

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 End 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]

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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 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

collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301-713-6730, or fax number 301-713-6913.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed collection information is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collections; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collections:

1. *Title:* NHPRC Subvention Grant Guidelines and Application.
OMB number: 3095-0021.
Agency form number: N/A.
Type of review: Regular.
Affected public: Universities and non-profit presses.

Estimated number of respondents: 12.

Estimated time per response: 9 hours.

Frequency of response: On occasion.

On the average, a press submits two subvention applications per year.

Estimated total annual burden hours: 180 hours.

Abstract: The information collection is prescribed by 36 CFR 1206. The application is submitted by university and other non-profit presses applying to the NHPRC grant program for subvention of part of the costs of manufacturing and distributing volumes published by NHPRC-supported editorial projects.

2. *Title:* NHPRC Annual Sales Reports for Subvention Grants.

OMB number: 3095-0022.

Agency form number: None.

Type of review: Regular.

Affected public: Non-profit presses that have received an NHPRC subvention grant.

Estimated number of respondents: 12.

Estimated time per response: 2 hours.

Frequency of response: One time only.

On the average, a press has two on-going subvention grants and therefore submits two sales reports per year.

Estimated total annual burden hours: 120 hours.

Abstract: The information collection is prescribed by 36 CFR 1206. The sales information provided by non-profit presses is used by Commission staff to gauge interest among scholars and the general public in documentary editions supported by Commission grants.

Dated: August 25, 1997.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 97-23292 Filed 9-2-97; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Services.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that propose the destruction of records not previously authorized for disposal, or reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before October 20, 1997. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Civilian Appraisal Staff (NWRC), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

FOR FURTHER INFORMATION CONTACT:

Michael L. Miller, Director, Records Management Programs, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001, telephone (301) 713-7110.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Army (N1-AU-97-12). Army periodical management records.

2. Department of the Army (N1-AU-97-13). General counseling records.

3. Department of the Army (N1-AU-97-19). Drug testing results.

4. Department of the Army (N1-AU-97-21). Family support, child custody, and paternity records.

5. Department of the Army (N1-AU-97-24). Military pay reports.

6. Department of Commerce, Patent and Trademark Office (N1-241-97-1). Revisions to the PTO comprehensive schedule.

7. Department of Education, Office of Hearings and Appeals (N1-441-97-4). Administrative adjudication case files