

Abstract: CMEA mandates that retail sellers of scheduled listed chemical products maintain a written or electronic logbook of sales, retain a record of employee training, and complete a self-certification form verifying the training and compliance with CMEA provisions regarding retail

sales of scheduled listed chemical products.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 64,000 persons are self-certified. It is estimated that 410,000 new employees of regulated sellers receive training

regarding the requirements of the Combat Methamphetamine Epidemic Act of 2005 due to annual employee turnover. It is estimated that there are 25.5 million transactions involving the sale of scheduled listed chemical products annually. The table below shows the activities and time burdens associated with this collection.

Activity	Unit burden hour	Number of activities	Total burden hours
Training record	0.05 hour (3 minutes)	410,000	20,500
Self-certification	0.25 hour (15 minutes)	64,000	16,000
Transaction record	0.033 hour (2 minutes)	25,500,000	850,000
Customer time	0.033 hour (2 minutes)	25,500,000	850,000
Total	1,736,500

(6) *An estimate of the total public burden (in hours) associated with the collection:* It is estimated that there are 1,736,500 annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: August 18, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. E9-20266 Filed 8-21-09; 8:45 am]

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DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110-0026]

Criminal Justice Information Services Division; National Instant Criminal Background Check System Section Agency Information Collection Activities: Existing Collection, Comments Requested

ACTION: 30-day notice of information collection under review: Approval of an existing collection; Federal Firearms Licensee (FFL) Enrollment/National Instant Criminal Background Check System (NICS) Electronic Check (E-Check) Enrollment Form; Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities Under the National Instant Criminal Background Check System (NICS) Form.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI),

Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section will be submitting 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. This proposed information collection was previously published in the **Federal Register** (Volume, Number, Pages) on (DATE), allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until September 23, 2009. This process is conducted in accordance with Title 5, Code of Federal Regulations (CFR), § 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to the OMB via facsimile to (202) 395-7285.

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/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's/component's estimate of the

burden of the proposed collection of the 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 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.

Overview of This Information

(1) *Type of Information Collection:* Approval of an existing collection.

Title of the Forms: Federal Firearms Licensee (FFL) Enrollment/National Instant Criminal Background Check System (NICS) Electronic Check (E-Check) Enrollment Form; Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities under the National Instant Criminal Background Check System (NICS) Form.

(2) *Agency Form Number, if any, and the applicable component of the department sponsoring the collection:*

Form Number: 1110-0026.

Sponsor: Criminal Justice Information Services (CJIS) Division of the Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

(3) *Affected Public who will be asked or required to respond, as well as a brief abstract:*

Primary: Any Federal Firearms Licensee (FFL) or State Point-of-Contact (POC) requesting access to conduct National Instant Criminal Background Check System (NICS) Checks telephonically or by the Internet through the NICS Electronic Check (E-Check).

Brief Abstract: The Brady Handgun Violence Prevention Act of 1993,

required the United States Attorney General to establish a national instant criminal background check system that any Federal Firearms Licensee (FFL) may contact, by telephone or by other electronic means for information to be supplied immediately, on whether receipt of a firearm to a prospective purchaser would violate state or federal law. Information pertaining to licensees who may contact the NICS is being collected to manage and control access to the NICS and to the NICS E-Check, to ensure appropriate resources are available to support the NICS, and also to ensure the privacy and security of NICS information.

(4) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

It is estimated that 500 Federal Firearms Licensees (FFLs) enroll with the NICS per month for a total of 6,000 enrollments per year. The average response time for reading the directions for the Federal Bureau of Investigation National Instant Criminal Background Check System (NICS) Federal Firearms Licensee (FFL) Enrollment/NICS Electronic Check (E-Check) Enrollment Form is estimated to be two minutes; time to complete the form is estimated to be three minutes; and the time it takes to assemble, mail, or fax the form to the FBI is estimated to be three minutes, for a total of eight minutes.

The average hour burden for this specific form is $6,000 \times 8 \text{ minutes} / 60 = 800$ hours. The Federal Firearms Licensee (FFL) Officer/Employee Acknowledgment of Responsibilities Under the National Instant Criminal Background Check System (NICS) Form takes approximately three minutes to read the responsibilities and two minutes to complete the form, for a total of five minutes. The average hour burden for this specific form is $6,000 \times 5 \text{ minutes} / 60 = 500$ hours.

The accompanying letter mailed with the packet takes an additional two minutes to read which would be $6,000 \times 2 \text{ minutes} / 60 = 200$ hours.

The entire process of reading the letter and completing both forms would take 15 minutes per respondent. The average hour burden for completing both forms and reading the accompanying letter would be $6,000 \times 15 / 60 = 1,500$ hours.

(5) *An estimate of the total public burden (in hours) associated with the collection:*

The entire process of reading the letter and completing both forms would take 15 minutes per respondent. The average hour burden for completing both forms and reading the

accompanying letter would be $6,000 \times 15 / 60 = 1,500$ hours.

If additional information is required, contact: Ms. Lynn Bryant, Department Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: August 18, 2009.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E9-20167 Filed 8-21-09; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Spirit Pharmaceuticals, L.L.C.; Dismissal of Proceeding

On June 22, 2007, I, the Deputy Administrator of the Drug Enforcement Administration, issued an Order to Suspend Shipment (hereinafter, Suspension Order) to Spirit Pharmaceuticals, L.L.C. (Respondent), of Fairless Hills, Pennsylvania. Suspension Order at 1. The Order suspended Respondent's proposed importation of 2,000 kilograms of ephedrine hydrochloride from Emmellen Biotech Pharmaceuticals, Ltd., of Mumbai, India, on the ground that the product "may be diverted" to the illicit manufacture of methamphetamine, a schedule II controlled substance. *Id.* at 3; see also 21 U.S.C. 971(c).

The Suspension Order alleged that Respondent had identified AAA Pharmaceutical, Inc. (AAA), on its Import Declaration (DEA Form 486) as the customer for the product. *Id.* at 2. The Order also alleged that in a telephone conversation, a "representative of AAA stated that the ephedrine was to be manufactured into tablets, packaged, and sold to Novelty, Inc." *Id.* Finally, the Order alleged that Novelty, Inc., distributed over-the-counter products containing ephedrine to entities such as gas stations and convenience stores, *id.* at 3, that these outlets sell ephedrine products "in quantities that exceed what would be necessary to meet legitimate demand," and that the products "are often sold to persons for use in the illicit manufacture of methamphetamine." *Id.* at 2.

Neither Respondent nor AAA requested a hearing on the allegations.¹

¹ Novelty did, however, request a hearing on the Suspension Order. On August 17, 2007, I denied Novelty's request. See 72 FR 49316 (2007).

The record was then forwarded to me for final agency action.

On January 17, 2008, I also issued an Order to Show Cause and Immediate Suspension of Registration to Novelty.² On September 3, 2008, following a hearing, I ordered the revocation of Novelty's registration as a distributor of list I chemicals and the denial of any applications it had pending before the Agency. See *Novelty Distributors, Inc.*, 73 FR 52689, 52704 (2008).

Shortly thereafter, Novelty filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuit. On June 22, 2009, the Court of Appeals issued a Per Curiam Order denying Novelty's Petition for Review. See *Novelty, Inc.*, v. *DEA*, 2009 WL 1930184, *1 (D.C. Cir. June 22, 2009). Moreover, on July 28, 2009, the Court of Appeals denied Novelty's Petitions for Rehearing and Rehearing En Banc. See *Novelty, Inc.*, v. *DEA*, No. 08-1296 (D.C. Cir. Filed July 28, 2009) (order denying rehearing and order denying rehearing en banc).

As noted above, the Suspension Order was based on Respondent's intended distribution of the ephedrine to AAA, which sought the ephedrine for the purpose of manufacturing ephedrine products for Novelty. The Court of Appeals, however, has now upheld the Agency's Final Order revoking Novelty's registration. Because Novelty lacks authority under Federal law to distribute ephedrine products, I conclude that this case is now moot. *Cf.* *Board of License Comm'rs v. Pastore*, 469 U.S. 238, 239 (1985) (per curiam). Accordingly, this proceeding is dismissed.

It is so ordered.

Dated: August 12, 2009.

Michele M. Leonhart,
Deputy Administrator.

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DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

August 18, 2009.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of

² Because Novelty's registration was immediately suspended, my review of the Order to Suspend Shipment was held in abeyance pending the issuance of the final order in Novelty and judicial review of it.