

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 manufacture 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



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.)

Section 104(d) of the Communications Assistance for Law Enforcement Act (CALEA) (Pub. L. 103-414, 47 U.S.C. 1001-1010) requires that, within 180 days after the publication by the Attorney General of a notice of capacity requirements pursuant to subsections 104(a) or 104(c) of CALEA, a telecommunications carrier shall submit to the Attorney General a statement identifying any of its systems or services that do not have the capacity to accommodate simultaneously the number of interceptions, pen registers, and trap and trace devices set forth in the notice under such subsection. The FBI, as required by the Paperwork Reduction Act of 1995, is therefore soliciting comments from the public, including telecommunications carriers and other affected agencies on the implementation of this information collection.

#### Overview of this Information Collection:

(1) Type of Information Collection: NEW COLLECTION: The type of information acquired is required to be furnished by law in terms of a carrier statement, as set forth in Subsection 104(d) of the Communications Assistance for Law Enforcement Act (CALEA) (Pub. L. 103-414, 47 U.S.C. 1001-1010). A template, which is not mandatory, has been developed with the telecommunications industry to facilitate submission of the telecommunications carrier statements. Such information is quantitative and qualitative data necessary to identify any systems or services of a telecommunications carrier that do not have the capacity to accommodate simultaneously the number of interceptions, pen registers, and trap and trace devices as specified in the final capacity notice to Subsection 104(a) of CALEA.

Any relationship between capacity and capability, and the omission of equipment from the carrier statement and cost reimbursement, will be addressed in the final capacity notice to be published in the Federal Register.

(2) The title of the information collection: "Telecommunications Carrier Statement."

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collections; Form number: None. Sponsored by the Federal Bureau of Investigation (FBI), United States Department of Justice.

(4) Who will be asked or required to respond, as well as a brief abstract: BUSINESS OR OTHER FOR PROFIT: Telecommunications carriers, as defined in CALEA Subsection 102(8), will respond.

The collected data will be used in conjunction with law enforcement priorities and other factors to determine the specific equipment, facilities, and services that require immediate modification. The reimbursement process is not dependent exclusively on a carrier's submission of systems or services in their carrier statement. Further consultation with individual telecommunications carriers may be required to obtain supplementary information in order to better determine which individual systems and services require modification.

The amount and type of information collected will be minimized to ensure that submission of this data by telecommunications carriers will not be burdensome nor unreasonable. Each telecommunications carrier will submit a statement identifying any of its systems or services that do not have the capacity to accommodate simultaneously the number of interceptions, pen registers, and trap and trace devices as set forth in the final capacity notice.

Based on close consultation with industry, information solicited to specifically identify such systems and services and their capacity to meet the CALEA requirements will include: Common Language Location Identifier (CLLI) code or equivalent identifier, switch model or other system or service type, the derived capacity of the system or service as specified in the final capacity notice, the county name(s) that the system or service serves, and the city and state where the system or service is located. Unique information required for wireline systems and services would include the host CLLI code if the system or service is a remote. Unique information required for wireless systems and services would include the Metropolitan or Rural Service Area number(s), or the Metropolitan or Basic Trading Area number(s) served by the system or service.

Confidentiality regarding the data received from the telecommunications carriers will be protected by statute, regulation, and through nondisclosure agreements as necessary.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The FBI estimates that there are approximately three thousand (3,000) telecommunications carriers,

with approximately twenty-three thousand (23,000) unique systems or services, that will be affected by this collection of information. The total amount of time required to complete the Telecommunications Carrier Statement will vary, depending upon the total number of systems and services that the telecommunications carrier deploys that provide a customer or subscriber with the ability to originate, terminate, or direct communications. The time required to read and prepare information, for one system or service is estimated at ten (10) minutes. There is also an associated startup time per carrier that is estimated at two (2) hours. This startup time consists of reading the Telecommunications Carrier Statement and determining data sources.

(6) An estimate of the total public burden (in hours) associated with the collection is 9,910 hours. These estimates were derived from close consultation with industry.

If additional information is required, contact Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street NW., Washington, DC 20530.

Dated: April 5, 1996.

Robert B. Briggs,

*Department Clearance Officer, United States Department of Justice.*

[FR Doc. 96-8842 Filed 4-9-96; 8:45 am]

BILLING CODE 4410-02-M

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 96-23; Application Number D-09602]

### Class Exemption for Plan Asset Transactions Determined by In-House Asset Managers

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of class exemption.

**SUMMARY:** This document contains a final exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and from certain taxes imposed by the Internal Revenue Code of 1986 (the Code). The exemption permits various transactions involving employee benefit plans whose assets are managed by in-house managers (INHAMS), provided that the conditions of the exemption are met. The