

precludes the same behavior from being considered under multiple factors. DEA has consistently considered the same conduct under more than one factor. See Robert M. Golden, M.D., 61 FR 24,808 (1996); Herman E. Walker, Jr., M.D., 60 FR 52,705 (1995).

Respondent, in its post-hearing filings further argues that DEA's failure to initiate administrative proceedings against Respondent's DEA Certificate of Registration sooner or to immediately suspend Respondent's registration pursuant to 21 U.S.C. 824(d), "is inconsistent with a contention that continued registration would violate the public interest." The Acting Deputy Administrator finds no merit to this argument. First, an immediate suspension of a registration pursuant to 21 U.S.C. 824(d) can only be utilized by DEA when a finding has been made "that there is an imminent danger to the public health or safety." Since a registration is immediately suspended without first providing an opportunity for a hearing, clearly Congress did not intend this tool to be used in every instance where DEA alleges that continued registration would be inconsistent with the public interest. Therefore, the Acting Deputy Administrator rejects Respondent's contention that, "* * * rather than put this case on the fast track, the DEA put it on a slow track which belies any contention about threats to the public interest."

Second, as to DEA's failure to initiate proceedings sooner, the Acting Deputy Administrator finds that while passage of time, alone is not dispositive, it is a consideration in assessing whether Respondent's continued registration is inconsistent with the public interest. See Norman Alpert, M.D., 58 FR 67,420 (1993). However, in Alpert, the then-Acting Administrator found significant, "Respondent's recognition of the serious abuse of his privileges as a DEA registrant, and his sincere regret for his actions." In this case, Mr. Rocco continues to deny that the pharmacy has misused its DEA registration. Therefore, the Acting Deputy Administrator concludes that the fact that DEA did not initiate proceedings sooner is outweighed by Respondent's continued denial of wrongdoing.

Accordingly, the Acting 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 AR8587125, issued to Rocco's Pharmacy, be, and it hereby is, revoked and any pending applications for renewal of such registration, be, and

they hereby are, denied. This order is effective February 20, 1997.

Dated: January 14, 1997.
James S. Milford,
Acting Deputy Administrator.
[FR Doc. 97-1385 Filed 1-17-97; 8:45 am]
BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 97-005]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council.

DATES: February 6, 1997, 9:00 a.m. to 3:00 p.m.; and February 7, 1997, 1:00 p.m. to 3:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room 9H40, 300 E Street, SW, Washington, DC 20546-0001.

FOR FURTHER INFORMATION CONTACT: Ms. Anne L. Accola, Code Z, National Aeronautics and Space Administration, Washington, DC 20546-0001, 202/358-0682.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Update on Activities at NASA
- Top Technology Developments
- National Space Biomedical Research Institute
- Cross-enterprise Coordination of Exobiology
- Launch Vehicle Policy
- NASA Relationship with ASEP
- Technology and Commercialization Advisory Committee Restructuring
- Committee Reports
- Discussion of Findings and Recommendations

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: January 13, 1997.
Leslie M. Nolan,
Advisory Committee Management Officer,
National Aeronautics and Space Administration.
[FR Doc. 97-1282 Filed 1-17-97; 8:45 am]
BILLING CODE 7510-02-M

[Notice 97-004]

NASA Advisory Council, Earth Systems Science and Applications Advisory Committee (ESSAAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Earth Systems Science and Applications Advisory Committee.

DATES: January 29-30, 1997, 8:30 a.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Conference Room 7H46, 300 E Street, S.W., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Robert A. Schiffer, Code YS, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-1876.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The provisional agenda for the meeting is as follows:

- Update of Mission to Planet Earth
- Biennial Review—Role for ESSAAC
- General Discussion
- Progress Towards and EOSDIS Federation
- EOSDIS Cost Analysis
- Summary and General Discussion

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: January 13, 1997.
Leslie M. Nolan,
Advisory Committee Management Officer,
National Aeronautics and Space Administration.
[FR Doc. 97-1281 Filed 1-17-97; 8:45 am]
BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Proposed Generic Communication; Effectiveness of Ultrasonic Testing Systems in Inservice Inspection Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of public comment period.