persons who were generators of hazardous substances which were disposed of at the facility, and that the United States has incurred and will continue to incur costs in response to the release or threat of release of hazardous substances from the Site.

Under the terms of the proposed consent decree, the defendants agree to fund and implement a remedy at the Gulf Coast Vacuum Site which includes the destruction of organic materials to performance standards as more specifically set forth in the Statement of Work which is appended to the proposed consent decree. In addition, the defendants agree to pay all future response costs incurred by the United States which exceed amounts recovered from de minimis settlors under a separate De Minimis Administrative Order on Consent.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *American National Petroleum Company, et. al.,* DOJ Ref. # 90–11–2–506B.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Louisiana, United States Courthouse, 300 Fannin St., Suite 3201, Shreveport, LA 71101; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75502; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor Washington, DC 20005, (202) 624–0892. A copy of from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $24.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Divisions.

[FR Doc. 95–1557 Filed 1–20–95; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket No. 93–73]

Mukand Lal Arora, M.D.; Revocation of Registration

On July 29, 1993, the Deputy Assistant Administrator (then Director), Office of Diversion Control, Drug Enforcement Administration (DEA), directed an Order to Show Cause to Mukand Lal Arora, M.D. (Respondent), proposing to revoke his DEA Certificate of Registration, AA9610850, as a practitioner under 21 U.S.C. 824(a) (2) and (4), and to deny any pending applications under 21 U.S.C. 823(f). The Order to Show Cause alleged that Respondent had been convicted of a felony related to controlled substances and that his continued registration would be inconsistent with the public interest.

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause. The matter was docketed before Administrative Law Judge Paul, A. Tenney. Following prehearing procedures, a hearing was held in Houston, Texas on April 20, 1994.

On August 9, 1994, Judge Tenney issued his findings of fact, conclusions of law, and recommended ruling in which he recommended that the respondent's registration be revoked. Neither party filed exceptions to this opinion, and on September 9, 1994, the administrative law judge transmitted the record of the proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety and, pursuant to 21 CFR 1316.67, enters his final order in this matter, based on findings of fact and conclusions of law as hereinafter set forth.

Judge Tenney found that Respondent completed medical school in New Delhi, India, and subsequently completed a residency and internship in Staten Island, New York, and four years of psychiatric training in Austin, Texas. In 1980, Respondent started a private medical practice in Houston, Texas. Respondent's primary language is Indian-Punjabi, but he was taught English in a professional school in India. Respondent is licensed to practice medicine in Texas, is primarily engaged in a pediatric practice, and has never had his medical license suspended or been previously disciplined.

Judge Tenney found that in 1991, DEA received information from local pharmacists regarding Respondent's prescribing practices. DEA initiated an investigation using a Houston Police Department officer in an undercover capacity. In May 1991, the undercover officer visited Respondent's medical office and requested a prescription for either Vicodin or Tylenol #4 with codeine, Schedule III controlled substances. The visit was monitored and tape-recorded by DEA investigators. The undercover officer told Respondent that he needed the medication ''just to mellow out at the end of the day''. Respondent asked the undercover officer if he was addicted, to which the officer replied, ''no''. Respondent asked the undercover officer whether the prescription was for backache, to which the officer replied, ''no''. Although Respondent did check the undercover officer's blood pressure and chest, he did not pursue the nature of the undercover officer's complaint. The undercover officer was given a prescription for 30 Vicodin tablets. The undercover officer made two subsequent visits to Respondent's office in July 1991, each time receiving another prescription for 30 Vicodin tablets without giving an indication of any medical purpose and denying any physical complaint. During these visits, the undercover officer indicated that he loaded trucks for a local newspaper.

The administrative law judge found that on November 9, 1992, Respondent was convicted in the District Court of Harris County, Texas, of the felony offense of prescribing a controlled substance without a legitimate medical purpose, arising out of one of the aforementioned undercover operations. Respondent was sentenced to two years probation, fined, and was given a deferred adjudication.

Respondent contended that the Government transcripts of the undercover visits were unreliable. The administrative law judge found that although segments of the transcripts of the undercover visits indicated that some parts of the conversations were ''inaudible'', the Government presented persuasive and credible testimony that the transcripts accurately represented the conversations monitored at Respondent's medical office. Neither party offered in evidence the tapes themselves, which were available at the hearing.

In his testimony, Respondent asserted that he considered the nature of the undercover officer's work—specifically, loading trucks for a newspaper—in evaluating the officer's condition and prescribing controlled substances. Respondent further stated that he based the diagnosis of backache on his visual observation of the undercover officer's movement, and that he had not conducted a physical examination because the patient was not cooperative.

Respondent further stated that he understood that when the patient asked for drugs in order to ''mellow out'', that the term meant ''easing of the pain''.

Judge Tenney questioned Respondent's credibility based on findings that Respondent never learned that the undercover officer ostensibly had a job unloading trucks until the second office visit, and thus could not provide a justification for prescribing controlled substances on the first visit. In addition, although Respondent attributed back pain to the undercover officer, which he apparently diagnosed by visual observation, there were no attempts at alternative treatment, no record of a prior history or specific diagnosis, and no verbal indication of pain by the patient. The administrative law judge found that Respondent's question of ''[a]re you addicted?'' to the undercover officer's statement about wanting to ''mellow out'', indicated that Respondent had knowledge of this reference to a street use of Vicodin. The administrative law judge found that Respondent did not prescribe Vicodin for legitimate medical purpose and in the usual course of professional practice.

The administrative law judge found that Respondent made entries in the patient medical record of the undercover officer indicating ''pains and aches'', and notations of ''backaches and headaches'', or ''pain in the lower back'' due to the fact that the patient ''loads and unloads the truck''. The testimony of the Government witnesses and the transcriptions of the tapes had no reference to any pain or aches by the undercover officer. Judge Tenney concluded that Respondent's medical record entries were not consistent with the conversations that were monitored, recorded and transcribed.

Under 21 U.S.C. 824(a)(4), the Deputy Administrator of the Drug Enforcement Administration may revoke the registration of a practitioner upon a finding that the registrant has committed such acts as would render his registration under Section 823 inconsistent with the public interest.

Pursuant to 21 U.S.C. 823(f), ''[i]n determining the public interest, the following factors will be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.''

It is well established that these factors are to be considered in the disjunctive, i.e., the Deputy Administrator may properly rely on any one or a combination of factors, and give each factor the weight he deems appropriate. Henry J. Schwarz, Jr., M.D., 54 FR 16422 (1989).

Of the stated factors, the administrative law judge found that the Government established a prima facie case for revocation under 21 U.S.C. 823(f) (2), (4), and (5) in that Respondent prescribed controlled substances on three occasions, absent a valid medical indication; that he violated Federal and State law by prescribing controlled substances on three occasions without a legitimate medical purpose; and that his conduct in falsifying patient records posed a threat to the public health and safety. Judge Tenney found little evidence that Respondent attempted to treat a medical condition, in that he neglected to learn the patient's medical history or ask the patient about his actual physical complaint before prescribing Vicodin. Judge Tenney also found that Respondent's conviction and sentence of probation and deferred adjudication under Texas law may be considered under factor (3).

Judge Tenney concluded that the preponderance of the evidence establishes that Respondent's registration is not in the public interest. However, Judge Tenney also recommended that in light of Respondent's successful completion of deferred adjudication in the state district court, that favorable consideration be given to Respondent's application after the passage of one year.

The Deputy Administrator adopts the findings of fact, conclusions of law, and recommended ruling of the administrative law judge in its entirety. Based on the foregoing, the Deputy Administrator concludes that Respondent's continued registration is inconsistent with the public interest. 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, AA9610850, issued to Mukand Lal Arora, M.D., be and it hereby is, revoked, and any pending applications, be, and they hereby are, denied. This order is effective February 22, 1995.

Dated: January 13, 1995.

Stephen H. Greene.

Deputy Administrator.

[FR Doc. 95–1560 Filed 1–20–95; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Revised Schedule of Remuneration for the UCX Program

Under Section 8521(a)(2) of title 5 of the United States Code, the Secretary of Labor is required to issue from time to time a Schedule of Remuneration specifying the pay and allowances for each pay grade of members of the military services. The schedules are used to calculate the base period wages and benefits payable under the program of Unemployment Compensation for Ex-servicemembers (UCX Program).

The revised schedule published with this Notice reflects increases in military pay and allowances which were effective in January 1995.

Accordingly, the following new Schedule of Remuneration, issued pursuant to 20 CFR 614.12, applies to ''First Claims'' for UCX which are effective beginning with the first day of the first week which begins after April 1, 1995.

Pay grade	Monthly rate
(1) Commissioned Officers:	
0–10	$10,561
0–9	10,005
0–8	9,172
0–7	8,265
0–6	7,030
0–5	5,874
0–4	4,833
0–3	3,893
0–2	3,107
0–1	2,321
(2) Commissioned Officers With Over 4 Years Active Duty As An Enlisted Member Or Warrant Officer:	
0–3E	$4,460
0–2E	3,725
0–1E	3,062
(3) Warrant Officers:	
W–5	$5,242
W–4	4,485
W–3	3,746
W–2	3,171
W–1	2,644
(4) Enlisted Personnel:	
E–9	$4,046
E–8	3,429
E–7	2,975
E–6	2,582
E–5	2,201
E–4	1,828