it on probation for three years. The Bureau ordered the Respondent to participate in an Impaired Professional Program for the duration of his probation. Although the facts concerning the Respondent's alleged acts of substance abuse are not adequately developed for specific findings based upon the record before the Deputy Administrator, it is significant that the Bureau, after reviewing the investigative record before it, ordered the Respondent to participate in an Impaired Professional Program for the duration of the Respondent's three-year probation.

Further, as to factor five, ''[s]uch other conduct which may threaten the public health or safety,'' the Respondent's conduct of submitting false invoices placed into question his trustworthiness and credibility. Such lack of trustworthiness causes concern as to the Respondent's future conduct if entrusted with protecting the public interest in administering controlled substances.

Except for the Respondent's general statement in his prehearing submission that he continues to participate in the Impaired Professional Program, the Respondent has not submitted any other information of his rehabilitative efforts. Given the egregious nature of the Respondent's conduct in intentionally filing false documents with the State and his resulting exclusion from the Medicare Program, the Deputy Administrator finds that the public interest is best served by revoking the Respondent's DEA Certificate of Registration and denying any pending registration application at the present time. *See Sokoloff* v. *Saxbe,* 501 F.2d 571, 576 (2d Cir. 1974) (stating that ''permanent revocation'' of a DEA Certificate of Registration may be ''unduly harsh'').

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 AK5172515, issued to Stanley Karpo, D.P.M., be, and it hereby is, revoked, and any pending application, or request for modification of this registration, submitted by the Respondent is denied. This order is effective April 29, 1996.

Dated March 22, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–7498 Filed 3–27–96; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 95–2]

John Porter Richards, D.O.; Grant of Application

On October 4, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to John Porter Richards, D.O., (Respondent) of Elkview, West Virginia, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged that:

(1) In 1984, the Virginia State Police conducted a raid on a sailing vessel docked in Lancaster County, Virginia, and seized six tons of marijuana, a Schedule I controlled substance. The Respondent was subsequently indicted for conspiracy to distribute, and with distribution of marijuana, with respect to this seizure.

(2) On or about July 18, 1985, in the Circuit Court for Lancaster County, Virginia, the Respondent was convicted of conspiracy to distribute marijuana and possession with intent to distribute more than five pounds of marijuana, both felony offenses related to controlled substances. Upon conviction, the Respondent was sentenced to 30 years imprisonment, 20 years of which were suspended.

(3) As a result of the criminal conviction, the Ohio State Board of Medicine revoked the Respondent's license to practice osteopathic medicine in the state, on or about April 9 1986.

On October 21, 1994, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Arlington, Virginia, on February 16, 1995, before Administrative Law Judge Mary Ellen Bittner. At the hearing, both parties called witnesses to testify and introduced documentary evidence, and after the hearing, counsel for both sides submitted proposed findings of fact, conclusions of law and argument. On September 6, 1995, Judge Bittner issued her Opinion and Recommended Ruling, recommending that the Respondent's application for registration be granted. Neither party filed exceptions to her decision, and on October 6, 1995, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that, on May 23, 1993, the Respondent completed an application for a DEA Certificate of Registration as a practitioner to handle controlled substances. On the application, the Respondent disclosed that in 1985 he had received a felony conviction related to marijuana, that in 1986, his medical license in the State of Ohio had been revoked due to that conviction, and that his prior DEA registration had had no action taken against it. The Respondent testified before Judge Bittner that he had let his prior DEA registration expire.

A DEA inquiry disclosed that on July 18, 1985, the Respondent was convicted, after a jury trial, of one count of possession with intent to distribute approximately 12,000 pounds of marijuana, and one count of conspiracy to distribute the same quantity of marijuana. The Respondent was sentenced to (1) thirty years confinement, with twenty years suspended; (20 supervised probation for three years after his release from confinement; and (3) payment of a $5,000.00 fine. Further, by order dated April 16, 1986, the State Medical Board of Ohio revoked the Respondent's license to practice osteopathic medicine and surgery in that state as a result of this felony conviction.

On April 15, 1988, the State of West Virginia Board of Osteopathy (Board) granted the Respondent a probationary license, with stipulations to include serving a five-year period of probation and a required reporting provision. By letter dated March 19, 1993, the Board removed the restrictions from the Respondent's license to practice and issued him an unrestricted license, effective April 15, 1993. Further, the Respondent submitted a letter from the Board dated December 12, 1994, recommending that the Respondent be granted a DEA Certificate of Registration.

The Respondent testified before Judge Bittner, stating that he had graduated from the Philadelphia College of Osteopathic Medicine, is a diplomat of the National Board of Examiners, and is Board certified in family practice. He stated that he maintains a solo practice in Elkview, West Virginia, a rural community approximately fifteen miles

from Charleston, that there are more than 6,000 patients in his practice, and that he treats a large number of poor patients, about forty percent of which receive Medicare and/or Medicaid benefits. The Respondent testified that he did not have hospital privileges, for he had been told that he needed a DEA Certificate of Registration to qualify for such privileges in his local hospitals.

When asked on cross-examination whether, consistent with his not guilty plea, he continued to maintain that he had not committed the crimes for which he had been convicted, the Respondent testified, ''I accept my conviction,'' and when asked to what extent he did so, he replied, ''In its completeness.'' He also stated that this conviction was his first, that he had no subsequent convictions, and that he did not believe that he would ever again commit any crime ''involving the drug laws.'' The Respondent testified that in October of 1990, he had satisfactorily completed his court-ordered probation.

The Respondent submitted an affidavit from Robert R. Merhige, Jr. The parties stipulated that ''Robert R. Merhige, Jr.[.] is a Senior U.S. District Judge for the Eastern District of Virginia, at Richmond.'' Judge Merhige wrote that he was aware of the Respondent's prior conviction, that he had been told it was his first conviction, and that he had had contact with the Respondent over the years since his conviction. Judge Merhige also wrote that, based upon his association with the Respondent, ''I am of the option that he is unlikely to violate the law, and has the capacity and intention to conduct himself as a worthy citizen,'' that he was ''of the sincere belief that [the Respondent would] conduct himself appropriately and [would] not be a threat to the public health and safety,'' and ''I believe him to be a person worthy of the privilege of prescribing controlled substances pursuant to a valid DEA license.''

The Respondent also submitted documents detailing the barriers he faced as a result of his lack of a DEA Certificate of Registration. Specifically, he submitted documents disclosing his inability to participate in managed health care programs, difficulties in obtaining liability insurance, as well as evidence of the economic decline of his practice.

Pursuant to 21 U.S.C. 823(f), the Deputy Administrator may deny an application for registration as practitioner, if he determines that granting the registration would be inconsistent with the public interest. Section 823(f) requires that the following factors 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 or safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration denies. See Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989).

In this case, the Deputy Administrator agrees with Judge Bittner, finding that factors one, three, four, and five are relevant in determining whether the Respondent's registration would be inconsistent with the public interest. As to factor one, ''recommendation of the appropriate State licensing board,'' it is significant that, as a result of his felony conviction related to controlled substances, the Respondent's medical license was revoked by the Ohio State Board of Medicine in 1986. Further, in 1988, when the State of West Virginia Board of Osteopathy granted the Respondent a license, it chose to grant a probationary license with reporting requirements. However, also significant is the fact that in 1993, the Board issued the Respondent an unrestricted license to practice medicine. Further, the Board also supports the Respondent's application for a DEA Certificate of Registration, as evidenced by its letter of December 12, 1994.

As to factor three, the Respondent's ''conviction record under Federal or State laws relating to the * * * distribution * * * of controlled substances'' and factor four, the Respondent's ''[c]ompliance with applicable State, Federal, or local laws relating to controlled substances,'' It is undisputed that the Respondent received a felony conviction for the unlawful possession with intent to distribute, and for conspiracy to distribute, 12,000 pounds of marijuana, a Schedule I controlled substance, in violation of State law. As for factor five, ''[s]uch other conduct which may threaten the public health or safety,'' there is no dispute that on the night of the incident which resulted in the Respondent's conviction, he fled the scene of the crime, thereby avoiding law enforcement officials. Thus, the Deputy Administrator agrees with Judge Bittner's conclusion that the ''Respondent's past misconduct constitutes sufficient grounds to deny his application for DEA registration.''

However, the Deputy Administrator also agrees that factors exist which support granting the Respondent's application. First, the Respondent's criminal conduct occurred more than ten years ago. As the Deputy Administrator has previously determined, ''[t]he paramount issue is not how much time has elapsed since [the Respondent's] unlawful conduct, but rather, whether during that time [the] Respondent has learned from past mistakes and has demonstrated that he would handle controlled substances properly if entrusted with DEA registration.'' *Leonardo V. Lopez, M.D.,* 54 FR 36915 (1989). Even though it has been previously found that time, alone, is not dispositive in such situations, it is certainly an appropriate factor to be considered. See *Norman Alpert, M.D.,* 58 FR 67420, 67421 (1993), citing *Thomas H. McCarthy, D.O.,* 54 FR 20936 (DEA 1989), affirmed, *Thomas H. McCarthy, D.O.* v. *Drug Enforcement Administration,* No. 89–3496 (6th Cir. Apr. 5, 1990) (unpublished opinion).

Next, there is no evidence or contention that the Respondent has ever been involved in any other criminal activity. Also, Judge Bittner noted that the Respondent had expressed remorse for his prior misconduct and that ''there is no indication that those expressions of remorse are not genuine.'' The Respondent also testified before Judge Bittner that he certainly did not intend to commit any crime ''involving the drug laws'' in the future. His convictions were corroborated by Judge Merhige's affidavit containing his opinion that the Respondent was ''unlikely to violate the law.'' Further, since the Respondent's release from confinement, he had taken positive steps to improve his professional credentials by becoming Board certified in family practice.

The Deputy Administrator strongly endorses Judge Bittner's observation, that the ''Respondent's involvement in smuggling marijuana was egregious criminal behavior.'' Without condoning such behavior, however, the Deputy Administrator also agrees that granting the Respondent's application for a DEA Certificate of Registration would be consistent with the public's interest at this time and in this case. The Deputy Administrator also finds that the public's interest, as well as the interest

of the Respondent, will be served better by making this order effective upon the date of publication in the Federal Register, rather than thirty days thereafter.

Accordingly, the Deputy 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 pending application for a DEA Certificate of Registration of John Porter Richards, D.O., be, and it hereby is, approved. This order is effective upon publication in the Federal Register.

Dated: March 22, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–7499 Filed 3–27–96; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Women's Bureau; Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Women's Bureau is soliciting comments concerning the proposed new collection of information on the fair pay issue for implementation of the Fair Pay Information Clearinghouse. A copy of the ICR can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 28, 1996. The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarify of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Josephine Gomez on (202) 219–6631; fax number (202) 219–5529; Internet address Jgomez@WB.gov or Arline Easley on (202) 219–6601; fax number (202) 219–5529; Internet address Aeasley@WB.gov; Women's Bureau, U.S. Department of Labor, Room S–3317, 200 Constitution Avenue, NW, Washington, DC 20210.

SUPPLEMENTARY INFORMATION:

I. Background

This information is needed because the Administration has made implementation of the Fair Pay Information Clearinghouse a priority for the Women's Bureau for Fiscal Year 1996. The Clearinghouse is a direct response to working women's views, solicited by the Working Women Count! initiative begun in 1994, starting with a voluntary customer satisfaction survey and a scientific random sample. In both the popular survey and the scientific sample, working women clearly conveyed that they do not receive the level of pay and benefits needed to support themselves and their families. Respondents said that ''improving pay scales * * *'' was one of their highest priorities for workplace change. The Fair Pay Information Clearinghouse will assist employees and employers who want to improve wage-setting practices. The Clearinghouse will provide technical assistance to employees, employers and organizations on successful efforts to identify and remove sex and race discrimination in wage setting policies. In addition to providing wage and occupational data, which will be obtained from resources such as the Department's Bureau of Labor Statistics (BLS), the Clearinghouse will also offer profiles of employers that have implemented pay adjustments based on pay equity studies, as well as offering organizational resources to contact for a variety of information on fair pay. Those who contact the Clearinghouse will learn about existing approaches to paying workers for the valuable work they do, regardless of whether or not that work has traditionally been performed by women and by people of color. Since the majority of women still work in traditionally female jobs, the Clearinghouse will provide these workers and their employers helpful tools to secure equal access to fair pay.

II. Current Actions

Solicitors and/or Commissions on Women of 50 states, including local jurisdictions and school districts will be asked to respond to the items appearing on OMB approved form ''Organizations Working on Fair Pay Issues''. Information on the methodology used to implement fair pay adjustments will be gathered over the telephone utilizing OMB approved dialogue. Approximately 20 state entities that have made fair pay adjustments will be asked to provide descriptions of the methodologies used in distributing fair pay adjustments; these data should already be codified and the agencies simply need to send a copy of the descriptions that have been used. Ten researchers working in the field of fair pay will likely be requested to provide manuscripts and publications on the subject. Respondents have the option of transmitting their information electronically. Internet addresses and facsimile numbers are being provided for every aspect of this information collection.

Type of Review: New.

Agency: Women's Bureau.

Title: The Fair Pay Information Clearinghouse Information Collection.

Affected Public: Likely respondents are solicitors and/or Commissions on Women of 50 states, including local jurisdictions and school districts; Approximately 20 state entities that have made fair pay adjustments, and ten researchers working in the field of fair pay will likely be requested to provide manuscripts and publications on the subject.

Total Respondents: Approximately 180 respondents.

Frequency: Annual.

Total Responses: 180.

Average Time per Response: 9 hours.

Estimated Total Burden Hours: 1,600.

Total Burden Cost: (capital/startup): $19,160 (startup only).

Total Burden Cost: (operating/maintaining): $19,160 for each subsequent year (maintenance only).

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information