DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer Of Controlled Substances; Notice of Application

Pursuant to Section 1301.33 of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 6, 1997, Arenol Corporation, 189 Meister Avenue, Somerville, New Jersey 08876, made application by renewal to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

<table>
<thead>
<tr>
<th>Drug</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-Ethylamphetamine (1475)</td>
<td>I</td>
</tr>
<tr>
<td>Difenoxin (9168)</td>
<td>I</td>
</tr>
<tr>
<td>Amphetamine (1100)</td>
<td>II</td>
</tr>
<tr>
<td>Methamphetamine (1105)</td>
<td>II</td>
</tr>
</tbody>
</table>

The firm plans to manufacture the listed controlled substances to produce pharmaceutical products for its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (60 days from publication.


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

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BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

West End Drugs, Inc. Revocation of Registration

On May 28, 1997, the Acting Deputy Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause to West End Drugs, Inc., (West End Drugs) of Nashville, Tennessee, proposing to revoke its DEA Certificate of Registration A5H042077, and to deny any pending applications for registration as a retail pharmacy for reason that its continued registration would be inconsistent with the public interest pursuant to 21 U.S.C. 823(f) and 824(a)(4). Additionally, citing his preliminary finding that the continued registration of West End Drugs posed an imminent danger to the public health and safety, the Acting Deputy Administrator ordered the immediate suspension of DEA Certificate of Registration A5H042077 during the pendency of these proceedings pursuant to 21 U.S.C. 824(d). The Order to Show Cause also notified West End Drugs that should no request for a hearing be filed within 30 days of receipt, its hearing right would be deemed waived.

The Order to Show Cause/Immediate Suspension of Registration was personally served on Henry Birdsong, the owner and pharmacist of West End Drugs, on May 29, 1997. No request for a hearing or any other reply was received by the DEA from West End Drugs or anyone purporting to represent it in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that West End Drugs is deemed to have waived its hearing right. After considering the relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46. The Acting Deputy Administrator finds that in January 1997, the

Tennessee Board of Pharmacy (Board) was contacted by a local drug wholesaler regarding large purchases by West End Drugs of diazepam 10 mg., a Schedule IV controlled substance, and Guiatuss AC syrup and Cheratussin AC syrup, both Schedule V controlled substances. As a result of this information, investigators of the Board and the Tennessee Bureau of Investigation conducted random surveillance of West End Drugs on the day, or day after the pharmacy had received orders of diazepam 10 mg. The investigators noticed certain vehicles arriving at the pharmacy that were registered to individuals with criminal histories, including some with arrests and convictions for fraudulently obtaining controlled substances.

On March 4, 1997, a Board investigator conducted an inspection of the pharmacy. The inspection revealed that the majority of the prescriptions in the pharmacy’s files were for controlled substances, and that the majority of the prescriptions for diazepam were written by one of three doctors. During this inspection, Mr. Birdsong informed the investigator that the pharmacy fills approximately 40 to 45 prescriptions per day and that some individuals pick up prescriptions for other people. According to investigators familiar with the dispensing practices of community pharmacies in the area, West End Drugs’ filling of 40 to 45 prescriptions per day is well below the average of pharmacies similar to West End Drugs which fill 100 or more prescriptions per day.

As part of the investigations, the local wholesaler compared West End Drugs’ purchases of diazepam 10 mg., Cheratussin AC syrup, and Guiatuss AC syrup to purchases by its other customers for the period March 1, 1996 to February 28, 1997. West End Drugs was the largest purchaser of diazepam 10 mg., purchasing 138,000 tablets. The second and third largest purchasers bought 25,000 tablets and 15,500 tablets respectively, during the same time period. West End Drugs was also the number one purchaser of Cheratussin AC syrup buying from the wholesaler 3,112 four ounce bottles. The number two purchaser during this time period bought 447 four ounce bottles, and the number three purchaser bought 175 four ounce bottles. Finally, West End Drugs was the largest purchaser of Guiatuss AC syrup buying 1,046 four ounce bottles. For the same time period, the second and third largest purchasers bought 223 and 142 four ounce bottles, respectively.