registration when a registrant 'has committed such acts as would render [his] registration . . . inconsistent with the public interest,' *id.* § 824(a)(4), and [which] specifically directs the Attorney General to consider ['such other conduct which may threaten public health and safety,' *id.* § 823(f)].'' 74 FR at 10094 (quoting *Southwood,* 72 FR at 36504).[32]

I conclude that Respondent has not accepted responsibility for his misconduct. Notably, at the hearing, Respondent continued to maintain that he had lawfully prescribed to TFOs Lawson and Vickery. Indeed, with respect to the latter, Respondent claimed that even his prescribing at the fourth visit was legitimate because ''he [Vickery] still had pain.'' Tr. 373. So too, with respect to the patients whose charts were reviewed by Dr. Hurd, Respondent failed to acknowledge that the prescriptions were unlawful. Moreover, when asked why he did not obtain prior records, Respondent explained that ''I didn't do it, because it was the understanding that Mark [Del Percio] was going to take care of those things.'' *Id.* at 345. Respondent's failure to acknowledge his misconduct is reason alone to find that he has not produced sufficient evidence to refute the Government's showing that his registration is inconsistent with the public interest.

Even had Respondent made a sufficient showing that he accepts responsibility for his misconduct, he has failed to produce sufficient evidence of remedial measures to refute the Government's *prima facie* case. Indeed, the only evidence Respondent offered regarding remedial measures was his assertion that he would take a course (on two Saturday mornings) to become ''board certified in pain management.'' Tr. 354. However, Respondent conceded that he ''never got around to'' doing it. *Id.* at 355–56.[33]

Moreover, I conclude that revocation of Respondent's registration is warranted given the egregious nature of Respondent's misconduct and the need to deter other registrants from using their registrations to distribute controlled substances to those persons who seek the drugs to either personally abuse them or sell them to others. Here, the evidence shows that Respondent knowingly diverted controlled substances by issuing prescriptions outside of the usual course of professional practice and which lacked a legitimate medical purpose to numerous persons. *See David A. Ruben,* 78 FR 38363 (2013). Moreover, there is substantial evidence that Respondent prescribed controlled substances to multiple persons who obtained them for redistribution to others.

Such conduct strikes at the CSA's core purpose of preventing the abuse and diversion of controlled substances. *See Jack A. Danton,* 76 FR 60900, 60903 (2011); *George Mathew,* 75 FR 66138 (2010). Indeed, this Agency has revoked a practitioner's registration upon proof of as few as two acts of intentional diversion and has further explained that proof of a single act of intentional diversion is sufficient to support the revocation of a registration. *See MacKay,* 75 FR at 49977 (citing *Krishna-Iyer,* 74 FR at 463 (citing *Alan H. Olefsky,* 57 FR 928, 928–29 (1992))).

While Respondent's misconduct would be egregious if it had been confined to Officer Vickery, it was not. As found above, the Government's Expert provided credible evidence that Respondent diverted controlled substances to at least six patients, over the course of a year or more. And even after Respondent became aware of the State Board's newsletter which listed various red flags associated with pills mills that were also present at Liberty, he continued to write unlawful prescriptions to these patients until the clinic was shut down.

I therefore conclude that the public interest necessitates that Respondent's registration be revoked and that any pending application be denied. Given the egregiousness of his misconduct, I further conclude that the public interest requires that this Order be effective immediately.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a)(4) and 823(f), as well as 28 CFR 0.100(b) and 0.104, I order that DEA Certificate of Registration BM0288983, issued to Samuel Mintlow, M.D., be, and it hereby is, revoked. I further order that any application of Samuel Mintlow, M.D., to renew or modify the above registration, be, and it hereby is, denied. This Order is effective immediately.

Dated: December 30, 2014.

Thomas M. Harrigan,

Deputy Administrator.

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BILLING CODE 4410–09–P

[32] Unlike factors two (''[t]he applicant's experience in dispensing'') and three (''[t]he applicant's conviction record''), neither factor four (''Compliance with applicable laws related to controlled substances'') nor factor five (''Such other conduct which may threaten public health and safety'') contain the limiting words of ''[t]he applicant.'' As the Supreme Court has held, ''[w]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.'' *Russello* v. *United States,* 464 U.S. 16, 23 (1983). Thus, the text of factors four and five suggest that these factors are not limited to assessing the applicant's compliance with applicable laws and whether he has engaged in ''such other conduct,'' but rather authorize the Agency to also consider the effect of a sanction on inducing compliance with federal law by other practitioners.

[33] In his Exceptions, Respondent lists some twenty-three things that he promises to do in the future, which he hopes ''will eliminate many loopholes and help with the problem of drug diversion.'' Exceptions, at 2. These include, *inter alia,* that he ''will familiarize [him]self with all of Georgia's rules, statute, law and regulations and follow them,'' he ''will follow the . . . Georgia medical board pain management guidelines,'' ''stay up-to-date with changes implemented by the Georgia medical board,'' ''follow the board['s advice from medical newsletters . . . regarding red flags and pill mills,'' ''investigate [the] patient's past history and past drug history,'' ''perform additional physical exam techniques to help with the diagnosis,'' '' pay close attention to urine drug test and perform the test myself,'' ''correlate physical exam with radiological findings,'' ''avoid seeing patients who travel long distance,'' discharge any patient ''offering any kind of bribe,'' and ''verify all past medical records'' including patient's MRIs. *Id.*

Respondent's list of promises is not evidence in the case, and thus, I give it no weight. In any event, even if he had testified as to these promises and been found credible, because he has failed to acknowledge his misconduct, I would still hold that he has not refuted the conclusion that his registration is inconsistent with the public interest.

DEPARTMENT OF LABOR

Comment Request for Information Collection for Tax Performance System, Extension Without Revision

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The U.S. Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance 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.

Grants of funds that are made to states for administration of their employment security laws include funds for the establishment of a Quality Control Unit in each state in order for states to assess the quality of their unemployment insurance tax programs. States perform the assessment annually in accordance

with instructions issued by the Department. The assessment and instructions are referred to as the Tax Performance System (TPS). Currently, the ETA is soliciting comments concerning the collection of data pertaining to the TPS.

DATES: Submit written comments to the office listed in the address section below on or before March 24, 2015.

ADDRESSES: Send comments to Joseph Toth, Office of Unemployment Insurance, Employment and Training Administration, U.S. Department of Labor, Room S–4522, 200 Constitution Ave. NW., Washington, DC, 20210. Telephone number 202–693–3894 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Email: *toth.joseph@dol.gov.* To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

SUPPLEMENTARY INFORMATION:

I. Background

Since 1987, states have been required by regulation at 20 CFR part 602 to operate a program to assess their Unemployment Insurance (UI) tax and benefit programs. TPS is designed to assess the major internal UI tax functions by utilizing several methodologies: Computed Measures, which are indicators of timeliness and completeness based on data automatically generated via the existing ETA 581, Contribution Operations Report (Office of Management and Budget (OMB) approval number 1205–0178, expiring 02/28/2015, and currently under review for extension at OMB); and Program Reviews, which assess accuracy through a two-fold examination. This examination involves: (a) ''Systems Reviews'' which examine tax systems for the existence of internal controls; and (b) extraction of small samples of those systems' transactions which are then examined to verify the effectiveness of controls.

II. Review Focus

The Department 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 submission of responses.

III. Current Actions

Type of Review: Extension without change.

Title: Tax Performance System.

OMB Number: 1205–0332.

Affected Public: State Workforce Agencies.

Estimated Total Annual Respondents: 52.

Estimated Total Annual Responses:: 1739 hours.

Estimated Total Annual Burden Hours: 90,428.

Total Estimated Annual Other Cost Burden: $4,543,637.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2015–01137 Filed 1–22–15; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 2, 2015.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 2, 2015.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 8th day of January 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[33 TAA Petitions instituted between 12/15/14 and 1/2/15]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85719	Mastercraft Specialties (Workers)	Red Lion, PA	12/15/14	12/15/14
85720	Xerox Commercial Solutions, LLC (State/One-Stop)	Kennett, MO	12/15/14	12/12/14
85721	IBM—International Business Machine (State/One-Stop)	San Antonio, TX	12/15/14	12/12/14
85722	Triumph Aerostructures, Vought Aircraft Division (State/One-Stop).	Red Oak, TX	12/15/14	12/12/14
85723	Covidien (Company)	Costa Mesa, CA	12/16/14	12/15/14
85724	Fiberoptic Lighting Inc. (State/One-Stop)	Grants Pass, OR	12/16/14	12/15/14