

While in this case, there is substantial evidence that Mr. Fowler distributed pseudoephedrine with a reckless disregard for its eventual use, such proof is not essential to sustain the revocation of Respondent's registration. A proceeding under section 304 of the CSA is not a criminal prosecution. Rather, its purpose is to protect the public interest. *See Leo R. Miller*, 53 FR 21931, 21932 (1988).

“‘In determining the public interest,’ Congress granted the Attorney General broad discretion to consider any other factor that is ‘relevant to and consistent with the public health and safety.’” *T. Young*, 71 FR at 60572 (quoting 21 U.S.C. 823(h)(5)). The statutory text of factor five does not require that the Government prove that a registrant or its key employees acted with any particular *mens rea*.<sup>8</sup> As I have previously explained, “the diversion of list I chemicals into the illicit manufacture of methamphetamine poses the same threat to public health and safety whether a registrant sells the products knowing they will be diverted, sells them with a reckless disregard for the diversion, *see D & S Sales*, 71 FR at 37610–12, or sells them being totally unaware that the products were being diverted.” *T. Young*, 71 FR at 60572 (citing *Joy's Ideas*, 70 FR at 33198) (revoking registration notwithstanding that distributor was “an unknowing and unintentional contributor to [the] methamphetamine problem”). Accordingly, Respondent's excessive sales of pseudoephedrine also provide reason alone to conclude that its continued registration would be inconsistent with the public interest.

In sum, four of the five factors conclusively demonstrate that Respondent's continued registration is inconsistent with the public interest. Furthermore, in accordance with 21 CFR 1316.67, I find that Respondent's owner engaged in egregious misconduct and is responsible for the diversion of massive amounts of pseudoephedrine into the illicit manufacture of methamphetamine. There, I conclude that the public interest requires that Respondent's registration be revoked effective immediately.

#### Order

Accordingly, pursuant to the authority vested in me by 21 U.S.C. 823(h) & 824(a), as well as 28 CFR 0.100(b) & 0.104, I order that DEA Certificate of Registration, 003949RPY,

<sup>8</sup> To the extent *mens rea* is relevant, it is accounted for in factor three, which directs the consideration of a registrant's prior conviction record. *See* 21 U.S.C. 823(h)(3).

issued to Rick's Picks, L.L.C., be, and it hereby is, revoked. I further order that the pending application of Rick's Picks, L.L.C., for renewal of its registration be, and it hereby is, denied. This order is effective immediately.

Dated: March 30, 2007.

**Michele M. Leonhart**,  
Deputy Administrator.

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 07-030]

### Notice of Information Collection

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of information collection.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

**DATES:** All comments should be submitted within 60 calendar days from the date of this publication.

**ADDRESSES:** All comments should be addressed to Mr. Walter Kit, National Aeronautics and Space Administration, Washington, DC 20546-0001.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Mr. Walter Kit, NASA PRA Officer, NASA Headquarters, 300 E Street SW., JE000, Washington, DC 20546, (202) 358-1350, *Walter.Kit-1@nasa.gov*.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This is an online application form for the Exploration Systems Mission Directorate—Space Grant Consortia Faculty Project. NASA must select candidates via a competitive process, and in order to do so must collect personal information in an application. The voluntary respondents will be full-time professors that are employed at a university in the United States or Puerto Rico.

##### II. Method of Collection

This information collected on the application is needed to competitively

select faculty to participate in the 10 week Fellowship.

### III. Data

*Title:* Exploration Systems Mission Directorate—Space Grant Consortia Faculty Project.

*OMB Number:* 2700-XXXX.

*Type of review:* New Collection.

*Affected Public:* Individuals or households.

*Number of Respondents:* 156.

*Responses Per Respondent:* 0.5 hour.

*Annual Responses:* 156.

*Annual Burden Hours:* 80.

### IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

**Gary Cox**,

*Deputy Chief Information Officer (Acting).*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 050-00315, 050-00316; License Nos. DPR-58 & DPR-74 EA-06-295]

### In the Matter of Indiana Michigan Power Company D.C. Cook Nuclear Power Plant; Confirmatory Order Modifying License (Effective Immediately)

#### I

Indiana Michigan Power Company (I&M or Licensee) is the holder of Facility Operating License Nos. DPR-58 and DPR-74 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on October 25, 1974 and December 23, 1977, respectively. The licenses authorize the operation of the D.C. Cook nuclear power plant units 1 & 2 in