published pursuant to section 206.3 of the Commission's rules.

Issued: March 22, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–7492 Filed 3–27–96; 8:45 am]

BILLING CODE 7020–02–P

[Inv. No. 337–TA–386]

Notice of Investigation

In the Matter of Certain Global Positioning System Coarse Acquisition Code Receivers and Products Containing Same.

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 21, 1996, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Trimble Navigation, 645 North Mary Avenue, P.O. Box 3642, Sunnyvale, California 94088–3642. Letters supplementing the complaint were filed on March 5 and March 12, 1996. The complaint, as supplemented, alleges violations of section 337 based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain global positioning system coarse acquisition code receivers and products containing same by reason of infringement of claims 1 and 7 of U.S. Letters Patent 4,754,465. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone 202–205–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

FOR FURTHER INFORMATION CONTACT: Kent Stevens, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2579.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10.

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on March 22, 1996, Ordered That—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain global positioning system coarse acquisition code receivers or products containing same by reason of infringement of claims 1 or 7 of U.S. Letters Patent 4,754,465, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Trimble Navigation, 645 North Mary Avenue, P.O. Box 3642, Sunnyvale, California 94088–3642.

(b) The respondent is the following company alleged to be in violation of section 337, and is the party upon which the complaint is to be served: NovAtel Communications Ltd., 1020 64th Avenue N.E., Calgary, Alberta, Canada T3J 1S1.

(c) Kent Stevens, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401–L, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure. 19 C.F.R. § 210.13. Pursuant to sections 201.16(d) and 210.13(a) of the Commission's Rules, 19 C.F.R. §§ 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and notice will not be granted unless good cause therefore is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against the respondent.

Issued: March 25, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–7570 Filed 3–27–96; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 95–7]

Stanley Karpo, D.P.M.; Revocation of Registration

On September 19, 1994, the Deputy Assistant Administrator, Office of Diversion Control, (then titled Director, Office of Diversion Control), Drug Enforcement Administration (DEA), issued an Order to Show Cause to Stanley Karpo, D.P.M., (Respondent) of Norristown, Pennsylvania, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AK5172515, under 21 U.S.C. 824(a), and deny any pending applications for renewal of such registration as a practitioner under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, in relevant part, the Order to Show Cause alleged that the Respondent had been excluded from participation in a program pursuant to 42 U.S.C. 1320a–7(a), as evidenced by, but not limited to, the following:

(a) Between 1986 and 1989, [the Respondent] submitted 219 fraudulent claims for $32,317.00, to Medicare for medical services not provided.

(b) On July 22, 1991, in the Court of Common Pleas for Montgomery County, Pennsylvania, [the Respondent] pled guilty to 23 counts of Medicaid fraud, and two counts of theft by deception. On October 15, 1991, [the Respondent was] sentenced to a period

of incarceration of between 8–23 months; court costs and fines; two years supervised probation; and ordered to pay restitution to the Pennsylvania Department of Public Welfare.

(c) On March 6, 1992, [the Respondent was] notified by the Department of Health and Human Services of [his] eight-year mandatory exclusion from participation in the Medicare program pursuant to 42 U.S.C. 1320a–7(a).

While this matter was pending, the Respondent filed a request for modification of his DEA Certificate of Registration to reflect his change of address from Norristown, Pennsylvania, to Hollywood, Florida. On November 3, 1994, the Deputy Assistant Administrator, Office of Diversion Control, issued another Order to Show Cause to the Respondent at his Hollywood, Florida address, notifying him of an opportunity to show cause as to why DEA should not only revoke his DEA Certificate of Registration as stated in the earlier show cause order, but also to deny his request for modification under 21 U.S.C. 823(f), for the same reasons as stated in the earlier show cause order.

By letter dated November 25, 1994, the Respondent, representing himself, requested a hearing, and following prehearing procedures, a hearing was scheduled before Judge Paul A. Tenney, for October 11, 1995. However, by letter dated October 5, 1995, the Respondent notified Judge Tenney that he had elected not to contest this matter. By order dated October 10, 1995, Judge Tenney determined that the Respondent's letter was a withdrawal of his request for a hearing, and he cancelled the hearing scheduled for October 11. Judge Tenney also recommended that this case ''be disposed of by a decision based upon the investigative record.'' By letter dated October 18, 1995, Judge Tenney transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator agrees with Judge Tenney's determination that the Respondent's letter dated October 5, 1995, was a withdrawal of his request for a hearing. Accordingly, the Deputy Administrator now enters his final order in this matter without a hearing and based on the investigative file and the prehearing matters submitted by the parties pursuant to 21 CFR 1301.54(e) and 1301.57.

The Deputy Administrator finds that the parties have stipulated before Judge Tenney, and nothing filed by the Respondent indicates his intention to withdraw from this stipulation, as follows:

(1) On July 22, 1991, in the Court of Common Pleas for Montgomery County, Pennsylvania, [the] Respondent pled guilty to twenty-three counts of Medicaid fraud and two counts of theft by deception. On October 15, 1991, [the] Respondent was sentenced to a period of incarceration between 8–23 months; court costs and fines; two years supervised probation; and ordered to pay restitution to the Pennsylvania Department of Public Welfare.

(2) On [March 6, 1992, the] Respondent was notified by the Department of Health and Human Services of his eight-year exclusion from participation in the Medicare Program pursuant to 42 U.S.C. [1320]a–7a. This action is currently under appeal.

Although the parties stipulated that the Respondent appealed the Medicare exclusion determination, neither party has submitted any evidence demonstrating that the Medicare exclusion has been revoked or otherwise altered from the original determination.

The investigate file contains a report indicating that during the Medicare fraud investigation, investigators from the Pennsylvania Attorney General's Medicaid Fraud Section interviewed a number of the Respondent's ex-employees, who had related that the Respondent had treated patients while under the influence of drugs. One of the ex-employees stated that she had seen the Respondent take excessive amounts of Valium during office hours. Valium is a brand name for a product containing diazepam, a Schedule IV controlled substance. Another ex-employee related that the Respondent had inhaled cocaine at his office desk. A number of the Respondent's patients also indicated that they believed he was under the influence of some drug when he treated them.

On April 16, 1993, pursuant to a consent agreement between the Respondent and the State's prosecuting attorney, the Commonwealth of Pennsylvania Department of State Bureau of Professional and Occupational Affairs (Bureau) ordered the Respondent's license to practice podiatry suspended for a period of one year. However, this suspension was stayed in favor of a period of active suspension for twenty-one days, and a three-year period of probation, with specified terms and conditions. One of the terms of probation was that the Respondent remain enrolled in, and successfully participate in, ''the Impaired Professional Program for the duration of his probation, unless earlier released from participation by the Impaired Professional Program Consultant.'' In his prehearing statement, the Respondent indicated that he was participating in such a program, which included weekly meetings, random monthly substance abuse laboratory screenings, and psychological evaluations.

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Deputy Administrator may revoke a DEA Certificate of Registration and deny any pending application for such registration, if he determines that the continued registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to contolled substances.

(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 a registration should be revoked or a pending application for registration denied. See Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989).

In addition, 21 U.S.C. 824(a)(5) specifies that a DEA registration may be revoked or suspended if the registrant ''has been excluded * * * from participation in a program pursuant to [42 U.S.C. 1320a–7(a)].'' Here, the record demonstrates that the Respondent has been so excluded. Although the Respondent asserted that this decision was under appeal, nothing was presented reversing or otherwise altering his Medicare program exclusion. The DEA has previously determined that such an exclusion constitutes grounds for revoking a Respondent's DEA Certificate of Registration. See Richard M. Koenig, M.D., Docket No. 94–32, 60 FR 65069 (1995); Joseph A. Zadrozny, M.D., 60 FR 14304 (1995).

Next, as to the public interest issue, factors one and five are relevant in determining whether the Respondent's continued registration would be inconsistent with the public interest. Specifically, as to factor one, ''[t]he recommendation of the appropriate state licensing board,'' in April of 1993, the Bureau, pursuant to a consent agreement, actively suspended the Respondent's license to practice podiatry for twenty-one days and placed

it on probation for three years. The Bureau ordered the Respondent to participate in an Impaired Professional Program for the duration of his probation. Although the facts concerning the Respondent's alleged acts of substance abuse are not adequately developed for specific findings based upon the record before the Deputy Administrator, it is significant that the Bureau, after reviewing the investigative record before it, ordered the Respondent to participate in an Impaired Professional Program for the duration of the Respondent's three-year probation.

Further, as to factor five, ''[s]uch other conduct which may threaten the public health or safety,'' the Respondent's conduct of submitting false invoices placed into question his trustworthiness and credibility. Such lack of trustworthiness causes concern as to the Respondent's future conduct if entrusted with protecting the public interest in administering controlled substances.

Except for the Respondent's general statement in his prehearing submission that he continues to participate in the Impaired Professional Program, the Respondent has not submitted any other information of his rehabilitative efforts. Given the egregious nature of the Respondent's conduct in intentionally filing false documents with the State and his resulting exclusion from the Medicare Program, the Deputy Administrator finds that the public interest is best served by revoking the Respondent's DEA Certificate of Registration and denying any pending registration application at the present time. *See Sokoloff* v. *Saxbe,* 501 F.2d 571, 576 (2d Cir. 1974) (stating that ''permanent revocation'' of a DEA Certificate of Registration may be ''unduly harsh'').

Accordingly, the 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 AK5172515, issued to Stanley Karpo, D.P.M., be, and it hereby is, revoked, and any pending application, or request for modification of this registration, submitted by the Respondent is denied. This order is effective April 29, 1996.

Dated March 22, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–7498 Filed 3–27–96; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 95–2]

John Porter Richards, D.O.; Grant of Application

On October 4, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to John Porter Richards, D.O., (Respondent) of Elkview, West Virginia, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged that:

(1) In 1984, the Virginia State Police conducted a raid on a sailing vessel docked in Lancaster County, Virginia, and seized six tons of marijuana, a Schedule I controlled substance. The Respondent was subsequently indicted for conspiracy to distribute, and with distribution of marijuana, with respect to this seizure.

(2) On or about July 18, 1985, in the Circuit Court for Lancaster County, Virginia, the Respondent was convicted of conspiracy to distribute marijuana and possession with intent to distribute more than five pounds of marijuana, both felony offenses related to controlled substances. Upon conviction, the Respondent was sentenced to 30 years imprisonment, 20 years of which were suspended.

(3) As a result of the criminal conviction, the Ohio State Board of Medicine revoked the Respondent's license to practice osteopathic medicine in the state, on or about April 9 1986.

On October 21, 1994, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Arlington, Virginia, on February 16, 1995, before Administrative Law Judge Mary Ellen Bittner. At the hearing, both parties called witnesses to testify and introduced documentary evidence, and after the hearing, counsel for both sides submitted proposed findings of fact, conclusions of law and argument. On September 6, 1995, Judge Bittner issued her Opinion and Recommended Ruling, recommending that the Respondent's application for registration be granted. Neither party filed exceptions to her decision, and on October 6, 1995, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that, on May 23, 1993, the Respondent completed an application for a DEA Certificate of Registration as a practitioner to handle controlled substances. On the application, the Respondent disclosed that in 1985 he had received a felony conviction related to marijuana, that in 1986, his medical license in the State of Ohio had been revoked due to that conviction, and that his prior DEA registration had had no action taken against it. The Respondent testified before Judge Bittner that he had let his prior DEA registration expire.

A DEA inquiry disclosed that on July 18, 1985, the Respondent was convicted, after a jury trial, of one count of possession with intent to distribute approximately 12,000 pounds of marijuana, and one count of conspiracy to distribute the same quantity of marijuana. The Respondent was sentenced to (1) thirty years confinement, with twenty years suspended; (20 supervised probation for three years after his release from confinement; and (3) payment of a $5,000.00 fine. Further, by order dated April 16, 1986, the State Medical Board of Ohio revoked the Respondent's license to practice osteopathic medicine and surgery in that state as a result of this felony conviction.

On April 15, 1988, the State of West Virginia Board of Osteopathy (Board) granted the Respondent a probationary license, with stipulations to include serving a five-year period of probation and a required reporting provision. By letter dated March 19, 1993, the Board removed the restrictions from the Respondent's license to practice and issued him an unrestricted license, effective April 15, 1993. Further, the Respondent submitted a letter from the Board dated December 12, 1994, recommending that the Respondent be granted a DEA Certificate of Registration.

The Respondent testified before Judge Bittner, stating that he had graduated from the Philadelphia College of Osteopathic Medicine, is a diplomat of the National Board of Examiners, and is Board certified in family practice. He stated that he maintains a solo practice in Elkview, West Virginia, a rural community approximately fifteen miles