

to Show Cause which initiated the proceedings. That registration remained in effect, on a day-to-day basis, following its nominal expiration date on March 31, 1986. The same administrative "hold" that prevented the registration from expiring also prevented the Respondent from renewing the registration. Accordingly, the Administrator concludes that neither the nominal expiration date on the face of the Respondent's registration nor his inability to file a renewal application have any effect upon the matter pending before the Administrator.

The Administrative Law Judge also concluded that the Respondent's DEA registration terminated, pursuant to 21 CFR 1301.62, when Respondent Waters sold his pharmacy to new owners. That a new entity has been registered on the premises formerly occupied by Respondent Waters and his pharmacy is not disputed. The question is whether a registration which is the subject of an ongoing administrative proceeding can be terminated by the unilateral action of the registrant in declaring his decision to discontinue his business or professional practice. As agency counsel pointed out in his memorandum to the Administrative Law Judge, permitting a registrant to terminate his registration unilaterally, during the eleventh hour of a proceeding to revoke that registration, would permit the registrant to avoid any of the collateral effects of revocation and could require the Administration to grant the individual another full evidentiary hearing should he decide to re-establish his business or professional practice and apply for a new registration shortly thereafter. DEA's regulations permit an applicant for registration to modify or withdraw his application at any time prior to the issuance of an Order to Show Cause seeking to deny the application. That regulation, 21 CFR 1301.37(a), effectively precludes an applicant's abrupt and unilateral termination of proceedings by requiring the Administrator's permission for withdrawal of an application at any time after issuance of the Order to Show Cause. The "application," apart from the applicant who filed it, becomes the subject of the proceedings and cannot be withdrawn without the Administrator's permission. Similarly, the Administrator concludes that a "registration," apart from the registrant who possessed it, becomes the subject of a revocation hearing and likewise cannot be withdrawn without the Administrator's prior approval. Accordingly, the registration which was in the possession of Respondent Waters

and Park and King Pharmacy remains the subject of these proceedings.

In his first opinion in this matter, the Administrative Law Judge concluded that the registration of Leon Waters and Park and King Pharmacy was inconsistent with the public interest. Mr. Waters dispensed controlled substances, unlawfully, over a period of four years. He gave narcotic drugs to a young woman who he knew had a drug abuse problem and who he knew had been hospitalized for that condition. Judge Young concluded that the record in this matter established Mr. Waters' calculated and continued unwillingness to fulfill the responsibilities of a pharmacist and DEA registrant. Society entrusts professionals, such as pharmacists and physicians, with the responsibility for control over a force which, when properly used, has great benefit for mankind, but when abused is a force for evil and destruction. It follows that society cannot tolerate the presence of individuals within these professions who abdicate their professional responsibility and permit themselves to be a conduit by which controlled substances are diverted from legitimate medical use and become that force for evil and human destruction. The Administrator concludes, as did the Administrative Law Judge, that the registration of Mr. Waters, and Park and King Pharmacy, is inconsistent with the public interest and that such registration must be revoked.

Having considered the record of those proceedings in its entirety, including the initial and revised opinions of the Administrative Law Judge, the Administrator of the Drug Enforcement Administration, pursuant to the authority granted to the Attorney General in 21 U.S.C. 823 and 824 and delegated to the Administrator in 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AP1160453, previously issued to Leon Earl Waters, Jr., d.b.a. Park and King Pharmacy, be, and it hereby is, revoked, effective immediately. Any applications for renewal of such registration are hereby denied.

Should another pharmacy desire to seek waiver of the regulatory prohibition of 21 CFR 1316.76(a), so as to permit the supervised employment of Leon Waters as pharmacist, the Administrator will grant such a waiver.

Dated: April 16, 1987.

John C. Lawn,
Administrator.

[FR Doc. 87-8890 Filed 4-20-87; 8:45 am]

BILLING CODE 4410-09-M

Warrenville Drug, Co., Inc.; Denial of Application

On December 24, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Warrenville Drug, Co., Inc., Aiken Blvd., P.O. Box 155, Warrenville, South Carolina 29851, proposing to deny the application for a DEA Certification of Registration submitted by the pharmacy. The statutory predicate for the Order to Show Cause was that registration of the pharmacy would be inconsistent with the public interest as evidenced by the conviction of Andrew J. Chavous, officer, shareholder and pharmacist at Warrenville Drug Company, in the United States District Court for the District of South Carolina on April 30, 1986, of illegal distribution of controlled substances, a felony relating to controlled substances.

The Order to Show Cause was sent to Warrenville Drug Co., Inc. registered mail, return receipt requested. DEA received the receipt which indicated that the Order to Show Cause was received on January 2, 1987, by Mr. Chavous at the pharmacy. More than thirty days have elapsed since the Order to Show Cause was received, and the Drug Enforcement Administration has received no response. Pursuant to 21 CFR 1301.54(a) and (d), Warrenville Drug Co., Inc. is deemed to have waived its opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based upon the investigative file. 21 CFR 1301.57.

The Administrator finds that an investigation of Andrew Chavous was initiated after DEA received information from a confidential source that Mr. Chavous was dispensing controlled substances without prescriptions from Warrenville Drug. In May, 1985, a DEA Special Agent accompanied the confidential source to Warrenville Drug in Warrenville, South Carolina, where she filled a prescription for morphine. The prescription which the source had was in a fictitious name, which Mr. Chavous, the dispensing pharmacist, knew was not the name of the confidential source. A few days later the DEA Agent and the confidential source returned to the pharmacy with another prescription for morphine with the same fictitious name. Mr. Chavous filled the prescription, and then discussed trading drugs for stereo equipment with the DEA Agent. On July 3, 1985, the DEA Agent met Mr. Chavous in the parking lot of a pharmacy in a neighboring

community and obtained a bottle containing 24 morphine tablets in exchange for \$360. The bottle bore the manufacturer's label. There was no prescription exchanged. On September 4, 1985, Mr. Chavous sold the DEA Agent a pint bottle of liquid morphine.

On September 24, 1985, the DEA Agent made arrangements to meet with Mr. Chavous in a local parking lot and to receive controlled substances to sell for him. After he delivered two bottles, one containing 100 Valium tablets, a Schedule IV controlled substance, and the other 100 Adipex tablets, a Schedule IV controlled substance, he was arrested. Mr. Chavous was indicted for three counts of illegal distribution of controlled substances in violation of 21 U.S.C. 841(a)(1). On November 21, 1985, Mr. Chavous pled guilty to one count of illegal distribution of Valium, a Schedule IV controlled substance. He was subsequently convicted and sentenced on April 30, 1986, to four years probation, 300 hours of community service, and a fine of \$1,500.

After Mr. Chavous' arrest, an audit was conducted at Warrenville Drug by DEA Investigators. The results of this accountability revealed substantial shortages of Valium and Adipex, as well as shortages of other controlled substances for the four-month audit period. The investigation also revealed numerous recordkeeping violations relating to the handling of controlled substances. On June 25, 1986, the South Carolina Board of Health and Environmental Control revoked the South Carolina controlled substance registration of Andrew Chavous. The pharmacy's registration was not revoked, and Mr. Chavous was permitted to maintain an ownership interest, but not to have access to, or to acquire, possess, or dispense any controlled substances.

As evidenced by the application for registration submitted in this matter, Mr. Chavous maintains an ownership interest in Warrenville Drug Co., Inc., the applicant for registration. There is no evidence that Mr. Chavous is not involved in the operation of the pharmacy and may exert control over matters which involve the dispensing of controlled substances. In addition, the applicant submitted no evidence in mitigation or explanation of the evidence found in the investigative file.

The Administrator concludes that Mr. Chavous' felony conviction relating to controlled substances constitutes sufficient grounds for denial of the application for registration of the pharmacy in which he has an ownership interest. The Administrator of DEA has consistently held that the registration of

a corporate registrant may be revoked or denied upon a finding that a natural person who is an owner, officer or key employee, has been convicted of a felony offense relating to controlled substances. This is especially significant when the felony relates to dispensing controlled substances from a registered pharmacy. See: *Taneytown Pharmacy*, Docket No. 86-56, 51 FR 45068 (1986); *Spoon's Pharmacy*, Docket No. 84-42, 50 FR 46520 (1985); and *K & B Successors, Inc.*, Docket No. 82-15, 49 FR 34588 (1984).

The Administrator concludes that, based upon the facts and circumstances involved in this matter, the application for registration submitted by Warrenville Drug Co., Inc. should be denied. In addition to Mr. Chavous' felony conviction, the previous pharmacy registrant has demonstrated a lack of compliance with the regulations involving the maintenance of records documenting the receipt and dispensing of controlled substances. The Administrator finds that registration of Warrenville Drug Co., Inc. would be inconsistent with the public interest.

Accordingly, the 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) hereby orders that the application for a DEA Certificate of Registration submitted by Warrenville Drug Co., Inc. be, and it hereby is denied. This order is effective April 21, 1987.

Dated: April 16, 1987.

John C. Lawn,

Administrator.

[FR Doc. 87-8940 Filed 4-20-87; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order 1-87]

Delegation of Authority and Assignment of Responsibilities for Pension and Welfare Benefits Administration

April 13, 1987.

1. Purpose.

To delegate authority and assign responsibilities for the administration of the Department of Labor's responsibilities under the Employee Retirement Income Security Act (ERISA), Welfare and Pension Plans Disclosure Act (WPPDA) and the Federal Employees' Retirement System Act of 1986 (FERSA).

2. Background

ERISA places responsibility in the Department of Labor for the administration of a comprehensive program to protect the interests of participants and beneficiaries of private employee benefit plans. Secretary's Order 1-84 established the Office of Pension and Welfare Benefit Programs as a separate agency within the Department of Labor and delegated authority and assigned responsibility for ERISA and WPPDA activities to the Administrator. The authority placed in the Office of Pension and Welfare Benefit Programs was transferred by Secretary's Order 1-86 to a successor agency, the Pension and Welfare Benefits Administration (PWBA) which is headed by an Assistant Secretary for Pension and Welfare Benefits who reports to the Secretary of Labor.

FERSA requires the Department of Labor to, among other things administer and enforce the fiduciary responsibility, prohibited transaction, and bonding provisions of FERSA. These new responsibilities will also be handled by PWBA.

3. The Pension and Welfare Benefits Administration (PWBA)

The Pension and Welfare Benefits Administration, which is headed by an Assistant Secretary for Pension and Welfare Benefits who reports to the Secretary of Labor, continues as the successor agency to the Office of Pension and Welfare Benefit Programs in the Department of Labor.

4. Delegation of Authority and Assignment of Responsibilities

a. *The Assistant Secretary for Pension and Welfare Benefits* is delegated authority (including the authority to redelegate) and assigned responsibilities, except as hereinafter provided, for carrying out programs and activities to be performed by the Secretary of Labor under:

(1) The Employee Retirement Income Security Act of 1974, as amended, except for Subtitle C of Title III and Title IV;

(2) The Welfare and Pension Plans Disclosure Act of 1985 as amended; and

(3) The Federal Employees' Retirement System Act of 1986.

Included in the delegation under 4a.(1) is authority to request information the Internal Revenue Service (IRS) possesses to be used in connection with the administration of Title I of the ERISA of 1974.

b. *The Assistant Secretary for Administration and Management* is responsible for providing all administrative support services to

PWBA such as personnel, payroll, budget, accounting, contracting and grants and other such services deemed necessary in support of the PWBA mission.

c. *The Solicitor of Labor* is responsible for providing legal advice and assistance to all officials of the Department relating to the administration of the statutes listed in 4a. above and for bringing appropriate legal actions on behalf of the Secretary, and representing the Secretary in all civil proceedings. The Solicitor of Labor is also authorized to request information the IRS possesses to be used in connection with the administration of Title I of ERISA.

d. *The Inspector General* is authorized to request information the IRS possesses to be used in connection with the administration of Title I of ERISA.

5. Reservation of Authority

The submission of reports and recommendations to the President and the Congress concerning the administration of the statutes listed in 4a. above and responsibilities under Subtitle C of Title III of ERISA are reserved to the Secretary. Responsibilities under Title IV of ERISA are carried out by the Pension Benefit Guaranty Corporation.

6. Directives Affected

Secretary's Order 9-80 and 1-86 are canceled.

7. Effective Date

This Order is effective immediately.

William E. Brock,
Secretary of Labor.

[FR Doc. 87-8902 Filed 4-20-87; 8:45 am]

BILLING CODE 4510-23-M

Labor Advisory Committee for Trade Negotiations and Trade Policy; Steering Subcommittee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: May 12, 1987, 9:30 a.m., Rm S4215 A&B Frances Perkins, Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal

Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Fernand Lavallee, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565.

Signed at Washington, DC, this 14th day of April 1987.

Robert W. Searby,

Deputy Under Secretary International Affairs.

[FR Doc. 87-8901 Filed 4-20-87; 8:45 am]

BILLING CODE 4510-28-M

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Office will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling

the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

Employment Standards Administration
Payment of Compensation Without Award
1215-0022; LS-206

On occasion

Businesses or other for-profit
34,200 responses; 8,550 hours; 1 form
Used by insurance carriers and self insurers to report the payment of compensation benefits to injured claimants.

Extension

Employment Standards Administration
Pre-Hearing Statement
1215-0085; LS-18

On occasion

Individuals or households; businesses or other for-profit
6,800 responses; 1,088 hours; 1 form
Used to refer cases to the Office of Administrative Law Judges for formal hearing under the Longshore Act and extensions.

Extension

Occupational Safety and Health Administration
Grantee Quarterly Progress Report
1218-0100; OSHA 171
Quarterly

New Directions training and education program grantees; labor organizations; employer associations; educational institutions; and other nonprofit organization

200 responses; 2,400 hours
The OSHA 171 is used to collect information concerning activities conducted by grantees. The information is used to monitor and manage the program.