

Thereafter, in January 2004, Respondent represented to the Ohio Board that “[a]ll log books are current and up to date and are being kept current.” GX 11. He also stated that “[a]ll controlled medication being dispensed * * * is being logged as it is filled.” GX 11.

Notwithstanding Respondent’s representations to the state board, on June 7, 2005, DEA investigators could not find any dispensing logs for the year 2004, and Denise Huffman admitted that there were no such logs. Tr. 670. Under Federal regulations, however, Respondent was required to maintain these records for a period of two years. *See* 21 U.S.C. 827(b). Moreover, given the circumstances in which the 2005 logs were not at the clinic but were later provided to the Government only after copies of the patient files were given to the clinic (following the search), and that the logs appeared to be brand new, it is most unlikely that these were accurate records. In any event, the various dispensing logs were required to be maintained at the clinic. *See* 21 CFR 1304.04(1). Respondent thus repeatedly violated Federal law by failing to maintain the required records and did so over a sustained period of time. It is no defense that Respondent delegated this responsibility to Ms. Huffman.⁴² Tr. 1511.

Aggravating these violations is the fact that he ordered extraordinary quantities of various highly abused controlled substances and that there is no way—given the wholly deficient recordkeeping—to determine where these drugs have gone. Recordkeeping is one of the CSA’s central features; a registrant’s accurate and diligent adherence to this obligation is absolutely essential to protect against the diversion of controlled substances. Given the extraordinary quantities of controlled substances which Respondent ordered and his complete lack of accountability for them, it is likely that most of these drugs were diverted. Respondent’s failure to maintain accurate records (assuming that they were ever accurately maintained beyond August 2003,⁴³ *see* GX 11, at 2), provides a further reason—which is sufficient by itself—to conclude that granting him a

⁴² As I have previously explained, when a registrant authorizes another person to perform acts under his registration, he is responsible for that individual’s misuse of the registration and failure to perform required acts. *See Rose Mary Jacinta Lewis*, 72 FR 4035, 4040 (2007); *see also Summer Grove Pharmacy*, 54 FR 28522, 28523 (1989).

⁴³ While Agent Kinneer stated in his report that during his February 2004 visit, Respondent and Alice Huffman gave him dispensing logs, no such logs were found during the June 2005 search.

registration would “be inconsistent with the public interest.” 21 U.S.C. 823(f).

At the hearing, Respondent testified that “as far as I was concerned, as far as my knowledge of Ohio law, Federal law, standards of care of pain management, and anything else I could find, I had done nothing wrong, and was following absolutely prescribed procedures that I should in every respect.” Tr. 1439. I beg to differ. As the record shows, Respondent is an egregious violator of the CSA’s requirements with respect to both his prescribing practices and compliance with the Act’s recordkeeping requirements.⁴⁴ And even assuming—given the remedial purpose of proceedings under section 303—that there could be circumstances in which an egregious violator of the Act might convincingly establish that he has reformed, Respondent has offered no credible evidence to demonstrate that he can be entrusted with a new registration. Accordingly, I conclude that granting Respondent’s application for a new registration would be “inconsistent with the public interest.”⁴⁵ 21 U.S.C. 823(f).

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b) & 0.104, I order that the application of Paul H. Volkman, M.D., for a DEA Certificate of Registration as a practitioner be, and it hereby is, denied. This order is effective June 27, 2008.

Dated: May 16, 2008.

Michele M. Leonhart,

Deputy Administrator.

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MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities; Proposed Collection

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), the

⁴⁴ There is also evidence in the record that Respondent told a patient (J.R.) to sell a drug (Soma) if he did not take it. Tr. 42 & 104. While Soma is not controlled under Federal law, the evidence is nonetheless probative of Respondent’s intent.

⁴⁵ In light of the extensive evidence of Respondent’s misconduct, I conclude that it is unnecessary to make findings regarding the remaining factors.

U.S. Merit Systems Protection Board (MSPB) announces that it is planning to submit a request for a three-year extension of an Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting this ICR to OMB for review and approval, MSPB is soliciting comments on specific aspects of its information collection activities as described below.

DATES: Written comments must be received on or before June 27, 2008.

ADDRESSES: Submit written comments on the collection of information to Dr. Dee Ann Batten, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Dr. Dee Ann Batten at (202) 653-6772, ext. 1411.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. The MSPB intends to ask for a three-year renewal of its Generic Clearance Request for Voluntary Customer Surveys, OMB Control No. 3124-0012. Executive Order 12862, “Setting Customer Service Standards,” mandates that agencies identify their customers and survey them to determine the kind and quality of services they want and their level of satisfaction with existing services.

In this regard, we are soliciting comments on the public reporting burden. The reporting burden for the collection of information on this request is estimated to vary from 5 minutes to 30 minutes, with an average of 15 minutes, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. In the estimated annual reporting burden listed below, the reason that the annual number of respondents differs from the number of total annual responses is that the latter figure assumes a 60% response rate. Our experience has been that fewer than 60% of those invited to participate in our voluntary customer surveys avail themselves of that opportunity.

In addition, the MSPB invites comments on (1) Whether the proposed collection of information is necessary for the proper performance of MSPB’s functions, including whether the information will have practical utility; (2) the accuracy of MSPB’s estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(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 through the use of automated collection techniques

or other forms of information technology.

ESTIMATED ANNUAL REPORTING BURDEN

5 CFR parts	Annual number of respondents	Frequency per response	Total annual responses	Hours per response (average)	Total hours
1201, 1208, and 1209	2,500	1	1,500	0.25	375

William D. Spencer,
Clerk of the Board.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (08-048)]

NASA Advisory Council; Science Committee; Planetary Science Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: The National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Science Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The Meeting will be held for the purpose of soliciting from the scientific community and other persons scientific and technical information relevant to program planning.

DATES: Monday, June 23, 2008, 8:30 a.m. to 6:30 p.m., and Tuesday, June 24, 2008, 8:30 a.m. to 4:30 p.m.

ADDRESSES: NASA Goddard Space Flight Center, Building 1, Room E100E, 8800 Greenbelt Road, Greenbelt, Maryland 20771.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-4452, fax (202) 358-4118, or mnorris@nasa.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

- Planetary Science Division Update;
- Analysis Group and Management Operations Working Group Reports;
- Update on International Mars Architecture for Returning Samples;

- Evaluation of the Government Performance and Results Act Outcomes;
- Discussion with the New Associate Administrator for Science Mission Directorate.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign nationals attending this meeting will be required to provide the following information no less than 15 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; social security number; green card information (resident alien number, expiration date); visa information (number, type, expiration date); passport information (number, country of issue, expiration date); employer/affiliation information (name of institution, title/position, address, country of employer, telephone, email address); title/position of attendee. To expedite admittance, attendees with U.S. citizenship can provide identifying information 4 working days in advance by contacting Marian Norris via e-mail at mnorris@nasa.gov or by telephone at (202) 358-4452.

Dated: May 20, 2008.

P. Diane Rausch,

*Advisory Committee Management Officer,
National Aeronautics and Space Administration.*

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before June 27, 2008 to be assured of consideration.

ADDRESSES: Send comments to Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5167.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301-837-1694 or fax number 301-713-7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on March 11, 2008 (73 FR 13019 and 13020). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collection: