

	Sched- ule
Normorphine (9313)	I
Acetylmethadol (9601)	I
Alphacetylmethadol except Levo- Alphacetylmethadol (9603)	I
Normethadone (9635)	I
3-Methylfentanyl (9813)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexane- carbonitrile (8603)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Benzoylcegonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254) ..	II
Morphine (9300)	II
Levo-alphacetylmethadol (9648) ..	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

A registered manufacturer filed a request for a hearing with respect to amphetamine and methamphetamine. The requesting party subsequently submitted a letter dated August 29, 1995, withdrawing their request for a hearing. On September 1, 1995, an order terminating the proceedings was issued by Administrative Law Judge Mary Ellen Bittner. Another registered manufacturer filed a comment requesting that the firm's application to manufacture meperidine be denied because there is no need for Radian to register as a third domestic manufacturer of meperidine and that Radian must show it can maintain adequate safeguards against the theft and diversion of meperidine. In regards to this comment, the firm, which has been approved as a manufacturer of meperidine for previous applications, has been subject to periodic in-depth investigations by DEA to evaluate the firm's fitness as a DEA registrant. Additionally, in response to this recent application, the firm was inspected by DEA and found to have adequate safeguards to prevent the theft or diversion of meperidine. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, Section 1301.54(e), 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 classes of controlled substances listed above is granted.

Dated: November 29, 1995.
Gene R. Haislip,
*Deputy Assistant Administrator, Office of
Diversion Control, Drug Enforcement
Administration.*
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[Docket No. 94-23]

Prince George Daniels, D.D.S.; Denial of Application

On January 31, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Prince George Daniels, D.D.S., (Respondent) of San Jose, California, notifying him of an opportunity to show cause as to why DEA should not deny his pending application under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged that:

(1) Between December 2, 1982 and February 3, 1983, [the Respondent] issued four prescriptions for Didrex, a Schedule III controlled substance, to two undercover individuals[,] and these prescriptions were not issued for a legitimate medical purpose in the usual course of [his] professional practice.

(2) On June 7, 1983, in the Municipal Court, Santa Clara County Judicial Circuit, State of California, [the Respondent] pled no contest to two counts of prescribing controlled substances to a person not under [his] treatment for a pathology in violation of California Health and Safety Code [Section] 11154 and one count of practicing unauthorized medicine in violation of California Business and Professions Code [Section] 2052.

(3) On January 7, 1985, the Board of Dental Examiners, Department of Consumer Affairs, State of California (Dental Board), suspended [the Respondent's] state dental license for one year, but stayed this suspension pending the successful completion of three years probation.

(4) On or about May 1, 1986, [the Respondent] arranged for the sale of cocaine to an undercover DEA agent. Furthermore, [he] made arrangements for other individuals to forcibly take the cocaine from the DEA undercover agent after [he] sold him the cocaine.

(5) On January 3, 1987 [the Respondent's] previous DEA number, AD6665838, expired [,] and [he] did not

submit a renewal application for that number. Thereafter [his] DEA number was retired from DEA registration.

(6) On August 14, 1987, in the United States District Court, District of Northern California, [the Respondent] pled guilty to one count of conspiracy to deliver cocaine in violation of 21 U.S.C. 841 and 846 and to one count of possession of cocaine in violation of 21 U.S.C. 841. On October 2, 1987, [the Respondent] was sentenced to three years imprisonment.

(7) On August 22, 1988, the Dental Board terminated [the Respondent's] probation and revoked [his] state dental license. Effective January 10, 1990, the Dental Board restored [his] state dental license but placed [his] license on a three year probationary term.

On March 9, 1994, the Respondent filed a timely request for a hearing, and following prehearing procedures, a hearing was held in San Francisco, California, on November 9, 1994, before Administrative Law Judge Paul A. Tenney. At the hearing, the Government offered the stipulated testimony of two witnesses and introduced various documentary exhibits, and the Respondent, represented by counsel, testified, called three witnesses, and introduced several documentary exhibits. After the hearing, counsel for both sides submitted proposed findings of fact, conclusions of law and argument. On January 30, 1995, Judge Tenney issued his Findings of Fact, Conclusions of Law, and Recommended Ruling, recommending that the Respondent's application for a DEA Certificate of Registration be denied. Neither party filed exceptions to his decision, and on March 9, 1995, Judge Tenney transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the opinion and recommended ruling of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that the Respondent received his license to practice dentistry in California in 1975. Further, the Respondent previously held a DEA Certificate of Registration, AD6665838, which expired on June 30, 1986, and which the Respondent did not renew but let lapse. However, on November 12, 1992, the Respondent