

have related controlled substance issues."

The Acting Deputy Administrator agrees with the Government insofar as DEA has in fact revoked registrations in the past based upon the material falsification of an application that was not related to the mishandling of controlled substances. See *Ezzat E. Majd Pour, M.D.*, 55 FR 47,547 (1990). However, the Acting Deputy Administrator concludes that in exercising his discretion in determining the appropriate remedy, he must consider all of the facts and circumstances of a particular case. Here, it is relevant that Respondent credibly testified that she did not think that the liability question applied to her since the suspension of her Illinois license was due to the improper handling of controlled substances. The Acting Deputy Administrator also finds it relevant that Respondent correctly answered a similar question on a subsequent state application even before she received the Order to Show Cause from DEA alleging that she had materially falsified two of her applications.

Judge Randall concluded that revocation would be too harsh a sanction in this case, "[h]owever, the Respondent's failure to pay close enough attention to the administrative details necessary to maintain her credentials in good standing warrants some concern about the Respondent's meeting the responsibilities levied against a person provided the authority to prescribe and to dispense controlled substances." Therefore, Judge Randall recommended that Respondent be reprimanded for her failure to properly complete here DEA registration applications; and "that for a period of three years, that Respondent be ordered to file with the appropriate local DEA resident office, on an annual basis, a copy of a document from both the Illinois and the Indiana medical boards certifying that her medical licenses remain in good standing in both States, and that there is no impediment to her handling controlled substances at the State level."

The Acting Deputy Administrator concludes that there is no question that Respondent materially falsified two of her applications for DEA registration. This is extremely troubling since DEA relies on accurate information being submitted by its applicants. Further, Respondent's actions indicate a careless disregard for attention to detail. This lack of attention to detail is of great concern to the Acting Deputy Administrator since DEA registrants are tasked with keeping meticulous records

regarding the handling of controlled substances in order to prevent the diversion of these dangerous substances. However, the Acting Deputy Administrator agrees with Judge Randall that revocation would be too severe a sanction given the facts and circumstances of this case. The Acting Deputy Administrator concurs with Judge Randall's recommendation that Respondent be reprimanded for her failure to properly complete her applications for registration and that she be required for a period of three years to submit to the DEA Chicago Field Division, on an annual basis, documentation from both the Illinois and the Indiana medical licensing authorities certifying that her medical licenses remain in good standing in both states, and that there is no impediment to her handling controlled substances at the state level. The first such documentation should be forwarded to DEA within thirty days of the effective date of this final order.

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 reprimands Martha Hernandez, M.D., for failing to properly complete her DEA registration applications. The Acting Deputy Administrator further orders that DEA Certificates of Registration AH2262424 and BH4493475, issued to Martha Hernandez, M.D., be continued, and any pending applications be granted, subject to the above described restriction. This order is effective December 15, 1997.

Dated: November 4, 1997.

James S. Milford,

Acting Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated July 29, 1997, and published in the **Federal Register** on August 26, 1997, (62 FR 45272), Novartis Pharmaceuticals Corp., 59 Route 10, East Hanover, New Jersey 07936, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of methylphenidate (1724) a basic class of controlled substance listed in Schedule II.

DEA has considered the factors in Title 21, United States Code, Section

823(a) and determined that the registration of Novartis Pharmaceuticals Corp. to manufacture methylphenidate is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. § 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: November 6, 1997.

John H. King,

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

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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