

following address: cormorants@fws.gov. The public may inspect comments during normal business hours in Room 4701, 4501 North Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Brian Millsap, Chief, Division of Migratory Bird Management, or Shauna Hanisch (703) 358-1714.

SUPPLEMENTARY INFORMATION: On December 3, 2001, we published a notice of availability in the **Federal Register** (66 FR 60218) to announce that the DEIS on double-crested cormorant management was available for public comment. On December 19, 2001, we published a **Federal Register** notice of meetings and extension of the comment period (66 FR 65510) to announce the schedule of public hearings to invite further public participation in the DEIS review process.

The DEIS evaluates alternative strategies to reduce damages associated with double-crested cormorants in the continental United States. The DEIS is a comprehensive programmatic plan intended to guide and direct double-crested cormorant management activities. The DEIS examined six management alternatives for addressing conflicts with double-crested cormorants: (A) No action, (B) Nonlethal control, (C) Increased local damage control, (D) Public resource depredation order, (E) Regional population reduction, and (F) Regulated hunting. The proposed action/preferred alternative in the DEIS was alternative D, Public resource depredation order. This alternative entails: revising the existing aquaculture depredation order that applies to commercial freshwater aquaculture facilities and hatcheries to allow winter roost control; establishing a new depredation order to protect public resources from cormorant damages; and revising Director's Order 27 to allow lethal take of double-crested cormorants at public fish hatcheries. Alternative D is intended to enhance the ability of resource agencies to deal with cormorant damages in an effective and timely manner by giving them more regulatory flexibility. In the DEIS, alternatives were analyzed with regard to their potential impacts on double-crested cormorant populations, fish, other birds, vegetation, federally-listed threatened and endangered species, and socioeconomics.

On March 17, 2003 (68 FR 12653), we published a proposed rule in the **Federal Register** that would implement our preferred alternative. Because of the publication of the proposed rule, we have extended the comment period on the DEIS. We note that the proposed

rule presents the preferred alternative in a more detailed manner than the DEIS and advise the reader to refer to it. It is available at our Web site <http://migratorybirds.fws.gov>. The Service invites careful consideration by all parties, and welcomes serious scrutiny from those committed to the long-term conservation of migratory birds.

In order to be considered, electronic submission of comments must include your name and postal mailing address; we will not consider anonymous comments. All comments received, including names and addresses, will become part of the public record. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's National Environmental Policy Act regulations [40 CFR 1506.6(f)]. Our practice is to make comments available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. If a respondent wishes us to withhold his/her name and/or address, this must be stated prominently at the beginning of the comment.

Dated: March 24, 2003.

Paul R. Schmidt,

Assistant Director, Migratory Birds and State Programs.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 02-15]

Genesis 1:29 Corporation; Denial of Application

On December 13, 2001, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Genesis 1:29 Corporation (Respondent) of Petaluma, California, proposing to deny its application for DEA Certificate of Registration as a manufacturer of marijuana and tetrahydrocannabinol ("THC"), both Schedule I controlled substances. The statutory basis for the Order to Show Cause was Respondent's lack of state authorization to manufacture controlled substances in the State of California. 21 U.S.C. 824(a)(3). In addition, the Order to Show Cause alleged that Respondent's registration would be inconsistent with

the public interest, as the term is used in 21 U.S.C. 823(a) and 824(a)(4).

By letter dated January 9, 2002, the Respondent, acting *pro se* through its CEO Robert G. Schmidt (Mr. Schmidt), requested a hearing on the issues raised by the Order to Show Cause. The matter was then docketed before Administrative Law Judge Gail A. Randall (Judge Randall). In its request for hearing, Mr. Schmidt on behalf of the Respondent indicated that with respect to medical grade cannabis, the Respondent's interest in the instant proceeding was "to develop a federally approved and federally regulated dispensary model and research facility." The Respondent further indicated that its position on the pending DEA application was "flexible since there are no federally established guidelines for dispensing medical cannabis to patients other than for research purposes."

On January 25, 2002, Judge Randall issued an Order for Prehearing Statements. Following the filing of Prehearing Statements by the respective parties, on April 30, 2002, the Government filed its Request for Stay of Proceedings and Motion for Summary Judgment ("motion"). On May 23, 2002, Respondent filed its response to the Government's motion. On June 26, 2002, Judge Randall issued her Opinion and Recommended Ruling, granting the Government's motion, and recommending that Respondent's application for registration as a manufacturer be denied. Neither party filed exceptions to Judge Randall's Opinion and Recommended Ruling and on August 8, 2002, Judge Randall transmitted the record of these proceedings to the Deputy Administrator. The 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.

In its motion, the Government asserted that on November 11, 2001, DEA transmitted a series of written questions to the Respondent regarding its method of operations and intended customers. The Government attached to its motion a copy of the Respondent's November 26, 2001 response letter to DEA's questionnaire. In the attached response letter, Respondent indicated that the intended purpose of its bulk manufacture of marijuana was to "supply clinical cannabis to physician's patients operating within California state laws and guidelines established by California Public Health and Safety Code 11362.5 including 11362.7 and 11362.9 * * *". The letter further