DEPARTMENT OF THE INTERIOR

National Park Service, Interior

National Wildlife and Scenic River System: Ohio; Big and Little Darby Creeks

AGENCY: National Park Service, Interior.
ACTION: Notice of correction.

SUMMARY: The **Federal Register** notice dated Tuesday, December 23, 1997, page 67092, was submitted prematurely. This notice is hereby cancelled.

FOR FURTHER INFORMATION CONTACT: Angie Tornes, Rivers, Trails, and Conservation Assistance Program, National Park Service, Midwest Field Office, 310 West Wisconsin Street, Suite 100E, Milwaukee, Wisconsin 53202; or telephone 414–297–3605.

Dated: January 15, 1998.

David N. Given,

Deputy Regional Director, Midwest Region.

[FR Doc. 98–2335 Filed 1–29–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Bay-Delta Advisory Council Meetings

AGENCY: Bureau of Reclamation, Interior.
ACTION: Notice of meetings.

SUMMARY: The Bay-Delta Advisory Council (BDAC) will meet to discuss several issues including: review of the CALFED Programmatic EIR/EIS, a presentation by members of the Southern California business community on their perspective on CALFED, updates on proposals for further analysis of the Program, and updates on the progress of the BDAC Work Groups on Ecosystem Restoration, Water Transfers, Finances, and Assurances. The Ecosystem Roundtable (a subcommittee of the BDAC) will meet to discuss several issues including: additional proposals, designated actions, and focused grants for FY 98 funding, revised planning process, funding coordination, and other issues. These meetings are open to the public. Interested persons may make oral statements to the BDAC or to the Ecosystem Roundtable or may file written statements for consideration.

DATES: The Bay-Delta Advisory Council meeting will be held from 9:30 a.m. to 5:00 p.m. on Thursday, March 19, 1998 and from 9:30 a.m. to 5:00 p.m. on Friday, March 20, 1998. The Ecosystem Roundtable meeting will be held from 9:30 a.m. to 3:30 p.m. on Wednesday, February 11, 1998.

ADDRESSES: The Bay-Delta Advisory Council will meet at the Burbank Airport Hilton, 2500 Hollywood Way, Burbank, CA. The Ecosystem Roundtable will meet at the State Water Resources Control Board, 901 P Street, Room 102, Sacramento, CA.

FOR FURTHER INFORMATION CONTACT: For the BDAC meeting, contact Mary Selkirk, CALFED Bay-Delta Program, at (916) 657–2666. For the Ecosystem Roundtable meeting, contact Cindy Darling, CALFED Bay-Delta Program, at (916) 657–2666. If reasonable accommodation is needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653–6952 or TDD (916) 653–6934 at least one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan which addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta ecosystem, provide for a variety of beneficial uses, and minimize Bay-Delta system vulnerability. A group of citizen advisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long-term solutions for the problems affecting the Bay-Delta system has been chartered under the Federal Advisory Committee Act (FACA) as the Bay-Delta Advisory Council (BDAC) to advise CALFED on the program mission, problems to be addressed, and objectives for the Program. BDAC provides a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. BDAC has established a subcommittee called Ecosystem Roundtable to provide input on annual workplans to implement ecosystem restoration projects and programs.

Minutes of the meeting will be maintained by the Program, Suite 1155, 1416 Ninth Street, Sacramento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: January 26, 1998.

Roger Patterson,

Regional Director, Mid-Pacific Region.

[FR Doc. 98–2315 Filed 1–29–98; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 95–49]

Singer-Andreini Pharmacy, Inc., Revocation of Registration

On June 13, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to singers-Andreini Pharmacy, Inc. (Respondent) of West New York, New Jersey, notifying the pharmacy of an opportunity to show cause as to why DEA should not revoke its DEA Certificate of Registration, AS0666757, and deny any pending applications for renewal of such registration as a retail pharmacy under 21 U.S.C 823(f), for reason that the pharmacy's continued registration would be inconsistent with the public interest pursuant to 21 U.S.C. 824(a)(4).

On July 10, 1995, Respondent filed a timely request for a hearing, and following prehearing procedures, a hearing was held in New York, New York on June 11 and 12, 1996, before Administrative Law Judge Mary Ellen Bittner. At the hearing, both parties called witnesses to testify and introduced documentary evidence. After the hearing, Government counsel submitted proposed findings of fact, conclusions of law and argument, and counsel for Respondent submitted a closing argument summation. On October 23, 1997, Judge Bittner issued her Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision, recommending that Respondent's DEA Certificate of Registration be revoked. Neither party

filed exceptions to her decision, and on December 12, 1997, Judge bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Acting Deputy Administrator finds that Harry Richman is a registered pharmacist who has been involved with Respondent pharmacy for over 30 years. Mr. Richman has jointly owned Respondent with the Andreini family for a number of years, and during all relevant times to this case has been the pharmacist-in-charge, responsible for the day-to-day operation of the pharmacy.

In 1983, DEA conducted an inspection of Respondent after it received a report from a distributor that Respondent had purchased more than 88,000 dosage units of Tranxene, a Schedule IV controlled substance, between April 1, 1982 and February 15, 1983. As part of the inspection, DEA conducted an accountability audit covering the period April 1, 1982 to February 15, 1983, which revealed that Respondent could not account for approximately 4,000 dosage units of various strengths of Tranxene. This shortage was most likely understated since DEA used a zero beginning balance in conducting the audit, and as a result, Respondent was not held accountable for any Tranxene that it may have had on hand at the beginning of the audit period. In addition to the audit results, the inspection revealed the following violations of Federal regulations: numerous prescriptions lacked the patients' addresses, issuance dates and dates filled; several Schedule II prescriptions were not maintained separately from other controlled substance prescriptions; and several Schedule III through V prescriptions were refilled more than six months after the issuance date of the prescription. In a letter to DEA dated July 1, 1983, Respondent indicated that it would correct the alleged violations, however it did not mention the shortage of Tranxene.

In July 1985, the New Jersey Division of Consumer Affairs conducted a routine Board of Pharmacy inspection of Respondent. This inspection noted a number of deficiencies including: (1) A total of 177 outdated medications were found in the active stock inventory; (2) 12 medications were improperly stored; (3) stock shelves were extremely dirty and in some places liquid medications had spilled on the shelves and dried making it difficult to remove some containers; (4) Respondent failed to dispense generic alternatives for some brand name medications pursuant to state and Medicaid requirements; (5) patient addresses were missing from the Exempt Narcotic Register; (6) patient addresses were not written on some controlled substance prescriptions; (7) DEA numbers were not written on some controlled substance prescriptions; (8) Schedule IV controlled substance prescriptions were filed with other prescriptions for legend drugs without being marked with the required red letter ''C''; (9) prescriptions received over the telephone failed to include the physician's address, the patient's address and/or the physician's DEA number; and (10) Respondent dispensed 13 oral emergency prescriptions for Schedule II substances without subsequently obtaining written prescriptions for these dispensations. As a result of this inspection, by letter dated March 6, 1987, the New Jersey Board of Pharmacy offered Respondent ''the opportunity to settle this matter and avoid the initiation of formal disciplinary proceedings'' by paying a civil penalty of $5,175.00. There is no evidence in the record to indicate whether Respondent paid this penalty.

On March 19, 1986, another Board of Pharmacy inspection was conducted of Respondent. This inspection revealed that Respondent: (1) Maintained 32 outdated medications in the active inventory; (2) failed to dispense formulary alternatives for popular brand name medications; (3) dispensed six emergency telephone prescriptions for Schedule II substances without subsequently obtaining a written prescription; and (4) dispensed Schedule II substances pursuant to nine prescriptions that did not include the patients' addresses. Like with the prior state inspection, by letter dated May 23, 1988, Respondent was offered the opportunity to avoid formal disciplinary proceedings by paying a $750.00 civil penalty. Again, there is no evidence in the record to indicate whether Respondent paid this penalty.

Subsequently, DEA was contacted by a postal employee who indicated that in September 1990 he had injured his arm at work. According to the employee, the postmaster encouraged him not to seek medical attention, and instead told the employee that he would get the employee any drug he wanted. The employee stated that he told the postmaster that he wanted Darvocet, a Schedule IV controlled substance, and that ultimately he was given an unlabeled vial containing approximately 10 to 12 pills inscribed ''Darvocet N–100.'' DEA then interviewed the postmaster, who at first denied that he was involved in distributing controlled substances, but later admitted that he had obtained the Darvocet for the employee from Mr. Richman at Respondent without a physician's prescription for the medication. At the hearing in this matter, Mr. Richman asked, ''how could anybody accuse me of that when there's no label on the bottle?''

DEA then conducted another inspection of Respondent in October 1990. As part of this inspection, DEA audited Respondent's handling of Darvocet and its generic equivalent, and various strengths of Dilaudid, a Schedule II controlled substance. The audit covered the period July 1 to October 30, 1990, and revealed a shortage of over 1,000 dosage units of Darvocet N–100, and over 300 dosage units of Dilaudid 4 mg. The shortage of Dilaudid was most likely understated since DEA used a zero beginning balance in conducting the audit, and as a result, Respondent was not held accountable for any Dilaudid 4 mg. that it may have had on hand at the beginning of the audit period. In addition to the audit discrepancies, the inspection of Respondent's records revealed other violations of controlled substance related regulations during the audit period. Respondent refilled some controlled substance prescriptions more than six months after the original prescription was issued and refilled some controlled substance prescriptions more than five times. On numerous occasions, Respondent dispensed controlled substances pursuant to prescriptions which did not bear a DEA number for the prescribing practitioner and dispend controlled substances on several occasions pursuant to prescriptions which contained incorrect DEA numbers. In addition, Respondent filled a Darvocet prescription even though the patient's address was not on the prescription, and Respondent failed to maintain some receiving records, including a copy of a DEA official order form.

Subsequent to this inspection, DEA investigators interviewed two physicians who had purportedly issued

controlled substance prescriptions that were found in Respondent's records. In one instance, the prescription found in the pharmacy was dated May 31, 1990, however the dispensing log indicated that it was dated October 9, 1990. The physician told the investigators that while he had a patient by that name, a check of his records indicated that he had written a prescription for that patient on May 31, 1990, but had not authorized a prescription for the patient in October 1990. The investigators interviewed the second physician regarding a prescription that appeared to be either a photocopy and/or a forgery. The physician indicated that he had not seen the patient listed on the prescription on the date the prescription was supposedly issued; that he did not issue the prescription; and that he did not write the numeral ''8'' the way it looked on the prescription.

On July 20, 1992, DEA again inspected Respondent pharmacy and conducted an accountability audit covering the period October 30, 1990 to July 20, 1992, of the same controlled substances audited in October 1990. This audit revealed total shortages of over 8,000 dosage units. In addition, a review of Respondent's records during this period revealed that on a number of occasions, Respondent's dispensing logs did not list the prescribing physician's DEA number; a number of controlled substance telephone prescriptions did not contain required information such as the prescribing physician's DEA number, patient addresses, dates, physician's addresses, the number of authorized refills, or a stamped red ''C'' denoting that the prescription was for a controlled substance. Also, this inspection revealed that Respondent dispensed Schedule II controlled substances on numerous occasions pursuant to telephone prescriptions without subsequently obtaining any written prescriptions for these dispensations, and that several Schedule II prescriptions were found in the same files as prescriptions for Schedule III and IV substances. Further, the inspection revealed a prescription for a Schedule IV controlled substance that was refilled 12 times. The review of the records also revealed that several Schedule II order forms were missing from Respondent's files.

Following the inspection, DEA investigators interviewed several physicians who purportedly issued controlled substance prescriptions that were found in Respondent's files. One physician was asked about two prescriptions that appeared to be photocopies. The physician checked his records and determined that he did have a patient by the name listed on the prescriptions, but that he did not issue photocopied prescriptions. A second physician was asked about a prescription that had pertinent information such as the patient's name and address, the date, and part of the doctor's name covered with correction fluid, and other information written over those portions of the prescription. The physician stated that while she did have a patient by the name listed on the prescription, she had not seen the patient on the date noted on the prescription. Another physician was interviewed about a prescription where the date was covered with correction fluid and January 23, 1991 was written over it. The physician stated that he had treated that patient on May 26, 1990, but not on January 23, 1991. A DEA investigator testified that if the prescription is held up to the light, it appears that the original date under the correction fluid is May 26, 1990. A fourth physician was interviewed about a prescription for 25 Percocet, a Schedule II controlled substance. The physician indicated that she did not have a patient by the name listed on the prescription and that she would not issue a Percocet prescription unless a patient had undergone surgery. The investigators interviewed another physician about a telephone prescription for Darvocet Respondent's records of this prescription did not indicate the patient's or physician's address, the physician's DEA number, nor any indication as to whether refills were authorized. Nonetheless, Respondent's records showed that this prescription was refilled twice. The physician indicated that he did not have a patient by the name indicated on the prescription. Finally, a physician was interviewed about a prescription that she had purportedly issued for an individual for 40 dosage units of Percocet. It appeared that there was correction fluid on the prescription and that the quantity authorized had been altered from 10 to 40 dosage units. After checking her records, the physician confirmed that she had issued a prescription for the individual on the date listed, however she had only authorized 10 dosage units.

During the course of the investigation, DEA investigators interviewed a former employee of Respondent who alleged that the clerk/bookkeeper at Respondent would divert controlled substances from orders received at Respondent, then telephone the distributor telling it that it had forgotten to ship whatever she had taken, and then sell or trade the drugs. The former employee also told the investigators that when Mr. Richman would leave Respondent for whatever reason, he would leave a pharmacy intern in charge of the pharmacy, and that the pharmacy interns would divert controlled substances and distribute them without a prescription. At the hearing, Mr. Richman characterized the former employee as a ''disgruntled person'' who understood very little English.

The former employee's daughter had worked at Respondent as a clerk and she also was interviewed by the investigators. She stated that she saw Mr. Richman give controlled substances to customers without a prescription; that Mr. Richman's employees and friends took controlled substances from Respondent; and that she saw Mr. Richman and pharmacy interns exchange controlled substances for food with an individual who worked at a local food store. At the hearing, Mr. Richman testified that the former employee's daughter, ''never, never worked the drug counter. * * * So she couldn't hear anything and she didn't have enough intelligence to sense anything.'' The former employee's son told the investigators that he sometimes ran errands for Respondent and that he has seen the owner of the business next door to Respondent go into Respondent's dispensing area and take medication. At the hearing, Mr. Richman testified that the son never worked for him and that ''he was a special ed student.''

On February 10, 1994, DEA investigators conducted another inspection of Respondent during which Respondent's prescription files were seized. Upon reviewing Respondent's records, the investigators determined that a number of prescriptions and 134 daily dispensing logs had not been provided by Respondent. Consequently, the investigators returned to Respondent on two other occasions in order to obtain from Respondent's computer the dispensing information necessary to conduct an accountability audit. DEA then conducted an audit of certain Schedule II controlled substances for the period May 4, 1993 through February 10, 1994, and of certain Schedule III through V controlled substances for the period May 7, 1993 to February 10, 1994. The audits revealed discrepancies in Respondent's recordkeeping, including a shortage of 3,351 dosage units of Fiorinal with codeine #3, a Schedule III controlled substance.

In addition to the audit results, the 1994 inspection revealed other violations of Federal regulations relating to controlled substances. A review of

Respondent's dispensing logs disclosed a number of instances where an invalid DEA number was listed for the prescribing physician, and a number of occasions where Respondent dispensed Schedule II controlled substances pursuant to telephone prescriptions without subsequently obtaining any written prescriptions for these dispensations. A review of Respondent's prescription files revealed numerous prescriptions that did not contain required information such as the physician's name, the physician's DEA number, the patient's name, the patient's address, and/or the date issued. In addition, approximately 13 Schedule II controlled substance prescriptions were filed with prescriptions for Schedule III and IV substances instead of separately. Also, while conducting the inspection of Respondent, a DEA investigator observed a note taped to the wall in the dispensing area that appeared to be an ''IOU'' for Demerol, A Schedule II controlled substance, and Klonopin, a Schedule IV controlled substance. When asked about the note, Mr. Richman replied that another area pharmacy had loaned him the drugs, however the investigator found no order form or other record of this controlled substance transfer.

After reviewing records seized during the 1994 inspection, DEA sought to verify three controlled substance prescriptions found in Respondent's files that had purportedly been written by physicians working at a local hospital. The hospital's records indicated that none of these prescriptions were authorized, however the DEA investigator did not contact the physicians who purportedly issued the prescriptions to determine whether they had authorized them. In addition, the DEA investigator interviewed four physicians about a total of nine controlled substance prescriptions that were purportedly issued by them and found in Respondent's files. The physicians all indicated that they did not authorize the prescriptions attributed to them.

At the hearing in this matter, Mr. Richman did not offer any explanation for the audit discrepancies or recordkeeping violations discovered during the various inspections of Respondent. Respondent testified that no one at Respondent pharmacy ever forged a prescription. In addition, Mr. Richman testified that ''[a]nytime we get a narcotic that's of a tremendous amount and quantity and we don't know who the patient is, especially from out of town New York, which we don't even fill, we always call a doctor.'' Further, Mr. Richman testified that the prescriptions with correction fluid found at Respondent were probably first brought to another pharmacy and not filled for some reason.

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Deputy Administrator may revoke a DEA Certificate of Registration and deny any pending applications, if he determines that the continued registration would be inconsistent with the public interest, Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one of combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See *Henry J. Schwarz, Jr., M.D.,* Docket No. 88–42, 54 F.R. 16,422 (1989).

As a preliminary matter, Respondent argues that its registration should not be revoked because most of the Government's case is based on hearsay and is therefore unreliable. The Acting Deputy Administrator disagree with Respondent's contention. ''. . .[H]earsay is both admissible, and may, standing by itself, constitute substantial evidence in support of an administrative decision.'' *Klinestiver* v. *Drug Enforcement Administration, 606 F.2d 1128 (D.C. Cir. 1979).*

Regarding factor one, there is evidence in the record that the New Jersey Board of Pharmacy conducted inspections of Respondent in 1985 and 1986, both of which revealed numerous violations. In both instances the Board of Pharmacy offered Respondent the opportunity to pay civil penalties in order to avoid formal disciplinary action, however, there is no evidence in the record whether Respondent even paid these fines. There is also no evidence in the record to suggest that the Board of Pharmacy has restricted Respondent's pharmacy permit or Mr. Richman's license to practice pharmacy. But as Judge Bittner notes, ''sate licensure is a necessary but not sufficient condition for DEA registration.'' Therefore, the fact that Respondent currently possesses and unrestricted state license is not dispositive of the issue of whether or not to revoke its DEA registration.

Factors two and four, Respondent's experience in dispensing controlled substances and its compliance with applicable laws and regulations relating to controlled substances, are extremely relevant in this proceeding. The record clearly establishes Respondent's long history of failure to comply with the laws and regulations relating to the dispensing of controlled substances. The state conducted inspections of Respondent in 1985 and 1986 and DEA conducted inspections, which included accountability audits, in 1983, 1990, and 1994. Each of these inspections revealed numerous recordkeeping deficiencies.

The state inspections revealed a number of violations of state requirements relating to controlled substances. The DEA inspections revealed Respondent's failure to keep complete and accurate records of its handling of controlled substances as required by 21 U.S.C. 827 and 21 CFR 1304.21, and as evidenced by the various audit results. In addition, Respondent dispensed controlled substances pursuant to both oral and written prescriptions found in its files that did not contain information required by 21 CFR 1306.05(a), such as the physician's DEA registration number, the patient's address, and/or the date of issuance. Also, oral prescriptions for Schedule II controlled substances were dispensed without subsequently obtaining a written prescription for the dispensation in violation of 21 CFR 1306.11, and Schedule II prescriptions were intermingled in Respondent's files with Schedule III and IV controlled substance prescriptions in violation of 21 CFR 1304.04(h)(1). Further, Respondent refilled substance prescriptions more than five times, and in some instances, more than six months after the original prescription was issued, both in violation of 21 CFR 1306.22(a).

In addition, Respondent dispensed controlled substances without a valid prescription in violating of 21 U.S.C. 829, as evidenced by the Darvocet given to the postal employee in 1990. The Acting Deputy Administrator further finds that the physician interviews conducted by DEA establish that Respondent dispensed controlled substances without a physician's authorization. As Judge Bittner notes, ''although the evidence as to

unauthorized dispensing is hearsay, Respondent offered no contraditory 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 require 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.

[FR Doc. 98–2374 Filed 1–29–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

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

Janaury 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 Respondents: 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.