

combination of hydrocodone, either alprazolam or diazepam (both Schedule IV controlled substances), and carisoprodol, a non-controlled substance which metabolizes into meprobamate (a Schedule IV controlled substance), which is often used by drug abusers in conjunction with narcotics. *Id.* at 7. The Order alleged that these physicians were "routinely prescrib[ing] 90 dosage units of hydrocodone, 90 dosage units of carisoprodol and 30 dosage units of alprazolam at each patient visit," and that "[t]hese prescriptions are generally not valid" because the physicians wrote them without regard to the patient's medical history and diagnosis, and without conducting an adequate physical exam. *Id.* The Order further alleged that many of these prescriptions were filled by Respondent and that these prescriptions were renewed at regular intervals. *Id.*

The Show Cause Order alleged that Dr. Suzette Cullins was routinely writing large numbers of combination prescriptions for 90 hydrocodone, 30 alprazolam, and 90 carisoprodol. See *id.* at 9. The Show Cause Order further alleged that on various dates chosen at random, Respondent had filled large amounts of new combination prescriptions that had been written by this physician. See *id.* at 10. The lowest number of new combination prescriptions written by this physician and filled by Respondent in a day was sixty-five; Respondent frequently filled more than 100 new combination prescriptions written by this physician in a day. See *id.*

The Show Cause Order thus alleged that "[t]he sheer volume of combination prescriptions issued by Dr. Cullins should have caused [Respondent's] pharmacists to realize that the prescriptions were not written in the course of professional practice and were therefore not valid." *Id.* at 11. The Order further alleged that "[t]he majority of the prescriptions filled by" Respondent were combination prescriptions, that "[p]atients receive[d] the same prescriptions regardless of their sex, age, weight, height, or health," and that "[b]ased upon the sheer volume of duplicate prescriptions from the large volume of customers written by the same group of doctors," Respondent either knew or had reason to know that these prescriptions were not valid. *Id.* The Order thus alleged that Respondent and its pharmacists were "diverting massive amounts of controlled substances" in violation of 21 U.S.C. 841(a)(1) and 21 C.F.R. 1306.04. *Id.*

On May 5, 2005, Respondent requested a hearing; the case was assigned to Administrative Law Judge

(ALJ) Mary Ellen Bittner. On May 25, 2005, the Government sought to stay the proceeding and moved for summary disposition. The basis for the motion was that on April 28, 2005, Respondent had entered into a consent agreement with the Louisiana Board of Pharmacy. Pursuant to the agreement, Respondent surrendered its Louisiana Controlled Dangerous Substances License. The Government thus contended that because Respondent no longer had authority under state law to engage in the distribution of controlled substances, see 21 U.S.C. 824(a)(3), it was no longer entitled to hold a federal registration. The Government further contended that Respondent's request for a hearing should be dismissed.

On June 9, 2005, Respondent filed a response. Respondent advised that it did not oppose the Government's motion. Respondent further acknowledged that it had voluntarily surrendered its state license and was thus not eligible to hold a DEA registration.

On June 29, 2005, the ALJ granted the Government's motion for summary disposition. The ALJ observed that, under longstanding agency precedent, "a registrant may not hold a DEA registration if it is without appropriate authority under the laws of the state in which it does business." ALJ Dec. at 2 (citing, *inter alia*, Rx Network of South Florida, LLC, 69 FR 62093-01 (2004); Wingfield Drugs, Inc., 52 FR 27070 (1987)). The ALJ further noted that Respondent had admitted that it was no longer licensed in Louisiana and thus was not entitled to hold a DEA registration. *Id.* Because there were no material facts in dispute, the ALJ granted the Government's motion and recommended that I revoke Respondent's registration and deny any pending applications for renewal or modification of its registration. See *id.* at 2-3.

Having considered the record as a whole, I hereby issue this decision and final order. I adopt in its entirety the ALJ's opinion and recommended decision. Because the facts are straightforward and not in dispute, I conclude that there is no need to elaborate on them. As the ALJ found, Respondent is no longer authorized to distribute controlled substances under State law. Therefore, under our precedents, Respondent is not entitled to maintain its DEA registration. See, *e.g.*, Rx Network of South Florida, 69 FR at 62095.

Order

Accordingly, pursuant to the authority vested in me by 21 U.S.C.

823(f) & 824(a), as well as 28 CFR 0.100(b) and 0.104, I hereby order that DEA Certificate of Registration, No. BT5626885, issued to The Medicine Shoppe, be, and it hereby is, revoked. I further order that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective August 28, 2006.

Dated: July 20, 2006.

Michele M. Leonhart,
Deputy Administrator.

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Agency Information Collection Activities: Extension of a Currently Approved Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Helping America's Youth Community Resource Inventory (OMB Number 1121-NEW).

The U.S. Department of Justice (DOJ) has submitted the following information collection request on behalf of the Executive Office of the President to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until September 26, 2006. This process is conducted in accordance with 5 CFR 1320.10.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Phelan Wyrick, (202) 353-9254, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street, NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including

whether the information will have practical utility;

2. Evaluate the accuracy of the agency's 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 collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

Overview of This Information

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Helping America's Youth Community Resource Inventory.

3. *Agency form number, if any, and the applicable component of the government sponsoring the collection:* U.S. Department of Justice on behalf of the Executive Office of the President.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals and organizations involved in building partnerships to help youth.

Other: None.

Abstract: This is an online database provided as a service to communities that wish to identify local youth-serving programs and resources. Participation is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 500 respondents will take 80 hours each to enter data.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 40,000 total annual burden hours associated with this collection.

If additional information is required, contact Ms. Lynn Bryant, Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: July 25, 2006.

Lynn Bryant,

Department Clearance Officer, U.S. Department of Justice.

[FR Doc. 06-6567 Filed 7-27-06; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-029]

Yankee Atomic Electric Company; Yankee Nuclear Power Station; Partial Exemption

1.0 Background

Yankee Atomic Electric Company (YAEC, the licensee) is the licensee and holder of Facility Operating License No. DPR-3 for the Yankee Nuclear Power Station (YNPS), a permanently shutdown decommissioning nuclear plant. Although permanently shutdown, this facility is still subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC).

YNPS is a deactivated pressurized-water nuclear reactor located in northwestern Massachusetts in Franklin County, near the southern Vermont border. The YNPS plant was constructed between 1958 and 1960 and operated commercially at 185 megawatts electric (after a 1963 upgrade) until 1992. In 1992, YAEC determined that closing of the plant would be in the best economic interest of its customers. In December 1993, NRC amended the YNPS operating license to retain a "possession-only" status. YAEC began dismantling and decommissioning activities at that time. Transfer of the spent fuel from the Spent Fuel Pit (SFP) to the Independent Spent Fuel Storage Installation (ISFSI) was completed in June 2003. With the exception of the greater than class C waste stored at the ISFSI, the reactor and all associated systems and components, including those associated with storage of spent fuel in the SFP, have been removed from the facility and disposed of offsite. In addition, the structures housing these systems and components have been demolished. Physical work associated with the decommissioning of YNPS is scheduled to be completed in 2006.

By letter dated February 15, 2006, as supplemented on March 23, 2006, YAEC filed a request for NRC approval of a partial exemption from the record keeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix A; 10 CFR part 50, Appendix B; and 10 CFR 50.59(d)(3).

2.0 Request/Action

YAEC is requesting the following exemption, for records pertaining to systems, structures, or components (SSCs) and/or activities associated with the nuclear power generating unit, Spent Fuel Pit, and associated support systems, from the retention

requirements of: (1) 10 CFR part 50 Appendix A Criterion 1 which requires certain records be retained "throughout the life of the unit"; (2) 10 CFR part 50 Appendix B Criterion XVII which requires certain records be retained consistent with regulatory requirements for a duration established by the licensee; (3) 10 CFR 50.59(d)(3) which requires certain records be maintained until "termination of a license issued pursuant to" part 50; and (4) 10 CFR 50.71(c) which requires records retention for the period specified in the regulations or until license termination.

3.0 Discussion

Most of these records are for SSCs that have been removed from Yankee and disposed of off-site. Disposal of these records will not adversely impact the ability to meet other NRC regulatory requirements for the retention of records [e.g., 10 CFR 50.54(a), (p), (q), and (bb); 10 CFR 50.59(d); 10 CFR 50.75(g); etc.]. These regulatory requirements ensure that records from operation and decommissioning activities are maintained for safe decommissioning, spent nuclear fuel storage, completion and verification of final site survey, and license termination.

Specific Exemption Is Authorized by Law

10 CFR 50.71(d)(2) allows for the granting of specific exemptions to the record retention requirements specified in the regulations.

NRC regulation 10 CFR 50.71(d)(2) states, in part:

* * * the retention period specified in the regulations in this part for such records shall apply unless the Commission, pursuant to § 50.12 of this part, has granted a specific exemption from the record retention requirements specified in the regulations in this part.

Based on 10 CFR 50.71(d)(2), if the specific exemption requirements of 10 CFR 50.12 are satisfied, the exemption from the recordkeeping requirements of 10 CFR 50.71(c); 10 CFR part 50, Appendix A; 10 CFR part 50, Appendix B, and 10 CFR 50.59(d)(3) is authorized by law.

Specific Exemption Will Not Present an Undue Risk to the Public Health and Safety

With all the spent nuclear fuel transferred to the Yankee ISFSI, there is insufficient radioactive material remaining on the Yankee 10 CFR part 50 licensed site to pose any significant potential risk to the public health and safety under any credible event scenario. This provides additional assurance that the partial exemption for