

(5) Such other conduct which may threaten the public health or safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether an application for registration should be denied. See Henry J. Schwarz, Jr., M.D., Docket No. 88-42, 54 FR 16422 (1989).

In this case, all five factors are relevant. As to factor one, the Respondent has a current California license to practice medicine, and there are no current actions pending before the State medical board. Regarding factors two, "experience in dispensing * * * controlled substances," and four, "compliance with applicable State, Federal, or local laws," 21 U.S.C. 827(a)(3) and 21 CFR 1304.21 and 1304.24 require a registrant who dispenses a controlled substance to maintain a current, complete, and accurate record of every such dispensing of the substance. Also sections 1304.11 to 1304.13, and 1305.06 of the Code of Federal Regulations establish requirements for inventory procedures and for completing DEA Form 222. Yet, the record contains evidence that the Respondent failed to conduct required inventories, was unable to account for about 3,000 dosage units of acetaminophen with codeine, incurred other shortages and overages of controlled substances relegated to his care, and failed to completely and accurately fill out the DEA Form 222. Additionally, both the Respondent and his wife personally used acetaminophen with codeine out of the office supply without recording their personal usage. Such disregard of recordkeeping requirements exemplify the basis for concern about potential diversion of controlled substances resulting from such improper accountability; concerns properly addressed under factors two and four.

Also, 21 CFR 1301.23 requires a separate registration for each location in which controlled substances are to be dispensed, and 21 CFR 1301.71 establish security requirements. Yet the Respondent stored controlled substances at his Crown Boulevard location and at his home, despite the lack of a valid DEA registration for either of those locations. Such actions demonstrate a disregard for these regulatory requirements. Further, the lax security procedures resulting in patients and drug company representatives having access to drug storage areas

further demonstrate a disregard for security regulations.

Finally, concerning factor five, the Respondent was convicted in State court of one count of involuntary manslaughter arising out of a patient's drug-overdose death in September 1987. The conviction was affirmed upon appeal. The Deputy Administrator assigns substantial weight to the pattern of behavior exhibited by the Respondent in his prescribing practices to this patient. The threat to the public health and safety of such practices directly impacts upon the public interest.

Although the Deputy Administrator has taken into account the length of time the Respondent has practiced medicine, the lack of prior convictions or adverse State board action, and the testimony of the Respondent's witnesses concerning his contribution to his community and their opinion of his professional care, he also notes the lack of any evidence which provides assurances that the Respondent's future practice will include closer monitoring of patient symptoms and treatment, as well as compliance with Federal and State laws and regulations concerning the dispensing and storage of controlled substances. Such lack of mitigating evidence, coupled with the severity of the circumstances surrounding the involuntary manslaughter death of Mr. Barker, result in a conclusion that the granting of the Respondent's application for a DEA Certificate of Registration at this time would be inconsistent with the "public interest" under 21 U.S.C. 823(f). Therefore, the Deputy Administrator finds that the public interest is best served by denying the Respondent's application for a DEA Certificate of Registration. If the Respondent reapplies and submits evidence showing corrective actions taken to bring his practice into conformance with DEA regulations, his application may receive more favorable consideration.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823, and 21 CFR 0.100(b) and 0.104, hereby orders that the Respondent's Application for a DEA Certificate of Registration be, and it hereby is, denied. This order is effective December 8, 1995.

Dated: November 2, 1995.
Stephen H. Greene,
Deputy Administrator.
[FR Doc. 95-27676 Filed 11-7-95; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Glass Ceiling Commission Open Meeting

SUMMARY: Pursuant to section 10(a) of FACA, this is to announce that the open teleconference meeting of the Glass Ceiling Commission which was to have taken place on Thursday, November 9, 1995 has been rescheduled to Thursday, November 14, 1995.

The purpose of the Commission is to, among other things, focus greater attention on the importance of eliminating artificial barriers to the advancement of minorities and women to management and decisionmaking positions in business. The Commission has the practical task of: (a) Conducting basic research into practices, policies, and manner in which management and decisionmaking positions in business are filled; (b) conducting comparative research of businesses and industries in which minorities and women are promoted or are not promoted; and (c) recommending measures to enhance opportunities for and the elimination of artificial barriers to the advancement of minorities and women to management and decisionmaking positions.

The purpose of this open meeting is to conduct a full Commission vote on the Recommendations Report that will be submitted to the President and Select Committees of Congress.

TIME AND PLACE: The meeting will be held from 2:00 to 3:00 p.m. (EST) in Room C2313 at the Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Individuals with disabilities who wish to attend should contact Ms. Loretta Davis at (202) 219-7342 if special accommodations are needed.

FOR FURTHER INFORMATION CONTACT:

Ms. René Redwood, Executive Director, Glass Ceiling Commission, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C-2313, Washington, DC 20210, (202) 219-7342.

Signed at Washington, DC, this 3rd day of November, 1995.

René A. Redwood,
Executive Director.
[FR Doc. 95-27735 Filed 11-7-95; 8:45 am]

BILLING CODE 4510-23-M

Employment and Training Administration

Advisory Council on Unemployment Compensation; Notice of Final Meeting

SUMMARY: The Advisory Council on Unemployment Compensation (ACUC) was established in accordance with the provisions of the Federal Advisory Committee Act on January 24, 1992 (57 FR 4007, Feb. 3, 1992). Public Law 102-164, the Emergency Unemployment Compensation Act of 1991, mandated the establishment of the Council to evaluate the overall unemployment insurance program, including the purpose, goals, counter-cyclical effectiveness, coverage, benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and other aspects of the program, and to make recommendations for improvement.

TIME AND PLACE: The meeting will be held from 1:00 p.m. to 5:00 p.m. on December 13, 1995 at The Madison Hotel, 15th & M Streets, N.W., Washington, D.C.

AGENDA: The agenda for the meeting is as follows:

- (1) Discussion of administrative financing within the unemployment insurance system;
- (2) Discussion of performance measurement within the unemployment insurance system;
- (3) Discussion of data needs in the unemployment system; and
- (4) Discussion of the Council's findings and recommendations.

PUBLIC PARTICIPATION: The meeting will be open to the public. Seating will be available to the public on a first-come, first-served basis. Seats will be reserved for the media. Individuals with disabilities in need of special accommodations should contact the Designated Federal Official (DFO), listed below, at least 7 days prior to the meeting.

FOR ADDITIONAL INFORMATION CONTACT: Esther R. Johnson, DFO, Advisory Council on Unemployment Compensation, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-4231, Washington, D.C. 20210. (202) 219-7831. (This is not a toll-free number.)

Signed at Washington, D.C., this 1st day of November 1995.

Timothy M. Barnicle,
Assistant Secretary of Labor.

[FR Doc. 95-27674 Filed 11-7-95; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

November 1, 1995.

Pursuant to the provisions of the Federal Advisory Committee Act (Public L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on November 16-17, 1995.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, N.W., Washington, D.C. A portion of the morning and afternoon sessions on November 16-17, 1995, will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the sessions on November 16, 1995, will be as follows: 8:30-9:00 a.m.

Continental Breakfast for Council Members—Room 527

Committee Meetings

(Open to the Public) Policy Discussion

9:00-10:00 a.m.

Education Programs—Room M-14

Public Programs—Room 415

Research Programs—Room M07

Preservation and Access & Challenge

Grants—Room 315

Federal-State Partnership—Room 507

10:00 a.m. until Adjourned

(Closed to the Public) Discussion of specific grant applications before the Council

The morning session on November 17, 1995, will convene at 10:30 a.m., in the 1st Floor Council Room, M-09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

(Coffee for Staff of The National Endowment for the Humanities will be served from 10:00-10:30 a.m.)

Minutes of the Previous Meeting

Reports

- A. Introductory Remarks
- B. National Conversation
- C. Budget Reports
- D. Legislative Report-Reauthorization
- E. Committee Reports on Policy and General Matters
 1. Overview
 2. Education Programs
 3. Public Programs
 4. Research Programs
 5. Preservation and Access & Challenge Grants
 6. Federal-State Partnership
 7. Jefferson Lecture Committee

(The meeting will be closed to the public at this point.)

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Ms. Sharon I. Block, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code (202) 606-8322, TDD (202) 606-8282. Advance notice of any special needs or accommodations is appreciated.

Sharon I. Block,

Advisory Committee Management Officer.

[FR Doc. 95-27592 Filed 11-7-95; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-003 and 50-247]

Consolidated Edison Company of New York, Inc., Indian Point Nuclear Generating Units No. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Provisional Operating License (POL) No. DPR-5 and Facility Operating License DPR-26, issued to Consolidated Edison Company of New York, Inc. (the licensee), for operation of the Indian Point Nuclear Generating Unit Nos. 1 and 2, located in Westchester County, New York. The operating authority of POL DPR-5 for Indian Point Nuclear Generating Unit No. 1 was revoked by Commission Order dated June 19, 1980.

Environmental Assessment

Identification of the Proposed Action

The proposed action is in accordance with the licensee's application dated August 10, 1995, for exemption from