(1) BNDD Registration No. AQ5330042 of John D. Gardner, doing business as Quality Medical Pharmacy of Los Angeles, California, be revoked.

(2) Although I find that there is no legal basis for the revocation of the registrations of Fleet Pharmacy, Incorporated, doing business as Main Medical Pharmacy, BNDD Registration No. AF 0318659 and Ruby M. Beaman, doing business as Quality Professional Pharmacy, BNDD Registration AB2078978, as these registrations have expired I do not recommend that they be reinstated but I recommend that should these entities reapply for registration, these applications be given hospitable consideration.

ADMINISTRATOR'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

Due to the serious nature of Mr. Gardner's convictions for unlawfully selling opium, forgery of prescriptions and for intentionally and materially falsifying his applications for registration, the Administrator, pursuant to § 1316.65, Title 21, Code of Federal Regulations, hereby adopts in part the findings of fact, but does not accept the conclusions of law and recommended decision submitted by the Administrative Law Judge with respect to Fleet Pharmacy, Incorporated, doing business as Main Medical Pharmacy and Ruby M. Beaman, doing business as Quality Professional Pharmacy.

Under Judge Stuller's interpretation of section 304(a)(2) of the statute, felony convictions of corporate officers or agents would not constitute grounds for revocation of a controlled substance registration certificate so long as a single officer remained apart from this conduct. Even were a corporation convicted, there would be nothing to prevent the same person from assuming another corporate identity in order to obtain a registration to handle controlled substances. The proposed construction of section 304(a)(2) would render the new corporation eligible for registration on the technical grounds that it has never been convicted of a drug-related felony and would thus disregard the conviction of its closely related predecessor. A potentially endless series of these corporate transmutations would divest section 304 of its clearly intended impact.

It could not have been the intent of Congress to allow such a simple legal subterfuge to evade the reach of regulatory legislation in such a critical and closely controlled industry. A reading of the legislative history of the Controlled Substances Act reveals that the problem of diversion of controlled substances from legitimate sources was of major concern to the Congress in its enactment of this legislation. The report of the Senate Committee on the Judiciary states that:

> * * * the overall purpose of the bill [the Controlled Substances Act] is to improve the administration and regulation of the manufacture, importation and exportation of the controlled dangerous substances covered under its provisions, so that the widespread diversion presently occurring can be halted.[1]

[1] Senate Report 91-613, Senate Committee on the Judiciary, p. 3.

It is equally clear from the legislative history that Congress intended the Act to create a system of flexible penalties (criminal, civil and regulatory) to accomplish the necessary control of illicit diversion.

In his decision on the matter in which this contention was first raised, the Director authoritatively dismissed it by stating that:

> It would seem a sophistry to argue that a pharmacy is innocent because it is its proprietor who violates the law. Lest that argument be made in this or in any future matter, it is the position of the Director that an act violative of laws relating to controlled substances committed by an owner, proprietor, partner, or corporate officer of a pharmacy justifies the denial of an application for registration or the revocation or suspension of a certificate of registration of the pharmacy.[2]

This rationale has been adhered to each time the issue has been raised and there is no reason to depart from it now.[3]

Applicable Federal law on the liability of corporations for criminal activity of their officers and recent State court decisions indicate that a strict interpretation of section 304(a)(2) runs counter to the recent developing case law in this area.

Therefore, in accordance with the provisions of § 1316.66, Title 21, Code of Federal Regulations, and in view of the foregoing, it is the Administrator's opinion that John D. Gardner, the stipulated sole proprietor of Quality Medical Pharmacy, the President of Fleet Pharmacy, Inc., d/b/a Washington Main Pharmacy, and the owner and pharmacist of Ruby M. Beaman, d/b/a Quality Professional Pharmacy, was convicted of a drug-related felony under California State law, to wit, the willful, unlawful and feloneous sale of opium.

Further, that John D. Gardner did intentionally and materially falsify his applications for registration for Quality Medical Pharmacy and Fleet Pharmacy, d/b/a Washington Main Pharmacy, by indicating that he had never been convicted of a felony relating to a controlled substance.

Therefore, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention & Control Act of 1970 (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, and the Reorganization Plan No. 2 of 1973, the Administrator hereby orders that the Certificates of Registration of Quality Medical Pharmacy (BNDD Registration AQ5330042) Fleet Pharmacy, Inc., d/b/a Washington Main Medical Pharmacy (BNDD Registration AF0318659); and Ruby M. Beaman, d/b/a Quality Professional Pharmacy (BNDD Registration AB2078979) be, and hereby are revoked, effective April 5, 1974.

Dated: April 1, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-7860 Filed 4-4-74;8:45 am]

[2] In the Matter of Leonard S. Cohen, t/a Senate Drug Store, 38 FR 73, April 17, 1973, page 9523-4.

[3] In the Matter of River Forest Pharmacy, Inc., 38 FR 191, Oct. 3, 1973, page 27417.
In the Matter of Afro-American Pharmacy, Inc., 38 FR 192, Oct. 4, 1973, page 27634.
In the Matter of Four Corners Pharmacy, Inc., 38 FR 215, Nov. 8, 1973, page 30892.

SCHEDULES OF CONTROLLED SUBSTANCES

Withdrawal of Petition To Remove Levo-desoxyephedrine From Control; Correction

On February 7, 1974, the Drug Enforcement Administration published in the FEDERAL REGISTER (39 FR 4789) a notice of withdrawal of the petition to remove levo-desoxyephedrine from control.

In the notice, the petitioner, Richardson-Merrell, Inc. was referred to as a "bulk manufacturer of that substance." Richardson-Merrell, Inc. is not a bulk maunfacturer of levo-desoxyephedrine but a manufacturer of a non-controlled product utilizing levo-desoxyephedrine as an ingredient purchased from other manufacturers.

Dated: April 1, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator.

[FR Doc.74-7861 Filed 4-4-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

CHARLES SHELDON ANTELOPE RANGE AND SHELDON NATIONAL ANTELOPE REFUGE

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88-577:78 890-896:16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. May 11 at the Washoe County Library, 301 South Center Street, Reno, Nevada, to be continued at 9 a.m. May 13, in the Memorial Hall, Lake County Courthouse, Lakeview, Oregon on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Charles Sheldon Antelope Range and Sheldon National Antelope Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Sheldon Refuge and Range, which is located in Washoe and Humboldt Counties, Nevada, and Lake County, Oregon.

A study summary containing a map and information on the Sheldon Refuge and Range may be obtained from the Refuge Manager, Box 111, Lakeview, Oregon 97630; or the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, 1500 NE., Irving Street, P.O. Box 3737, Portland, Oregon 97208; State Director, Bureau of Land

Management, Federal Office Building, Room E–2841, 2800 Cottage Way, Sacramento, California 25825 and State Director, Bureau of Land Management, Federal Building, Room 3008, 300 Booth Street, Reno, Nevada 89502.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director, Bureau of Sport Fisheries and Wildlife at the above address by June 13, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

APRIL 2, 1974.

[FR Doc.74–7879 Filed 4–4–74;8:45 am]

UL BEND NATIONAL WILDLIFE REFUGE

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88–577:78 890–896:16 U.S.C. 1131–1136), that a public hearing will be held beginning at 9 a.m. May 20 at the Malta City Hall, Legion Room, Malta, Montana on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the UL Bend Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the UL Bend National Wildlife Refuge, which is located in Phillips, Montana.

A study summary containing a map and information on the UL Bend Wilderness proposal may be obtained from the Refuge Manager, Bowdoin National Wildlife Refuge, Box J, Malta, Montana 59538, or the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by June 20, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

APRIL 2, 1974.

[FR Doc.74–7880 Filed 4–4–74;8:45 am]

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88–577:78 890–896:16 U.S.C. 1131–1136), that a public hearing will be held beginning at 7:30 p.m. May 6 at the Winona High School Auditorium, 901 Gilmore Avenue, Winona, Minnesota to be continued at 7:30 p.m. on May 7 at the Western Wisconsin Technical Institutional Auditorium, 6th and University, La Crosse, Wisconsin to be continued at 7:30 p.m. on May 8 at the Hemstead High School Auditorium, 3715 Pennsylvania Avenue, Dubuque, Iowa to be continued at 7:30 p.m. on May 9 at the Lincoln School Auditorium, 414 3rd. Street, Savannah, Illinois on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Upper Mississippi River Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Upper Mississippi River Refuge, which is located in Houston, Wabasha and Winona Counties, Minnesota; Allamakee, Clayton, Clinton, Dubuque, Jackson and Scott Counties Iowa; Carroll, Jo Daviess, Rock Island, Whiteside Counties, Illinois; Buffalo, Crawford, Grant, La Crosse, Trempealeau and Vernon Counties, Wisconsin.

A study summary containing a map and information on the Upper Mississippi River Refuge may be obtained from the Refuge Manager, Upper Mississippi River Wild Life and Fish Refuge, Box 226, Winona, Minnesota 55989 or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by June 10, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

APRIL 2, 1974.

[FR Doc.74–7878 Filed 4–4–74;8:45 am]

National Park Service

[Order No. 1]

SUPERINTENDENTS, ET AL., ROCKY MOUNTAIN REGION

Delegation of Authority

SECTION 1. *Superintendents.* The National Park Service Superintendents of the Rocky Mountain Region, in the administration, operation and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director, Rocky Mountain Region, by the Director, National Park Service, except with respect to the following:

(a) Approval of Master Plans.

(b) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $5,000, and (3) payment of the full amount of the damages is offered.

(c) Sales of timber pursuant to the Federal Property and Administrative Services Act of 1949, and the Federal Property Management Regulations when the fair market value of the timber involved in any single transaction exceeds $1,000.

(d) Approval of programs for destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(e) Acceptance of donations of personal property valued in excess of $10,000, and acceptance of donations of money in excess of $10,000.

(f) Authority to designate areas at which recreation fees will be charged as specified by the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(g) Authority to select from the fees established by 43 CFR Part 18, (38 FR 3385), as amended, the specific fees to be charged at the designated areas in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(h) Authority to execute, approve, and administer contracts and to issue purchase orders for equipment, supplies and services, including construction, as follows:

(1) Superintendents, Grade GS–12 and below—in excess of $2,000.

(2) Superintendents, Grade GS–13—in excess of $50,000.

(3) Superintendents, Grade GS–14—in excess of $100,000.

(4) Superintendents, Grade GS–15—in excess of $200,000.

The limitations in this paragraph (h) apply only to open market or nonmandatory sources of supply. Each office may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding $2,000.

(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam.

(j) Authority to approve land acquisition priorities.

(k) Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

(l) Authority to issue revocable special use permits having a term of more than 10 years.

(m) Authority to hire, rent, or purchase personal property from employees.

(n) Authority to conduct archeological investigations and salvage activities.

SEC. 2. *Delegation*—(a) *Associate Regional Director, Administration.* The Associate Regional Director, Administration, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Rocky Mountain Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto. This authority may be exercised by the Associate Regional Director, Administration, in behalf of any office or area for which the Rocky Mountain Regional Office serves as the field finance office.

(b) *Regional Chief, Division of Contracting and Property Management.* The Regional Chief, Division of Contracting and Property Management, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Rocky Mountain Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto. This authority may be exercised by the Regional Chief, Division of Contracting and Property Management, in behalf of any office or area for which the Rocky Mountain Regional Office serves as the field finance office.

(c) *Regional Chief, Branch of General Services.* The Regional Chief, Branch of General Services may execute and approve purchase orders not in excess of $2,000 for equipment, supplies, and services. This authority may be exercised by the Regional Chief, Branch of General Services in behalf of any office or area for which the Rocky Mountain Regional Office serves as the field finance office.

(d) *Regional Contract Specialist.* The Regional Contract Specialist may execute and approve purchase orders not in excess of $2,000 for equipment, supplies, and services. This authority may be exercised by the Regional Contract Specialist in behalf of any office or area for which the Rocky Mountain Regional Office serves as the field finance office.

(e) *Regional General Supply Specialist.* The Regional General Supply Specialist may execute and approve purchase orders not in excess of $1,000 for equipment, supplies, and services. This authority may be exercised by the Regional General Supply Specialist in behalf of any office or area for which the Rocky Mountain Regional Office serves as the field finance office.

(f) *Regional Land Acquisition Officer.* The Regional Land Acquisition Officer is authorized to execute the land acquisition program, including contracting for acquisition of lands and related properties, and acceptance of offers to sell to, or exchange with the United States, lands or interests in lands, and to execute all necessary agreements and conveyances incidental thereto. Acceptance of deeds giving to the United States lands or interests of lands. Approve on behalf of the National Park Service offers of settlement in condemnation cases.

SEC. 3. *Redelegation.* The authority delegated in this Order No. 1 may not be redelegated, except that a Superintendent may, in writing, redelegate to any officer or employee the authority delegated by this order and may authorize written redelegation of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

(National Park Service Order No. 77, 38 FR 7478, as amended)

Dated: February 27, 1974.

LYNN H. THOMPSON,
Regional Director,
Rocky Mountain Region.

[FR Doc.74-7832 Filed 4-4-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

COOPERATIVE FORESTRY RESEARCH ADVISORY BOARD AND ADVISORY COMMITTEE

Notice of Meeting

The Cooperative Forestry Research Advisory Board and the Cooperative Forestry Research Advisory Committee will meet April 16–17, 1974, at Virginia Polytechnic Institute and State University, Blacksburg, Virginia, at 8:30 a.m.

The meetings are open to the public and will be held in Cheatham Hall on the university campus.

The Advisory Board, in separate meeting, will consider recommendations for the allocation of research funds.

The Advisory Committee, in separate meeting, will evaluate forestry research requirements and make suggestions for cooperative research activities.

In joint sessions the Board and Committee will become acquainted with the McIntire-Stennis research at the host institution.

The names of Board and Committee members and agenda are available upon request to the recording secretary of the Board, R. L. Lovvorn, USDA, CSRS, Washington, D.C. 20250, or the recording secretary of the Committee, J. D. Sullivan, USDA, CSRS, Washington, D.C. 20250. Written statements may be filed with the Committee before or after the meeting.

R. L. LOVVORN,
Administrator.

[FR Doc.74-7911 Filed 4-4-74;8:45 am]

Soil Conservation Service

CHICOT WATERSHED PROJECT, ARKANSAS

Notice of Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Chicot Watershed Project, Chicot County, Arkansas, USDA–SCS–FIS–WS–(ADM)–74–27–(D)–AR.

The environmental impact statement concerns a plan for watershed protection, flood prevention and agricultural water management. The planned works of improvement include the accelerated application of conservation land treatment, supplemented by 123 miles of channel work consisting of 32.5 miles of work in existing man-made ditches, 59.7 miles of channel work in existing streams and 30.8 miles of new channel.

A limited supply is available at the following locations to fill single copy requests.

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 5029, Federal Building, 700 West Capitol, Little Rock, Arkansas 72203

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to M. J. Spears, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, Arkansas 72203.

Comments must be received on or before May 30, 1974, in order to be considered in the preparation of the final environmental impact statement.

Dated: March 27, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-7834 Filed 4-4-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Input/Output Equipment Subgroup and the Memory Equipment Subgroup of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held Thursday, April 11, 1974, at 9:30 a.m. in the Variel Building Conference Room, Data Products Corporation, 6219 DeSota Avenue, Woodland Hills, California.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks and review of purpose of subgroups by chairmen.
2. Presentation of papers or comments by the public.
3. Discussion on technology transfer criteria.
4. Executive Session: Continuation of detailed discussion on technology transfer criteria.

The public will be permitted to attend the discussion of agenda items 1–3, and a limited number of seats will be avail-