

violation of 21 U.S.C. 830(a)(3) and 842(a)(9) and 21 CFR 1310.07. The types of evidence constituting proof of identity are set forth at § 1310.07. That regulation states that the existence and apparent validity of a business entity should be checked by telephone directory, the local credit bureau, the local Chamber of Commerce or Better Business Bureau, or if the business entity is a registrant by verifying its DEA registration. Regarding sales to individuals or cash purchasers, the regulation states that the purchaser's signature, driver's license, and at least one other form of identification are required.

Section 830(a)(3) requires that each regulated person who engages in a regulated transaction to identify each other party to the transaction. PPI is a "regulated person" because it is a distributor of listed chemicals. 21 U.S.C. 802(38). PPI engaged in at least one "regulated transaction" when it shipped its May 27, 1998, Federal Express package containing an aggregate amount of 1134 grams of pseudoephedrine, exceeding the cumulative monthly threshold of one kilogram for that chemical established by 21 CFR 1310.04(f)(1). See 21 U.S.C. 802(39)(A)(II). There is evidence to show that the prior May 8, 1998, PPI shipment to Gardner's Littlehouse Minimart contained approximately 666 grams of pseudoephedrine, increasing PPI's distribution in excess of the cumulative monthly threshold for this List I chemical.

It is clear from the facts of this case that PPI consistently violated the proof of identity requirement. PPI sent at least two Federal Express packages containing List I chemicals about two weeks apart to Gardner's Littlehouse Minimart. The DEA investigation showed that both this business entity and address were nonexistent. A proper attempt to prove the identity of Gardner's Littlehouse Minimart in accordance with PPI's legal duty should have raised issues regarding the validity of this business entity, preventing the May 8, 1998, Federal Express shipment of List I chemicals. PPI's contacting the Federal Express office in Kansas in an effort to locate this package indicated that PPI knew something was amiss. What renders PPI's conduct especially egregious in this case is that about two weeks later, on or about May 27, 1998, it sent another package containing List I chemicals to the same bogus business entity at the same bogus address, and again had to call Federal Express in Kansas in an effort to locate the package. There is substantial documentary evidence to indicate that much of the

pseudoephedrine seized at the clandestine methamphetamine laboratory on June 9, 1998, was shipped from PPI. If PPI had attempted to verify the legitimacy of Gardner's Littlehouse Minimart in accordance with its legal duty, it is likely that neither the May 8 nor the May 27, 1998 shipments of List I chemicals would have been shipped and later seized at the clandestine methamphetamine laboratory.

Regarding factor three, there is no evidence that the applicant or Niles S. Price has any record of convictions related to controlled substances or to chemicals controlled under Federal or State law.

Regarding factor four, the applicant's past experience in the distribution of chemicals, the Administrator finds that the DEA investigation revealed that the applicant significantly violated applicable law, as set forth above.

Regarding factor five, other factors relevant to and consistent with the public safety, the Administrator finds that PPI, through its owner Niles S. Price, significantly violated applicable law by distributing List I chemicals without being registered to do so, and by failing to identify the other parties to regulated List I chemical transactions. Mr. Price stated during the June 10, 1998, interview with the DEA Richmond R/O D/I that he was aware of the chemical laws regarding the distribution of listed chemicals, and was in the process of obtaining a DEA Registration. Yet, on at least three occasions following this statement, Mr. Price through PPI continued to distribute List I chemicals in response to orders submitted by undercover DEA Special Agents. PPI even continued to distribute List I chemicals following the August 6, 1998, visit by the three DEA Special Agents, who informed Mr. Price by both written and oral notice that he could not distribute listed chemicals until he was registered with DEA. Subsequently, on or about September 1, 1998, PPI shipped additional List I chemicals in response to an order from an undercover DEA Special Agent. In addition, at PPI's December 9, 1998, preregistration inspection, Mr. Price stated to investigators that he requires customers to fax a copy of their driver's license prior to purchases, and that he only ships to the address listed on the license. Yet Mr. Price did not request any form of identification whatsoever for any of the five undercover purchases made by DEA Special Agents previously set forth above. The Administrator finds this lack of candor, taken together with PPI's and Mr. Price's demonstrated cavalier disregard of the statutory law and regulations concerning the

registration and distribution of List I chemicals, makes questionable PPI's and Mr. Price's commitment to the DEA regulatory requirements designed to protect the public from the diversion of controlled substances and listed chemicals. Aseel Incorporated, Wholesale Division, 66 FR 35,459 (2001); Terrence E. Murphy, 61 FR 2841 (1996). Indeed, this case is a prime example of the dangers created by the failure to follow applicable law regarding the distribution of listed chemicals. PPI's List I chemical products, distributed in violation of statutory law and regulation, were discovered in significant quantities at a clandestine methamphetamine laboratory site, together with a quantity of finished methamphetamine. If PPI had complied with applicable law, it is doubtful that these List I chemicals would have reached the hands of drug traffickers.

Therefore, for the above-stated reasons, the Administrator concludes that it would be inconsistent with the public interest to grant the application of Price's Power International. The evidence indicates that the applicant has violated applicable law by distributing List I chemicals while not registered with DEA, and by failing to identify other parties to regulated transactions.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for a DEA Certification of Registration submitted by Aseel be denied. This order is effective February 21, 2001.

December 21, 2001.

**Asa Hutchinson,**

*Administrator.*

[FR Doc. 02-1415 Filed 1-18-02; 8:45 am]

**BILLING CODE 4410-09-M**

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## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 2001-7 CARP SD 2000]

### Ascertainment of Controversy for the 2000 Satellite Royalty Funds

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Request for notices of intention to participate.

**SUMMARY:** The Copyright Office of the Library of Congress directs all claimants to royalty fees collected under the section 119 statutory license in 2000 to

submit comments as to whether a Phase I or a Phase II controversy exists as to the distribution of these fees, and a Notice of Intention to Participate in a royalty distribution proceeding. Parties who submit a Notice of Intention to Participate may also submit comments on the Public Broadcasting Service's motion for a partial distribution and the scheduling of a CARP proceeding.

**DATES:** Comments and Notices of Intention to Participate are due no later than February 1, 2002.

**ADDRESSES:** If sent by mail, an original and five copies of written comments should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, an original and five copies should be brought to: Office of the General Counsel, James Madison Memorial Building, Room 403, First and Independence Avenue, SE., Washington, DC 20540.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or William J. Roberts, Jr., Senior Attorney for Compulsory Licenses, Copyright Arbitration Royalty Panels, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** Each year satellite carriers submit royalties to the Copyright Office for the retransmission of over-the-air broadcast signals to their subscribers. 17 U.S.C. 119. These royalties are, in turn, distributed to copyright owners whose works were included in a retransmission of an over-the-air broadcast signal and for whom a claim for royalties was timely filed with the Copyright Office. The copyright owners may either negotiate the terms of a settlement as to the division of the royalty fees, or the Librarian of Congress may convene a Copyright Arbitration Royalty Panel ("CARP") to determine the distribution of the royalty fees that remain in controversy. See 17 U.S.C. chapter 8.

On October 30, 2001, the Library of Congress published a Notice in the **Federal Register** requesting comments from interested parties as to the existence of controversies over the distribution of 2000 satellite royalty fees collected under 17 U.S.C. 119; 66 FR 54789 (October 30, 2001). The Library requested that interested parties submit their comments, along with Notices of Intention to Participate in the 2000 distribution proceeding, by November 29, 2001. In addition, the Library sought comment on a petition for royalty distribution filed by the Public Broadcasting Service ("PBS"), seeking

collection of 2000 and 2001 royalties submitted under 17 U.S.C. 119(b) for the satellite feed.

On November 6, 2001, the Motion Picture Association of America, Inc. ("MPAA") filed a motion seeking an extension of the November 29, 2001, deadline to January 15, 2002. MPAA asserted that it could not submit its Notice of Intention to Participate until it had an opportunity to examine the list of claimants who had filed for the 2000 satellite funds. This list was not made available to the public until early December. Consequently, in response to the MPAA motion, the Office suspended the November 29, 2001, date for filing comments and Notices of Intention to Participate and requested comments on MPAA's motion. See 66 FR 58761 (November 23, 2001).

Three parties filed comments in response to this notice: the Public Broadcasting Service, the MPAA, and the Joint Sports Claimants ("JSC"). In its comment, JSC stated that it was prepared to file its Notices of Intention to Participate at any time and provided additional comment on the scheduling of the proceeding. Similarly, PBS had no apparent objection to the MPAA request but it did ask that the date for filing the requisite notices not be extended beyond the January 15, 2002 date identified by MPAA in its motion and that the PBS motion for a distribution of the disputed funds be expedited upon the filing of the notices.

MPAA, for its part, acknowledged that with the release of the 2000 satellite claimant list it was now able to prepare its Notice of Intention to Participate. However, it argued that the Office should give the parties a minimum of 30-45 days after the release of the list to prepare and file the notices and suggested January 25, 2002, as an appropriate date for filing the Notices of Intention. MPAA also offered comments on scheduling.<sup>1</sup>

*Notices of Intention to Participate.* Since the Notices of Intention to Participate must list the name of each copyright owner on whose behalf the notice is being filed, the Office agrees that interested parties should have adequate time to review the official list of satellite claimants for 2000 before being required to file a Notice of Intention to Participate in a proceeding concerning the distribution of the 2000 satellite royalty fees. Moreover, interested parties must have adequate notice of the date for filing such notices.

<sup>1</sup> MPAA's and JSC's comments on scheduling were unsolicited and beyond the scope of the November 23, 2001 notice and, thus, will not be considered at this time.

Consequently, the Office is setting a later date for filing a Notice of Intention to Participate in a proceeding to decide the distribution of the 2000 satellite royalty fees than that requested in the MPAA comment. Notices of Intention to Participate in such a proceeding shall be due no later than February 1, 2002.

Section 251.45(a) of title 37 of the Code of Federal Regulations requires that parties file a Notice of Intention to Participate in a CARP proceeding, but it does not prescribe the contents of the notice. The Office, however, has addressed the issue of what constitutes a sufficient Notice and to whom it is applicable. See Orders in Docket No. 2000-2 CARP CD 93-97 (June 22, 2000, and August 1, 2000); see also 65 FR 54077 (Sept. 6, 2000). In light of these rulings, the Office advises those parties filing Notices of Intention to Participate in this proceeding to comply with the following instructions.

Each claimant that has a dispute over the distribution of the 2000 satellite royalty fees, either at Phase I or Phase II, shall file a Notice of Intention to Participate that contains the following: (1) The claimant's full name, address, telephone number, and facsimile number (if any); (2) identification of whether the Notice covers a Phase I proceeding, a Phase II proceeding, or both; and (3) a statement of the claimant's intention to fully participate in a CARP proceeding.

Claimants may, in lieu of individual Notices of Intention to Participate, submit joint Notices. In lieu of the requirement that the Notice contain the claimant's name, address, telephone number and facsimile number, a joint Notice shall provide the full name, address, telephone number, and facsimile number (if any) of the person filing the Notice and it shall contain a list identifying all the claimants that are parties to the joint Notice. In addition, if the joint Notice is filed by counsel or a representative of one or more of the claimants identified in the joint Notice, the joint Notice shall contain a statement from such counsel or representative certifying that, as of the date of submission of the joint Notice, such counsel or representative has the authority and consent of the claimants to represent them in the CARP proceeding.

*Motion of Public Broadcasting Service for Distribution of PBS National Satellite Feed Royalty Funds for Calendar Years 2000 and 2001.* On June 21, 2001, PBS filed a motion for distribution of PBS national satellite feed royalty fees for calendar years 2000 and 2001 and sent a copy of the motion to those entities that have participated

in past satellite distribution proceedings. In an earlier notice, the Office determined that, as a matter of law, consideration of a distribution of the 2001 satellite royalty fees was premature. See 66 FR 54789 (October 30, 2001). Consequently, the Office stated that it would consider the PBS motion only so far as it concerns the distribution of the 2000 satellite royalty fees and only after all interested parties have been identified by filing the Notices of Intention requested herein and such parties have had an opportunity to respond to the motion. *Id.*

Parties who file Notices of Intention to Participate in this proceeding in accordance with this notice may, at this time, file comments on the PBS motion. The Copyright Office has posted the PBS motion for distribution of PBS national satellite feed royalty funds for 2000–2001 on the Copyright Office website at: (<http://www.loc.gov/copyright/carp/pbsmotion.pdf>). The motion is also available for copying in the Office of the General Counsel along with any additional responsive filings that have been filed in the Office of the General Counsel.

*Comments on the Existence of Controversies.* Before commencing a distribution proceeding or making a partial distribution, the Librarian of Congress must first ascertain whether a controversy exists as to the distribution of the royalty fees and the extent of those controversies. 17 U.S.C. 803(d). Therefore, any comments filed in response to the PBS motion as to the distribution of the 2000 satellite fees must address the existence and extent of any controversies at Phase I and Phase II.

In Phase I of a satellite royalty distribution, royalties are distributed to certain categories of broadcast programming that have been retransmitted by satellite carriers. The categories have traditionally been syndicated programming and movies, sports, commercial and noncommercial broadcaster-owned programming, religious programming, and music programming. The Office seeks comments as to controversies between these categories for royalty distribution.

In Phase II of a satellite royalty distribution, royalties are distributed to claimants within a program category. If a claimant anticipates a Phase II controversy, the claimant must state each program category in which he or she has an interest that has not, by the end of the comment period, been satisfied through a settlement agreement.

The Copyright Office must be advised of the existence and extent of all Phase I and Phase II controversies by the end of the comment period. It will not consider any controversies that come to its attention after the close of that period.

*Schedule of CARP proceeding.* Outstanding controversies concerning the distribution of 1996, 1997, 1998, and 1999 satellite royalty fees still remain. Before setting a schedule for a CARP proceeding to resolve any controversies over the distribution of the 2000 satellite royalty fees at issue in the PBS motion, the Office must first decide whether to resolve the remaining controversies in the preceding years or set these aside and focus on the distribution of the 2000 satellite royalty fees as requested by PBS. Therefore, the Office invites comments from all interested parties on whether to continue to conduct distribution proceedings in a sequential manner as has been the practice historically or to set aside the unresolved controversies in the earlier years and proceed immediately to the controversies surrounding the 2000 satellite royalty fees.

Dated: January 16, 2002.

**David O. Carson,**  
General Counsel.

[FR Doc. 02–1543 Filed 1–18–02; 8:45 am]

**BILLING CODE 1410–33–P**

## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** National Science Foundation.

**ACTION:** Notice.

**SUMMARY:** The National Science Foundation (NSF) is announcing plans to request clearance of this collection. In accordance with this requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility,

and clarity of the information on respondents, including through the use of automated collection techniques of other forms of information collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be received by March 25, 2002 to be assured of consideration. Comments received after that date would be considered to the extent practicable.

**ADDRESSES:** Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to [splimpto@nsf.gov](mailto:splimpto@nsf.gov).

**FOR FURTHER INFORMATION CONTACT:** Suzanne Plimpton on (703) 292–7556 or send email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov).

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

### SUPPLEMENTARY INFORMATION:

*Title of Collection:* The Cross Site Analysis of the national Science Foundation's Local Systemic Change Through Teacher Enhancement Program (LSC).

*OMB Control No.:* 3145–0161.

*Expiration Date of Approval:* May 31, 2002.

*Abstract:* The National Science Foundation (NSF) requests an extension of approval of instruments to be used in the evaluation of the Local Systemic Change (LSC) through Teach Enhancement Program that were previously approved through May 2002 (OMB No. 3145–0136). The surveys are part of the ongoing data collection for the program-wide evaluation of the LSC. Each of the 72 currently funded projects administers teacher and principal questionnaires and conducts teacher interviews at appropriate times during the school year based on the program evaluation design.

These surveys have been ongoing for a number of years in LSC projects funded by NSF. The LSC program is a large-scale effort to modify the nature of teach in-service training (or professional development) provided to mathematics and science teachers in a large number of school districts across the country. Currently there are 72 projects funded at