

- T. 19 S., R. 16 E.,  
 Sec. 1, lots 1 to 17, inclusive, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, and SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 2, lots 9 to 15, inclusive, N<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>, and SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 3, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 10, lots 1 to 7, inclusive, W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>, and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 11, lots 1 to 4, inclusive, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 12, N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>;  
 Sec. 14, lots 1 to 6, inclusive, E<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>, and N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 15, lots 1 to 5, inclusive, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>, and S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 21, NE<sup>1</sup>/<sub>4</sub> and S<sup>1</sup>/<sub>2</sub>;  
 Sec. 22, lots 1 to 13, inclusive, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, and SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 23, N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>;  
 Sec. 26, lots 1 to 5, inclusive, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 27, lots 1 to 9, inclusive, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 28, NE<sup>1</sup>/<sub>4</sub> and N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>;  
 Sec. 34, lots 1 to 12, inclusive, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, and SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 35, NW<sup>1</sup>/<sub>4</sub> and S<sup>1</sup>/<sub>2</sub>.
- T. 20 S., R. 16 E.,  
 Sec. 3, lots 1 to 5, inclusive, and lots 8, 9, 10, and 12, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 4, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 10, lots 1, 6, and 8, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, and E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 17, lots 1, 2, and 3.
- T. 21 S., R. 16 E., Sec. 27, lots 5, 6, and 8, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 28, lot 2;  
 Sec. 33, lot 1, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, and NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 34, lots 5 and 6, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 35, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>.
- T. 22 S., R. 16 E.,  
 Sec. 3, lots 13, 18, 22, and 23;  
 Sec. 5, lots 13 and 18;  
 Sec. 9, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 16, lots 1, 5, 8, 9, and 10;  
 Sec. 17, lots 1, 2, and 3, and S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>;  
 Sec. 21, lots 1, 4, 5, 8, and 9, E<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>, and SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 25, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 26, S<sup>1</sup>/<sub>2</sub>;  
 Sec. 27, lots 1 to 10, inclusive, lot 13, and SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>;  
 Sec. 28, lots 1, 2, 4, 5, 8, and 11, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, and W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>;  
 Sec. 33, lots 1 and 2, N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>;  
 Sec. 34, lots 1, 5, 6, 7, and 10, and SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 35, W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>.
- T. 23 S., R. 16 E.,  
 Sec. 3, lots 2, 4, 5, 6, lots 8 to 12, inclusive, lot 14, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, and SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 10, N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>;  
 Sec. 11, lots 1, 3, 6, 8, 9, 10, 11 and 14, and NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>;  
 Sec. 12, NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 13, lots 6, 7, and 10, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, and E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 14, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> and NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>;  
 Sec. 23, lots 1, 2, and 3, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 24, lots 1, 5, and 6, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 25, lot 8;  
 Sec. 26, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>.
- T. 24 S., R. 16 E.,  
 Sec. 1, lots 5 to 8, inclusive, and SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>;  
 Sec. 11, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 12, lots 1 to 8, inclusive, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 13, lots 1 to 8, inclusive, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, and SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 14, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>;  
 Sec. 23, lots 1 to 6, inclusive, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 24, lots 1 to 10, inclusive, and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 25, lots 1 to 7, inclusive.
- T. 24 S., R. 17 E.,  
 Sec. 6, lots 1 to 14, inclusive, and S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 18, lot 4 and SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 19, lots 1 to 9, inclusive, lots 11, 12, and 13, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, and NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 30, lots 1 to 5, inclusive, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 31, lots 1 to 13, inclusive.
- T. 25 S., R. 16 E.,  
 Sec. 1, lots 1, 2, and 3, lots 5 to 9, inclusive, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>.
- T. 25 S., R. 17 E., unsurveyed, except as noted  
 Sec. 5;  
 Sec. 6, excluding S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 7, NE<sup>1</sup>/<sub>4</sub>;  
 Secs. 8, 9, 16, and 17;  
 Sec. 19, E<sup>1</sup>/<sub>2</sub>;  
 Secs. 20 to 23, inclusive, and secs. 26 and 27;  
 Sec. 28, except SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 29, except S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>;  
 Sec. 30, NE<sup>1</sup>/<sub>4</sub> and N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 31, SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 32, lots 1, 2, and 3, S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, surveyed;  
 Secs. 33, 34, and 35.
- T. 25 S., R. 17 1/2 E., unsurveyed, except as noted  
 Sec. 3, excluding future lots 1 to 10, inclusive, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, and SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 4, excluding future lots 1, 2, 3, 6, 7, and 8;  
 Secs. 5 and 6;  
 Sec. 9 (A);  
 Sec. 9 (B);  
 Sec. 10, W<sup>1</sup>/<sub>2</sub>;  
 Sec. 13, SW<sup>1</sup>/<sub>4</sub> and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 14, S<sup>1</sup>/<sub>2</sub>;  
 Sec. 15, W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>;  
 Secs. 16, 20, and 21;  
 Sec. 22, excluding NE<sup>1</sup>/<sub>4</sub>;  
 Sec. 23 (A);  
 Sec. 23 (B);  
 Sec. 24, excluding E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>;  
 Secs. 25 and 27;  
 Sec. 28 (A);  
 Sec. 28 (B);  
 Secs. 29, 33, and 34;  
 Sec. 35, except SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 36, lots 1, 2, and 3, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, and N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, surveyed.
- T. 26 S., R. 16 E., unsurveyed,  
 Sec. 23, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 24, S<sup>1</sup>/<sub>2</sub>;  
 Sec. 25, N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub> and S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>;  
 Sec. 26, NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, and W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 27, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 33, SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 34.
- T. 26 S R. 17 E., unsurveyed, except as noted  
 Secs. 2, 3, and 4;  
 Sec. 5, E<sup>1</sup>/<sub>2</sub>;  
 Sec. 10;  
 Sec. 11, excluding SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 12;  
 Sec. 13, excluding N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, and W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;  
 Sec. 15, W<sup>1</sup>/<sub>2</sub>;  
 Sec. 16, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, and S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, surveyed;  
 Sec. 17, S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>;  
 Sec. 18, S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>;  
 Secs. 19 and 20;  
 Sec. 21, N<sup>1</sup>/<sub>2</sub>;  
 Sec. 23, E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;  
 Sec. 24, excluding W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>;  
 Sec. 25;  
 Sec. 26, excluding NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, and N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>;  
 Sec. 27, excluding N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>;  
 Secs. 34 and 35.
- T. 26 S., R. 17 1/2 E., unsurveyed,  
 Sec. 1, except N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>;  
 Sec. 2, except E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>;  
 Secs. 3, 4, 11, 12, 13, 23, and 24;  
 Sec. 25, NW<sup>1</sup>/<sub>4</sub>;  
 Secs. 26, 27, and 28;  
 Sec. 34, excluding Canyonlands National Park;  
 Sec. 35, N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub> and N<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>.

The area described contains approximately 67,115 acres in Carbon, Grand, and Emery Counties.

The total areas described in (a), (b), and (c) aggregate approximately 111,895 acres.

2. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: September 11, 2004.

**Gale A. Norton,**

*Secretary of the Interior.*

[FR Doc. 04-22390 Filed 10-5-04; 8:45 am]

**BILLING CODE 4310-DQ-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Meeting of the Yakima River Basin Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, Washington

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** As required by the Federal Advisory Committee Act, notice is hereby given that the Yakima River Basin Conservation Advisory Group,

Yakima River Basin Water Enhancement Project, Yakima, Washington, established by the Secretary of the Interior, will hold a public meeting. The purpose of the Conservation Advisory Group is to provide technical advice and counsel to the Secretary of the Interior and Washington State on the structure, implementation, and oversight of the Yakima River Basin Water Conservation Program.

**DATES:** Tuesday, October 26, 2004, 9 a.m.–4 p.m.

**ADDRESSES:** Bureau of Reclamation Office, 1917 Marsh Road, Yakima, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Esget, Manager, Yakima River Basin Water Enhancement Project, 1917 Marsh Road, Yakima, Washington, 98901; 509–575–5848, extension 267.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting will be to review the option of using the acquired habitat lands to mitigate the impacts that occur from the planned conservation measures and develop recommendations. This meeting is open to the public.

Dated: September 29, 2004,

**James A. Esget,**

*Program Manager, Pacific Northwest Region.*

[FR Doc. 04–22458 Filed 10–5–04; 8:45 am]

**BILLING CODE 4310–MN–M**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 02–10]

#### Kathy A. Morall, M.D.; Revocation of Registration

##### I. Background

On September 28, 2001, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration issued an Order to Show Cause to Kathy A. Morall, M.D., (Respondent), proposing to revoke her DEA Certificate of Registration. The Basis for the Order to Show Cause was that Respondent's registration would be inconsistent with the public interest as that term is used 21 U.S.C. 823(f). More specifically, the OTSC alleged that in November 1998, DEA was alerted that Respondent had ordered large amounts of phentermine and Meridia (Schedule IV controlled substances) for delivery to her home address. DEA notified the Respondent that she could not have controlled substances delivered to her home because she was registered elsewhere. Respondent then asked for a change of address on her registration.

In December 1998, DEA investigators conducted an inspection of Respondent's registered location—her home. When the investigators arrived and asked Respondent where she kept the controlled substances, she initially denied having any controlled substances at home. When the investigators asked her about the whereabouts of the phentermine and Meridia that she had recently ordered, she admitted that the drugs were in her home. When shown the location of the drugs, the investigators noted that the drugs were in a box in a closet, and were not stored in a securely locked, substantially constructed cabinet, as required.

When the investigators asked for the Respondent's dispensing records, she said that they were in her former office in Denver. She agreed to send them to the investigators, but later changed her mind, explaining that she wanted to talk to an attorney first. When finally received, the dispensing records were incomplete. The Respondent failed to provide any records of inventories, theft/loss reports or drug destruction reports.

On January 5, 1999, during the execution of an administration inspection warrant, the Respondent admitted that her record keeping was inadequate and that she had failed to maintain any inventories of controlled substances. She also admitted that the dispensing records that she provided had been created from memory. The Respondent was also unable to provide patient charts, because she had been evicted from her offices and no longer had access.

During the inspection, the investigators found two phentermine vials, one empty and one partially full. Both were issued in the name of a purported patient. The Respondent told the investigators that the drugs were prescribed for her uncle. The Respondent's husband told the investigators, however, that the "uncle" was really just a friend of the family.

Accountability audits of the Respondent's handling of phentermine and Meridia from 1997 to 1999 showed various overages and/or underages of the drugs. The investigators also learned that Respondent had filed a report with the police concerning the theft from her offices of controlled substances, but she had not notified DEA, as required by regulation.

The Respondent requested a hearing on the issues raised in the Order to Show Cause and the matter was placed on the docket of Administrative Law Judge Mary Ellen Bittner (the ALJ). Following prehearing procedures,

testimony was presented before the ALJ on June 19 and 20, 2002, in Arlington, Virginia. The Government presented testimony from one witness and had admitted several exhibits into evidence. In addition to her own testimony, the Respondent presented two witnesses and also had several exhibits admitted into evidence. After the hearing, both parties submitted Proposed Findings of Fact, Conclusions of Law and Argument.

On July 24, 2003, the ALJ certified and transmitted the record to the Acting Administrator of DEA. The record included, among other things, the Opinion and Recommended Rulings, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge, the findings of fact and conclusions of law proposed by all parties, all of the exhibits and affidavits, and the transcript of the hearing sessions. In her opinion, the ALJ recommended that Respondent's DEA registration not be revoked.

##### II. Final Order

The Deputy Administrator does not adopt the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge. The Deputy Administrator has carefully reviewed the entire record in this matter, as defined above, and hereby issues this final rule and final order prescribed by 21 CFR 1316.67 and 21 CFR 1301.46, based upon the following findings of fact and conclusions of law.

##### A. Findings of Fact

On July 9, 1997, the Respondent was assigned DEA Certificate of Registration number BM5412868, in Schedules II through V. The registration was issued to the Respondent at 128 Steele Street, Suite 200, Denver, Colorado (the Denver clinic). That registered location was known as the Life-Plan Weight Loss Center and was affiliated with the Holland Center for Family Health, and Arizona professional corporation. The Life-Plan Weight Loss Center was owned by Joshua Holland, M.D., and Arizona based medical practitioner, who was also registered with DEA in the State of Arizona. Dr. Holland had previously operated a successful weight loss clinic in Arizona and he sought to open a similar clinic in the Denver area. To that end, he placed an advertisement in a newspaper, seeking a physician to run the Denver clinic. The Respondent was ultimately hired for the position. As the only physician at the Denver clinic, the Respondent was responsible for ordering controlled substances under her DEA registration number.