

unauthorized dispensing is hearsay, Respondent offered no contradictory evidence." The Acting Deputy Administrator concurs with Judge Bittner's conclusion that "although it is possible that some of the physicians interviewed by investigators may have been mistaken, it strains credulity past the breaking point to find that all were."

Further, there is evidence in the record that Respondent dispensed controlled substances pursuant to prescriptions that appeared on their face to be forged and/or altered, and therefore not valid. Respondent argues that the Government did not prove that anyone at Respondent forged the prescriptions. The Acting Deputy Administrator finds that Respondent is correct, however the mere fact that Respondent dispensed controlled substances pursuant to clearly forged and/or altered prescriptions is evidence of Respondent's violation of its corresponding responsibility, as set forth in 21 CFR 1306.04, for the proper prescribing and dispensing of controlled substances.

Other violations noted during these inspections were: failure to maintain all its records of receipt, including DEA order forms, as required by 21 CFR 1304.04 and 21 CFR 1305.13; failure to maintain records in a readily retrievable manner as required by 21 CFR 1304.04(h)(2), and as evidenced by its inability to provide its dispensing records during the 1994 inspection; failure to use a DEA order form when transferring Schedule II controlled substances between registrants as required by 21 CFR 1305.03, and as evidence by the "IOU" for Demerol found at the pharmacy during the 1994 inspection.

The Acting Deputy Administrator concurs with Judge Bittner's conclusion that "Respondent has presented no evidence explaining its extraordinary history of noncompliance, nor did Mr. Richman provide any basis for me to conclude that Respondent would be more mindful of and compliant with applicable law and regulations in the future." Of particular concern to the Acting Deputy Administrator is that many of the same violations were discovered during each of the inspections. There is no evidence of any effort on Respondent's part to correct the deficiencies after each inspection. This cavalier attitude towards compliance with the Controlled Substances Act and its implementing regulations is extremely troubling. The Acting Deputy Administrator finds that these factors weigh in favor of a conclusion that Respondents continued

registration would not be in the public interest.

Regarding factor three, there is no evidence that Respondent or Mr. Richman has ever been convicted under state or Federal laws relating to controlled substances. As to factor five, the Acting Deputy Administrator agrees with Judge Bittner and Government counsel that Mr. Richman's "recalcitrant" attitude evidences that he "is either unwilling or unable to accept the responsibility inherent in a DEA registration.

Judge Bittner concluded "that the record as a whole establishes that Respondent's registration with the DEA would be inconsistent with the public interest," and therefore recommended that its registration be revoked. The Acting Deputy Administrator agrees. Respondent's continued failure to abide by the laws and regulations in place to prevent the diversion of controlled substances clearly justifies the revocation of its DEA Certificate of Registration.

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 AS0666757, previously issued to Singers-Andreini Pharmacy, Inc., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective March 2, 1998.

Dated: January 20, 1998.

**Peter F. Gruden,**

*Acting Deputy Administrator.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Recordkeeping/Reporting Requirements Under Emergency Review by the Office of Management and Budget

January 16, 1998.

The Department of Labor has submitted the following (see below) emergency processing public information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). OMB approval has been requested by February 20, 1998. A copy of this ICR,

with supporting documentation, may be obtained by calling the Department of Labor Departmental Clearance Officer, Todd Owen, at (202) 219-5096, Ext. 143.

Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the U.S. Department of Labor, Employment and Training Administration, 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, Labor.

*Title:* Trade Adjustment Assistance and NAFTA Transitional Adjustment Assistance Program Performance Report.

*OMB Number:* 1205-New.

*Frequency:* Quarterly.

*Affected Public:* State government.

*Total Responses:* 50.

*Estimated Time per Respondent:* 80 hours per quarter.

*Estimated Total Burden Hours:* 16,000.

*Total Burden Cost (capital/startup):* \$500,000.

*Total Burden Cost (operating/maintaining):* \$225,000.

*Description:* The Government Performance and Results Act (GPRA) of 1993 requires all federal benefits programs to report on the outcomes achieved for benefit recipients and how those outcomes can be continuously improved. In addition, public and Congressional awareness and concern regarding the effectiveness of assistance provided to U.S. workers displaced by imports has created a demand for more information on those receiving assistance from TAA and NAFTA-TAA.

The data currently collected by TAA does not provide sufficient information to adequately assess TAA program performance and participant outcomes, making it impossible to precisely evaluate program effectiveness. In order to comply with Federal law and respond to other concerns, the Office of Trade Adjustment Assistance (OTAA) is implementing a new system of collecting and reporting performance and outcomes data.

Each quarter, beginning with the quarter ending June 30, 1998, the States will provide the Department with reports on demographic data, benefits provided, and participant outcomes for each participant who has terminated from the TAA or NAFTA-TAA program during the reporting quarter. A conference of Regional and State TAA staff concluded that many States already collect most, if not all, of the proposed data items. Therefore, many State TAA coordinators will only need to access existing data and reformat it for submission to the Department, rather than creating an entirely new data collection and reporting system. States may also take this opportunity to begin to collect additional data items for their own program review and improvement purposes.

Dated: January 27, 1998.

**Todd Owen,**

*Departmental Clearance Officer.*

[FR Doc. 98-2353 Filed 1-29-98; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment Standards Administration; Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination; Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary

of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor,

Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3014, Washington, D.C. 20210.

#### Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

##### *Volume I*

None

##### *Volume II*

None

##### *Volume III*

None

##### *Volume IV*

None

##### *Volume V*

None

##### *Volume VI*

None

##### *Volume VII*

None

#### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487-4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the