Pharmacy at 55,000 (respondent's lack of state authorization to handle controlled substances makes it unnecessary to decide the issue of whether respondent's continued registration is consistent with the public interest.)

In conclusion, considering the Government's evidence and the Respondent's failure to deny that is it not currently authorized to handle controlled substances in the District of Columbia, the Acting Administrator finds that the Respondent currently does not have authority to handle controlled substances in the location of its place of business on its application for a DEA registration. Accordingly, the Government's Motion for Summary Disposition is granted, and the Respondent's application for DEA registration is hereby denied. This order is effective August 13, 2003.

Dated: June 23, 2003.

William B. Simpkins,

Acting Administrator.

[FR Doc. 03–17713 Filed 7–11–03; 8:45 am]

BILLING CODE 4410–09–M

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 November 18, 2002, Novus Fine Chemicals, LLC, 611 Broad Street, Carlstadt, New Jersey 07072–1317, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of Methylphenidate (1724), a Schedule II controlled substance.

The firm plans to manufacture bulk Methylphenidate to distribute to its customers for the manufacture of finished products.

Any other such applicant and any person who is presently registered with DEA to manufacture such a substance 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 Assistance Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCD) and must be filed no later than September 12, 2003.

Laura M. Nagel,

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

[FR Doc. 03–17714 Filed 7–11–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 8, 2003.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation, contact Vanessa Reeves on 202–693–4124 (this is not a toll-free number) or e-mail: *reeves.vanessa2@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Bureau of Labor Statistics (BLS), Office of Management and Budget, Room 10235, Washington, DC 20503 (202–395–7316/ this is not a toll-free number), 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 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.

Agency: Bureau of Labor Statistics.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Title: CPS Volunteer Supplement.

OMB Number: 1220–0176.

Affected Public: Individuals or households.

Frequency: Annually.

Type of Response: Reporting.

Number of Respondents: 112,000.

Number of Annual Responses: 112,000.

Estimated Time Per Responses: 4 minutes.

Total Burden Hours: 7,467.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/ maintaining systems or purchasing services): $0.

Description: The Current Population Survey (CPS) Volunteer Supplement provides information on the total number of individuals in the U.S. involved in unpaid volunteer activities, factors that motivate volunteerism, measures of the frequency or intensity with which individuals volunteer, types of organizations that facilitate volunteerism, and activities in which volunteers participate.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. 03–17704 Filed 7–11–03; 8:45 am]

BILLING CODE 4510–24–M