

to finding this interpretation to be that which most closely mirrors the text of the statute, I believe that, upon consideration of the legislative history and treaty considerations discussed above, this interpretation most effectively achieves the principles underlying the statutory text: Balancing the overarching goal of preventing the United States from being a source of domestic and international diversion by limiting the number of bulk manufacturers of schedule I and II controlled substances with the desire to ensure a level of competition adequate to prevent legitimate purchasers of these substances from being charged unreasonable prices.<sup>125</sup> The alternative interpretation, though found to be permissible, does not give full effect to these principles and provides no mechanism to prevent the proliferation of bulk suppliers of schedule I and II controlled substances beyond that necessary to adequately supply the legitimate United States demand for these materials under adequately competitive conditions. It is axiomatic that the proliferation of suppliers of bulk schedule I and II controlled substances heightens the risk of oversupply, which in turn increases the risk of diversion. The alternative interpretation, therefore, does not effectuate the statute and its underlying purposes as well as the interpretation followed in this final order.

#### *D. Summary of the Discussion*

For the reasons indicated above, I have determined that Respondent's proposed registration is inconsistent with United States obligations under the Single Convention and with the public interest based on a consideration of the factors set forth in 21 U.S.C. 823(a). With respect to the Single Convention, Respondent's desire to become registered in order to achieve MAPS's goal of ending the Federal Government's monopoly on the wholesale distribution of marijuana cannot be squared with the requirement under the Convention that there be precisely such a monopoly. With respect to the public interest, Respondent's failure to demonstrate that the longstanding existing system in the United States of producing and

distributing research-grade marijuana under the oversight of HHS and NIDA is inadequate within the meaning of 21 U.S.C. 823(a)(1) weighs heavily against granting his application. Also with respect to the public interest, the admitted conduct relating to controlled substances of Respondent's sponsor, Mr. Doblin (in particular, Mr. Doblin's past and ongoing conduct relating to marijuana) is unacceptable for anyone seeking to have a prominent role in overseeing the controlled substance activities of a DEA registrant—especially where the registrant's proposed activities are the manufacture and distribution of the very drug marijuana. In sum, there are three independent grounds, any of which, standing alone, provide a sufficient (indeed, compelling) legal basis for denying Respondent's application.

#### *Order*

Pursuant to the authority vested in me by 21 U.S.C. 823(a), as well as 28 CFR 0.100(b) & 0.104, appendix to subpart R, sec. 7(a), I order that the application of Lyle E. Craker, Ph.D., for a DEA certificate of registration as a manufacturer of marijuana be, and hereby is, denied. This order is effective February 13, 2009.

Dated: January 7, 2009.

**Michele M. Leonhart,**

*Deputy Administrator.*

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## **DEPARTMENT OF JUSTICE**

### **Foreign Claims Settlement Commission of the United States**

#### **Privacy Act of 1974; System of Records**

**AGENCY:** Foreign Claims Settlement Commission of the United States.

**ACTION:** Notice of a New System of Records.

**SUMMARY:** Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Foreign Claims Settlement Commission (Commission), Department of Justice, proposes to establish a new system of records to enable the Commission to carry out its statutory responsibility to determine the validity and amount of the claims submitted to the Commission against Libya. The Claims Against Libya System will include documentation provided by the claimant as well as background material that will assist the Commission in the processing of their claims. The system will also include the final

decision of the Commission regarding the claim.

**DATES:** In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment; and the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system. Accordingly, please submit any comments by February 17, 2009.

**ADDRESSES:** The public, OMB, and Congress are invited to submit any comments to the Foreign Claims Settlement Commission of the United States, 600 E Street, NW., Suite 6002, Washington, DC 20579.

**FOR FURTHER INFORMATION CONTACT:** The Administrative Office, Foreign Claims Settlement Commission, U.S. Department of Justice, 600 E Street, NW., Suite 6002, Washington, DC 20579, or by telephone at 202–616–6975. In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress on the new system of records.

Dated: January 9, 2009.

**Mauricio Tamargo,**  
*Chairman.*

#### **JUSTICE/FCSC–29**

##### **SYSTEM NAME:**

Libya, Claims Against.

##### **SYSTEM LOCATION:**

Offices of the Foreign Claims Settlement Commission, 600 E Street, NW., Suite 6002, Washington, DC 20579.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons with claims against Libya covered by the August 14, 2008 Claims Settlement Agreement Between the United States of America and the Great Socialist People's Libyan Arab Jamahiriya and referred by the Department of State to the Foreign Claims Settlement Commission.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Claim information, including name and address of claimant and representative, if any; date and place of birth or naturalization; nature of claim; description of loss or injury including medical records; and other evidence establishing entitlement to compensation.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Authority to establish and maintain this system is contained in 5 U.S.C. 301 and 44 U.S.C. 3101, which authorize the Chairman of the Commission to create

changed its interpretation of [a statutory provision] does not \* \* \* lead us to conclude that no deference should be accorded the agency's interpretation of the statute.”).

<sup>125</sup> DEA has never invoked the “limiting” language of paragraph 823(a)(1) as a basis to revoke the registration of an existing bulk manufacturer that is currently utilizing its registration to supply the market for a given schedule I or II controlled substance, and this final order should not be construed as suggesting a departure from such practice.

and maintain federal records of agency activities, and is further described in 22 U.S.C. 1622e, which vests all non-adjudicatory functions, powers and duties in the Chairman of the Commission.

**PURPOSE:**

To enable the Commission to carry out its statutory responsibility to determine the validity and amount of certain claims of U.S. nationals against Libya.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The information contained in this system of records will be disclosed by the Commission under the following circumstances:

a. To the Department of State and the Department of the Treasury in connection with the negotiation, adjudication, settlement and payment of claims;

b. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish a Commission function related to this system of records;

c. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record;

d. Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

e. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the Department of Justice and/or the Commission determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding;

f. To a former employee of the Commission for purposes of: Responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in

accordance with applicable Commission regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Commission requires information and/or consultation from the former employee regarding a matter within that person's former area of responsibility.

g. To appropriate agencies, entities, and persons when (1) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Commission or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

**STORAGE:**

Paper records maintained in file folders at the Commission's office and an electronic Microsoft Access database located on the Commission's Server.

**RETRIEVABILITY:**

Information from this system of records will be retrieved by claimant name, claim number and/or decision number. An alphabetical index is used for identification of a claim by claimants' name (see system "Justice/FCSC-1" originally published in the *Federal Register*, June 10, 1999, 64 FR 31296).

**SAFEGUARDS:**

Paper records are under security safeguards at the Commission's office. The electronic records are safeguarded by the DOJ JCON security procedures. Access to the Commission's data requires a password and is limited to Commission employees and contractors with appropriate security clearances.

**RETENTION AND DISPOSAL:**

Records are maintained under 5 U.S.C. 301. Disposal of records will be in accordance with the determination by the National Archives and Records Administration with regard to the Commission's request for Records Disposition Authority dated November 26, 2008.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrative Office, Foreign Claims Settlement Commission, 600 E Street, NW., Suite 6002, Washington, DC 20579. Telephone: 202/616-6975. Fax: 202/616-6993.

**NOTIFICATION PROCEDURE:**

The Administrative Officer will inform any person or other agency about any correction or notation of dispute made in accordance with title 45 CFR Sec. 503.7 of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

**RECORD ACCESS PROCEDURE:**

(a) Upon request in person or by mail, any individual will be informed whether or not a system of records maintained by the Commission contains a record or information pertaining to that individual. (b) Any individual requesting access to a record or information on himself or herself must appear in person at the offices of the Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC, between the hours of 9 a.m. and 5 p.m., Monday through Friday, and (1) Provide information sufficient to identify the record, e.g., the individual's own name, claim and decision number, date and place of birth, etc.; (2) Provide identification sufficient to verify the individual's identity, e.g., driver's license, identification or Medicare card; and (3) Any individual requesting access to records or information pertaining to himself or herself may be accompanied by a person of the individual's own choosing while reviewing the records or information. If an individual elects to be so accompanied, advance notification of the election will be required along with a written statement authorizing disclosure and discussion of the record in the presence of the accompanying person at any time, including the time access is granted. (c) Any individual making a request for access to records or information pertaining to himself or herself by mail must address the request to the Administrative Officer (Privacy Officer), Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579, and must provide information acceptable to the Administrative Officer to verify the individual's identity. (d) Responses to requests under this section normally will be made within ten (10) days of receipt (excluding Saturdays, Sundays, and legal holidays). If it is not possible to respond to requests within that period, an acknowledgment will be sent to the individual within ten (10) days of

receipt of the request (excluding Saturdays, Sundays, and legal holidays).

#### CONTESTING RECORD PROCEDURES:

(a) Any individual may request amendment of a record pertaining to himself or herself according to the procedure in paragraph (b) of this section, except in the case of records described under paragraph (d) of this section. (b) After inspection by an individual of a record pertaining to himself or herself, the individual may file a written request, presented in person or by mail, with the Administrative Officer, for an amendment to a record. The request must specify the particular portions of the record to be amended, the desired amendments and the reasons therefor. (c) Not later than ten (10) days (excluding Saturdays, Sundays, and legal holidays) after the receipt of a request made in accordance with this section to amend a record in whole or in part, the Administrative Officer will: (1) Make any correction of any portion of the record which the individual believes is not accurate, relevant, timely or complete and thereafter inform the individual of such correction; or (2) Inform the individual, by certified mail return receipt requested, of the refusal to amend the record, setting forth the reasons therefor, and notify the individual of the right to appeal that determination as provided under 45 CFR Sec. 503.8. (d) The provisions for amending records do not apply to evidence presented in the course of Commission proceedings in the adjudication of claims, nor do they permit collateral attack upon what has already been subject to final agency action in the adjudication of claims in programs previously completed by the Commission pursuant to statutory time limitations.

#### RECORD SOURCE CATEGORIES:

Claimant on whom the record is maintained.

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor

herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) by number and alternative trade adjustment assistance (ATAA) by (TA-W) by number issued during the period of December 15 through December 19, 2008.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm

and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

#### Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA-W-64,466; Mt. Pleasant Hosiery Mills, Mt. Pleasant, NC: November 12, 2007.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.