

2005). Finally, where the Government has made out its *prima facie* case, the burden shifts to the Respondent to show why its continued registration would be consistent with the public interest. See, e.g., *Theodore Neujahr*, 65 FR 5680, 5682 (2000); *Service Pharmacy, Inc.*, 61 FR 10791, 10795 (1996).

In this case, having considered all of the factors, I conclude that the evidence with respect to factors two and four establishes a *prima facie* case that Respondent's continued registration is "inconsistent with the public interest." 21 U.S.C. 823(f). Accordingly, Respondent's registration will be revoked and any pending application for renewal of its registration will be denied.

#### **Factors Two and Four—Respondent's Experience in Dispensing Controlled Substances and Its Record of Compliance With Applicable Controlled Substance Laws**

As found above, the evidence in this matter establishes that Respondent was a supply source for the illicit drug market in such highly abused prescription drugs as oxycodone, a schedule II controlled substance, and alprazolam, a schedule IV controlled substance. As the record shows, at least three individuals including Respondent's owner unlawfully distributed prescription controlled substances which had been obtained by the pharmacy. See 21 U.S.C. 841(a)(1).

Even if it was the case that Lee-Richards (the pharmacy technician) and Friedberg (the pharmacist) had stolen the drugs they were distributing, the criminal acts of Stanley Dyen, Respondent's owner and pharmacist-in-charge, in distributing hydrocodone and alprazolam, provide ample support to conclude that its continued registration is "inconsistent with the public interest." See *VI Pharmacy, Rushdi Z. Salem*, 69 FR 5584, 5585 (2004) ("It is well settled that a pharmacy operates under the control of owners, stockholders, pharmacists, \* \* \* and if any such person is convicted of a felony offense related to controlled substances, grounds exists to revoke the pharmacy's registration."); *Charles J. Gartland, R.Ph., d.b.a. Manoa Pharmacy*, 48 FR 28760, 28761 (1983) ("Pharmacies must operate through the agency of natural persons, owners or stockholders, or other key employees. When such persons misuse the pharmacy's registration by diverting controlled substances obtained there under, and when those individuals are convicted as a result of that diversion, the pharmacy's registration becomes subject to revocation under 21 U.S.C. 824, just

as if the pharmacy itself had been convicted.").

Nor is this rule limited to those instances in which a pharmacy's owner or key employee has been formally convicted of a crime. As explained above, under Federal law, a registration is subject to revocation when a registrant commits acts which render its registration "inconsistent with the public interest." 21 U.S.C. 824(a)(4). Where a pharmacy's owner/key employee commits criminal acts, the Agency is not required to wait for the judicial process to work its course before revoking a registration. I therefore conclude that Respondent's continued registration "is inconsistent with the public interest," 21 U.S.C. 823(f), and that its registration should be revoked.

#### **Order**

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a)(4), as well as 28 CFR 0.100(b) & 0.104, I hereby order that DEA Certificate of Registration, AY1916103, issued to Your Druggist Pharmacy, be, and it hereby is, revoked. I further order that any pending applications to renew or modify the registration be, and they hereby are, denied. This Order is effective immediately.

Dated: December 2, 2008.

**Michele M. Leonhart,**

*Deputy Administrator.*

[FR Doc. E8-29407 Filed 12-11-08; 8:45 am]

**BILLING CODE 4410-09-P**

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### **NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

#### **National Endowment for the Arts; Arts Advisory Panel**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that two meetings of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows (ending times are approximate):

*State & Regional/Arts Education (State Arts Agency Partnership Agreements/Arts Education review):* January 6-7, 2009 in Room 730. This meeting, from 9 a.m. 10:15 a.m. and from 12:30 p.m. to 5:30 p.m. on January 6th and from 9 a.m. to 2:30 p.m. on January 7th, will be open.

*Folk & Traditional Arts/National Heritage Fellowships (review of nominations):* January 6-9, 2009 in Room 716. This meeting, from 9 a.m. to 6:30 p.m. on January 6th and 7th, 9 a.m.

to 5:30 p.m. on January 8th, and 9 a.m. to 3:30 p.m. on January 9th, will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 28, 2008, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman. If you need special accommodations due to a disability, please contact the Office of Accessibility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: December 9, 2008.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Panel Operations, National Endowment for the Arts.*

[FR Doc. E8-29431 Filed 12-11-08; 8:45 am]

**BILLING CODE 7537-01-P**

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### **NUCLEAR REGULATORY COMMISSION**

#### **Licensing Support System Advisory Review Panel**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of renewal of the Charter of the Licensing Support Network Advisory Review Panel (LSNARP).

**SUMMARY:** The Licensing Support System Advisory Review Panel was established by the U.S. Nuclear Regulatory Commission as a Federal Advisory Committee in 1989. Its purpose was to provide advice on the fundamental issues of design and development of an electronic information management system to be used to store and retrieve documents relating to the licensing of a geologic repository for the disposal of high-level radioactive waste, and on the operation

and maintenance of the system. This electronic information management system was known as the Licensing Support System (LSS). In November, 1998 the Commission approved amendments to 10 CFR Part 2 that renamed the Licensing Support System Advisory Review Panel as the Licensing Support Network Advisory Review Panel. The Licensing Support Network (LSN) became available for use in 2004 and it is anticipated that a hardware and software refresh program will be initiated in 2009–2010.

Membership on the Panel will continue to be drawn from those interests that will be affected by the use of the LSN, including the Department of Energy, the NRC, the State of Nevada, the National Congress of American Indians, affected units of local governments in Nevada, the Nevada Nuclear Waste Task Force, and a coalition of nuclear industry groups. Federal agencies with expertise and experience in electronic information management systems may also participate on the Panel.

The Nuclear Regulatory Commission has determined that renewal of the charter for the LSNARP until December 5, 2010, is in the public interest in connection with duties imposed on the Commission by law. This action is being taken in accordance with the Federal Advisory Committee Act after consultation with the Committee Management Secretariat, General Services Administration.

**FOR FURTHER INFORMATION CONTACT:** Andrew L. Bates, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Telephone 301–415–1963.

Dated: December 8, 2008.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. E8–29449 Filed 12–11–08; 8:45 am]

**BILLING CODE 7590–01–P**

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## PRESIDIO TRUST

### Presidio Trust Management Plan Main Post Update Supplemental Environmental Impact Statement

**AGENCY:** The Presidio Trust.

**ACTION:** Notice of Intent to Prepare a Supplement to a Draft Environmental Impact Statement.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended (Pub. L. 91–190, 42 U.S.C. 4321 *et seq.*) and in response to public comment, the Presidio Trust (Trust) is notifying

interested parties that it will supplement the June 2008 Draft Supplemental Environmental Impact Statement (SEIS) for the Presidio Trust Management Plan (PTMP) Main Post Update. The supplement will identify and discuss the environmental impacts of a preferred alternative that combines elements of alternatives previously analyzed in the draft SEIS.

**SUPPLEMENTARY INFORMATION:** The Trust is updating the planning concept for the Main Post district of the Presidio of San Francisco (Presidio) in order to take into account several proposals, including the Contemporary Art Museum at the Presidio (CAMP), the Main Post Lodge and the Presidio Theatre, that were not fully contemplated in the 2002 PTMP and its final environmental impact statement. The updated planning concept for the Main Post was evaluated as the proposed action in the draft SEIS that was circulated on June 13, 2008 (73 FR 33814).

Concurrent with the draft SEIS analyses, the Trust is also providing for the review of the proposals under other federal environmental laws. Chief among these is the consultation process required by section 106 of the National Historic Preservation Act (NHPA). This process identifies the historic resources that may be affected by an undertaking, assesses the effects on historic resources through a Finding of Effect (FOE), and then explores ways to “avoid, minimize, or mitigate” the effects identified in the FOE. The draft FOE was circulated for comment on August 8, 2008. The draft SEIS and draft FOE are available at <http://www.Presidio.gov> in the Major Projects section.

Following the release of the draft SEIS and the draft FOE, the Trust has been working with the National Park Service, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation to develop approaches that would avoid, minimize, or mitigate effects from the various proposals on the National Historic Landmark District. These approaches include ways to reduce building size, scale, and mass; ways to orient the buildings to the site; and ways to articulate the buildings with architectural features. The Trust shared the results of this work with the consulting parties in the NHPA consultation and the proponents’ respective design teams, and also held a public workshop on November 19, 2008 to communicate these conforming strategies to interested individuals. The information, presented as a series of matrices, is available for public review on the Trust Web site at <http://>

[library.presidio.gov/archive/documents/StandardsEvaluationMatrix.pdf](http://library.presidio.gov/archive/documents/StandardsEvaluationMatrix.pdf).

Additionally, the Trust conducted a series of three workshops with the public on September 25, September 28 and October 2, 2008 that focused on the development of a preferred alternative. Through this public process, the Trust has identified a preferred alternative that combines elements of the previously analyzed alternatives, and which will be the subject of the supplement. The Trust has elected to address the preferred alternative in a supplement to the draft SEIS to best integrate and satisfy its NEPA and NHPA requirements. Additional information on the preferred alternative is available at <http://www.Presidio.gov> (click on Presidio Trust Identifies a Preferred Alternative). Interested parties wishing to provide comments on the previously analyzed alternatives or the merits of the draft SEIS may continue to do so, or wait until the supplement is made available.

The Trust will file the supplement as a draft and will circulate it at the same time that a revised draft FOE will be circulated through the parallel NHPA section 106 consultation process. The availability of the supplement (expected to occur in early 2009) for public and agency review and comment will be announced through an EPA-published notice in the **Federal Register**, in the Trust’s regular electronic newsletter (Presidio E-news), on the Trust web site, as well as direct mailing to the project mailing list and other appropriate means. Both the draft supplement and the revised draft FOE will be considered in a final SEIS before the Trust Board of Directors takes any action (no earlier than 30 days after release of the final SEIS).

**FOR FURTHER INFORMATION CONTACT:** John Pelka, 415.561.5300.

Dated: December 8, 2008.

**Karen A. Cook,**

*General Counsel.*

[FR Doc. E8–29447 Filed 12–11–08; 8:45 am]

**BILLING CODE 4310–4R–P**