

having been received, concludes that Dr. Walker-Graham is deemed to have waived her hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that on June 14, 2000, the State Medical Board of Ohio (Board) entered an order permanently revoking Dr. Walker-Graham's State license to practice medicine and surgery. The Board's action arose in part from a finding that Dr. Walker-Graham dispensed phentermine (A Schedule IV controlled substance) to numerous individuals for no legitimate medical purpose. Included among the individuals that received controlled substances from Dr. Walker-Graham were several undercover officers from a local investigations unit known as the Combined Agencies for Narcotics Enforcement or the CANF Task Force. The Board's investigation revealed that on numerous occasions, Dr. Walker-Graham dispensed these drugs without performing a medical examination. The Board's ruling was also based in part upon an accountability audit conducted by the Ohio State Board of Pharmacy which revealed that Dr. Walker-Graham could not account for significant shortages of phentermine that was used in her medical practice from January 1, 1997 through November 4, 1998. As part of the Board's revocation order, Dr. Walker-Graham was further ordered to immediately cease prescribing, dispensing, or administering controlled substances.

The Deputy Administrator's review of the investigative file further reveals that on January 10, 2001, Dr. Walker-Graham was convicted on felony charges related to drug trafficking, sale of dangerous drugs and drug possession. She was sentenced five years of court supervised probation, her driver's license was suspended and she was ordered to pay a fine.

There is no evidence before the Deputy Administrator that Dr. Walker-Graham's license to practice medicine in the State of Ohio has been reinstated. The Deputy Administrator further notes that the Board's revocation order prohibits Dr. Walker-Graham from prescribing, dispensing, or administering controlled substances.

Pursuant to 21 U.S.C. 824(a), the Deputy Administrator may revoke a DEA Certificate of Registration if he finds that the registrant has been convicted of a felony related to controlled substances, has had his State

license revoked and is no longer authorized to dispense controlled substances or has committed such acts as would render his registration contrary to the public interest as determined by factors listed in 21 U.S.C. 823(f). Thomas B. Pelkowski, D.D.S., 57 FR 28538 (1992). Despite Dr. Walker-Graham's felony conviction related to controlled substances, as well as the other public interest factors for the revocation of her DEA registration asserted herein, the more relevant consideration here is the present status of her State authorization to handle controlled substances.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without State authority to handle controlled substances in the State in which he conducts business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See Joseph Thomas Allevi, M.D., 67 FR 35581 (2002); Dominick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts, M.D., 53 FR 11919 (1988).

Here, it is clear that Dr. Walker-Graham is not licensed to handle controlled substances in Ohio, where she is registered with DEA. Therefore, she is not entitled to maintain that registration. Because Dr. Walker-Graham lacks State authorization to handle controlled substances, the Deputy Administrator concludes that it is unnecessary to address whether her DEA registration should be revoked based upon the public interest grounds asserted in the Order to Show Cause, or whether her registration should be revoked based upon the aforementioned felony conviction in the State of Ohio. See Samuel Silas Jackson, D.D.S., 67 FR 65145 (2002); National-Aikens-Afful, M.D., 62 FR 16871 (1997); Sam F. Moore, D.V.M., 58 FR 14428 (1993).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, BW2846256, issued to Fereida Walker-Graham, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective June 9, 2003.

Dated: April 21, 2003.

John B. Brown, III,

Deputy Administrator.

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day notice of information collection under review: New Semi-Annual Progress Report for the Legal Assistance for Victims Grant Program.

The Department of Justice (DOJ), Office on Violence Against Women has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until July 7, 2003. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cynthia J. Schwimer, Comptroller (202) 307-0623, Office of Justice Programs, US Department of Justice, 810 Seventh Street NW., Washington, DC 20531.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments 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.