Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989).

In this case, all five factors are relevant in determining whether the Respondent's application should be denied as being inconsistent with the public interest. As to factor one, ''recommendation of the appropriate State licensing board,'' the Louisiana Board voided the Owner's pharmacy application for The Drugstore as being inactive. Further, the Board also suspended and placed on probation the Owner's pharmacy license as a result of finding that the Owner's conduct in 1990 through 1992 violated state controlled substances laws.

As to factor two, the Owner's ''experience in dispensing * * * controlled substances,'' factor three, the Owner's ''conviction record,'' and factor four, the Owner's ''[c]ompliance with applicable State, Federal, or local laws relating to controlled substances,'' the Owner admitted that he had dispensed controlled and non-controlled substances without prescriptions on numerous occasions in 1990 through 1992. He was convicted in June of 1992 of unlawful distribution of drugs in violation of Louisiana law.

As to factor five, ''[s]uch other conduct which may threaten the public health or safety,'' the Owner failed to note his conviction on his DEA application in violation of the requirements established by 21 U.S.C. 824(a)(1). It has been previously noted that material falsification of an application, although not expressly mentioned under Section 823 as it is under Section 824, is an appropriate action to consider under factor five. See Robert L. Vogler, Docket No. 92–87, 58 FR 51385 (1992). The appropriate test for determining whether the Respondent had materially falsified any application is whether the Respondent ''knew or should have known'' that he submitted a false application. See Bobby Watts, M.D., 58 FR 46995 (1993); accord Herbert J. Robinson, M.D., 59 FR 6304 (1994). Here, the Owner was convicted in June of 1992, and he submitted his registration application in January of 1993. The specific question asked whether the ''applicant [had] ever been convicted of a crime in connection with controlled substances under State or Federal law.'' Thus, in preparing the application, the Owner ''knew or should have known'' that the question sought information about convictions and that he had been convicted. Yet he did not disclose that information as required.

As for mitigating information, the Deputy Administrator notes that the Respondent pled guilty to the charges against him, and in a letter to the Louisiana Board, he acknowledged his misconduct and stated remorse for his actions. However, the Owner has failed to provide any information or evidence, such as attendance at remedial courses or evidence of other corrective action taken, to assure that his future conduct would comply with Federal and State law governing the dispensing of controlled substances. The Owner's failure to respond to the Order to Show Cause, either by requesting a hearing or by submitting a written statement, indicates that he is either unwilling or unable to proffer support for this application. Therefore, the Deputy Administrator finds that the public interest is best served by denying the Respondent's application at this time, for the Owner's past conduct demonstrates that he cannot be entrusted with a DEA Certificate of Registration as an owner of a retail pharmacy.

Accordingly, the 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 Drugstore's application for a DEA Certificate of Registration as a retail pharmacy be, and it hereby is, denied. This order is effective March 11, 1996.

Dated: February 5, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–2766 Filed 2–8–96; 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 supersedeas 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, N.W., Room S–3014, Washington, D.C. 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 State:

Volume II

MARYLAND
MD950058 (FEB. 09, 1996)
MD950059 (FEB. 09, 1996)

Volume III

NORTH CAROLINA
NC950051 (FEB. 09, 1996)
NC950052 (FEB. 09, 1996)

Volume VI

ALASKA
AL950010 (FEB. 09, 1996)

Modifications to General Wage Determination Decisions

The number of the decisions listed to 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

MAINE
ME950025 (FEB. 10, 1995)

Volume II

MARYLAND
MD950013 (FEB. 10, 1995)
VIRGINIA
VA950006 (FEB. 10, 1995)
VA950026 (FEB. 10, 1995)

Volume III

FLORIDA
FL950001 (FEB. 10, 1995)
FL950009 (FEB. 10, 1995)
FL950011 (FEB. 10, 1995)
FL950012 (FEB. 10, 1995)
FL950015 (FEB. 10, 1995)
FL950017 (FEB. 10, 1995)
FL950032 (FEB. 10, 1995)
FL950045 (FEB. 10, 1995)
FL950066 (FEB. 10, 1995)
GEORGIA
GA950083 (FEB. 10, 1995)
NORTH CAROLINA
NC950001 (FEB. 10, 1995)
NC950003 (FEB. 10, 1995)
NC950050 (FEB. 10, 1995)
SOUTH CAROLINA
SC950023 (FEB. 10, 1995)
SC950036 (FEB. 10, 1995)

Volume IV

ILLINOIS
IL950016 (FEB. 10, 1995)
IL950022 (FEB. 10, 1995)
IL950027 (FEB. 10, 1995)
IL950032 (FEB. 10, 1995)
IL950046 (FEB. 10, 1995)
IL950051 (FEB. 10, 1995)
IL950071 (FEB. 10, 1995)
IL950073 (FEB. 10, 1995)
IL950082 (FEB. 10, 1995)
IL950090 (FEB. 10, 1995)
IL950096 (FEB. 10, 1995)
IL950098 (FEB. 10, 1995)
OHIO
OH950001 (FEB. 10, 1995)
OH950002 (FEB. 10, 1995)
OH950003 (FEB. 10, 1995)
OH950012 (FEB. 10, 1995)
OH950024 (FEB. 10, 1995)
OH950028 (FEB. 10, 1995)
OH950029 (FEB. 10, 1995)
OH950032 (FEB. 10, 1995)
OH950034 (FEB. 10, 1995)
OH950035 (FEB. 10, 1995)
OH950036 (FEB. 10, 1995)
WISCONSIN
WI950001 (FEB. 10, 1995)

Volume V

TEXAS
TX950001 (FEB. 10, 1995)
TX950003 (FEB. 10, 1995)
TX950007 (FEB. 10, 1995)
TX950018 (FEB. 10, 1995)
TX950046 (FEB. 10, 1995)
TX950069 (FEB. 10, 1995)
TX950081 (FEB. 10, 1995)
TX950114 (FEB. 10, 1995)

Volume VI

ALASKA
AK950001 (FEB. 10, 1995)
HAWAII
HI950001 (FEB. 10, 1995)
NEVADA
NV950001 (FEB. 10, 1995)
NV950005 (FEB. 10, 1995)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 2nd day of February 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96–2643 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–27–M

Employment and Training Administration

[TA–W–31,502; TA–W–31,502A]

Atkinson Oil Company (A/K/A Wm H. Atkinson Estate) Oklahoma City, OK and Operating at Other Locations in the State of Oklahoma; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on October 19, 1995, applicable to all workers of Atkinson Oil Company (aka Wm H. Atkinson Estate), located in Oklahoma City, Oklahoma. The notice was published in the Federal Register on November 9, 1995 (60 FR 56618–56620).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers produce crude oil and natural gas. The company reports that worker separations have occurred at various locations of their production facilities in the State of Oklahoma. Therefore, the Department is amending the certification to cover the worker separations within the State of Oklahoma.

The intent of the Department's certification is to include all workers of Atkinson Oil Company who were adversely affected by increased imports.

The amended notice applicable to TA–W–31,502 is hereby issued as follows:

''All workers of Atkinson Oil Company (aka Wm H. Atkinson Estate), Oklahoma City, Oklahoma, and operating at various locations within the State of Oklahoma who became