Respondent answered ''Yes'' to the liability question on his September 24, 1996 renewal application, following the surrender of his Mississippi medical license. As Judge Randall concludes, ''[b]y so answering, the Respondent has demonstrated an awareness and a willingness to answer truthfully this liability question.''

Finally, the Acting Deputy Administrator considers the factors set forth in 21 U.S.C. 823(f) to determine whether Respondent's continued registration would be inconsistent with the public interest pursuant to 21 U.S.C. 824(a)(4). Regarding factor one, on June 30, 1997, the Florida Board of Medicine issued a final order suspending Respondent's medical license for 30 days, fining him $1,500.00, and reprimanding him. Following the period of suspension, Respondent's medical license was placed on probation for five years subject to several restrictions, including that he continue his recovery program under the supervision of the Florida PRN as long as he practices medicine in the State of Florida. Therefore, Respondent's Florida medical license is currently on probation.

As to factors two and four, Respondent's experience in dispensing controlled substances and his compliance with applicable laws related to controlled substances, it is undisputed that beginning in the mid-1980's, Respondent abused controlled substances. In 1988, he sought and received treatment for his addiction. While he suffered a relapse in 1994, he abused Stadol which is not a controlled substance. Thus, there is no evidence that Respondent abused or improperly dispensed controlled substances after 1988.

Regarding factor three, there is no evidence that Respondent has a conviction record under Federal or state laws relating to the manufacture, distribution, or dispensing of controlled substances. Respondent's conviction in 1995 related to his writing of false prescriptions for the non-controlled substance Stadol.

As to factor five, the Acting Deputy Administrator agrees with Judge Randall's concern regarding Respondent's abuse of Stadol and his authorizing of false prescriptions to obtain the drug. However, Respondents has not improperly used drugs since March 1995, and has been actively involved in recovery since that time. Respondent's contract with the Florida PRN requires random urine screens, and attendance at Alcoholics Anonymous and professional group meetings. According to the medical director of the addiction treatment facility who testified at the hearing, Respondent's prognosis for continued recovery is excellent, and a repalse would not go unnoticed given his PRN contract and his comprehensive support system.

The Acting Deputy Administrator concludes that grounds exist to revoke Respondent's Florida DEA registration. Respondent materially falsified two renewal applications, and he has a history of substance abuse. However like Judge Randall, the Acting Deputy Administrator does not find that revocation is warranted in this case.

While Respondent did indeed materially falsify two renewal applications, he answered the liability question correctly on his September 1996 renewal application. This is significant since this application was filed before the Order to Show Cause was issued in this matter which alleged that Respondent materially falsified applications. Also there is no question that Respondent has a history of substance abuse. But as Judge Randall notes ''although it has been only three years since the Respondent's last relapse, I find the Respondent's testimony concerning his commitment to sobriety credible.'' In addition, Respondent's medical license is on probation until June 30, 2002, and he must remain under contract with the Florida PRN as long as he practices in Florida. Therefore, the Acting Deputy Administrator agrees with Judge Randall that revocation would be ''too severe a resolution in this case.''

But, an unrestricted registration is not warranted given Respondent's history of substance abuse and his fraudulent prescribing to obtain Stadol for his own use. Subjecting Respondent's registration to some restrictions ''will allow the Respondent to demonstrate that he can responsibly handle controlled substances in his medical practice, yet simultaneouly protect the public by providing a mechanism for rapid detection of any improper activity related to controlled substances.'' See Michael J. Septer, D.O. 61 FR 53,762 (1996); Steven M. Garbner, M.D., 51 FR 12,576 (1986).

The Acting Deputy Administrator agrees with Judge Randall's recommendation that Respondent's renewal application be granted subject to the following restrictions for three years:

(1) Respondent shall not prescribe or otherwise dispence controlled substances or Stadol for himself or his immediate family members.

(2) Respondent shall not order, administer, prescribe, or otherwise dispense controlled substances or Stadol except in the course of his employment in a medical clinic or hospital.

(3) Respondent shall maintain a log of his handling of controlled substances and Stadol. At a minimum, the log shall include the date that the controlled substance or Stadol is prescribed, administered or dispensed, the name of the patient, and the name, dosage and quantity of the substance prescribed, administered or dispensed. The log shall be signed by Respondent's supervisor verifying the accuracy of the log, and shall be sent on a quarterly basis to the Special Agent in Charge of the DEA Miami Field Division, or his designee.

(4) Respondent shall inform the Special Agent in Charge of the Miami Field Division, or his designee, of any action taken by any state regarding his medical license or his authorization to handle controlled substances. This notification must occur within 30 days of the state action.

Accordingly, the Acting Deputy 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) and 0.104, hereby orders that DEA Certificate of Registration BC1616929, previously issued to John J. Cienki, M.D., be, and it hereby is revoked. The Acting Deputy Administrator further orders that DEA Certificate of Registration AC2221187, issued to John J. Cienki, M.D., be renewed and continued, subject to the above described restrictions. This order is effective October 30, 1998.

Dated: September 24, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98–26211 Filed 9–29–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; (Reinstatement, without change, of a previously approved collection for which approval has expired) Claim for Death Benefits.

The Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information

collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 30, 1998.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ashton E. Flemmings, 202–307–0635, Public Safety Officers' Benefits Program, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, N.W., Washington, DC 20531. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information 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: Reinstatement, with changes, of a previously approved collection for which approval has expired.

(2) The title of the form/collection: Claim for Death Benefits.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: The form number is 3650/5, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Federal, State and Local agencies. This data collection will gather information to determine the eligibility of Claim for Death Benefits.

Other: National public membership organizations.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that 320 respondents will complete a 1.2 hour nomination form.

(6) An estimate of the total public burden (in hours) associated with the collection: The total hour burden to complete the nominations is 384 the annual burden hours. If additional information is required contact: Mr. Robert Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, N.W., Washington, DC 20530, or via facsimile at (202) 514–1534.

Dated: September 23, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–26122 Filed 9–29–98; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Women's Bureau; Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Women's Bureau is soliciting comments concerning the revision of the collection of the Business-to-Business Mentoring Initiative on Child Care.

On August, 1998, The Women's Bureau utilized emergency review procedures to obtain the Office of Management and Budget (OMB) clearance for the information collection request for the Business-to-Business Mentoring Initiative on Child Care. On August 21, 1998, OMB approved this initiative, under OMB Control Number 1225–0074, with an expiration date of February 28, 1998.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before (November 30, 1998). The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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 submissions of responses.

ADDRESSES: Arline Easley, Women's Bureau, 200 Constitution Ave., NW, Room S–3311, Washington, DC 20210, (202) 219–6601 x136 (this is not a toll-free number), Fax (202) 219–5529, easley-arline@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Background

At a White House Child Care ceremony in April, 1998, President Clinton launched the U.S. Department of Labor's Business-to-Business Mentoring Initiative on Child Care. The Women's Bureau will reach out to businesses with effective child care programs and connect them with other employers considering child care options for their workers. Employers acting as mentors to other employers will provide help in developing strategies for collaborating with other businesses to pool resources and to develop innovative child care supports. This initiative will help employers in launching effective programs and will help avoid pitfalls and control costs.

II. Current Actions

We are proposing that the Women's Bureau work with the National Employers Council (NEC), the Small Business Administration (SBA), the U.S. Department of Commerce, and other organizations to encourage employers to volunteer to be mentors to other employers in setting up innovative child care benefits, as well as to encourage other employers to seek a mentor to help with these benefits. Explanations of the Mentoring Initiative and sign-up forms for mentors and mentees will be distributed through the organizations