

business. The Deputy Administrator notes that the DEA registers many mail order and high volume retail pharmacies that dispense quantities of controlled substances far in excess of those distributed by the Respondent. These pharmacies also ship nationwide as does the Respondent. They differ from the Respondent, however, because they dispense controlled substances directly to the patient or ultimate user. These retail pharmacies do not manufacture or even compound the majority of the controlled substances that they handle. They do not distribute controlled substances to physicians and other practitioners. The Respondent's high volume and out-of-state shipping are included as descriptions of the nature of its business.

The Respondent also objects to the Administrative Law Judge's use of a DEA Report of Investigation, which was entered into evidence, as the source of many factual findings in the ALJ's Findings of Fact. While the report is the record of a diversion investigator's findings, those conclusions are supported by the records submitted into evidence by both the agency and the Respondent. The Deputy Administrator does not accord significant weight to the many recordkeeping violations cited in the report and the Order to Show Cause. The primary focus of this decision rests on the Respondent's acting outside the scope of its DEA registration even after being advised that it was doing so by DEA. The facts supporting this conclusion are not in dispute.

The Deputy Administrator concludes that the Respondent's activities of manufacturing and distributing controlled substances without the appropriate DEA Certificate of Registration, of its continued activity even when advised by the agency in writing that its activities were in violation of the statute, demonstrate that the Respondent's continued registration with DEA is inconsistent with the public interest. The Respondent is distributing more than one million dosage units of controlled substances a year to customers across the country. Because it is not registered as a manufacturer or distributor of controlled substances, it is not subject to the security and recordkeeping requirements for that type of registrant. The evidence in the record documents two thefts of controlled substances from the Respondent during 2002. Security requirements for dispensers of controlled substances are fairly minimal and include that the controlled substances may be intermingled with non-controlled substances. No type of alarm system is required. Manufacturers

of controlled substances are required to store Schedule III through V raw materials, bulk materials awaiting processing, and finished products in a safe, vault, a building, room or caged area with limited access and self-closing, self-locking doors. These areas must be equipped with an electronic alarm system which is connected to a central station. Recordkeeping and reporting requirements required of manufacturers are much more stringent than those for dispensers of controlled substances.

Accordingly, the Deputy Administrator of the DEA, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.014, hereby orders that DEA Certificate of Registration AW1289126, issued to Wedgewood Village Pharmacy, be, and is, hereby revoked. The Deputy Administrator further orders that any pending application for renewal or modification of such registration be, and they hereby are, denied.

This order is effective May 3, 2006.

Dated: March 22, 2006.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. E6-4771 Filed 3-31-06; 8:45 am]

BILLING CODE 4410-09-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act; Meeting

March 22, 2006.

TIME AND DATE: 10 a.m., Thursday, April 6, 2006.

PLACE: The Richard V. Backley hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The commission will consider and act upon the following in open session: *Secretary of Labor on behalf of Wendell McClain, Coy McClain, Wade Dameron, and Gary Conway v. Misty Mountain Mining, Inc., Stanley Osborne, and Simon Ratliff*, Docket Nos. KENT 2005-96-D, KENT 2005-97-D, KENT 2005-98-D, and KENT 2005-99-D. (Issues include whether the Administrative law Judge properly awarded back pay in an amount reduced from that sought by the Secretary, and properly concluded that the complainants were not entitled to a further reinstatement offer once they had turned down such offers).

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform

the Commission in advance of those needs, subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

FOR FURTHER INFORMATION CONTACT: Jean Ellen, (202) 434-9950/(202) 708-8300 for TDD Relay/1-800-8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 06-3184 Filed 3-29-06; 4:34 pm]

BILLING CODE 6735-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 06-022]

U.S. Space-Based Positioning, Navigation, and Timing Advisory Board; Notice of Establishment of a NASA Advisory Committee, pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. §§ 1 et seq.

AGENCY: National Aeronautics and Space Administration (NASA).

Explanation of Need: The President authorized a new national policy on December 8, 2004 that establishes guidance and implementation actions for space-based positioning, navigation, and timing programs, augmentations, and activities for U.S. national and homeland security, civil, scientific, and commercial purposes. The policy supersedes Presidential Decision Directive/National Science and Technology Council-6, U.S. Global Positioning System Policy, dated March 28, 1996. The new national policy states that a space-based Positioning, Navigation, and Timing Advisory Board shall be established. The Advisory Board shall be comprised of experts from outside the United States Government, and shall be chartered as a Federal Advisory Committee. In accordance with the new national policy, the NASA Administrator is establishing the U.S. Space-Based Positioning, Navigation, and Timing Advisory Board. This notice follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: U.S. Space-Based Positioning, Navigation, and Timing (PNT) Advisory Board.

Purpose and Objective: The U.S. Space-Based Positioning, Navigation, and Timing Advisory Board will provide advice on U.S. space-based PNT policy, planning, program management, and funding profiles in relation to the current state of national and international space-based PNT services. The U.S. Space-Based Positioning, Navigation, and Timing Advisory Board

will function solely as an advisory body and will comply fully with the provisions of the Federal Advisory Committee Act (FACA).

Lack of Duplication of Resources: The U.S. Space-Based Positioning, Navigation, and Timing Advisory Board functions cannot be performed by the agency, another existing committee, or other means such as a public meeting.

Fairly Balanced Membership: Membership shall be comprised to ensure a balanced representation in terms of the points of view represented and the functions to be performed.

Duration: Continuing.

Responsible NASA Official: Dr. Scott Pace, Associate Administrator for Program Analysis and Evaluation, National Aeronautics and Space Administration, 300 E Street, SW., Washington, DC 20546, telephone (202) 358-1811.

Dated: March 27, 2006

P. Diane Rausch,

*Advisory Committee Management Officer
National Aeronautics and Space
Administration.*

[FR Doc. E6-4730 Filed 3-31-06; 8:45 am]

BILLING CODE 7510-13-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-0219-LR; ASLBP No. 06-844-01-LR]

Atomic Safety and Licensing Board; In the Matter of AmerGen Energy Company, LLC; License Renewal for Oyster Creek Nuclear Generating Station

March 28, 2006.

Before Administrative Judges: E. Roy Hawkens, Chairman, Dr. Paul B. Abramson, Dr. Anthony J. Baratta.

Notice of Hearing

Application for 20-Year License Renewal

This proceeding concerns the application by AmerGen Energy Company, LLC ("AmerGen") to renew its operating license for the Oyster Creek Nuclear Generating Station ("Oyster Creek") for twenty years beyond the current expiration date of April 9, 2009. In response to the September 15, 2005, Notice of Opportunity for Hearing (70 FR 54,585 (Sept. 15, 2005)), two Requests for Hearing and Petitions to Intervene were filed on November 14, 2005. One Petition was filed by the New Jersey Department of Environmental Protection [hereinafter referred to as New Jersey], and the other Petition was filed by the Nuclear Information and

Resource Service ("NIRS"), Jersey Shore Nuclear Watch, Inc., Grandmothers, Mothers and More for Energy Safety, New Jersey Public Interest Research Group, New Jersey Sierra Club, and New Jersey Environmental Federation [hereinafter referred to collectively as NIRS]. On December 9, 2005, this Atomic Safety and Licensing Board was established by the Commission to preside over the proceeding.

On February 27, 2006, this Board issued a Memorandum and Order in which we (LBP-06-07, 63 NRC ___, (slip op. at 2) (Feb. 27, 2006)): (1) denied New Jersey's Request for Hearing and Petition to Intervene;¹ and (2) granted NIRS's Request for Hearing and Petition to Intervene. We concluded that NIRS's contention was admissible to the extent it challenged AmerGen's aging management program for measuring corrosion in the sand bed region of the drywell liner (*id.* at 33); however, it was not admissible with respect to the areas above or below the sand bed region (*id.* at 32-33 & nn.27, 28).²

In light of the foregoing, please take notice that a hearing will be conducted in this proceeding. The hearing will be governed by the informal hearing procedures set forth in 10 CFR part 2, subpart L (10 CFR 2.1200-.1213). During the course of the proceeding, the Board may conduct an oral argument (*id.* § 2.331), may hold pre-hearing conferences (*id.* § 2.329), and may conduct evidentiary hearings (*id.* § 2.1207).³ The public is invited to attend any oral argument, pre-hearing conference, or evidentiary hearing unless otherwise ordered by the Commission (*id.* §§ 2.327-.328). Notices of these sessions will be published in the **Federal Register** and/or made available to the public at the NRC Public Document Room, located at One White Flint, 11555 Rockville Pike (first floor), Rockville, Maryland, and through the NRC Web site, <http://www.nrc.gov>.

Additionally, as provided in 10 CFR 2.315(a), any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issues in

this proceeding. These statements do not constitute evidence, but may assist the Board and/or parties in defining the issues being considered. Persons wishing to submit a written limited appearance statement should send it by mail to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. A copy of the statement should also be served on the Chairman of this Atomic Safety and Licensing Board by mail to the Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. At a later date, the Board may entertain oral limited appearance statements at a location or locations in the vicinity of the Oyster Creek facility. Notice of any oral limited appearance sessions will be published in the **Federal Register** and/or made available to the public at the NRC Public Document Room and on the NRC Web site, <http://www.nrc.gov>.

Documents relating to this proceeding are available for public inspection at the NRC's Public Document Room or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC Public Document Room reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr@nrc.gov.

It is so ordered.

For the Atomic Safety and Licensing Board.⁴

March 28, 2006.

E. Roy Hawkens,

*Chairman, Administrative Judge, Rockville,
Maryland.*

[FR Doc. E6-4785 Filed 3-31-06; 8:45 am]

BILLING CODE 7590-01-P

¹ Although New Jersey established standing, the Board concluded that it failed to proffer an admissible contention.

² On February 7, 2006, NIRS filed a Motion for Leave to Add Contentions or Supplement the Basis of the Current Contention, which AmerGen and the NRC Staff opposed. On March 22, 2006, this Board issued a Memorandum and Order denying NIRS's Motion (LBP-06-11, 63 NRC ___, (slip op.) (Mar. 22, 2006)).

³ The parties to this proceeding are advised that they will be contacted in the near future by the Board's law clerk for purposes of setting up a scheduling conference (10 CFR 2.332; 10 CFR Pt. 2, App. B (II), Model Milestones for Hearings Conducted Under 10 CFR Part 2, Subpart L).

⁴ Copies of this Notice of Hearing were sent this date by Internet e-mail to counsel for: (1) AmerGen; (2) New Jersey; (3) NIRS; and (4) the NRC Staff.