

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 333 Broadway Boulevard SE, Albuquerque, NM 87102, telephone (505) 842-3238, before February 22, 2008. Repatriation of the human remains and associated funerary objects to the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico may proceed after that date if no additional claimants come forward.

The U.S. Department of Agriculture, Forest Service, Gila National Forest is responsible for notifying Hopi Tribe of Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: November 26, 2007

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. E8-1112 Filed 1-22-08; 8:45 am]

BILLING CODE 4312-50-S

## INTERNATIONAL TRADE COMMISSION

### Agency Form Submitted for OMB Review

**AGENCY:** United States International Trade Commission.

**ACTION:** In accordance with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Commission has submitted a request for emergency processing for review and clearance of questionnaires to the Office of Management and Budget (OMB). The Commission has requested OMB approval of this submission by COB February 19, 2008.

**DATES:** *Effective Date:* January 17, 2008.

**Purpose of Information Collection:** The forms are for use by the Commission in connection with Inv. Nos. AGOA-002, *Denim Fabric: Use in AGOA Countries During Fiscal Year 2007*, and AGOA-003, *Denim Fabric: Commercial Availability in AGOA Countries During Fiscal Year 2009*, instituted under section 112(c) of the African Growth and Opportunity Act, as amended (19 U.S.C. 3721(c)). The Commission expects to deliver its reports to the President and the U.S. Trade Representative by July 1, 2008 (Inv. No. AGOA-002) and August 1, 2008 (Inv. No. AGOA-003), respectively.

### Summary of Proposal

- (1) *Number of forms submitted:* Two.
- (2) *Title of forms:* U.S. Importers' Questionnaire: Apparel Made from Subject Denim from Beneficiary Sub-Saharan African Countries; and Apparel Manufacturers' Questionnaire-Purchases of Certain Denim from Beneficiary Sub-Saharan African Countries.
- (3) *Type of request:* New.
- (4) *Frequency of use:* Single data gathering scheduled for 2008.
- (5) *Description of respondents:* U.S. importers of apparel from lesser-developed beneficiary sub-Saharan African using certain denim, and certain denim apparel manufacturers located in lesser developed beneficiary sub-Saharan African countries.
- (6) *Estimated number of respondents:* 83 (Importers' questionnaires)  
45 (Apparel manufacturers' questionnaires).
- (7) *Estimated total number of hours for all respondents combined to complete the forms:* 422 hours.
- (8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

**Additional Information Or Comment:** Copies of the forms and supporting documents may be obtained from the Commission's Web site at [http://www.usitc.gov/ind\\_econ\\_ana/research\\_ana/Ongoing\\_Inv/index.htm](http://www.usitc.gov/ind_econ_ana/research_ana/Ongoing_Inv/index.htm) or for Inv. No. AGOA-002 from Justino De La Cruz, Co-Project Leader (202-205-3252, [Justino.Delacruz@usitc.gov](mailto:Justino.Delacruz@usitc.gov)) of the Office of Economics or Dawn Heuschel, Co-Project Leader (202-205-2577, [Dawn.Heuschel@usitc.gov](mailto:Dawn.Heuschel@usitc.gov)) of the Office of Industries; for Inv. No. AGOA-003 from Kimberlie Freund, Project Leader (202-708-5402, [Kimberlie.Freund@usitc.gov](mailto:Kimberlie.Freund@usitc.gov)) or Andrea Boron, Deputy Project Leader (202-205-3433, [Andrea.Boron@usitc.gov](mailto:Andrea.Boron@usitc.gov)) of the Office of Industries. Comments about

the proposals should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Room 10102 (Docket Library), Washington, DC 20503, ATTENTION: Docket Librarian. All comments should be specific, indicating which part of the questionnaire is objectionable, describing the concern in detail, and including specific suggested revisions or language changes. Copies of any comments should be provided to Robert Rogowsky, Director, Office of Operations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, who is the Commission's designated Senior Official under the Paperwork Reduction Act.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Secretary at 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TTD terminal (telephone no. 202-205-1810). General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

Issued: January 17, 2008.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-1138 Filed 1-22-08; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 03-21]

### Medicine Shoppe-Jonesborough; Denial of Motion for Stay

On December 13, 2007, I, the Deputy Administrator of the Drug Enforcement Administration, having concluded that the continued registration of the Medicine Shoppe-Jonesborough (Respondent) as a retail pharmacy "is inconsistent with the public interest," 21 U.S.C. 823(f), ordered that its registration be revoked effective February 1, 2008. 73 FR 363, 388 (2008). Thereafter, on December 28, 2007, Respondent, through its counsel, moved to stay the decision and order to allow it to "appeal the decision to the United States Court of Appeals." Motion for Stay at 1.

As grounds for the stay, Respondent contends that it "and its owner will suffer irreparable harm by the denial of a stay pending the conclusion of the appeal" because "[t]he store will have to be closed or liquidated and the source

of the family's income will be gone." *Id.* Respondent further contends that granting the stay will not cause irreparable harm to the public because the "matter has been pending now for almost five years." *Id.* Relatedly, Respondent argues that "[t]here has been no allegation of any wrongdoing during that period." *Id.*

Respondent further contends that it has "a substantial likelihood of success" on the merits of its appeal. *Id.* In this regard, Respondent relies on the Administrative Law Judge's Recommended Decision, which concluded that its continued registration would be consistent with the public interest. Respondent thus argues that the ALJ's "findings of fact certainly indicate that reasonable people can disagree strongly as to whether the respondent was operating in violation of the public interest." *Id.* at 1–2.

In determining whether a stay should be granted, DEA applies the traditional four-factor test used by the courts. The factors are: (1) Whether the movant has demonstrated a substantial likelihood of success on the merits; (2) whether the movant will be irreparably injured absent a stay; (3) whether issuance of a stay will substantially injure the other interested parties; and (4) where the public interest lies. *See, e.g., ACLU v. NSA*, 467 F.3d 590 (6th Cir. 2006); *Pearce v. DEA*, 836 F.2d 1028, 1029 (6th Cir. 1988). Moreover, as the Sixth Circuit recently explained, "[m]ore than a possibility of success must be shown, and even if a movant demonstrates irreparable harm that decidedly outweighs any potential harm to the nonmoving party if a stay is granted, he is still required to show, at a minimum, 'serious questions going to the merits.'" *ACLU v. NSA*, 467 F.3d at 590 (citations omitted in original).

Here, Respondent asserts that it will suffer irreparable harm because the revocation of its registration will result in its closure or liquidation. Motion at 1. Respondent, however, offers no evidence that the loss of its registration has also resulted in the loss of its state pharmacy license, and presumably, Respondent retains authority under state law to dispense non-controlled prescription drugs. Moreover, Respondent can also sell drugs approved for over-the-counter marketing and numerous other non-drug products. Accordingly, while the revocation of its registration may cause it to lose some of its business, Respondent has not established that it will suffer irreparable harm to the extent it alleges.

Furthermore, even assuming that Respondent has established that it will be irreparably harmed, it has not raised

any "serious questions going to the merits." *ACLU v. NSA*, 467 F.3d at 590. While Respondent invokes the factual findings and conclusions of law contained in the ALJ's opinion in support of its contention that it has "a substantial likelihood of success on the merits," it has not demonstrated that a single factual finding of the Agency is unsupported by substantial evidence. *See* 5 U.S.C. 706(2). Nor has it pointed to any specific error in the Agency's legal conclusions. *Id.* Respondent therefore has not established "a serious question going to the merits of his appeal, much less a substantial likelihood of success" on the merits of its petition for review to warrant the issuance of a stay.<sup>1</sup> *Pearce*, 836 F.2d at 1029.

Accordingly, Respondent's motion for a stay of the order of revocation is denied.

Dated: January 10, 2008.

**Michele M. Leonhart,**

*Deputy Administrator.*

[FR Doc. E8–1021 Filed 1–22–08; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Availability of Funds and Solicitation for Grant Applications for High Growth Job Training Initiative Grants for the Energy Industry and Construction and Skilled Trades in the Energy Industry

#### Solicitation for Grant Applications

*Announcement Type:* New. Notice of solicitation for grant applications.

*Funding Opportunity Number:* SGA/DFA PY 07–07.

*Catalog of Federal Domestic Assistance CFDA Number:* 17.268.

*Key Dates:* The closing date for receipt of applications under this announcement is March 25, 2008. Applications must be received at the

<sup>1</sup> Respondent further cites the lengthy time it took to resolve this proceeding to argue that the issuance of a stay will not harm the public. Motion at 1. While it is true that this proceeding took entirely too long to resolve, there were multiple causes of the delay including, but not limited to, the lengthy continuance which Respondent was granted to prepare its defense. Having found—based on the extensive evidence that Respondent filled prescriptions in violation of federal law, could not properly account for its controlled substances, and offered no evidence that it had reformed its practices—that Respondent's "continued registration is inconsistent with the public interest," 73 FR at 388, I further conclude that Respondent has failed to show that the public interest lies with staying the order of revocation.

address below no later than 4 p.m. (Eastern Time). A Webinar for prospective applicants will be held for this grant competition on February 1, 2008. Access information for the Webinar will be posted on the U.S. Department of Labor's (DOL), Employment and Training Administration (ETA) Web site at: <http://www.workforce3one.org>.

*Summary:* Under the President's High Growth Job Training Initiative (HGJTI), DOL/ETA, announces the availability of approximately \$10 million in grant funds for high-impact regional approaches to meet the workforce challenges of the energy industry and/or address the shortage of construction and skilled trade workers needed to maintain and expand the energy industry infrastructure.

The President's HGJTI is a strategic effort to prepare workers for new and increasing job opportunities in high-growth, high-demand, and economically vital industries and sectors of the American economy. Through the initiative, ETA identifies high-growth, high-demand industries, evaluates the skill needs of those industries, and funds local and national partnership-based demonstration projects that: (a) Address industry-specific workforce challenges within the context of regional talent and economic development strategies; and (b) prepare workers for good jobs with career pathways in these rapidly expanding or transforming industries. ETA will broadly disseminate the products, models, and effective approaches that result from HGJTI investments to employers, education and training providers, and the workforce system, building their capacity to respond to employers' workforce needs in high-growth, high-demand industries that are a part of regional economies.

Grant funds awarded under this Solicitation for Grant Applications (SGA) should be used to implement and replicate high-impact, industry-driven training solutions that address identified workforce challenges in the energy industry or in the construction and skilled trade occupations that support the energy industry. Each solution must take place in the context of a regional talent development strategy designed to contribute to a strong regional economy. The solutions must be developed and implemented by a strategic regional partnership, which includes leaders from the workforce investment system, business and industry, and the education and training community, as well as other public and private sector partners that bring critical assets to the joint venture. Proposed