

another Order to Show Cause to revoke Respondent's registration. In its response to the Government's exceptions, Respondent indicates that "although disagreeing with portions of the (Administrative Law Judge's) opinion (R)espondent believes that in totality it is an appropriate ruling. Respondent has accepted the ruling and has already completed four hours training in the proper handing (sic) of controlled substances." Respondent argues that there were no complaints regarding his prescribing practices before the undercover visits and there has been no complaints since the investigation approximately six years ago. The Acting Deputy Administrator concludes that the public interest would not be served by suspending Respondent's registration. However, the Acting Deputy Administrator hereby orders that should Respondent fail to comply with the training requirement imposed on his registration, all involved in the administrative process to potentially revoke Respondent's registration should act as expeditiously as possible.

In addition, the Government takes exception to Judge Randall's recommended requirement that Respondent merely has to notify DEA of any change in his employment from the HMO. Judge Randall found the oversight offered by the HMO to be significant in recommending that Respondent's registration be continued and she therefore recommended that Respondent be required to notify DEA of any change in employment. The Government makes a compelling argument that "if no additional sanctions are imposed and Respondent leaves the HMO, gives DEA the required notification and enters into private practice without participating in an HMO, any putative advantages in Respondent's prior participation in an HMO are dissipated. Yet DEA is left with no recourse because Respondent has not violated any conditions." Consequently, the Government suggested that Respondent be required to keep a log of his controlled substance handling and to make the log available for inspection. The Acting Deputy Administrator agrees with the Government that mere notification of a change in employment is not enough to monitor Respondent's prescribing practices.

Therefore, the Acting Deputy Administrator finds that Respondent's DEA Certificate of Registration should be continued subject to the following conditions:

(1) Within six months of the effective date of this final order, Respondent

shall provide to the Special Agent in charge of the DEA San Diego Field Division, or his designee, evidence of his successful completion of at least 15 hours of training in the proper handling of controlled substances, to include coverage of the addictive characteristics of such substances.

(2) For a period of three years from the effective date of this final order, Respondent shall notify in writing the Special Agent in Charge of the DEA San Diego Field Division, or his designee, of any change in employment. This notification shall be provided at least thirty days prior to the effective date of the actual change of employment.

(3) For three years from the effective date of this final order, Respondent shall maintain a log of all controlled substances that he prescribes. At a minimum, the log shall include the name of the patient, the date that the controlled substance was prescribed, and the name, dosage and quantity of the controlled substance prescribed. Upon the request of the Special Agent in Charge of the DEA San Diego Field Division, or his designee, Respondent shall submit or otherwise make his prescription log available for inspection.

Accordingly, the Acting 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, AM0006571, issued to Merritt Matthews, M.D., be continued, and any pending applications for renewal be granted, subject to the above described restrictions. This order is effective September 17, 1998.

Dated: August 11, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated March 13, 1998, and published in the **Federal Register** on March 27, 1998, (63 FR 14975), North Pacific Trading Company, 815 NE Davis Street, Portland, Oregon 97202, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of marihuana (7360), a basic class of controlled substance listed in Schedule I.

This application is for the importation of marihuana seed which will be rendered non-viable and used as bird seed.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of North Pacific Trading Company to import marihuana is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: July 7, 1998.

John H. King,

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

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 98-5]

Michael J. Septer, D.O.; Revocation of Registration

On October 8, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Michael J. Septer, D.O. (Respondent) of Grand Rapids, Michigan notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BS0321430, and deny any pending applications for the renewal of such registration pursuant to 21 U.S.C. 823(f) and 824, for reason that he is not currently authorized to handle controlled substances in the State of Michigan.

By letter dated November 3, 1997, Respondent filed a request for a hearing, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On November 12, 1997, the Government filed a Motion for Summary Disposition, alleging effective August 18, 1997, the Board of Osteopathic Medicine and Surgery for the State of Michigan (Michigan Board) suspended Respondent's license to practice osteopathic medicine and surgery in Michigan for at least six months and one day. The Government