

figure grossly exceeds the monthly expected sales range of \$0 to \$25 (with an average of \$12.58) by convenience stores to meet legitimate demand for these products as an asthma treatment. See *T. Young*, 71 FR at 60568; *D & S Sales*, 71 FR at 37609.

Indeed, a monthly retail sale of \$60 of ephedrine products at a convenience store should "occur about once in a million times in random sampling." *T. Young*, 71 FR at 60568. The \$151.54 average retail sale value of Respondent's products is 2.5 times this amount. Moreover, this figure is an average for all forty-five stores serviced by Respondent over a seven-month period. It is thus even more improbable than a one in a million probability that Respondent's products were being purchased to meet legitimate demand.

I therefore conclude that a substantial portion of Respondent's products were diverted into the illicit manufacture of methamphetamine. See *T. Young*, 71 FR at 60572; *D & S Sales*, 71 FR at 37611 (finding diversion occurred "[g]iven the near impossibility that \* \* \* sales were the result of legitimate demand"); *Joy's Ideas*, 70 FR at 33198 (finding diversion occurred in the absence of "a plausible explanation in the record for this deviation from the expected norm").<sup>3</sup> Moreover, "the diversion of list I chemicals into the illicit manufacture of methamphetamine poses the same threat to public health and safety whether a registrant sells the products knowing they will be diverted, sells them with a reckless disregard for the diversion, or sells them being totally unaware that the products were being diverted." *T. Young*, 71 FR at 60572 (citing *D & S Sales*, 71 FR at 37610-12, & *Joy's Ideas*, 70 FR at 33198). In short, the statutory text does not require that the Government prove that a registrant acted with any particular *mens rea* to sustain a public interest revocation. *T. Young*, 71 FR at 60572. Accordingly, adverse findings are warranted under these factors even if Respondent's owner was unaware that its products were being diverted.

Here, while Respondent (and its owner lacks a criminal record) and the file does not establish that Respondent has failed to comply with applicable laws or lacks effective controls,<sup>4</sup> I

<sup>3</sup> This finding is also supported by the customer verifications. At nearly half of the twenty-one stores visited, the managers told the DIs they were selling quantities of combination ephedrine products that would sell for \$100 or more per month; at eight of the stores, the managers estimated that they were selling quantities of \$300 or more per month.

<sup>4</sup> The Government bears the burden of proof on each factor even when a registrant waives its right to a hearing. In this case, the investigative file

nonetheless conclude that Factors Four and Five compel the conclusion that Respondent's continued registration would be inconsistent with the public interest.

#### Order

Accordingly, pursuant to the authority vested in me by 21 U.S.C. 823(h) & section 824(a), as well as 28 CFR 0.100(b) & 0.104, I order that DEA Certificate of Registration, 005516WWY, issued to Wild West Wholesale, and it hereby is, revoked. I further order that Wild West Wholesale's pending applications for modification and/or renewal of its registration be, and they hereby are, denied. This order is effective February 28, 2007.

Dated: January 20, 2007.

**Michele M. Leonhart,**

*Deputy Administrator.*

[FR Doc. E7-1316 Filed 1-26-07; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

[OMB Number 1110-0022]

#### Electronic Surveillance Technology Section; Agency Information Collection Activities: Current Collection; Comment Requested

**ACTION:** 30-Day Notice of Information Collection Under Review of a Currently Approved Collection for which to due to Expire; Cost Recovery Regulations, Communications Assistance for Law Enforcement Act of 1994.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI) will be submitting the following information collection request 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. This proposed information collection was previously published in the **Federal Register** Volume 71, Number 229, pages 69146-69147 on November 29, 2006, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional "thirty days" for public comment until February 28, 2007. This process is conducted in accordance with 5 CFR 1320.10.

contains no evidence to support a finding that Respondent does not maintain effective controls because it was aware of diversion occurring at the retail level and failed to act.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Porter Dunn, Federal Bureau of Investigation, U.S. Department of Justice, ESTS, 14800 Conference Center Drive, Suite 200, Chantilly, Virginia 20151.

Written comments and/or 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:* Approval, without change, of a currently approved collection for which approval is due to expire.

(2) *Title of the Form/Collection:* Cost Recovery Regulations, 28 CFR 100.9 *et seq.*

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. Federal Bureau of Investigation, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. The Cost Recovery Regulations have been adopted to assist the telecommunications industry in any submission of claims pursuant to Section 109(a) and (e) of the Communications Assistance for Law Enforcement Act, codified at 47 U.S.C. 1001-1010 (1994).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The average time burden of the approximately 4 respondents to provide the information requested is approximately 4 hours per response and an estimated 5 responses (per respondent).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to provide the information requested through the Cost Recovery Regulations is therefore approximately 80 hours (4 respondents x 5 responses x 4 hours per response).

*If additional information is required, contact:* Lynn Bryant, Department Clearance Office, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: January 24, 2007.

**Lynn Bryant,**

*Department Clearance Office, PRA, United States Department of Justice.*

[FR Doc. E7-1358 Filed 1-26-07; 8:45 am]

**BILLING CODE 4410-02-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Request for Certification of Compliance—Rural Industrialization Loan and Grant Program

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration is issuing this notice to announce the receipt of a "Certification of Non-Relocation and Market and Capacity Information Report" (Form 4279-2) for the following:

*Applicant/Location:* Dolphins America, LLC/Roanoke Rapids, North Carolina.

*Principal Product:* The loan, guarantee, or grant application is for facility construction and start-up operating budget. The NAICS industry code for this enterprise is 713110 (Amusement Parks—*e.g.*, theme, water).

**DATES:** All interested parties may submit comments in writing no later than February 12, 2007. Copies of adverse comments received will be forwarded to the applicant noted above.

**ADDRESSES:** Address all comments concerning this notice to Anthony D. Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room N-4514, Washington, DC 20210; or e-mail [Dais.Anthony@dol.gov](mailto:Dais.Anthony@dol.gov); or transmit via fax 202-693-3015 (this is not a toll-free number).

**FOR FURTHER INFORMATION CONTACT:** Anthony D. Dais, at telephone number (202) 693-2784 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 188 of the Consolidated Farm and Rural Development Act of 1972, as established under 29 CFR Part 75, authorizes the United States Department of Agriculture (USDA) to make or guarantee loans or grants to finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely, to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant's business operation; or, (b) An increase in the production of goods, materials, services, or facilities in an area where there is not sufficient demand to employ the efficient capacity of existing competitive enterprises unless the financial assistance will not have an adverse impact on existing competitive enterprises in the area. The Employment and Training Administration (ETA) within the Department of Labor is responsible for the review and certification process. Comments should address the two bases for certification and, if possible, provide data to assist in the analysis of these issues.

Signed: at Washington, DC, this 24th day of January, 2007.

**Gay M. Gilbert,**

*Administrator, Office of Workforce Investment, Employment and Training Administration.*

[FR Doc. E7-1350 Filed 1-26-07; 8:45 am]

**BILLING CODE 4510-30-P**

## THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Meetings Of Humanities Panel

**AGENCY:** The National Endowment for the Humanities.

**ACTION:** Notice of meetings.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of Humanities Panels will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

**FOR FURTHER INFORMATION CONTACT:** Heather Gottry, Acting Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506;

telephone (202) 606-8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606-8282.

**SUPPLEMENTARY INFORMATION:** The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* February 1, 2007.

*Time:* 8:30 a.m. to 5 p.m.

*Room:* 315.

*Program:* This meeting will review applications for Collaborative Research in Philosophy, Science and Society, and Religion, submitted to the Division of Research Programs at the November 1, 2006 deadline.

2. *Date:* February 5, 2007.

*Time:* 8:30 a.m. to 5 p.m.

*Room:* 315.

*Program:* This meeting will review applications for Collaborative Research in Archaeology: New World, submitted to the Division of Research Programs at the November 1, 2006 deadline.

3. *Date:* February 6, 2007.

*Time:* 8:30 a.m. to 5:30 p.m.

*Room:* 421.

*Program:* This meeting will review applications for Colleges and Universities, submitted to the Office of Challenge Grants at the November 1, 2006 deadline.

4. *Date:* February 6, 2007.

*Time:* 8:30 a.m. to 5 p.m.

*Room:* Room LJ 113—Library of Congress.

*Program:* This meeting will review applications for Kluge Fellowships, submitted to the Division of Research Programs at the August 15, 2006 deadline.