prescriptions for controlled substances threatens the public health and safety, for it circumvents the checks and balances available in the pharmacist's corresponding liability for the dispensing of controlled substances. [*See* 21 C.F.R. 1306.04].

Next Mr. Cohen advised Mr. Martinez to go back to buying controlled substances on the street if he needed more drugs than the ones already prescribed. [FOF 71]. Advising Mr. Martinez to engage in illegal activity in purchasing controlled substances in this manner promotes diversion and therefore, directly threatens the public health and safety.

Lastly, Dr. Rubenstein found that the Respondent lacked concern for patient safety. He prescribed large amounts of controlled substances to opioid naïve patients. [FOF 30, 53, 56]. He also increased the amounts of controlled substances he prescribed, and such increases were unjustified and reflect a lack of concern for patient safety. [FOF 69, 72–74]. Dr. Rubenstein concluded that the increase in medication was not medically justified. [FOF 74].

The Respondent did not testify in this proceeding.[23] Therefore, he neither took responsibility for his misconduct nor provided any assurances that he has implemented remedial measures to ensure such conduct is not repeated. Such silence weighs against the Respondent's continued registration. [Medicine Shoppe, 73 Fed. Reg. at 387; *see also* Samuel S. Jackson, 72 Fed. Reg. 23,848, 23,853 (DEA 2007)].

V. CONCLUSION AND RECOMMENDATION

Consistent with the analysis in this matter, I conclude that the Government has met its burden and established its *prima facie* case for revocation. The Respondent has failed to provide any explanation for his conduct or any assurances regarding his future conduct. Therefore, I recommend that the Respondent's viable DEA registrations FP1312406, BP3429835, and BP8477639, be revoked and any pending applications for renewal or modification of such registrations be denied.

Dated: July 19, 2011

Gail A. Randall, Administrative Law Judge

[FR Doc. 2012–25618 Filed 10–17–12; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances, Notice of Application, Noramco, Inc.

Pursuant to Title 21, Code of Federal Regulations (CFR), 1301.34(a), this is notice that on August 6, 2012, Noramco, Inc., 500 Swedes Landing Road, Wilmington, Delaware 19801–4417, made application by renewal to the Drug Enforcement Administration (DEA) for registration as an importer of the following basic classes of controlled substances:

Drug	Schedule
Phenylacetone (8501)	II
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II
Tapentadol (9780)	II

The company plans to import raw Opium (9600) and Poppy Straw Concentrate (9670) to manufacture other controlled substances. The company plans to import Tapentadol (9780) in intermediate form for the bulk manufacture of Tapentadol (9780) for distribution to its customers. The company plans to import Phenylacetone (8501) in bulk for the manufacture of a controlled substance.

Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (2007).

In regard to the non-narcotic raw material, any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances listed in schedules I or II, which fall under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than November 19, 2012.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745–46, all applicants for registration to import a basic class of any controlled substance in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: October 9, 2012.

Joseph T. Rannazzisi,

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

[FR Doc. 2012–25644 Filed 10–17–12; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances, Notice of Registration, ISP Freetown Fine Chemicals

By Notice dated July 2, 2012, and published in the **Federal Register** on July 11, 2012, 77 FR 40910, ISP Freetown Fine Chemicals, 238 South Main Street, Assonet, Massachusetts 02702, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Phenylacetone (8501), a basic class of controlled substance listed in schedule II.

The company plans to import the controlled substance to manufacture amphetamine.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of ISP Freetown Fine Chemicals to import the basic class of controlled substance is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated ISP Freetown Fine Chemicals to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, 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. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: October 9, 2012.

Joseph T. Rannazzisi,

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

[FR Doc. 2012–25640 Filed 10–17–12; 8:45 am]

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[23] The Government asks me to take an adverse inference from the Respondent's failure to testify. However, the Government does not assert what adverse inference it believes such silence establishes. Although I agree that the Government is entitled to such an inference as established by the cited case law, without a requested inference, I am at a loss in granting the Government's request.