

- Ramada Inn, 324 E. Shaw Avenue, Fresno, California
- Oakland Masonic Center, 3903 Broadway, Oakland, California
- Fire Training Center, 1845 N. Ontario, Burbank, California
- Kern Agricultural Pavillion, 501 S. Mount Vernon, Bakersfield, California
- Pacific Cultural Center, 1307 Seabright, Santa Cruz, California
- University High School, 4771 Campus Drive, Irvine, California
- Gean Harvie Center, 14273 River Road, Walnut Grove, California
- Chico Community Center, 545 Vallombrosa Avenue, Chico, California
- Encinitas City Council Center, 505 S. Vulcan Avenue, Encinitas, California
- Marina Center, 340 Marina Center, Pittsburg, California
- The Doubletree, 1830 Hilltop Drive, Redding, California

*Copies of the Draft/EIR are available for public inspection at:*

- Bureau of Reclamation, Program Analysis Office, Room 7456, 1849 C Street NW, Washington DC; telephone: (202) 208-4662
- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver CO; telephone: (303) 236-6963
- Bureau of Reclamation, Regional Director, Attention: MP-140, 2800 Cottage Way, Sacramento, CA; telephone: (916) 978-5100
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW, Main Interior Building, Washington DC

*Copies will also be available for inspection at the following libraries:*

Amador County Library; Auburn-Placer County Library; Berkeley Public Library; Butte County Library; Calaveras County Library; California State Archives; California State Library; California State Polytechnic University, Pomona; California State Resources Library; California State University, Bakersfield; California State University, Chico; California State University, Fresno; California State University, Long Beach; California State University, Sacramento; California State University, San Diego; California State University, San Francisco; California State University, San Jose; California State University, Stanislaus; Colusa County Free Library; Contra Costa County Library; Contra Costa Library; The Council of State Governments; County of Los Angeles Public Library, Government Publications; County of Los Angeles Public Library, Lancaster Library; Dixon Unified School District Library; El Dorado County Library; Fresno County Public Library; Golden Gate University; Grass Valley Library, Nevada County

Library; Humboldt County Library; Inyo County Free Library; Kern County Library; Kings County Library; Lake County Library; Library of Congress; Lodi Public Library; Los Angeles County Law Library; Los Angeles Public Library; Los Banos Branch Library, Merced County Library; Madera County Library; Marin County Library; Mariposa County Library; Mendocino County Library; Merced County Library; Mono County Free Library; Monterey County Free Libraries, Napa City-County Library; Natural Resources Library; Nevada County Library; Oakland Public Library; Orange County Public Library; Orland Free Library; Plumas County Library; Quincy Library Group; Sacramento County Law Library; Sacramento Public Library; San Diego County Library; San Diego Public Library; San Francisco Public Library; San Jose Public Library; San Luis Obispo City-County Library; Santa Barbara Public Library; Santa Clara County Library; Santa Cruz Public Library; Shasta County Library; Solano County Library; Sonoma County Library; Stanford University; Stanislaus County Free Library; Stockton-San Joaquin County Public Library; Sutter County Library; Tehama County Library; Tulare County Free Library; Tulare Public Library; Tuolumne County Free Library; University of California, Berkeley; University of California, Davis; University of California, Los Angeles; University of California, San Diego; University of California, Santa Barbara Library; Willows Public Library; Yolo County Library; Yuba County Library.

Dated: March 4, 1998.

**Roger K. Patterson,**  
Regional Director.

[FR Doc. 98-6593 Filed 3-13-98; 8:45 am]

BILLING CODE 4310-94-P

## INTERNATIONAL TRADE COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** March 20, 1998 at 10:00 a.m.

**PLACE:** Room 101, 500 E Street S.W., Washington, DC 20436.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. Nos. 701-TA-374 and 731-TA-780 (Preliminary) (Butter Cookies in

Tins from Denmark)—briefing and vote.

#### 5. Outstanding action jackets:

1. Document No. GC-98-008: APO matters in Title VII investigation.
2. Document No. GC-98-009: APO matters in Title VII investigation.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: March 11, 1998.

By order of the Commission:

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 98-6858 Filed 3-12-98; 1:32 pm]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Cash Drug Store; Revocation of Registration

On January 2, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Cash Drug Store (Respondent) of Donaldsonville, Georgia, notifying the pharmacy of an opportunity to show cause as to why DEA should not revoke its DEA Certificate of Registration, AF1198072, and deny any pending application for renewal of such registration as a retail pharmacy, under 21 U.S.C. 824 (a)(2) and (a)(4), for reason that Respondent's owner/pharmacist was convicted of a controlled substance related felony offense, and Respondent's continued registration would be inconsistent with the public interest.

The Order to Show Cause provided Respondent with an opportunity to request a hearing on the issues raised by the order. By letter dated February 4, 1998, Respondent, through counsel, waived its opportunity for a hearing and submitted a written statement regarding its position on the issues raised in the Order to Show Cause as provided for in 21 CFR 1301.43(c). Therefore, the Acting Deputy Administrator deems that Respondent has waived its opportunity for a hearing, and hereby enters his final order pursuant to 21 CFR 1301.43(e) and 1301.46, based upon the investigative file and Respondent's written submission.

The Acting Deputy Administrator finds that on February 27, 1995, the Georgia Bureau of Investigations received information from a local sheriff's department that an individual

had allegedly been purchasing controlled substances from Respondent pharmacy without a prescription. A confidential informant of the local sheriff's department arranged to introduce an undercover agent to the individual. On March 9, 1995, the confidential informant and the undercover agent drove with the individual to Respondent pharmacy. The undercover agent gave the individual \$50.00, and the individual went into the pharmacy alone. When he emerged from the pharmacy, the individual gave the undercover agent 49 pills in a white paper bag. On March 15, 1995, the confidential informant and undercover agent again went to Respondent pharmacy with the individual. The undercover agent gave the individual \$60.00 on this occasion, and asked if the individual could get him 70 Lorcet pills, a Schedule III controlled substance. The individual ultimately emerged from the pharmacy and gave the undercover agent a white paper bag containing 10 pills later identified as Lorcet, and 58 pills later identified as Darvocet, a Schedule IV controlled substance.

After leaving Respondent pharmacy on March 15, 1995, the individual was arrested. At the time of his arrest, the individual had in his possession 10 Darvocet pills and some crack cocaine. During an interview of the individual following his arrest, he admitted that he had purchased Darvocet and Lorcet from Thomas Faircloth, the owner/pharmacist of Respondent for approximately eight years. The individual stated that he sometimes had a prescription for the controlled substances, but more often he would not have a prescription, but would just tell Mr. Faircloth what drugs he wanted. He estimated that he purchased controlled substances from Mr. Faircloth hundreds of times over the years, and probably only presented a prescription for the drugs on 10 occasions.

The individual then agreed to cooperate in an investigation of Thomas Faircloth and Respondent pharmacy. On March 15, 1995, while monitored, the cooperating individual placed a telephone call to Mr. Faircloth at his home to arrange to purchase controlled substances without a prescription. Respondent pharmacy was closed, but Mr. Faircloth agreed to meet the cooperating individual at the pharmacy. The cooperating individual was searched to ensure that he did not have any contraband in his possession at the time he went into Respondent pharmacy, and he was given \$100.00. The cooperating individual met Mr. Faircloth at the pharmacy, gave him the

\$100.00 and ultimately emerged with a white paper bag containing 174 pills, which were later determined to be 123 Darvocet and 51 Lorcet.

The cooperating individual returned to Respondent pharmacy on March 17, 1995. Again he was monitored and searched prior to entering the pharmacy. The cooperating individual gave Mr. Faircloth \$100.00, and emerged from Respondent with a white paper bag containing 121 Darvocet and 57 Lorcet.

Later that day, Mr. Faircloth was approached by law enforcement officers who advised him of the investigation. Mr. Faircloth consented to the search of Respondent and agreed to be interviewed. During the interview, Mr. Faircloth confessed to supplying controlled substances to the cooperating individual and others without a prescription. Mr. Faircloth stated that he had known the cooperating individual for several years. At first the individual would bring a doctor's prescription usually for Darvocet. According to Mr. Faircloth, the individual would then bring in an old prescription vial to the pharmacy and he would fill the vial with pills. Ultimately, the individual stopped bringing in either a prescription or a vial, and he (Mr. Faircloth) would put Lorcet and Darvocet in a white paper bag. Mr. Faircloth stated that he sold drugs to the individual approximately once every two weeks. Mr. Faircloth further stated that while he did not know for certain, he suspected that individuals were reselling the drugs he sold them. Mr. Faircloth complained that "[i]ndependent pharmacies don't make it anymore," and it is difficult to make a living.

Thereafter, on April 8, 1996, Mr. Faircloth was indicted in the Superior Court for Seminole County on four felony counts of unlawful distribution of a controlled substance. On June 7, 1996, he pled guilty to one count of the indictment and was sentenced to five years probation.

On October 23, 1996, the Georgia State Board of Pharmacy entered into a Consent Order with Thomas Faircloth whereby his pharmacist license was suspended for three months. Following his suspension, Mr. Faircloth was placed on probation for five years and fined \$2,500.00.

In its written statement, Respondent does not deny that Mr. Faircloth dispensed Lorcet and Darvocet without a physician's authorization; that he was indicted on four counts of unlawful distribution of controlled substances in violation of Georgia law; that he pled guilty to one count of the indictment; and that the Board took action against

his pharmacist's license. In the written statement, Respondent's counsel states that "Mr. Faircloth is now 64 years old and desperately needs to retain his DEA Certificate of Registration to continue to operate his retail pharmacy, his only business pursuit." He further contends that "[t]he fact that the Court and State Board of Pharmacy saw fit to extend leniency would account for Mr. Faircloth's good record, his sincerity, his age and the outpouring of support from his fellow citizens." Finally, Respondent's counsel states that "Mr. Faircloth has been most remorseful about this matter since his infractions were discovered. He has rehabilitated himself to the letter of the law."

Respondent's written statement was accompanied by letters dated June 18, 1996, to the State Board of Pharmacy from the Mayor of Donalsonville, the President of a local bank, and the Chairman of the Board of Commissioners, Seminole County. The Mayor stated that he has known Mr. Faircloth for 35 years; that he is aware of Mr. Faircloth's plea to drug violation; that Mr. Faircloth's illegal activities are not representative of his normal behavior; that loss of his license would destroy his business; and that his loss would be a loss "to our rural community". The President of the Bank stated that he has known Mr. Faircloth for 25 years; that he is aware of Mr. Faircloth's plea to some form of a drug violation; that he believes that Mr. Faircloth's illegal acts were "an isolated act which does not reflect Mr. Faircloth's normal conduct"; and that any suspension of his pharmacist's license would destroy Mr. Faircloth's business. Finally, the Chairman of the Board of County Commissioners stated that he has known Mr. Faircloth for more than 30 years; and that he urges leniency since Mr. Faircloth "has been an upstanding citizen and a plus to our community in his business and personal life."

Also attached to Respondent's written statement is a letter from Thomas Faircloth dated February 4, 1998. Mr. Faircloth stated that he is 64 years old and has worked in a pharmacy for 53 years. After high school, he enrolled in pharmacy school and has been employed at Respondent pharmacy since 1958. In 1962, Respondent's previous owner died, and Mr. Faircloth bought Respondent, and has been the owner and pharmacist ever since. Mr. Faircloth stated that "[d]uring my career the local doctors have always allowed me to use my discretion about refilling prescriptions. In March of 1995, I suppose I was doing that in excess. \* \* \*" Mr. Faircloth then

enumerated the fines and court costs that he has had to pay as a result of his illegal activities, and stated that "I have made these restitutions and repented of my actions and am now abiding strictly by the law." He further stated that "the matter has had great impact on my feelings of guilt and has caused me much embarrassment which I am still seeking to overcome."

The Deputy Administrator may revoke or suspend a DEA Certificate of Registration under 21 U.S.C. 824(a), upon a finding that the registrant:

(1) Has materially falsified any application filed pursuant to or required by this subchapter or subchapter II of this chapter;

(2) Has been convicted of a felony under this subchapter or subchapter II of this chapter or any other law of the United States, or of any State relating to any substance defined in this subchapter as a controlled substance;

(3) Has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances or has had the suspension, revocation, or denial of his registration recommended by competent State authority;

(4) Has committed such acts as would render his registration under section 823 of this title inconsistent with the public interest as determined under such section; or

(5) Has been excluded (or directed to be excluded) from participation in a program pursuant to section 1320a-7(a) of Title 42.

The Acting Deputy Administrator finds that on June 7, 1996, Thomas Faircloth, Respondent's owner/pharmacist, pled guilty to and was convicted of one felony count of the unlawful distribution of a controlled substance in violation of Georgia law. It is well settled that a pharmacy operates under the control of owners, stockholders, pharmacists or other employees, and if any such person is convicted of a felony offense related to controlled substances, grounds exist to revoke the pharmacy's registration under 21 U.S.C. 824(a)(2). See *Rick's Pharmacy, Inc.*, 62 FR 42,595 (1997); *Maxicare Pharmacy*, 61 FR 27,368 (1996); *Big-T Pharmacy, Inc.*, 47 FR 52,830 (1982). Therefore, the Acting Deputy Administrator concludes that grounds exist to revoke Respondent's registration under 21 U.S.C. 824(a)(2), based upon the controlled substance related felony conviction of its owner/pharmacist, Mr. Faircloth.

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Deputy Administrator may also revoke a DEA Certificate of Registration and deny any pending applications, if he determines that the continued registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety. These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See *Henry J. Schwarz, Jr., M.D.*, Docket No. 88-42, 54 FR 16,422 (1989). In this case, all five factors are relevant.

As to factor one, its undisputed that in October 1996, the Georgia State Board of Pharmacy suspended Mr. Faircloth's pharmacist license for three months and then placed him on probation for five years. There is no evidence in the record that any action has been taken against the Respondent's pharmacy permit. However, since state licensure is a necessary but not sufficient condition for DEA registration, this factor is not dispositive.

Factors two and four, Respondent's experience in dispensing controlled substance and compliance with laws relating to controlled substances, are extremely relevant in determining whether Respondent's continued registration is inconsistent with the public interest. Mr. Faircloth admitted to dispensing controlled substances to the cooperating individual and others over a number of years without a physician's authorization. Such dispensing violates both 21 U.S.C. 841(a)(1) and the laws of the State of Georgia. The only explanation offered by Mr. Faircloth for this behavior is that "local doctors have always allowed me to use my discretion about refilling prescriptions. In March of 1995, I suppose I was doing that in excess \* \* \*." The Acting Deputy Administrator finds that these are

clearly not the words of someone who truly understands and appreciates the gravity of his illegal acts. Controlled substances are potentially dangerous drugs. Accordingly, pursuant to 21 U.S.C. 829, Schedule III and IV controlled substances cannot be dispensed without a physician's written or oral prescription. Over a number of years, Mr. Faircloth dispensed Lorcet and Darvocet to the cooperating individual every two weeks without a prescription.

As to factor three, it is undisputed that Mr. Faircloth, Respondent's owner/pharmacist was convicted on June 7, 1996, of a controlled substance related felony offense in violation of the laws of the State of Georgia.

Regarding factor five, the Acting Deputy Administrator is not aware of any conduct, other than that discussed above, by Respondent or Mr. Faircloth that would threaten the public health and safety.

The Acting Deputy Administrator must decide whether Respondent pharmacy can be trusted to responsibly handle controlled substances in the future. While Respondent's counsel states that Mr. Faircloth is remorseful, the Acting Deputy Administrator is not convinced that this is the case. In Mr. Faircloth's letter dated February 4, 1998, he appears to be more concerned about the fines and court costs that he has had to pay and the embarrassment that he has suffered as a result of his actions. Based upon the evidence submitted by Respondent, the Acting Deputy Administrator is not convinced that Respondent fully understands the serious nature of his illegal acts nor appreciates the responsibilities that accompany a DEA registration. Therefore, the Acting Deputy Administrator concludes that Respondent's continued registration would be inconsistent with the public interest.

Accordingly, the Acting 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 0.11104, hereby order the DEA Certificate of Registration AF1198072, previously issued to Cash Drug Store, be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective April 15, 1998.

Dated: March 10, 1998.

**Donnie R. Marshall,**

*Acting Deputy Administrator.*

[FR Doc. 98-6631 Filed 3-13-98; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

#### **Bureau of Justice Assistance; Agency Information Collection Activities: Proposed Collection; Comments Requested**

**ACTION:** Notice of information collection under emergency review at OMB; Reinstatement, with change, of a previously approved collection for which approval has expired: Bureau of Justice Assistance—Application Form—State Criminal Alien Assistance Program.

The Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has submitted the following information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. OMB approval has been requested by March 26, 1998. If granted, the emergency approval is valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, D.C. 20503. Additionally, comments may be submitted to OMB via facsimile to 202-395-7285.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until May 15, 1998. Request written comments and suggestions from the public and affected agencies concerning this proposed collection of information. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC, 20530. Additionally, comments may be submitted to DOJ via facsimile to 202-514-1590.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component,

including whether the information, will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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 techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

#### **Overview of This Information Collection**

(1) *Type of information collection:* Reinstatement, with change, of a previously approved collection for which OMB Clearance has expired.

(2) *The title of the form/collection:* Bureau of Justice Assistance—Application Form—State Criminal Alien Assistance Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. Bureau of Justice Assistance, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* State and local governments that have correctional facilities for incarceration of criminal offenders and those accused of crimes. *Other:* None. SCAAP was created by the Crime Act of 1994, and is designed to provide assistance to state and local correctional agencies that incarcerate illegal aliens.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* Of the possible, 3200 governmental entities that are eligible to apply, it is estimated that only approximately 500 will actually apply for SCAAP. The time burden of the 500 applicants is 30 minutes per application.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total hour burden to complete the applications is 250 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: March 11, 1998.

**Robert B. Briggs,**

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

[FR Doc. 98-6708 Filed 3-13-98; 8:45 am]

BILLING CODE 4410-18-M

## DEPARTMENT OF JUSTICE

### National Institute of Justice

[OJP (NIJ)-1164]

RIN 1121-ZB01

#### **National Institute of Justice Law Enforcement and Corrections Family Support Solicitation for Research, Evaluation, Development, and Demonstration Projects**

**AGENCY:** Department of Justice, Office of Justice Programs, National Institute of Justice.

**ACTION:** Notice of solicitation.

**SUMMARY:** Announcement of the availability of the National Institute of Justice "Law Enforcement and Corrections Family Support: Solicitation for Research, Evaluation, Development, and Demonstration Projects."

**DATES:** Due date for receipt of proposals is close of business May 18, 1998.

**ADDRESSES:** National Institute of Justice, 810 Seventh Street, NW, Washington, DC 20531.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the solicitation, please call NCJRS 1-800-851-3420. For general information about application procedures for solicitations, please call the U.S. Department of Justice Response Center 1-800-421-6770.

#### **SUPPLEMENTARY INFORMATION:**

##### **Authority**

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201B03, as amended, 42 U.S.C. 3721-23 (1994).

##### **Background**

The National Institute of Justice (NIJ) requests proposals for research, evaluation, development, and demonstration projects in response to Title XXI of the Violent Crime Control and Law Enforcement Act of 1994 in which Congress established the Law Enforcement Family Support Program. In support of this program NIJ is calling for proposals to:

(1) Develop, demonstrate, and test innovative stress prevention or treatment programs for State or local law enforcement personnel and their families.