consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

Malheur wirelettuce is known to occur in nature at only a single locality approximately 26 miles south of Burns, Oregon, at the South Narrows Area of Critical Environmental Concern on Bureau of Land Management (Bureau) land.

The principle causes of its decline are habitat modifications associated with the invasion of exotic species (cheatgrass), grazing by native herbivores, and fire. Recovery efforts for the Malheur wirelettuce will focus on maintaining and enhancing the existing population by searching for and securing any new populations found and reestablish additional plantings at the Narrows Area of Critical Environmental Concern. Several public and private entities are cooperating in the Malheur wirelettuce recovery program, including the Bureau, Boise State University, Malheur Field Station, Berry Botanic Garden and High Desert Conferees.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified will be considered prior to approval of the plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f)

Dated: July 18, 1990.

William E. Martin,

Acting Regional Director.

[FR Doc. 90-17216 Filed 7-23-90; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-469 (Preliminary)]

High-Information Content Flat Panel Displays and Subassemblies Thereof From Japan

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731-TA-469 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of high-information content flat panel displays and subassemblies thereof, however provided for in the Harmonized Tariff Schedule of the United States (HTS) [1], that are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by September 4, 1990.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: July 18, 1990.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202-252-1180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on July 18, 1990 by the Advanced Display Manufacturers Association, Washington, DC.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Public Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a public service list containing the names and addresess of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited Disclosure of Business Proprietary Information under a Protective Order and Business Proprietary Information Service List

Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in this preliminary investigation to authorized applicants under a protective order, provided that the application be made not later than seven (7) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all parties that are authorized to receive such information under a protective order.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m. on August 7, 1990 at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Debra Baker (202-252-1180) not later than August 3, 1990 to arrange for their appearance. Parties in support of the imposition of

[1] High-information content (HIC) flat panel displays are electronic devices which are designed to display information or images when integrated into such enduser systems as consumer electronics, office automation, or measuring instruments. The covered displays have 120,000 or more addressable pixels and are no greater than 4 inches in depth. The tariff classification for high-information content flat panel displays includes but is not limited to the following Harmonized Tariff Schedule of the United States (HTS) provisions: subheadings 8471.92.30 and 8471.92.40 and headings of chapters 84, 85, and 90.

antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written Submissions

Any person may submit to the Commission on or before August 10, 1990 a written brief containing information and arguments pertinent to the subject matter of the investigation, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). If briefs contain business proprietary information, a nonbusiness proprietary version is due August 13, 1990. A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their written brief, and may also file additional written comments on such information no later than August 14, 1990. Such additional comments must be limited to comments on business proprietary information received in or after the written briefs. A nonbusiness proprietary version of such additional comments is due August 15, 1990.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: July 20, 1990.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-17342 Filed 7-23-90; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 89-12]

Medic-Aid Pharmacy; Revocation of Registration

On January 10, 1989, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Medic-Aid Pharmacy (Respondent) of 11320 Dexter Street Collingwood, Detroit, Michigan 43206, proposing to revoke the pharmacy's DEA Certificate of Registration AM9607334, and to deny any pending applications for the renewal of such registration as a retail pharmacy under 21 U.S.C. 823(f). The Order to Show Cause alleged that the pharmacy's continued registraton is inconsistent with the public interest as that term is used in 21 U.S.C. 823(f) and 824(a)(4).

Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Adminstrative Law Judge Mary Ellen Bittner. Following prehearing procedures, a hearing was held in Ann Arbor, Michigan on July 26, 1989. On March 19, 1990, the administrative law judge issued her opinion and recommended ruling, findings of fact, conclusions of law and decision. No exceptions were filed and, on April 27, 1990, the administrative law judge transmitted the record in this proceeding to the Acting Administrator. The Acting Administrator has considered the record in its entirety and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

Respondent pharmacy is located in an inner-city area of Detroit. Alfred Silverman, R.Ph. is the owner and managing pharmacist. Mr. Silverman testified that when he opened the pharmacy, he realized that there was substantial abuse of drugs in that area.

During the investigation of a wholesale drug distributor, DEA Investigators discovered that the Respondent pharmacy had made several large purchases of controlled substances from the distributor. Specifically, between February 1986 and February 1987, Respondent purchased approximately 176,500 dosage units of Tylenol with codeine #4, a Schedule III narcotic controlled substance, or its equivalent, and between January 1986 and March 1987, Respondent purchased approximately 3,236 four-ounce bottles of codeine-base cough syrups, which are Schedule V controlled substances.

As a result of these purchases, DEA Investigators served an administrative inspection warrant at Respondent pharmacy on May 13, 1987. An audit was conducted of eleven controlled substances covering the period January 1, 1986, through May 12, 1987. The audit revealed shortages for Doriden and Tussionex Liquid, both Schedule III controlled substances. While conducting the audit, the Investigators noted that 11,835 prescriptions for the audited substances were filled during the audit period (12,601 perscriptions if refilled prescriptions are included), which included (not considering refills) 6,686 prescriptions for acetaminophen with codeine 60 mg., and 2,656 prescriptions for acetaminophen with codeine 30 mg.

A review of Respondent's dispensing records revealed that individuals received controlled substances on a regular basis over an extended period of time in excess of what is recommended by the Physican's Desk Reference. Individuals were dispensed controlled substances before the drugs obtained pursuant to their previous prescription or refill should have run out. Individuals were dispensed large quantities of Tylenol with codeine #4 and Doriden, a combination of drugs which is highly abused on the street as a heroin substitute. In June 1987, abuse of Tylenol with codeine in the Detroit area was so great that the manufacturer of the brand name products voluntarily restricted the amount of codeine products its customers could purchase.

Further review of Respondent's dispensing records revealed that Respondent pharmacy dispensed controlled substances to individuals known as "doctor shoppers." These individuals would bring prescriptions issued by numerous different doctors for the same controlled substance to be filled at Respondent.

Additionally, the audit revealed, that if a patient requested, Respondent would dispense the original prescription, as well as all of the authorized refills, on the same day. As a result, customers were able to obtain large quantities of controlled substances at one time. The DEA Investigator who testified at the hearing in this matter stated that during all of her investigations of retail pharmacies, she had never before observed the practice of dispensing the original prescription and all of the refills simultaneously.

DEA Investigators also discovered that Respondent pharmacy filled approximately 380 controlled substance prescriptions purportedly signed by a

Dr. Erwin Williams of the James Couzens Medical Center. The medical center did not exist and Dr. Erwin Williams died in either late 1985 of January or February 1986. A review of the computer printout of prescriptions filled by Respondent revealed that a large majority of those purportedly issued by any doctor named Williams were dated after February 1986, and most of these prescriptions were filled after May 31, 1986, the date Dr. Erwin Williams' DEA registration expired.

A professor of pharmacology at the University of Michigan reviewed certain of Respondent's records and determined that Respondent did not meet the minimum standards of pharmacy practice. As he stated in his report, "[t]he prescriptions presented should have indicated to the pharmacist(s) that the medications were not being used for legitimate medical purposes even though the prescriptions may have been written by licensed physicians." The professor further stated that, "[m]inimum action that should have been taken by the pharmacist(s) should have been to not dispense the prescriptions and report the physicians and patients to the proper authorities, and since this was not done the pharmacist(s) did not meet minimum standards of practice."

After the execution of the administrative inspection warrant in May 1987, Respondent continued to order large quantities of highly abused substances. For the period January 1 to June 30, 1988, Respondent ranked third in the State of Michigan in purchases of codeine-base products.

Alfred Silverman testified at the hearing in this matter that he believed that a pharmacist's "duty is to serve the community for the community's welfare and to do that by filling the prescriptions as written by the physician in the manner and form that the physician has recommended or written," and "to make sure that he dispenses what it is that the doctor wrote for and that the patient has an understanding of what they're taking." He further testified that he never questioned a doctor's prescribing Doriden and Tylenol with codeine simultaneously because "that's within his province and his prerogative."

The Administrator may revoke a DEA Certificate of Registration and deny any pending application for such registration, if he determines that the continued registration would be inconsistent with the public interest. 21 U.S.C. 823(f) and 824(a)(4). Pursuant to 21 U.S.C. 823(f), "[i]n determining the public interest, the following factors will be considered: (1) The recommendation of the appropriate State licensing board or 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 law 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." It is well established that these factors are to be considered in the disjunctive, i.e., the Administrator may properly rely on any one or a combination of the factors, and give each factor the weight he deems appropriate. See, *Henry J. Schwarz Jr., M.D.*, Docket No. 88–42, 54 FR 16422 (1989); *Neveille H. Williams, D.D.S.*, Docket No. 87–47, 53 FR 23465 (1988); *David E. Trawick, D.D.S.*, Docket No. 86–69, 53 FR 5326 (1988).

In this case, the first and third factors do not apply. However, there is extensive evidence relating to Respondent's dispensing practices and compliance with state and Federal law relating to controlled substances, and thus the second and fourth factors are relevant.

The administrative law judge noted that 21 CFR 1306.04(a) provides that:

> A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a *corresponding responsibility* rests with the pharmacist who fills the prescription. . . . [Emphasis supplied.]

The administrative law judge, in her opinion, cited several cases in which United States Courts of Appeal held that, contrary to Alfred Silverman's view, pharmacists have a responsibility, with respect to controlled substances, to do more than merely fill prescriptions as written by the physician. Indeed, the "corresponding responsibility" of a pharmacist means, among other things, that a pharmacist is obligated to refuse to fill a prescription if he knows or has reason to know that the prescription was not written for a legitimate medical purpose.

The administrative law judge concluded that the record establishes that Respondent filled prescriptions for customers who received controlled substances in quantities far exceeding those recommended by the Physician's Desk Reference; too frequently; and for excessive periods of time. Customers received the same controlled substances from several different physicians. This circumstance alone should have aroused Alfred Silverman's suspicions as the validity of their prescriptions. Furthermore, many of these customers received both Tylenol with codeine #4 and Doriden, a combination which Alfred Silverman should have known was highly abused. Finally, Respondent filled hundreds of controlled substance prescriptions purportedly issued by a physician who was, in fact, dead.

The administrative law judge concluded that it is not necessary to find that Alfred Silverman in fact knew that many prescriptions presented to him were not written for a legitimate medical purpose, for there is no question that a conscientious pharmacist would have been suspicious of these prescriptions and would have refused to fill them. There is also no question that Alfred Silverman's filling of these prescriptions demonstrated an utter disregard for his responsibility as a DEA registrant. Additionally, Alfred Silverman's refusal to acknowledge the impropriety of his dispensing practices, and his ordering of large quantities of many of the substances at issue in this proceeding, even after the initiation of the investigation, give rise to the inference that Respondent is not likely to act more responsibly in the future.

The administrative law judge concluded that Respondent's continued registration is not in the public interest and recommended that its DEA Certificate of Registration be revoked and any pending applications be denied. The Acting Administrator adopts the recommended ruling, findings of fact, conclusions of law and decision of the administrative law judge in its entirety. The number of controlled substance prescriptions filled by Respondent, as well as the frequency, duration, combination of drugs and prescribing physicians, screamed for Respondent to recognize that these were not legitimate prescriptions. Instead, Respondent filled these prescriptions without question. Such total disregard for the public health and safety will not be tolerated.

Accordingly, the Acting 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 DEA Certificate of Registration AM9607334, previously issued to Medic-Aid Pharmacy, be, and it hereby is, revoked, and any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective August 23, 1990.

Dated: July 17, 1990.

Terrence M. Burke,

Acting Administrator.

[FR Doc. 90-17178 Filed 7-23-90; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

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 Officer 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 and the average hours per respondent.

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

Occupational Safety and Health Administration
Notice of Alleged Safety and Health Hazards, OSHA—7 Form
1218-0064
On occasion
Individuals or households
16,500 respondents; 4,686 total burden hours; 40 average minutes per response
The OSHA-7 Form is used by employees to report unheathful and/or unsafe conditions in the workplace. Employee reports are authorized by section 8(f) of the Occupational Safety and Health Act. The information is used by OSHA to evaluate the alleged hazardous working conditions and to schedule an inspection or respond in another manner, as appropriate.

Employment Standards Administration
Certificate of Medical Necessity
1215-0113; CM-893
Annually
Businesses or other for-profit; non-profit institutions; small businesses or organizations
10,000 respondents; 4,000 total hours; 20-40 min. per response; 1 form
This form is completed by the miner's doctor and is used by DCMWC to determine if the miner beneficiary meets the specific impairment standards to qualify for durable medical equipment; home nursing care and/or pulmonary rehabilitation.

Mine Safety and Health Administration
Application for Use of Explosive Materials and Blasting Units (30 CFR 22606)
1219-0095
On Occasion
Businesses or other for-profit; small businesses or organizations
7 respondetns; 1 hour per response; total reporting burden; 7 hours
In the absence of permissible explosives or blasting units having adequate blasting capacity for metal and nonmetal hassy mines, this standard provides procedures by which mine operators shall notify MSHA of all nonapproved exlosive materials and blasting units to be used prior to their use in underground gassy metal and nonmtal mines.

MSHA uses this information ensure that safe practices are followed, and to determine that the procedures and safeguards used protect the safety of all persons in the mine during ignition and operation of a retort.

Reinstatement

Pension and Welfare Benefits Administration
Suspension of Benefits Regulation
1210-0048
Other (Whenever benefits are suspended)
Business or other for-profit; Small businesses or organizations
59,771 responses; 14,943 hours; .25 hours per response
DOL Regulation § 2530.203-3 allows a plan to suspend an individual's pension benefits if the individual continues to work or returns to work. The plan is required to notify the individual during the first calendar month or payroll period in which the plan withholds payment of the reasons for the suspension.

Signed at Washington, DC, this 19th day of July, 1990.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 90-17245 Filed 7-23-90; 8:45 am]

BILLING CODE 4510-29-M

Employment and Training Administration

[TA-W-24,420]

Maine Woods Livermore Falls Division Livermore Falls, ME; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 29, 1990 applicable to all workers of Maine Woods, Livermore Falls Division, Livermore Falls, Maine. The notice was published in the **Federal Register** on July 12, 1990 (55 FR 28699).

The Department also issued a certification, TA-W-20,348 for the same worker group on January 20, 1988 which expired on January 20, 1990.