prescribing physicians on approximately 85% of these prescriptions and these doctors indicated that the prescriptions were forged and that no one from Hagura Pharmacy had ever contacted them to verify the legitimacy of the prescriptions. Of the forged prescriptions, 90% were filled prior to February 28, 1985, while the pharmacy was operating as Hagura Pharmacy with Dr. Abdullah as the owner. Dr. Abdullah contends that he should not be held accountable for the forged prescriptions that were filled at Hagura Pharmacy since he was not actively involved in the operation of the pharmacy at that time.

Like Judge Bittner, the Acting Deputy Administrator rejects Dr. Abdullah's contention. As the owner, he was ultimately responsible for what occurred at his pharmacy regardless of whether he was involved in its daily operation or not. It was Dr. Abdullah's responsibility to ensure that adequate safeguards were in place to prevent the diversion of controlled substances. However, with Dr. Abdullah as the owner, Hagura Pharmacy dispensed thousands of dosage units of highly abused Schedule II controlled substances pursuant to fraudulent prescriptions. The Acting Deputy Administrator is troubled by Dr. Abdullah's continued assertions that he should not be held accountable for the improper dispensing that occurred at Hagura Pharmacy. Dr. Abdullah's failure to accept responsibility, does not bode well for Respondent's future handling of controlled substances.

Regarding factors three and four, there is no evidence that Respondent or Dr. Abdullah had ever been convicted under state or Federal laws relating to controlled substances. However, there is evidence that Hagura Pharmacy, while owned by Dr. Abdullah, failed to comply with Federal laws relating to controlled substances. Hagura Pharmacy failed to maintain complete and accurate records of controlled substances in violation of 21 U.S.C. 827 and 21 CFR 1304.21, as evidenced by the accountability audit results. In addition, Hagura Pharmacy dispensed controlled substances without a valid prescription in violation of 21 U.S.C. 829 and 21 CFR 1306.04. Dr. Abdullah again argues that he should not be held accountable for Hagura Pharmacy's failure to comply with Federal laws since he was not an active participant in the operation of the pharmacy. However, for the reasons discussed in conjunction with factor two, the Acting Deputy Administrator rejects this argument.

As to factor five, Judge Bittner found relevant ''* * * Dr. Abdullah's lack of candor regarding the ownership of the pharmacy. * * *'' Dr. Abdullah maintained that he was not the owner of Khawaja Pharmacy and therefore should not be held accountable for the actions of that pharmacy. Judge Bittner found this argument ''at best disingenuous'' in light of the fact that Dr. Abdullah arranged for the transfer of the inventory to another pharmacy upon Khawaja Pharmacy's closure, an that his brother-in-law had only made one payment to Dr. Abdullah at the time the pharmacy closed. But like Judge Bittner, the Acting Deputy Administrator finds it unnecessary to assess the impact of this finding on the outcome of this proceeding, since 90% of the fraudulent prescriptions were filed by Hagura Pharmacy while, without dispute, it was owned by Dr. Abdullah.

Respondent asserts that the alleged wrongdoing occurred more than ten years ago and therefore the doctrine of laches or other principles of equity should preclude the denial of Respondent's application for registration. DEA has consistently held that while passage of time since the wrongdoing is not, by itself, dispositive, it is a consideration in assessing whether Respondent's registration would be inconsistent with the public interest. See Norman Alpert, M.D., 58 FR 67,420 (1993). 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.'' Here however, Dr. Abdullah maintains that he has done nothing wrong and that he should not be held accountable for the actions of Hagura Pharmacy, even though he was its owner.

Judge Bittner concluded that ''[i]t is clear from Dr. Abdullah's suggestion that he should not be held accountable for the wrongdoing of his pharmacy during his absence that he does not appreciate or accept the responsibilities that accompany owning a DEA registrant. In addition, there is no persuasive evidence in the record to indicate that Dr. Abdullah would be a more conscientious owner the second time around.'' The Acting Deputy Administrator agrees. Dr. Abdullah has exhibited a complete disregard for the tremendous responsibilities that accompany the issuance of a DEA registration. Therefore, the Acting Deputy Administrator concludes that it would be inconsistent with the public interest to grant Respondent pharmacy a DEA 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 the application for registration as a retail pharmacy submitted by Hagura Pharmacy, be, and it hereby is, denied. This order is effective May 5, 1997.

Dated: March 27, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–8558 Filed 4–3–97; 8:45 am]

BILLING CODE 4410–09–M

Romeo J. Perez, M.D.; Revocation of Registration

On July 31, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Romeo J. Perez, M.D., of St. Louis, Missouri, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration AP1596014, and deny any pending applications for renewal of such registration as a practitioner pursuant to 21 U.S.C. 823(f) and 824(a)(3), for reason that he is not currently authorized to handle controlled substances in the State of Missouri. The order also notified Dr. Perez that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The DEA received a signed receipt indicating that the order was received on August 2, 1996. No request for a hearing or any other reply was received by the DEA from Dr. Perez or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that: (1) Thirty days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Perez is deemed to have waived his hearing right. After considering the relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.54(e) and 1301.57.

The Acting Deputy Administrator finds that, by order effective August 24, 1994, the State Board of Healing Arts, State of Missouri (Board) revoked Dr. Perez' license to practice medicine. The Board further ordered that Dr. Perez shall not apply for reinstatement of his license for at least two years and one day from the effective date. The Acting Deputy Administrator finds that there is

no evidence in the record that Dr. Perez has sought reinstatement of his medical license. By letter dated September 6, 1994, the Missouri Bureau of Narcotics and Dangerous Drugs informed Dr. Perez that his Missouri controlled substances registration terminated when his license to practice medicine was revoked, and therefore he is not authorized to handle controlled substances in Missouri. The Acting Deputy Administrator concludes, based upon the record before him, that Dr. Perez is not currently authorized to handle controlled substances in Missouri.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld. See Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D. 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992). Here, it is clear that Dr. Perez is neither currently authorized to practice medicine nor to dispense controlled substances in the State of Missouri. Therefore, Dr. Perez is not currently entitled to a DEA 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, AP1596014, previously issued to Romeo J. Perez, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective May 5, 1997.

Dated: March 24, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–8561 Filed 4–3–97; 8:45 am]

BILLING CODE 4410–09–M

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, NW., Room S–3014, Washington, DC 20210.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' are listed by Volume and States:

Volume III:

North Carolina
NC970053 (April 04, 1997)

Volume VI:

Utah
UT970035 (April 04, 1997)
UT970036 (April 04, 1997)

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:

Connecticut
CT970001 (Feb. 14, 1997)
CT970003 (Feb. 14, 1997)
CT970004 (Feb. 14, 1997)
Massachusetts
MA970002 (Feb. 14, 1997)
MA970003 (Feb. 14, 1997)
MA970015 (Feb. 14, 1997)
MA970020 (Feb. 14, 1997)
Maine
ME970005 (Feb. 14, 1997)
ME970007 (Feb. 14, 1997)
ME970010 (Feb. 14, 1997)
ME970022 (Feb. 14, 1997)
ME970032 (Feb. 14, 1997)
ME970037 (Feb. 14, 1997)
New York
NY970005 (Feb. 14, 1997)
NY970022 (Feb. 14, 1997)
NY970072 (Feb. 14, 1997)
Rhode Island