Dinorah Pharmacy or the Respondent pharmacy, alleging any improprieties involving controlled substances.

As to factors three and four, neither the Respondent, Dinorah Pharmacy, nor Ms. Abad has ever been charged with or convicted of any offense relating to the distribution or dispensing of controlled substances. Dinorah Pharmacy was convicted of one count of Selling Samples or Complimentary Packages of Drug Products in violation of Florida law, but the drug products involved were not controlled substances.

Finally, as to factor five, ''[s]uch other conduct which may threaten the public health or safety,'' Judge Tenney found it significant that the small amount involved in the unlawful billing to the Medicaid program of Dinorah Pharmacy ''suggests that the billing was not a widespread practice. . . .'' He further noted that in the notification letter sent to Dinorah Pharmacy, giving notice of its mandatory exclusion from the Medicaid Program, the Department of Health and Human Services had written that there were no aggravating circumstances in this instance to justify imposing more than the mandatory minimum period of exclusion.

Further, the Respondent also submitted relevant character evidence as to the trustworthiness and honesty of Ms. Abad. Various individuals in the medical profession, and one accountant, noted that Ms. Abad was an honest, hard-working individual who provided quality service to the community served by the Dinorah Drug Store.

The Deputy Administrator agrees with Judge Tenney's conclusion that the denial of registration under Section 824(a)(5) is discretionary. Here, the Government's basis for denial is Dinorah Pharmacy's five-year mandatory exclusion from the Medicaid Program as a result of the conduct of Ms. Abad, the current owner and pharmacist for the Respondent. However, balanced against this basis for denial is (1) the lack of any adverse action or allegations pertaining to Ms. Abad's conduct related to controlled substances, (2) the observations and recommendation of the Florida Investigator concerning Ms. Abad's conduct as a pharmacist for the Respondent and his recommendation that DEA grant the registration application, and (3) the positive character evidence provided by the Respondent, attesting to Ms. Abad's trustworthiness and positive contributions of her professional services to the community served by the Dinorah Drug Store.

In reaching his conclusion, the Deputy Administrator notes that Ms. Abad's conduct of selling drug samples and billing Medicaid for such sales is fraudulent behavior, and he certainly does not condone such activity. However, in reviewing the entire record, the Deputy Administrator concludes that the public interest is best served by granting the Respondent a DEA Certificate of Registration. Further, the Deputy Administrator is aware of the Respondent's immediate need for such a registration. Therefore, given this need, the Deputy Administrator has determined that the public interest will be better served in making this final order effective upon publication, rather than thirty days from the date of publication.

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 of Dinorah Drug Store, Inc., for a DEA Certificate of Registration, be, and it hereby is, approved. This order is effective upon the date of publication in the Federal Register.

Dated: April 4, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–8927 Filed 4–9–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Correction

As set forth in the Federal Register (FR Doc. 96–4944) Vol. 61, No. 43 at page 8303, dated March 4, 1996, Johnson Matthey, Inc., Custom Pharmaceuticals Department, 2003 Nolte Drive, West Deptford, New Jersey 08066, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer for certain controlled substances. The listing of controlled substances for which Johnson Matthey applied should have included dihydrocodeine (9120) and meperidine (9230).

Any other such applicant and any person who is presently registered with DEA to manufacturer such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than June 10, 1996.

Dated: April 3, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–8926 Filed 4–9–96; 8:45 am]

BILLING CODE 4410–09–M

Federal Bureau of Investigation

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Simplified Request for Advance or Reimbursement; Implementation of Section 104(d) of the Communications Assistance for Law Enforcement Act.

In accordance with the Paperwork Reduction Act of 1995, the Federal Bureau of Investigation invites comments on the information collection required to implement section 104(d) of the Communications Assistance for Law Enforcement Act (CALEA) (Pub. L. 103–414, 47 U.S.C. 1001–1010).

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted on or before June 10, 1996.

Comments or suggestions regarding the items contained in this information collection request should be directed to Telecommunications Industry Liaison Unit, Federal Bureau of Investigation, P.O. Box 220450, Chantilly, VA 22022–0450, telephone number (800) 551–0336. If you wish to receive a copy of the proposed carrier statement template with instructions, please contact the office of listed above.

The purpose of this notice is to request written comments and suggestions from the public, including telecommunications carriers, and affected agencies concerning the proposed collection of information. 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, including whether the information will have practical utility;

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

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of collection of information on those who are to