United Kingdom, to favor MCI at the expense of other United States international carriers in the market or markets for international telecommunications services between the United States and the United Kingdom. The complaint also alleged that the formation of a joint venture between BT and MCI to provide seamless global network services to multinational corporations created an incentive for BT to use its dominance in the UK to favor the joint venture at the expense of other global network service providers in the provision of the UK segment essential to any seamless global network.

The Final Judgment, filed contemporaneously with the complaint and entered by the Court on September 29, 1994 after a Tunney Act review, contained three categories of provisions designed to remedy the anticompetitive effects of the partial acquisition: (1) transparency or reporting provisions; (2) confidentiality provisions; and (3) a provision relating to International Simple Resale (''ISR''). These provisions were specifically designed to diminish the risk that BT would successfully act on its incentive to use its market power to discriminate in favor of MCI or the joint venture. After the Final Judgment was entered, BT and MCI consummated BT's 20% acquisition and formed the joint venture known as Concert Communications Company.

In November 1996, BT and MCI entered into a Merger Agreement and Plan of Merger pursuant to which BT agreed to acquire the remaining 80% of MCI. The new parent company was to be renamed Concert plc. Although the Department had thoroughly analyzed all of the competitive consequences associated with BT's initial 20% acquisition of MCI, the Department undertook an evaluation of the changes in market conditions since 1994 in order to determine whether a modification of the existing decree was appropriate under the circumstances.

As a result of its new analysis, the Department concluded that BT's incentives and ability to discriminate against MCI's and Concert's competitors still existed. Consequently, the Department recommended that the provisions of the Final Judgment aimed at deterring and detecting discrimination be retained and, in some circumstances, strengthened. In addition, the Department determined that certain modifications to the confidentiality provisions were necessary in order to ensure that the proposed full integration of BT and MCI would not impair the effectiveness of the protection afforded by the Final Judgment. On September 16, 1997, after fully considering the comments received and the United States' response to those comments, the Court entered the Modified Final Judgment proposed by the parties.

Thereafter, on November 9, 1997, MCI and BT terminated their merger agreement and BT agreed to acquire MCI's 24.9% interest in the Concert joint venture. Contemporaneously therewith, MCI entered into a new merger agreement with WorldCom, Inc. (''WorldCom''), and WorldCom agreed to acquire BT's 20% interest in MCI. On September 15, 1998, the foregoing transactions were consummated. Currently, BT has no equity interest in MCI or MCI WorldCom. Conversely, neither MCI WorldCom nor MCI has any equity interest in the Concert joint venture.

The Department, MCI WorldCom and BT have filed memoranda with the Court setting forth the reasons why they believe that termination of the Modified Final Judgment would serve the public interest. Copies of MCI WorldCom's and BT's motion to terminate, the stipulation containing the Department's consent, the supporting memoranda, and all additional papers filed with the Court in connection with this motion will be available for inspection at the Antitrust Documents Group of the Antitrust Division, U.S. Department of Justice, Room 215, North Liberty Place Building, 325 7th Street, N.W., Washington, D.C. 20004, and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the duplicating fee determined by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the Judgment to the Department. Such comments must be received by the Antitrust Division within sixty (60) days and will be filed with the Court by the Department. Comments should be addressed to Donald J. Russell, Chief, Telecommunications Task Force, Antitrust Division, U.S. Department of Justice, 1401 H Street, N.W., Suite 8000, Washington, D.C. 20005, telephone (202) 514–6381.

Constance K. Robinson,

Director of Operations & Merger Enforcement, Antitrust Division.

[FR Doc. 99–610 Filed 1–11–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 98–29]

Bill Lloyd Drug; Revocation of Registration

On April 17, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Bill Lloyd Drug (Respondent) of Graham, Texas, notifying it of an opportunity to show cause as to why DEA should not revoke its DEA Certificate of Registration AB2243246, and deny any pending applications for renewal of such registration as a retail pharmacy pursuant to 21 U.S.C. 824(a)(4) and 823(f) for reason that its continued registration would be inconsistent with the public interest.

By letter dated May 15, 1998, Respondent filed a request for a hearing and the matter was docketed before Administrative Law Judge Gail A. Randall. On May 21, 1998, Judge Randall issued an Order for Prehearing Statements, and on June 10, 1998, the Government filed its prehearing statement. Respondent was given until July 2, 1998, to file its prehearing statement. In her Order for Prehearing Statements, the Administrative Law Judge cautioned Respondent ''that failure to file timely a prehearing statement as directed above may be considered a waiver of hearing and an implied withdrawal of a request for hearing.'' On July 8, 1998, Judge Randall issued an Order indicating that she had not yet received a prehearing statement from Respondent; advising Respondent that failure to file a prehearing statement will be deemed a waiver of its right to a hearing; and giving Respondent until July 22, 1998, to file such a statement along with a motion for late acceptance.

On July 27, 1998, the Administrative Law Judge issued an Order Terminating Proceedings, finding that Respondent had failed to file a prehearing statement, and therefore, concluding that Respondent waived its right to a hearing. Judge Randall noted that the record would be transmitted to the then-Acting Deputy Administrator for entry of a final order based upon the investigative file. Therefore, the Deputy Administrator, finding that Respondent has waived its right to a hearing, hereby enters his final order without a hearing and based upon the investigative file pursuant to 21 CFR 1301.43(e) and 1301.46.

The Deputy Administrator finds that DEA initiated an investigation of Respondent following receipt of information that individuals were getting controlled substances from Respondent without presenting a prescription from a physician. DEA investigators went to Respondent on August 14, 1996, to conduct an accountability audit of selected Schedule III and IV controlled substances for the period March 5, 1995 to August 14, 1996. The audit revealed shortages of 4,791 dosage units and overages of 4,216 dosage units. While reviewing Respondent's prescription records, the investigators noticed that a number of the prescriptions were visibly altered, that many prescriptions were duplicated, and that there were prescriptions that had been filled with no date, no DEA number or an incorrect DEA number.

In November 1996, investigators obtained statements from three physicians whose names appeared on prescriptions found at Respondent. Each of the physicians reviewed a list of the prescriptions attributed to them and determined that they had not authorized the prescriptions.

Also, in November 1996, investigators obtained statements from three individuals regarding the dispensing practices at Respondent. One individual stated that she had not received any of the hydrocodone or Vicodin that was indicated on prescriptions bearing her name as the patient. Another individual stated that she had been going to Respondent for 15 years and at one point she did not have a refill on a cough suppressant. Bill Lloyd, Respondent's owner and pharmacist, told her that he would refill the prescription and that she could bring him a prescription later to cover the dispensation. Bill Lloyd would sell her controlled substances without a prescription for $10.00 an ounce for cough syrup and for $1.00 a pill for other controlled substances. According to the individual, Bill Lloyd would tell her to bring in a prescription of any kind because he could ''fix it.'' the individual reviewed the prescriptions attributed to her and stated that there was no way that she could have used all of the prescriptions listed. At most she would receive 50 pills at a time given the large amount of money Bill Lloyd charged her. Finally, the second individual's husband told investigators that he suspected that Bill Lloyd was giving codeine type drugs to his wife without a prescription. He stated that he confronted Bill Lloyd at least two times but that Bill Lloyd ''made light of my threats to turn him in to [the] authorities, laughed at me, and said (or implied) that it would cause my wife much more trouble than it would cause him.''

A cooperating individual went to Respondent pharmacy on November 13, 20, and 26, 1996, to attempt to purchase controlled substances without a physician's prescription. During each visit, the cooperating individual was monitored by law enforcement personnel. One each occasion, the individual obtained 40 hydrocodone 5 mg. tablets from Respondent pharmacy in an unlabeled bottle without presenting a prescription. On December 5, 1996, the cooperating individual attempted to introduce an undercover officer to obtain controlled substances without a physician's authorization, but Bill Lloyd refused to sell hydrocodone on this occasion without a prescription.

On December 17, 1996, investigators obtained statements from three other individuals regarding the illegal sale of controlled substances by Bill Lloyd. These individuals indicated that Bill Lloyd would sell them whatever controlled substance they wanted. He would charge between $1.00 and $3.00 per pill or he would trade controlled substances for things of value such as tools, rings or razors. One individual indicated that the drug bottles that he obtained from Respondent never had a label on them.

Pursuant to 21 U.S.C. 824(a)(4) and 823(f), the Deputy Administrator may revoke a DEA Certificate of Registration and deny any 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 controlled 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 an application for registration denied. See Henry J. Schwarz, Jr., M.D., 54 FR 16,422 (1989).

Regarding factor one, there is no evidence in the record that the State of Texas has taken any action against Respondent's pharmacy permit or the pharmacist permit of Bill Lloyd. As to factor three, there is also no evidence that Respondent pharmacy or Bill Lloyd have been convicted of any controlled substance related offense.

However, there is more than ample evidence in the record regarding factors two and four, Respondent's experience in dispensing controlled substances and its compliance with applicable controlled substance laws. The shortages and overages revealed by the accountability audit show that Respondent does not keep complete and accurate records of its controlled substance handling as required by 21 U.S.C. 827 and 21 CFR 1304.21. Respondent dispensed controlled substances pursuant to prescriptions that were visibly altered and that did not contain the required information in violation of 21 CFR 1306.04 and 1306.05. Finally, Respondents dispensing of controlled substances without a physician's authorization violates 21 U.S.C. 841 and 21 CFR 1306.04

There does not appear to be any evidence in the record regarding other conduct by Respondent that would threaten the public health and safety under factor five.

But the Deputy Administrator is extremely troubled by Respondent's dispensing practices. The evidence in the record indicates that Respondent pharmacy and Bill Lloyd, its owner and pharmacist, were actively involved in the diversion of controlled substances into the illicit market. Such behavior by DEA registrant cannot be tolerated. Respondent has not offered any evidence in mitigation. Therefore, the Deputy Administrator concludes that Respondent's continued registration would be inconsistent with the public interest.

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 AB2243246, previously issued to Bill Lloyd Drug, be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective February 11, 1999.

Dated: January 5, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99–557 Filed 1–11–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Emergency Review; Comment Request

January 6, 1999.

The Department of Labor has submitted the following information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (P.L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by January 19, 1999. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Departmental Clearance Officer, Todd R. Owen (202) 219–5096 x143.

Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for Employment and Training, Office of Management and Budget, Room 10235, Washington, D.C. 20503 (202) 395–7316.

The Office of Management and Budget 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.

Agency: Employment and Training Administration.

Title: Welfare-to-Work Competitive Grants: Solicitation for Grant Applications.

OMB Number: 1205–Onew.

Frequency: Annually.

Affected Public: Public and private entities.

Number of Respondents: 1,000.

Estimated Time Per Respondent: 20 hours.

Total Burden Hours: 20,000.

Total Burden Cost (capital/startup): $800,000.

Total Burden Cost (operating/maintaining): 0.

Description: The Balanced Budget Act of 1997, signed by the President on August 5, 1997, authorized the Department of Labor to provide Welfare-to-Work (WtW) grants to States and local communities to provide transitional employment assistance to move Temporary Assistance for Needy Families (TANF) recipients with significant employment barriers into unsubsidized jobs providing long-term employment opportunities. Under the WtW grants program, 25% of funds will be provided through competitive grants to political subdivisions, PICs (Private Industry Councils), and private entities. In order to receive competitive grant funds, the statue provides that a private entity must submit an application in conjunction with the applicable PICs or political subdivisions and in consultation with the State.

Todd R. Owen,

Department Clearance Officer.

[FR Doc. 99–629 Filed 1–11–99, 8:45am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Notice of Open Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

SUMMARY: Notice is hereby given that the Advisory Committee on Construction Safety and Health (ACCSH) will meet January 28 and 29, 1999, at the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW, Washington, DC This meeting is open to the public.

DATES: ACCSH will meet from 9 a.m. to 4:30 p.m. on Thursday, January 28 and from 9:00 a.m. 12:00 p.m. Friday, January 29 in rooms N–3437 A, B and C.

SUPPLEMENTARY INFORMATION: For further information contact Theresa Berry, Office of Public Affairs, Room N–3647, telephone (202) 693–1999 at the Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC, 20210.

An official record of the meeting will be available for public inspection at the OSHA Docket Office, Room N–2625, telephone 202–693–2350. All ACCSH meetings and those of its work groups are open to the public. Individuals with disabilities requiring reasonable accommodations should contact Theresa Berry no later than January 21, 1999, at the above address.

ACCSH was established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The agenda items include:

- ACCSH Work Group Updates, to include such subjects as: Sanitation, Data Collection/Enforcement, Musculoskeletal Disorders, Safety and Health Management Standard, Training, Fall Protection, Silica, and Multi-Employer Citation Policy.
- Construction Standards and Policy Updates to include the Proposed Standard on Subpart R ''Steel Erection,'' Tower Erection, and Powered Industrial Truck Training.
- Special Presentations will include topics such as: Cold Stress, Highway Workzone Safety, and Small Business Outreach.

The following ACCSH Work Groups are scheduled to meet in the Frances Perkins Building:

- Safety and Health Management Standard and Training—1 p.m. to 4:30 p.m. January 26 in room N–5437 B.
- Sanitation—9 am—12 p.m January 26 in room N–5437 A.
- Data Collection—9 a.m. to 12 p.m. January 27 in room C–5515 1A.
- Musculoskeletal Disorders—9 a.m. to 4 p.m. January 27 in room N–4437 A.
- Fall Protection—8:30 a.m. to 4 p.m. January 27 in room N–5437 A

Multi-Employer Citation Policy—1 p.m. to 4 p.m. in room January 27 S–3215 A&B.

Other workgroups may meet before the ACCSH meeting or after adjournment of the meeting on January 29, 1999.

For additional information on work groups contact Jim Boom, Office of Construction Services, Room N–3603, Telephone (202) 693–2020, at the Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210.

Interested persons may submit written data, views or comments, preferably with 20 copies, to Theresa Berry, at the address above. Those submissions received prior to the meeting will be provided to ACCSH and will be included in the record of the meeting.