§ 1316.44 Waiver or modification of rules.

The Administrator or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this subpart by notice in advance of the hearing, if he determines that no party in the hearing will be unduly prejudiced and the ends of justice will thereby be served. Such notice of modification or waiver shall be made a part of the record of the hearing.

§ 1316.45 Filings; address; hours.

Documents required or permitted to be filed in, and correspondence relating to, hearings governed by the regulations in this chapter shall be filed with the Hearing Clerk, Drug Enforcement Administration. See the Table of DEA Mailing Addresses in §1321.01 of this chapter for the current mailing address. This office is open Monday through Friday from 8:30 a.m. to 5 p.m. eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time, except on national legal holidays. Documents shall be dated and deemed filed upon receipt by the Hearing Clerk.

[75 FR 10685, Mar. 9, 2010]

§ 1316.46 Inspection of record.

(a) The record bearing on any proceeding, except for material described in subsection (b) of this section, shall be available for inspection and copying by any person entitled to participate in such proceeding, during office hours in the office of the Hearing Clerk, Drug Enforcement Administration. See the Table of DEA Mailing Addresses in §1321.01 of this chapter for the current mailing address.

(b) The following material shall not be available for inspection as part of the record:

1. A research protocol filed with an application for registration to conduct research with controlled substances listed in Schedule I, pursuant to §1301.32(a)(6) of this chapter, if the applicant requests that the protocol be kept confidential;

2. An outline of a production or manufacturing process filed with an application for registration to manufacture a new narcotic controlled substance, pursuant to §1301.33 of this chapter, if the applicant requests that the outline be kept confidential;

3. Any confidential or trade secret information disclosed in conjunction with an application for registration, or in reports filed while registered, or acquired in the course of an investigation, entitled to protection under subsection 402(a)(8) of the Act (21 U.S.C. 842(a)(8)) or any other law restricting public disclosure of information; and

4. Any material contained in any investigatory report, memorandum, or file, or case report compiled by the Administration.


§ 1316.47 Request for hearing.

(a) Any person entitled to a hearing and desiring a hearing shall, within the period permitted for filing, file a request for a hearing in the following form (see the Table of DEA Mailing Addresses in §1321.01 of this chapter for the current mailing address):

(Date)

Administrator, Drug Enforcement Administration, Attention: DEA Federal Register Representative.

Dear Sir: The undersigned (Name) hereby requests a hearing in the matter of: (Identification of the proceeding).

(A) (State with particularity the interest of the person in the proceeding.)

(B) (State with particularity the objections or issues, if any, concerning which the person desires to be heard.)

(C) (State briefly the position of the person with regard to the particular objections or issues.)

All notices to be sent pursuant to the proceeding should be addressed to:

(Name)

(Street address)

(City and State)

Respectfully yours,

(Signature of person)

(b) The Administrative Law Judge, upon request and showing of good cause, may grant a reasonable extension of the time allowed for response to an Order to Show Cause.