depression. Accordingly, even if Volkman told Mr. Fletcher that he did blood tests and MRIs, this would not make the prescriptions any more legitimate.[54]

This alone supports the conclusion that Mr. Fletcher violated Federal law in dispensing the Volkman prescriptions. 21 CFR 1306.04(a). The other evidence—such as that related to the quantities of the various drugs being prescribed, the dosing, and lack of individualization of therapy; the distances the patients were travelling and the typical method of payment; the fact that Mr. Fletcher knew that other pharmacists had refused to fill Volkman's prescriptions; the percentage and number of Volkman's prescriptions that were for controlled substances—is simply icing on the cake.

Moreover, even after a DEA Investigator had interviewed Mr. Fletcher and asked him if he found it suspicious that Volkman's patients were travelling long distances to fill their prescriptions, Mr. Fletcher proceeded to fill numerous oxycodone and alprazolam prescriptions for residents of Kentucky who had travelled to South Florida to obtain the prescriptions. Indeed, even one of Respondent's employees was "skeptical" as to whether these were legitimate prescriptions. While Respondent contends that Mr. Fletcher stopped filling prescriptions issued by Florida pain-clinic physicians after he received the Ohio Board of Pharmacy's Notice, Mr. Fletcher did not testify in this proceeding and so has failed to offer any explanation as to why he filled the prescriptions in the first place. Furthermore, a responsible DEA registrant should be able to make these determinations without the authorities having to provide the information to him on a silver platter.

Nor was this the end of Respondent's abysmal experience in dispensing controlled substances. On November 4, 2009, Respondent dispensed to B.A., a recovering drug addict who lived in Morehead, Kentucky, four controlled-substance prescriptions issued by a Portsmouth physician, including two for Roxicodone 30 mg. (totaling 240 tablets), one for 120 oxycodone 15 mg., and one for 30 alprazolam; B.A. had been directed by the doctor's staff to fill his prescriptions at Respondent. Later that day, B.A. got high, and the next morning, he was found dead; the detective who found the prescription vials noted that there were only nineteen tablets left out of the total of 240 Roxicodone 30 mg., there were only fifty-two tablets left out of the 120 oxycodone 15 mg., and only eight tablets out of the 30 alprazolam. The quantity of oxycodone provided by these prescriptions totaled 300 mg. per day, an amount which was five to ten times the normal daily dose of oxycodone (5 to 10 mg. every four hours) as testified to by the Government's Expert. Moreover, on this single day, Respondent dispensed three prescriptions for the same schedule II narcotic. According to the Government's Expert, both the multiple prescriptions which B.A. presented and the large quantities prescribed were "red flags" which are suggestive of abuse and "no reasonable pharmacist would fill" the prescriptions. Here again, however, Mr. Fletcher failed to testify and thus offered no explanation as to why he did so.

DEA Investigators also obtained an OARRS report which showed that on eighteen different occasions between November 6, 2007 and October 30, 2009, Respondent had dispensed oxycodone to S.P. based on prescriptions she obtained from seven different doctors; most of the doctors practiced in different cities (Waverly, Beavercreek, Dayton and Wheelersburg), and while three of the doctors practiced in Portsmouth, two of them practiced at different clinics. Notwithstanding that its own dispensing records should have shown that S.P. was a doctor shopper (indeed, there was no need for Mr. Fletcher to check the OARRS to make this determination), Respondent repeatedly dispensed this highly abused schedule II controlled substance to her. Here again, Mr. Fletcher did not testify and thus has failed to explain why he ignored the information in his own records.

Respondent and Mr. Fletcher also violated the CSA and DEA regulations because during the November 6, 2009 inspection, it could not produce the biennial inventory of controlled substances which it is required to maintain. *See* 21 U.S.C. 827(a)(1) ("every registrant * * * shall * * * as soon * * * as such registrant first engages in the * * * dispensing of controlled substances, and every second year thereafter, make a complete and accurate record of all stocks thereof on hand"); *see also* 21 CFR 1304.11. Moreover, Mr. Fletcher was unaware that there is such a requirement. Finally, as found by the Ohio Board of Pharmacy, Mr. Fletcher and Respondent violated Ohio law on three occasions because Mr. Fletcher, as "the responsible pharmacist[,] failed to maintain supervision and control over the custody and possession of dangerous drugs" which had been delivered to the pharmacy.

I therefore conclude that the evidence relevant to Respondent's experience in dispensing controlled substances and its record of compliance with applicable Federal and State laws related to controlled substances shows that it has committed acts which render its continued registration inconsistent with the public interest and which justified the suspension of its registration. Notably, Mr. Fletcher failed to testify in this proceeding; Respondent therefore has not rebutted the Government's *prima facie* case. While there is only the suspension order to review (because Respondent allowed its registration to expire), which I affirm, had Respondent filed a renewal application, I would have denied it.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824, as well as by 28 CFR 0.100(b) and 0.104, I hereby affirm my order which immediately suspended the now-expired DEA Certificate of Registration, BE5902615, issued to East Main Street Pharmacy. This Order is effective immediately.

Dated: October 15, 2010.

Michele M. Leonhart,

Deputy Administrator.

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[54] Respondent also elicited the testimony of Mr. Aalyson, a lawyer who practiced workers compensation law in Portsmouth and who knew most of the local doctors, that Mr. Fletcher had called and asked him if knew whether Dr. Volkman was a legitimate doctor. Tr. 1159. Mr. Aalyson testified that the phone call occurred in October 2006, more than a year after Mr. Fletcher started filling Volkman's prescriptions and eight months after DEA suspended Volkman's registration and thus could no longer prescribe.

To the extent this testimony was offered to support the contention that Mr. Fletcher tried to do due diligence, it provides no comfort to him as the conversation occurred more than a year after he started filling Volkman's prescriptions. Moreover, even if the conversation had occurred shortly after Mr. Fletcher started filling Volkman's prescriptions (the apparent point of Respondent's repeated questioning of Mr. Aalyson regarding when the conversation occurred), his testimony that Mr. Fletcher stated that he was "getting a lot of people coming in, and I'm beginning to wonder if the guy is legitimate," Tr. 1159, would actually support the Government's case that Mr. Fletcher knew Volkman's prescriptions were not legitimate.

OFFICE OF MANAGEMENT AND BUDGET

Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of Management and Budget, Office of Federal Financial Management.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) invites the general public and Federal agencies to comment on the renewal of the SF–LLL, Disclosure of Lobbying Activities. Although OMB proposes no changes to the SF–LLL as part of this notice, we are seeking public comments on whether changes are warranted. We are particularly interested in comments on whether the information collected in the forms could be more consistent with other similar governmentwide information collections or whether additional information should be collected to further the aims of government transparency.

DATES: Comments must be received by November 26, 2010. Due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date.

ADDRESSES: Comments may be sent to regulations.gov, a Federal E-Government Web site that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type "SF–LLL renewal-10" (in quotes) in the Comment or Submission search box, click Go, and follow the instructions for submitting comments. Comments received by the date specified above will be included as part of the official record.

Marguerite Pridgen, Office of Federal Financial Management, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503; telephone 202–395–7844; fax 202–395–3952; e-mail *mpridgen@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Marguerite Pridgen at the addresses noted above.

OMB Control No.: 0348–0046.

Title: Disclosure of Lobbying Activities.

Form No.: SF–LLL.

Type of Review: Extension of a currently approved collection.

Respondents: Contractors, States, Local Governments, Universities, Non-Profit Organizations, For-Profit Organizations, Individuals.

Number of Responses: 1,000.

Estimated Time per Response: 10 minutes.

Needs and Uses: The SF–LLL is the standard disclosure form for lobbying paid for with non-Federal funds, as required by the Byrd Amendment and amended by the Lobbying Disclosure Act of 1995. The Federal awarding agencies use information reported on this form for the award and general management of Federal contracts and assistance program awards.

Debra J. Bond,

Deputy Controller.

SUPPLEMENTARY INFORMATION:

I. Summary of Comments and Responses

On June 22, 2010, OMB published in the **Federal Register** a notice seeking comments on the Standard form LLL, Disclosure of Lobbying Activities (SF–LLL) in accordance with the Paperwork Reduction Act [75 FR 35507]. OMB Watch, Project on Government Oversight, Sunlight Foundation, and Thomas M. Susman submitted their combined comments in a single letter ("proposal") dated August 19, 2010. Their comments were the only comments received in response to the June 22 notice and included recommendations for major changes to the system of disclosing lobbying activities. In summary, the August 19 proposal recommends expanding the information collected by the SF–LLL; raising the thresholds for reporting from $100,000 and $150,000 to $250,000; adding a form and process for government employees to report contacts with lobbyists; posting SF–LLL content from electronic submissions on a centralized, public, searchable Web site within three days of receiving it; and creating a system to ensure enforcement of the new reporting requirements.

II. Next Steps

The August 19 proposal, which can be viewed at *regulations.gov,* includes several recommendations that would require changes in policy and the process of lobbying disclosure that cannot be implemented before the SF–LLL expires. Therefore, the SF–LLL will be renewed without change to prevent any disruption in collecting lobbying disclosure information by Executive Branch agencies. Concurrent with the renewal without change, the August 19 proposal will be carefully reviewed and assessed for further action separate from this renewal process.

[FR Doc. 2010–27153 Filed 10–26–10; 8:45 am]

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before November 26, 2010 to be assured of consideration.

ADDRESSES: Send comments to Mr. Nicholas A. Fraser, Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5167; or electronically mailed to *Nicholas_A._Fraser@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–837–1694 or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on August 4, 2010 (75 FR 47029 and 47030). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collections: