

conduct would justify revocation of its DEA Certificate of Registration." Judge Randall further concluded that Respondent did not present any mitigating or rehabilitating evidence as it relates to its dispensing practices. Therefore, Judge Randall recommended that Respondent's DEA Certificate of Registration be revoked. Judge Randall further recommended however, that "[s]ubsequently, should the Respondent provide any evidence of proposed procedural changes for the dispensing of controlled substances in a new application for a Certificate of Registration, and should such evidence be persuasive, then I would concur with a favorable decision concerning that subsequent application."

The Acting Deputy Administrator agrees with the Administrative Law Judge that the Government has met its burden of proof and that Respondent's registration should be revoked. However, the Acting Deputy Administrator does not adopt Judge Randall's recommendation that favorable consideration will be given to a new application for registration should Respondent present persuasive evidence of procedural changes regarding the dispensing of controlled substances. A change in procedures, in and of itself, might not justify granting Respondent a new registration, since Mr. Grimes has failed to acknowledge that he and his pharmacy have done anything improper. An unexplained shortage of \$80,000 dosage units and the unauthorized dispensation of over 25,000 dosage units of controlled substances are not merely minor technical violations. The egregious nature of the violations in this matter demonstrate that Respondent has failed miserably in its responsibility as a DEA registrant to protect against the diversion of controlled substances from the legitimate chain of distribution. Respondent is certainly free to apply for a new DEA Certificate of Registration. Any such application will be evaluated in light of all of the relevant circumstances in existence at that time to determine whether to grant the application.

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 AC5430450, issued to City Drug Company, be, and it hereby is, revoked. The Acting Deputy Administrator

further order that any pending applications for renewal of such registration, be, and they hereby are, denied. This order is effective November 13, 1997.

Dated: October 7, 1997.

James S. Milford,

Acting Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By notice dated February 28, 1997, and published in the **Federal Register** on March 28, 1997, (62 FR 14944), Johnson & Johnson Pharmaceutical Partners, HC02 State Road 933, KMO.1 Makey Ward, HC-02 Box 19250, Gurabo, Puerto Rico 00778-9629, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Sufentanil (9740), a basic class of controlled substance listed in Schedule II.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Johnson & Johnson Pharmaceutical to manufacturer sufentanil is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: October 1, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

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DEPARTMENT OF LABOR

Office of the Secretary

Privacy Act of 1974; Publication of a New System of Records; Amendments To Existing Systems of Records

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of a new system of records; amendments to existing systems of records.

SUMMARY: The Privacy Act of 1974 requires that each agency publish notice of all of the systems of records that it maintains. This document adds a new system of records to this Department's current systems of records. With the addition of this new system of records, the Department will be maintaining 145 systems of records. This document also proposes to revise the Routine Uses Category for two of the Department's existing systems of records. The proposed routine uses provide additional protection to the privacy interests of the participants in the surveys which are being conducted by the managers of the relevant systems of records. Finally, various administrative (non-substantive) changes are being made to three of the existing systems of records. Two of the three systems being amended administratively, are the same systems which are the subject of the proposed revised Routine Uses Category.

DATES: Persons wishing to comment on this new system of records and on the proposed new Routine Uses may do so by November 24, 1997.

EFFECTIVE DATE: Unless there is a further notice in the **Federal Register**, the new system of records, and the proposed amendments to the two existing systems, DOL/BLS-13, and DOL/BLS-17, will become effective on December 8, 1997. The remaining amendments, which relate to DOL/OAW-1, DOL/BLS-13 and DOL/BLS-17, are administrative (non-substantive), and therefore, will become effective on October 14, 1997.

ADDRESSES: Written comments may be mailed or delivered to Robert A. Shapiro, Associate Solicitor, Division of Legislation and Legal Counsel, 200 Constitution Avenue, NW., Room N-2428, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Miriam McD. Miller, Counsel for Administrative Law, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, NW, Room N-2428, Washington, DC 20210, telephone (202) 219-8188.