

employment with monitoring by Dr. Webster, and his probation with the Circuit Court.

The Deputy Administrator finds the Respondent has complied with the Court's terms of probation without incident. Unlike the Respondent in the Headley case, the Respondent has maintained a change in his lifestyle and has encountered no incidences of relapse since his reinstatement. See Headly at 39,469 (noting Dr. Headley's relapse). The experts agree that the Respondent's current condition indicates that he will continue to progress in a positive direction, drug-free and committed to his family and profession.

Further, the Respondent enjoys a support network in addition to the PRN, his family. His marriage and relationships with his siblings and his parents have changed to become stronger, which is in no small part due to the recent birth of his daughter. Judge Randall noted the Respondent's demeanor and testimony during the hearing were consistent with the remarks of the professionals who monitor him and his family. The Deputy Administrator concurs with Judge Randall's conclusion that the Respondent understands and has accepted responsibility for his past actions and sees his recovery from his addiction as a multifaceted and ongoing process. The network of family and interested colleagues, in light of the testimony of the Respondent's colleague and PRN staff, lends firm support to granting the Respondent's application.

The Deputy Administrator concurs with Judge Randall's finding that the Government has met its burden of proof for denial of the Respondent's pending application for registration. As Judge Randall correctly notes, however, the Deputy Administrator must consider all of the facts and circumstances of a particular case when deciding the appropriate remedy. See Martha Hernandez, M.D., 62 FR 61,145, 61,147 (1997).

After a review of the totality of the circumstances, the Deputy Administrator concurs with Judge Randall's conclusion that it would be in the public interest to grant the Respondent's application. The Deputy Administrator further concurs with Judge Randall's finding that the Respondent has demonstrated sufficient evidence of rehabilitation to warrant granting his application. See Jimmy H. Conway, Jr., M.D., 64 FR 32,271 (1999); see also Robert G. Hallermeier, M.D., 62 FR 26,818 (1997). The Respondent should be allowed the opportunity to demonstrate that he can now handle the

responsibilities of a DEA registrant. He has accepted responsibility for his past offenses and for his recovery. The record amply supports the conclusion that the Respondent will not repeat past misconduct, and relapse is extremely unlikely.

The Deputy Administrator further concurs with Judge Randall's conclusion that further monitoring by the DEA is appropriate, however. Given the aggressive monitoring by the PRN program, and the continuing supervision of the Respondent's conduct by Florida's probation system, federal oversight may seem redundant. Yet the DEA is also charged with protecting the public interest through its registration process. Here, given the evidence of less than five years of recovery time, monitoring by the DEA is warranted to protect the public interest. See Roger Lee Kinney, M.D., 64 FR 42,983 (1999).

Accordingly, the Respondent's application for a DEA Certificate of Registration in Schedules II through V is hereby granted, subject to the following restrictions:

(1) The Respondent, the PRN monitoring professionals, and the Respondent's probation officer shall file with the local DEA office copies of the status reports of the Respondent's progress that are already being filed with the Florida State Board;

(2) The Respondent shall agree to random warrantless inspections of his office, files, and prescription logs by DEA employees in addition to the terms set forth for random inspections under the Florida State Board's Order;

(3) The Respondent shall inform the DEA, within 30 days of the event, of any action taken by any state upon his medical license or upon his authorization to handle controlled substances within that state;

(4) These conditions shall extend through the three-year registration period.

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 the application for registration submitted by Vincent J. Scolaro, D.O., be, and it hereby is, granted subject to the above described restrictions. This order is effective upon the issuance of the DEA Certificate of Registration, but no later than July 22, 2002.

Dated: June 11, 2002.

**John B. Brown III,**

*Deputy Administrator.*

[FR Doc. 02-15564 Filed 6-19-02; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(I)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on November 27, 2001, Wildlife Laboratories, Inc., 1401 Duff Drive, Suite 600, Ft. Collins, Colorado 80524, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Etorphine Hydrochloride (9059)	II
Carfentanil (9743) .....	II

The firm plans to import the listed controlled substances to produce finished products for distribution to its customers.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing 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 (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: June 7, 2002.

**Laura M. Nagel,**

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

[FR Doc. 02-15566 Filed 6-19-02; 8:45 am]

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

June 13, 2002.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Marlene Howze at ((202) 693-4158 or E-mail [Howze-Marlene@dol.gov](mailto:Howze-Marlene@dol.gov)).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ESA, Office of Management Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), with 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the property 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 clarity 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 submission of responses.

*Type of Review:* revision of a currently approved collection.

*Agency:* Employment Standards Administration (ESA).

*Title:* Applications for Authority to Employ Full-Time Students at Sub-minimum Wages in Retail or Service Establishments or Agriculture.

*OMB Number:* 1215-0032.

*Affected Public:* Business or other for-profit, farms, individuals or households; and not-for-profit institutions.

*Frequency:* Annually.

*Number of Respondents:* 350.

*Number of Annual Responses:* 350.

*Estimated Time Per Response:* 10 to 30 minutes.

*Total Burden Hours:* 69.

*Total Annualized Capital/Startup Costs:* \$129.50.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* Sections 14(b)(1) and 14(b)(2) of the Fair Labor Standards Act (FLSA) require the Secretary of Labor to provide certificates authorizing the employment of full-time students at 85% of the applicable minimum wage in retail or service establishments and in agriculture to the extent necessary in order to prevent curtailment of opportunities for employment. Sections 519.3, 519.4, and 519.6 of Regulations 29 CFR part 519, set forth the application requirements and terms and conditions for employment of full-time students at sub-minimum wages. The WH-200 and WH-202 are voluntary use forms that are prepared and signed by an authorized representative of the employer to employ full-time students at sub-minimum wage. This information is used to determine whether a retail or service or agricultural employer should be authorized to pay sub-minimum wages to full-time students pursuant to the provisions of section 14(b) of the FLSA. Without the application, employers could not obtain a certificate authorizing payment of full-time students at sub-minimum wages and job opportunities for such students would be reduced.

*Type of Review:* Extension of a currently approved collection.

*Agency:* Employment Standards Administration (ESA).

*Title:* Rehabilitation Plan and Award.  
*OMB Number:* 1215-0067.

*Affected Public:* Business or other for-profit; and Individuals or households.

*Frequency:* On occasion.

*Number of Respondents:* 7,000.

*Number of Annual Responses:* 7,000.

*Estimated Time Per Response:* 30 minutes.

*Total Burden Hours:* 3,500.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* The Office of Workers' Compensation Program (OWC) administers the Longshore and Harbor Workers' Compensation Act (LHWCA) and the Federal Employees' Compensation Act (FECA). Section 8104(a) of the Federal Employees' Act provides that eligible workers are furnished vocational rehabilitation services. The costs of these services are paid from the Employees' Compensation Fund. Section 39(c) and (2) of the Longshore Act provide that eligible injured workers are to be assisted in obtaining the best rehabilitation services available and the fund provided in Section 44 is to be used where necessary rehabilitation services are not available otherwise. The OWCP-16 is the plan for rehabilitation services, submitted by the injured worker and vocational rehabilitation counselor, and OWCP' award of payment from funds provided for rehabilitation. If the OWCP-16 were not utilized, then OWCP would have to resort to unusual and time consuming methods to limit the types and amounts of funding available.

*Type of Review:* Extension of a currently approved collection.

*Agency:* Employment Standards Administration (ESA).

*Title:* Report of Changes That May Affect Your Black Lung Benefits.

*OMB Number:* 1215-0084.

*Affected Public:* Individuals or households.

*Frequency:* Biennially.

*Number of Respondents:* 25,000.

*Number of Annual Responses:* 1.

*Estimated Time Per Response:* 5 to 8 minutes.

*Total Burden Hours:* 2,208.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* The Federal Coal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 936, 30 U.S.C. 941, and 20 CFR 725.533(g) provides for the reporting of certain changes which may