

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.
TIME AND DATE: August 22, 2000 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
 2. Minutes.
 3. Ratification List.
 4. Inv. No. 731-TA-884 (Preliminary) (Anhydrous Sodium Sulfate from Canada)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on August 24, 2000; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on August 31, 2000.)
 5. Inv. No. 731-TA-696 (Review) (Pure Magnesium from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on August 31, 2000.)
 6. Outstanding action jackets: none.
- In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: August 14, 2000.
 By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 00-21194 Filed 8-16-00; 2:10 pm]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated February 25, 2000, and published in the **Federal Register** on March 6, 2000, (65 FR 11801), B.I. Chemicals, Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805, 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.

The firm plans to bulk manufacture methylphenidate for product development.

No comments or objections have been received. DEA has considered the factors in title 21, United States Code, section 823(a) and determined that the registration of B.I. Chemicals, Inc. to manufacture methylphenidate is consistent with the public interest at this time. DEA has investigated B.I. Chemicals, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. 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: August 7, 2000.

John H. King,

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

[FR Doc. 00-21118 Filed 8-17-00; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Alfred R. Brown, D.D.S.; Denial of Application

On October 8, 1999, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Alfred R. Brown, D.D.S. (Respondent) of Memphis, Tennessee, notifying him of an opportunity to show cause as to why DEA should not deny his application for a DEA Certificate of Registration pursuant to 21 U.S.C. 823(f) for reason that his registration would be inconsistent with the public interest.

By letter dated November 9, 1999, Respondent file a request for a hearing and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On November 15, 1999, Judge Bittner issued an Order for Prehearing Statements, and on November 23, 1999, the Government filed its prehearing statement. Respondent was given until December 27, 1999, to file his prehearing statement. In her Order for Prehearing Statements, the Administrative Law Judge cautioned

Respondent "that failure to file timely a prehearing statement as directed above may be considered a waiver of hearing and an implied withdrawal of a request for hearing."

Respondent did not file a prehearing statement. As a result, on January 6, 2000, Judge Bittner issued an Order Terminating Proceedings, finding that because Respondent did not file a prehearing statement he is deemed to have waived his opportunity for a hearing. Since Respondent has waived his right to a hearing, the Administrator hereby enters his final order without a hearing and based upon the investigative file pursuant to 21 CFR 1301.43(e) and 1301.46.

The Administrator finds that Respondent previously possessed DEA Certificate of Registration AB5661980. This registration expired without being renewed and was subsequently retired in March 1987.

The Administrator further finds that on February 6, 1990, the Tennessee Department of Health and Environment, Board of Dentistry (Board) issued an Order of Summary Suspension which suspended Respondent's license to practice dentistry. The Board found that between October 1987 and February 1990, Respondent prescribed, administered, dispensed, and acquired controlled substances when he was not authorized to do so in violation of 21 U.S.C. 841(a)(7). In addition, during this same period, Respondent indiscriminately prescribed controlled substances to patients in amounts in excess of those amounts medically necessary, prescribed controlled substances to known drug abusers, acquired controlled substances by prescription for office use, and failed to keep proper dental records, all in violation of State and Federal laws.

Subsequently, in an Agreed Order filed on May 22, 1990, the Board limited the suspension of Respondent's license to a period of six months, ordered that he surrender his DEA registration, and placed his license on probation for five years. Thereafter, on three separate occasions during 1990 and 1992, the Board found that Respondent was not in compliance with the terms of his probation.

On January 22, 1996, pursuant to another Agreed Order, the Board again suspended Respondent's dental license for a period of thirty days, based on his failure to refund proceeds from an insurance claim for services he did not provide.

Evidence in the record indicates that it was not until June 11, 1998, that the Board issued an Order allowing Respondent to seek a DEA registration.

Pursuant to 21 U.S.C. 823(f), the Administrator may deny an application for a DEA Certificate of Registration if he determines that the registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

- (1) The recommendation of the appropriate state licensing board or professional disciplinary authority.
- (2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.
- (3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.
- (4) Compliance with applicable State, Federal, or local laws relating to controlled substances.
- (5) Such other conduct which may threaten the public health and safety.

These factors are to be considered in the disjunctive; the Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether an application should be denied. *See* Henry J. Schwarz, Jr., M.D., 54 FR 16,422 (1989).

As to factor one, documentation in the file indicates that Respondent's license to practice dentistry was summarily suspended in 1990. Then effective May 22, 1990, Respondent and the Board entered into an Agreed Order whereby Respondent's license was suspended for six months followed by five years probation, he was fined \$1,500.00, and he was precluded from seeking reinstatement of his DEA registration for at least five years. Respondent entered into another Agreed Order with the Board in January 1996, which suspended his license again for a 30 day period. As of 1998, Respondent's license was reinstated and he received permission from the Board to seek reinstatement of his DEA registration.

Regarding factors two and four, Respondent's experience in handling controlled substances and his compliance with applicable laws relating to controlled substances, the Administrator has considered what evidence is available to him. The Board orders found in the investigative file indicate that between October 1987 and February 1990, Respondent prescribed, administered, dispensed, and acquired controlled substances when he was not authorized to do so in violation of 21 U.S.C. 841(a)(1). In addition, during this same period, Respondent indiscriminately prescribed controlled substances to patients in amounts in excess of those amounts medically necessary, prescribed controlled substances to known drug abusers,

acquired controlled substances by prescription for office use, and failed to keep proper dental records, all in violation of State and Federal laws.

The Administrator notes that there is no evidence in the investigative file of the underlying facts which led to the Board's findings. However, it is also noted that Respondent has not submitted any contradictory evidence.

As to factors three and five, there is no evidence in the investigative file that Respondent has been convicted of any controlled substance related offense nor of any other conduct by Respondent that may threaten the public health and safety.

The Administrator concludes that while there is no evidence of the underlying facts which led to the Board's actions, it is clear that Respondent's mishandling of controlled substances was serious enough to warrant the suspension of his dental license. Respondent has not presented any mitigating evidence. Therefore, the Administrator concludes that Respondent's registration would be inconsistent with the public interest.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 0.100(b), hereby orders that the application for registration submitted by Alfred R. Brown, D.D.S., be, and it hereby is, denied. This order is effective October 17, 2000.

Dated: August 3, 2000.

Donnie R. Marshall,
Administrator.

[FR Doc. 00-21005 Filed 8-17-00; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Church of the Living Tree; Denial of Application

On November 4, 1999, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to The Church of the Living Tree of Leggett, California, notifying it of an opportunity to show cause as to why DEA should not deny its application for registration as a manufacturer of marijuana, under 21 U.S.C. 823(a), for reason that its intended purpose for the marijuana is not in conformity with the Controlled Substances Act. The order also notified The Church of the Living Tree that should no request for a hearing be filed within 30 days of receipt of the Order

to Show Cause, its hearing right would be deemed waived.

DEA received a signed receipt indicating that the Order to Show Cause was received by Mr. John Stahl, the individual who signed the application for registration on behalf of The Church of the Living Tree. The original postal return receipt was postmarked in Leggett, California on November 16, 1999, and the signed receipt was received by DEA on December 1, 1999. No request for a hearing or any other reply was received by the DEA from The Church of the Living Tree or anyone purporting to represent it in this matter. Therefore, the 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 The Church of the Living Tree is deemed to have waived its hearing right. After considering material from the investigative file in this matter, the Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Administrator finds that documentation in the file in this matter indicates that The Church of the Living Tree is seeking to manufacture and distribute marijuana for human consumption. Marijuana is a Schedule I controlled substance and as such there is no currently accepted medical use in treatment in the United States. Here it appears that The Church of the Living Tree wants to grow marijuana to be consumed by medical marijuana patients, which is an impermissible use under the Controlled Substances Act. *See* 21 U.S.C. 812(b)(1), 822(b), and 841(a)(1). Therefore, The Church of the Living Tree's application must be denied.

The Church of the Living Tree did not respond to the Order to Show Cause and consequently did not present any evidence to refute the Government's assertions.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 0.100(b), hereby orders that the application for registration submitted by The Church of the Living Tree, be, and it hereby is, denied. This order is effective August 18, 2000.

Dated: August 3, 2000.

Donnie R Marshall,
Administrator.

[FR Doc. 00-21006 Filed 8-17-00; 8:45 am]

BILLING CODE 4410-09-M