the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in these investigations will be placed in the nonpublic record on June 14, 1995, and a public version will be issued thereafter, pursuant to section 207.21 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with these investigations beginning at 9:30 a.m. on June 27, 1995, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before June 20, 1995. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on June 22, 1995, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules. Parties are strongly encouraged to submit as early in the investigations as possible any requests to present a portion of their hearing testimony in camera.

Written submissions.—Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.22 of the Commission's rules; the deadline for filing is June 21, 1995. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.24 of the Commission's rules. The deadline for filing posthearing briefs is July 6, 1995; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before July 6, 1995. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.20 of the Commission's rules.

Issued: February 17, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–4430 Filed 2–22–95; 8:45 am]

BILLING CODE 7020–02–P

Possible Modifications to the International Harmonized System Nomenclature

AGENCY: International Trade Commission.

ACTION: Request for proposals to amend the international Harmonized System nomenclature.

SUMMARY: The Commission is soliciting proposals from interested parties and agencies to amend the international Harmonized Commodity Description and Coding System (Harmonized System), including the rules of interpretation, section and chapter notes and the texts of the headings and subheadings, with a view to keeping the System current with changes in technology and trading patterns. Specific proposals in this connection will be reviewed by the Commission staff for potential submission to the Customs Co-operation Council, now known as the World Customs Organization (WCO), in Brussels, Belgium.

EFFECTIVE DATE: February 10, 1995.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Tariff Affairs & Trade Agreements (O/TA&TA) (telephone (202) 205–2592) or Holm J. Kappler, Deputy Director (O/TA&TA) ((202) 205–2598), U.S. International Trade Commission, Washington, D.C. 20436.

BACKGROUND: Beginning with its 11th Session in March, 1995, the HS Review Sub-Committee of the WCO will initiate its second major review of the Harmonized System. Administered by the WCO, the Harmonized System provides the basis for the customs tariff and statistical nomenclatures of all major trading countries of the world, including the United States.

The Harmonized System was established by an international convention, which, *inter alia*, provides that the System should be kept up-to-date in the light of changes in technology and patterns of international trade.

The Commission, the U.S. Customs Service and the Bureau of the Census have been assigned responsibilities for the development of U.S. technical proposals related to the Harmonized System under section 1210 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3010). As indicated in a 1988 notice issued by the United States Trade Representative (USTR) (53 FR 45646 of Nov. 10, 1988), the Commission is the lead agency in considering proposals for amendments to the Harmonized System that are intended to ensure that the System is kept abreast of changes in technology and patterns of international trade.

REQUESTS FOR PROPOSALS: In accordance with the USTR notice, the Commission is seeking proposals for specific modifications to the Harmonized System (including the rules of interpretation, section and chapter notes and the texts of the headings and subheadings) that will further the above goals. *No proposals for changes to the national-level provisions (which include U.S. 8-digit subheadings, statistical annotations and rates of duty) will be considered by the Commission as a part of this review.* Interested parties, associations and government agencies should submit specific language for proposed amendments to the Harmonized System together with appropriate descriptive comments and, to the extent available, trade data.

As part of this review, the Commission particularly invites proposals concerning the following matters:

—The separate identification in the HS of waste products of environmental concern,

—The separate identification of dangerous or toxic chemicals,

—The deletion of HS headings or subheadings with low trade volume,

—The identification of new products important in international trade,

—The simplification of the HS, e.g., by the elimination of classification provisions which are difficult to administer.

WRITTEN SUBMISSIONS: Interested parties, including other Federal agencies, are invited to submit written proposals concerning this review of the Harmonized System. Proposals must be

submitted by not later than *May 15, 1995*, in order to be considered by the Commission. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E St. S.W., Washington, D.C. 20436.

Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 205–1810.

By order of the Commission.

Issued: February 14, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–4432 Filed 2–22–95; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94–67]

Barry S. Gleken, D.M.D.; Denial of Application

On June 27, 1994, the Deputy Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Barry S. Gleken (Respondent), of Methuen, Massachusetts, proposing to deny his application for a DEA Certificate of Registration, as a practitioner under 21 U.S.C. 823(f). The proposed action was predicated, *inter alia*, on Respondent's lack of authorization to handle controlled substances in the Commonwealth of Massachusetts. 21 U.S.C. 824(a)(3). The Order to Show Cause also alleged that Respondent's registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f) based on a number of other allegations, including that Respondent materially falsified his present application by indicating that he was currently authorized to handle controlled substances in the state he was proposing to operate, when, in fact, he was not so authorized.

The Order to Show Cause was sent to Respondent by registered mail. Respondent, through counsel, timely filed a request for a hearing. On August 18, 1994, the Government filed a motion for summary disposition based upon documentation that Respondent did not possess a valid Massachusetts Controlled Substances Registration and that such a registration was necessary before DEA could issue Respondent a registration to handle controlled substances in the Commonwealth of Massachusetts.

Respondent filed a response which did not deny that Respondent was not currently authorized to handle controlled substances in Massachusetts. Respondent, however, urged the administrative law judge to recommend that Respondent be allowed to withdraw his application without prejudice and that no further action be taken by DEA. Respondent maintained that such action be taken because he intended to apply for a Massachusetts Controlled Substances Registration in the future.

Respondent, in support of his response, asserted that Massachusetts recently enacted regulations requiring all dentists to be registered with the State Department of Health for authorization to handle controlled substances and that Respondent had just become aware of this requirement.

On September 6, 1994, in his opinion and recommended decision, the administrative law judge found that Respondent was not currently authorized to handle controlled substances in Massachusetts. The administrative law judge also found that Respondent wanted to properly apply for a Massachusetts registration, thereby eliminating the ''procedural'' defect to obtaining a DEA registration. Consequently, he concluded that no prejudice would accrue to DEA if Respondent were allowed to withdraw his application rather than denying the application based upon his lack of state authorization to handle controlled substances in Massachusetts. The administrative law judge recommended that Respondent be permitted to withdraw his application without prejudice.

On September 26, 1994, the Government filed exceptions to the opinion and recommended decision of the administrative law judge, contending that Respondent's application should be denied based upon the lack of state authorization rather than allowing Respondent to voluntarily withdraw his application. The Government argued in the alternative, that the Deputy Administrator remand the case back to the administrative law judge to allow the Deputy Assistant Administrator, Office of Diversion Control, to decide whether to permit Respondent to withdraw his application, as provided under 21 CFR 1301.37 and 28 CFR 0.104 Appendix to Subpart R, Section 7(a). Respondent did not file a response to the Government exceptions.

The Deputy Administrator finds that, pursuant to 28 CFR 0.104 Appendix to Subpart R, Section 7(a), it is within the discretion of the Deputy Assistant Administrator, Office of Diversion Control, to permit Respondent to withdraw his application after an Order to Show Cause has been filed. However, the Deputy Administrator has concluded that rather than remand the matter for consideration of a withdrawal of the application, the application should be denied based on Respondent's current lack of authorization to handle controlled substances in Massachusetts.

As detailed in the Order to Show Cause, Respondent is alleged to have committed numerous wrongful acts, one of which is the falsification of the present application. Permitting the withdrawal of this application would be prejudicial to the Government and potentially the public. It would eliminate an important factor, the alleged falsification of an application, which should be considered in determining whether future applications should be granted.

The Deputy Administrator finds that Respondent does not currently have state authority to handle controlled substances in the Commonwealth of Massachusetts, the state in which he proposes to be registered with the DEA. The Deputy Administrator concludes that the DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without State authority to handle controlled substances. *See* 21 U.S.C. 823(f). The Deputy Administrator and his predecessors have consistently so held. *See Howard J. Reuben, M.D.*, 52 FR 8375 (1987); *Ramon Pla, M.D.*, Docket No. 86–54, 51 FR 41168 (1986); *Dale D. Shahan, D.D.S.*, Docket No. 85–57, 51 FR 23481 (1986); and cases cites therein. Since there is no disagreement that Respondent was not currently authorized to handle controlled substances in Massachusetts when he filed his application, the Deputy Administrator concludes that the Government's motion for summary disposition should be granted.

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