

argued that Respondent is therefore not authorized to handle controlled substances in that state.

Respondent submitted a response dated December 15, 1997, to the Government's motion arguing that the Board suspended his license in Michigan as a "sister state action" to the revocation of his Arizona license, and that evidence would be presented at a hearing that would show that "the Arizona Osteopathic Board of Medical Examiners acted with prejudicial error in there (sic) determination."

Respondent further argued that both the Arizona Osteopathic Board of Medical Examiners and the Michigan Board engaged in "prosecutorial indiscretion" and "misfeasance." However, Respondent did not deny that he was not currently authorized to handle controlled substances in Michigan.

On January 23, 1998, Judge Bittner issued a Memorandum to Parties and Order noting that Respondent did not indicate in his response to the Government's motion "whether he is pursuing reinstatement of his Michigan license upon conclusion of the minimum six month and one day suspension period." Therefore, Judge Bittner gave Respondent until March 12, 1998 to submit documentation that his Michigan license has been reinstated. Judge Bittner warned that, (i) if Respondent fails to timely submit such documentation, I shall grant the Motion for Summary Disposition." Respondent did not submit any documentation nor did he indicate that he intends to do so in the future.

On March 24, 1998, Judge Bittner issued her Opinion and Recommended Decision, finding that Respondent lacked authorization to practice medicine in the State of Michigan, and therefore handle controlled substances; granting the Government's Motion for Summary Disposition; and recommending that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her opinion, and on April 28, 1998, Judge Bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting 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 Acting Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrator Law Judge.

The Acting Deputy Administrator finds that by a Superseding Final Order dated July 18, 1997, the Michigan Board

suspended Respondent's license to practice osteopathic medicine and surgery effective August 18, 1997, for six month and one day. The Michigan Board further ordered that reinstatement of Respondent's license would not be automatic at the conclusion of the suspension period. Respondent did not deny that he was not currently authorized to handle controlled substances in the State of Michigan and he did not offer evidence that he has sought to have his Michigan license reinstated.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Romeo J. Perez, M.D.*, 62 16,193 (1997); *Demetris A. Green, M.D.*, 61 F.R. 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104(1993).

Here it is clear that Respondent is not licensed to practice osteopathic medicine in Michigan. Consequently, it is reasonable to infer that he is not authorized to handle controlled substances in Michigan, where he is registered with DEA. Since Respondent lacks this state authority, he is not entitled to a DEA registration in that state.

In light of the above, Judge Bittner properly granted the Government's Motion for Summary Disposition. Here, the parties did not dispute the fact that Respondent was unauthorized to handle controlled substances in Michigan. Therefore, it is well-settled that when no question of material fact is involved, a plenary, adversary administrative proceeding involving evidence an cross-examination of witness is not obligatory. *See Phillip 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); *United States v. Consolidated Mines & Smelting Co.* 44 F.2d 432 (9th Cir. 1971).

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 order that DEA Certificate of Registration BS0321430, previously issued to Michael J. Septer, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration, be, and

they hereby are, denied. This order is effective September 17, 1998.

Dated: August 11, 1998.

**Donnie R. Marshall,**

*Acting Deputy Administrator.*

[FR Doc. 98-22097 Filed 8-17-98; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

#### **Bureau of Justice Statistics; Agency Information Collection Activities: Proposed Collection; Comment Request**

**ACTION:** Notice of Information Collection Under Review; New collection; 1998 National Study of DNA Laboratories.

The Department of Justice, Bureau of Justice Statistics, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on March 16, 1998 allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until September 17, 1998. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted via facsimile to (202) 395-7285. Comments may also be submitted to the Department of Justice (DOJ), Information Management and Security Staff, Justice Management Division, Attention: Department Clearance Officer, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514-1590.

Written comments and/or suggestions from the public and effected 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.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Greg Steadman, Statistician, Bureau of Justice Statistics, 810 7th Street, NW., Washington, DC 20531, or via facsimile (202) 307-5846.

Overview of this information collection:

(1) Type of information collection: New collection.

(2) The title of the form/collection: 1998 National Study of DNA Laboratories.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: Form number CLAB-1. Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: State, Local or Tribal Government

Other: None.

This information collection is a census of public crime laboratories that perform DNA analysis. The information will provide statistics on laboratories' capacity to analyze DNA evidence, the number and sources of DNA evidence received per year, the number, types, and costs of analyses completed. It will also identify the capacities of states to participate in a national DNA database.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: 160 respondents each taking an average 0.75 hours to respond.

(6) An estimate of the total public burden (in hours) associated with the collection: 120 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and

Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: August 12, 1998.

**Robert B. Briggs,**

*Department Clearance Officer,*

*United States Department of Justice.*

[FR Doc. 98-22151 Filed 8-17-98; 8:45 am]

BILLING CODE 4410-18-M

## DEPARTMENT OF JUSTICE

### Office of Juvenile Justice and Delinquency Prevention

[OJP(OJJDP)-1194]

RIN 1121-ZB30

### Notice of Meeting of the Coalition of Juvenile Justice

**AGENCY:** Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

**ACTION:** Notice of meeting.

**SUMMARY:** The Office of Juvenile Justice and Delinquency Prevention is announcing the meeting of the Coalition for Juvenile Justice.

**DATES:** This conference will begin at 8:00 a.m. on September 9, 1998, and end at 1:00 p.m. on September 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Freida Thomas, 202/307-5924, Office of Juvenile Justice and Delinquency Prevention, 810 7th Street, NW, Room 8142, Washington, DC 20531.

**SUPPLEMENTARY INFORMATION:** In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. app. I), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) announces the meeting of the Coalition for Juvenile Justice. This conference will begin at 8:00 a.m. on September 9, 1998, and end at 1:00 p.m. on September 13, 1998. This advisory committee, chartered as the Coalition for Juvenile Justice, will meet at the Sheraton World Resort, 10100 International Drive, Orlando, Florida 32821-8095. The purpose of this meeting is to discuss and adopt recommendations from members regarding the committee's responsibility to advise the OJJDP Administrator, the President and the Congress about State perspectives on the operation of the OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention.

This meeting will be open to the public.

**Shay Bilchik,**

*Administrator Office of Juvenile Justice and Delinquency Prevention.*

[FR Doc. 98-22186 Filed 8-17-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

### National Institute of Justice

[OJP (NIJ)-1191]

RIN 1121-ZB28

### Announcement of the Availability of the National Institute of Justice Solicitation for Communicating Research Findings: Assessing the Communication Strategies and Products of the National Institute of Justice

**AGENCY:** Office of Justice Programs, National Institute of Justice, Justice.

**ACTION:** Notice of solicitation.

**SUMMARY:** Announcement of the availability of the National Institute of Justice solicitation "Communicating Research Findings: Assessing the Communication Strategies and Products of the National Institute of Justice."

**DATES:** Due date for receipt of proposals is close of business September 15, 1998.

**ADDRESSES:** National Institute of Justice, 810 Seventh Street, NW, Washington, DC 20531.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the solicitation, please call NCJRS 1-800-851-3420. For general information about application procedures for solicitations, please call the U.S. Department of Justice Response Center 1-800-421-6770.

**SUPPLEMENTARY INFORMATION:**

#### Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, sections 201-03, as amended, 42 U.S.C. 3721-23 (1994).

#### Background

The National Institute of Justice (NIJ) is requesting proposals to assess/evaluate its overall communications and dissemination processes and products, especially as they relate to its primary mission to develop knowledge and technology that will improve and strengthen the criminal justice system. Areas of assessment should include, but not be limited to: (1) Topics/content—are they timely and relevant?; (2) formats—are they user-friendly?; (3) which of the current formats are most preferred?; (4) audience; and (5) is NIJ