4. Meeting schedule through June, 1998

FURTHER MATTERS TO BE CONSIDERED:

(Closed to the Public 1:30 PM)

1. Finance Project in Venezuela
2. Finance Project in Jamaica
3. Finance Project in India
4. Finance and Insurance Project in Bangladesh
5. Investment Fund in the Middle East & North Africa
6. Investment Fund in the West Bank, Gaza and Jordan
7. Investment Fund in Africa
8. Pending Major Projects
9. Proposed FY 1999 Budget and Allocation of Retained Earnings
10. Approval of June 10, 1997 Minutes (Closed Portion)

CONTACT PERSON FOR INFORMATION:

Information on the meeting may be obtained from Connie M. Downs at (202) 336–8438.

Dated: August 29, 1997.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 97–23447 Filed 8–29–97; 11:24 am]

BILLING CODE 3210–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer Of Controlled Substances; Notice of Application

Pursuant to Section 1301.33 of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 6, 1997, Arenol Corporation, 189 Meister Avenue, Somerville, New Jersey 08876, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
N-Ethylamphetamine (1475)	I
Difenoxin (9168)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II

The firm plans to manufacture the listed controlled substances to produce pharmaceutical products for its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (60 days from publication.

Dated: August 20, 1997.

John H. King,

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

[FR Doc. 97–23310 Filed 9–2–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

West End Drugs, Inc. Revocation of Registration

On May 28, 1997, the Acting Deputy Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause to West End Drugs, Inc., (West End Drugs) of Nashville, Tennessee, proposing to revoke its DEA Certificate of Registration AH5042077, and to deny any pending applications for registration as a retail pharmacy for reason that its continued registration would be inconsistent with the public interest pursuant to 21 U.S.C. 823(f) and 824(a)(4). Additionally, citing his preliminary finding that the continued registration of West End Drugs posed an imminent danger to the public health and safety, the Acting Deputy Administrator ordered the immediate suspension of DEA Certificate of Registration AH5042077 during the pendency of these proceedings pursuant to 21 U.S.C. 824(d). The Order to Show Cause also notified West End Drugs that should no request for a hearing be filed within 30 days of receipt, its hearing right would be deemed waived.

The Order to Show Cause/Immediate Suspension of Registration was personally served on Henry Birdsong, the owner and pharmacist of West End Drugs, on May 29, 1997. No request for a hearing or any other reply was received by the DEA from West End Drugs or anyone purporting to represent it in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that West End Drugs is deemed to have waived its 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 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that in January 1997, the Tennessee Board of Pharmacy (Board) was contacted by a local drug wholesaler regarding large purchases by West End Drugs of diazepam 10 mg., a Schedule IV controlled substance, and Guiatuss AC syrup and Cheratussin AC syrup, both Schedule V controlled substances. As a result of this information, investigators of the Board and the Tennessee Bureau of Investigation conducted random surveillance of West End Drugs on the day, or day after the pharmacy had received orders of diazepam 10 mg. The investigators noticed certain vehicles arriving at the pharmacy that were registered to individuals with criminal histories, including some with arrests and convictions for fraudulently obtaining controlled substances.

On March 4, 1997, a Board investigator conducted an inspection of the pharmacy. The inspection revealed that the majority of the prescriptions in the pharmacy's files were for controlled substances, and that the majority of the prescriptions for diazepam were written by one of three doctors. During this inspection, Mr. Birdsong informed the investigator that the pharmacy fills approximately 40 to 45 prescriptions per day and that some individuals pick up prescriptions for other people. According to investigators familiar with the dispensing practices of community pharmacies in the area, West End Drugs' filling of 40 to 45 prescriptions per day is well below the average of pharmacies similar to West End Drugs which fill 100 or more prescriptions per day.

As part of the investigations, the local wholesaler compared West End Drugs' purchases of dizaepam 10 mg., Cheratussin AC syrup, and Guiatuss AC syrup to purchases by its other customers for the period March 1, 1996 to February 28, 1997. West End Drugs was the largest purchaser of diazepam 10 mg., purchasing 138,000 tablets. The second and third largest purchasers bought 25,000 tablets and 15,500 tablets respectively, during the same time period. West End Drugs was also the number one purchaser of Cheratussin AC syrup buying from the wholesaler 3,112 four ounce bottles. The number two purchaser during this time period bought 447 four ounce bottles, and the number three purchaser bought 175 four ounce bottles. Finally, West End Drugs was the largest purchaser of Guiatuss AC syrup buying 1,046 four ounce bottles. For the same time period, the second and third largest purchasers bought 223 and 142 four ounce bottles, respectively.

In March 1997, DEA joined the investigation of West End Drugs, and on April 16, 1997, a search warrant and administrative inspection warrant were executed at the pharmacy. During the search, records of controlled substances dispensed by West End Drugs were seized. The records were analyzed for the period March 10, 1997 through April 16, 1997, and revealed that at least 639 controlled substance prescriptions filled by West End Drugs were either not issued by the physician whose name appeared on the prescription or a fictitious name was used as the issuing physician.

For example, investigators identified approximately 106 controlled substance prescriptions during this time period that were allegedly written by Dr. John Reynolds and were filled by West End Drugs. These prescriptions bore a DEA registration number that was later determined to be a fraudulent number. The prescriptions included 5 prescriptions for acetaminophen with codeine #4, totaling 500 dosage units; 23 prescriptions for diazepam 10 mg., totaling 2,300 dosage units; 5 prescriptions for Fastin, totaling 300 dosage units; 3 prescriptions for Lorcet Plus, totaling 300 dosage units; and 67 prescriptions for Lortab 7.5/500 mg., totaling 6,700 dosage units.

During the execution of the search warrant on April 16, 1997, the pharmacy received a telephone call from an individual identifying herself as an employee of Dr. Reynolds and advising Mr. Birdsong that she was calling in prescriptions for 12 new patients. These prescriptions included approximately 1,200 dosage units of Lortab 7.5 mg., and approximately 600 dosage units of diazepam 10 mg., and were to be picked up the following day by another individual.

Mr. Birdsong informed the investigators that he never verified the prescriptions issued by Dr. John Reynolds, but that Dr. Reynolds worked at Vanderbilt Medical Center. However, the investigators later contacted Vanderbilt Medical Center and were advised that no Dr. John Reynolds worked there. Further investigation revealed that only two Dr. John Reynolds were registered with DEA in Tennessee. One had retired from practice in December 1996, and the other, a dentist, advised investigators that he had not called in any prescriptions to West End Pharmacy on April 16, 1997, and that he rarely called in prescriptions for Lortab and never for such large amounts.

On April 17, 1997, the individual arrived at the pharmacy and picked up the medication dispensed pursuant to the prescriptions called in the previous day. As she was leaving the pharmacy, she was questioned by investigators and admitted that since approximately July 1996, she had been calling in 10 to 12 fictitious prescriptions to West End Drugs every week using the name of Dr. John Reynolds. She further stated that prior to July 1996, her sister had called in prescriptions to West End Drugs using the fictitious name of Dr. John Reynolds.

During execution of the search warrant, the investigators noted controlled substance prescriptions allegedly issued by Dr. Charles McGinnis. When asked about these prescriptions, Mr. Birdsong stated that Dr. McGinnis sends prescriptions to the pharmacy by courier. Mr. Birdsong fills the prescriptions and the courier then returns and pays cash for the medication. A review of the prescriptions seized from the pharmacy revealed that between March 10, 1997 and April 16, 1997, West End Drugs filled approximately 199 controlled substance prescriptions allegedly written by Dr. Charles McGinnis. These prescriptions included 51 prescriptions for acetaminophen with codeine #4, totaling 4,590 dosage units; 15 prescriptions for diazepam 10 mg., totaling 1,355 dosage units; 65 prescriptions for Lortab, totaling 2,492 dosage units; and 63 prescriptions for Valium 10 mg., totaling 5,670 dosage units. Investigators later contacted the office of Dr. Charles McGinnis and were advised that Dr. McGinnis had not authorized any prescriptions since suffering a stroke in December 1996.

The investigators also noted approximately 300 controlled substance prescriptions allegedly authorized by Dr. George Herda that were filled by West End Drugs. These prescriptions included 56 prescriptions for acetaminophen with codeine #4, totaling 5,040 dosage units; 113 prescriptions for diazepam 10 mg., totaling 10,120 dosage units; 58 prescriptions for Lortab 10 mg., totaling 2,320 dosage units; 59 prescriptions for Lortab 7.5/500 mg., totaling 2,360 dosage units; 3 prescriptions for Tylenol with codeine #4, totaling 270 dosage units; and 10 prescriptions for Valium 10 mg., totaling 900 dosage units. Investigators contacted Dr. Herda who indicated that he had not authorized these prescriptions.

While the investigators were in West end Drugs on April 17, 1997, waiting for the individual to pick up the prescriptions allegedly authorized by Dr. Reynolds, the pharmacy received a telephone call from an individual identifying himself as Dr. Herda and calling in prescriptions for hydrocodone and Tylenol with codeine. Mr. Birdsong expressed reluctance to fill the prescriptions stating that he did not know the individual. The individual replied that he has had an arrangement with West End Drugs for over two years. Ultimately, at the direction of the investigators, Mr. Birdsong filled the prescriptions. Later that day, the investigators stopped an individual leaving West end Drugs with the filled prescriptions for hydrocodone and Tylenol with codeine. The individual admitted that another individual had asked him to pick up the prescriptions; that that individual had called in prescriptions to West end Drugs on at least 12 other occasions; and that the individual had used the names ''McGinnis'' and ''Herda'' to call in the prescriptions.

On April 16, 1997, Mr. Birdsong voluntarily provided a written statement. Specifically, Mr. Birdsong stated that, ''I had my doubts that the prescriptions containing the physicians[']' names of McGinnis, Reynolds and Herda were not written for legitimate medical purposes but I did not follow up on my doubts.''

On April 18, 1997, the investigators were informed by the local wholesaler that West End Drugs had placed an order for 1,000 diazepam 10 mg. and 500 diaxepam 5 mg. to be picked up that day. Later that day, a local police officer observed a female leave West End Drugs having difficulty walking. The individual got into her vehicle and was later stopped by the officer who discovered a vial with 65 hydrocodone tablets. The label indicated that the prescriptions had been authorized by Dr. Teresa Cook and had been filled at West End Drugs. Mr. Birdsong was later questioned about the hydrocodone and he admitted that he had filled the prescription. He stated that Dr. Cook was new in the area and gave the officer a telephone number for Dr. Cook which turned out to be a pager number. Further investigation revealed that there is no Dr. Teresa Cook registered with the State of Tennessee or with DEA to practice medicine or handle controlled substances in Tennessee, nor was there anyone listed by that name in the local telephone directory.

A subsequent review of the prescriptions seized from West End Drugs during execution of the search warrant revealed approximately 34 controlled substance prescriptions allegedly issued by Dr. Teresa Cook between March 10, 1997 and April 16, 1997, which were filled by West End Drugs. These prescriptions included 22 prescriptions for Lortab 5 mg., totaling

1,495 dosage units; 7 prescriptions for Valium 10 mg., totaling 240 dosage units; and 4 prescriptions for Vicodin, totaling 255 dosage units.

Subsequently, on April 22, 1997, a second search warrant was executed at West End Drugs. During the search, a DEA investigator observed Mr. Birdsong filling a prescription for Lortab 10 mg. which appeared to have been altered from 20 to 30 tablets. The investigator contacted the physician who signed the prescription. The physician indicated that he had issued the prescription to the patient, but for 20 dosage units, not 30.

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 or a 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 FR 16,422 (1989).

Regarding factors one and three, there is no evidence in the record that the State of Tennessee has taken any action against the pharmacy license of West End Drugs, or that the pharmacy or its owner has been convicted of any offense relating to controlled substances. However, in considering factors two and four, West End Drugs' experience in dispensing controlled substances and its compliance with applicable laws relating to controlled substances, the Acting Deputy Administrator finds that there is more than ample evidence to support the revocation of the pharmacy's DEA Certificate of Registration.

Between March 10 and April 16, 1997, West End Drugs filled over 600 controlled substance prescriptions that were either not issued by the physician whose name appeared on the prescription or a fictitious name was used as the issuing physician. Mr. Birdsong admitted that he did not verify these prescriptions with the physicians who allegedly issued them, and further admitted that he had his doubts that most of these prescriptions were legitimate. Two individuals who were questioned during the investigation after picking up multiple prescriptions from West and Drugs admitted that the prescriptions were not valid. In addition, Mr. Birdsong was observed filling a prescription where the quantity prescribed had been altered.

In light of the above, the Acting Deputy administrator finds that Mr. Birdsong violated 21 CFR 1306.04, which provides that,

> A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is on the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. . . .

West End Drugs and Mr. Birdsong clearly abrogated its corresponding responsibility. Mr. Birdsong admitted that he had his doubts about the legitimacy of these prescriptions, yet he filled them anyway without verifying their legitimacy. As a result, thousands of dosage units of controlled substances were diverted into the illicit market.

The Acting Deputy administrator finds that based upon the foregoing, the continued registration of West End Drugs would be inconsistent with the public interest. No evidence of explanation or mitigating circumstances has been offered on behalf of West End Drugs. Therefore, the Acting Deputy Administrator concludes that its registration must be revoked.

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 AH5042077, previously issued to West End Drugs, Inc., 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 immediately.

When the order to Show Cause/ Immediate Suspension was served on West End Drugs, Inc., all controlled substances possessed by the pharmacy under the authority of its then-suspended registration were placed under seal and removed for safekeeping. Title 21 U.S.C. 824(f) provides that no disposition may be made of such controlled substances under seal until all appeals have been concluded or until the time for taking an appeal has elapsed. Accordingly, those controlled substances shall remain under seal until October 3, 1997, or until any appeal of this order has been concluded. At that time, all such controlled substances shall be forfeited to the United States and shall be disposed of pursuant to 21 U.S.C. 881(e).

Dated: August 27, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–23309 Filed 9–2–97; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to request extension of two currently approved information collections used in the National Historical Publications and Records Commission (NHPRC)'s grant program for subvention of part of the costs of manufacturing and distributing volumes published by NHPRC-supported documentary editorial projects. One collection is a grant application prepared by university and other non-profit presses applying for a subvention grant. The other collection is is a sales report made by a non-profit press which has received a subvention grant from the NHPRC. The public is invited to comment on the proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before November 3, 1997 to be assured of consideration.

ADDRESSES: Comments should be sent to: Paperwork Reduction Act Comments (NHP), Room 3200, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740–6001; or faxed to 301–713–6913; or electronically mailed to tamee.fechhelm@arch2.nara.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information