Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Bell Communications Research, Inc.

Notice is hereby given that, on November 14, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), Bell Communications Research, Inc. (''Bellcore'') has filed written notifications on behalf of Bellcore; Lucent Technologies, Inc. (''Lucent''); AT&T Corporation (''AT&T''); Bell Atlantic Network Services, Inc. (''Bell Atlantic''); Southwestern Bell Technology Resources, Inc. (''TRI''); BellSouth Telecommunications, Inc. (''BellSouth''); and Pacific Telesis Group (''Pacific'') simultaneously with the Attorney General and the Federal Trade Commission disclosing certain changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Lucent, Murray Hill, NJ; and TRI, Austin, TX have become members of the consortium.

No other changes have been made in the membership, nature and objectives of the consortium and Bellcore will file additional written notifications disclosing all changes in membership.

On November 29, 1994, Bellcore filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on April 13, 1995 (60. Fed. Reg. 18856).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–3638 Filed 2–12–97; 8:45 am]

BILLING CODE 4410–11–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum E&P Research Cooperative

Notice is hereby given that, on January 16, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.*, (''the Act''), Petroleum E&P Research Cooperative (''Cooperative'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: Texas Engineering Experiment Station, a component of the Texas A&M University System; Amoco Production Company, Houston, TX; ARCO Exploration and Production Technology, Plano, TX; Exxon Production Research Company, Houston, TX; Mobil Technology Company, Farmers Branch, TX; Shell E&P Technology Company, Houston, TX; and Texaco Group Inc., Houston, TX. The Cooperative was formed by a written agreement dated October 16, 1996, to develop new and improved technology to meet the needs of the exploration and production functions of the petroleum industry in areas where joint research is appropriate. Membership is open to other companies that (directly or through affiliates) derive substantial revenues from petroleum exploration and production activities and do not receive significant revenues from involvement in the petroleum service industry.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–3639 Filed 2–12–97; 8:45 am]

BILLING CODE 4410–11–M

Drug Enforcement Administration

Manufacturer of Controlled Substances, Notice of Registration

By Notice dated July 31, 1996, and published in the Federal Register on August 8, 1996, (61 FR 41427), Allen, Dovensky & Company, Inc., 3529 Lincoln Highway, Thorndale, Pennsylvania 19372, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of morphine (9300), a basic class of controlled substance listed in Schedule II.

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 Allen, Dovensky & Company, Inc. to manufacture morphine is consistent with the public interest at this time. 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: January 28, 1997.

Gene R. Haislip,

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

[FR Doc. 97–3643 Filed 2–12–97; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 96–25]

Barbara H. Briner, M.D.; Denial of Application

On March 19, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Barbara H. Briner, M.D., (Respondent), of Humble and Houston, Texas, notifying her of an opportunity to show cause as to why DEA should not deny her application for a DEA Certificate of Registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged, in substance, that (1) Respondent's Texas Department of Public Safety (DPS) controlled substance registration expired on March 31, 1995, and has not been renewed; and (2) by order dated June 28, 1995, the Texas State Board of Medical Examiners (Board) placed Respondent on probation for five years and prohibited Respondent from prescribing, administering or dispensing any controlled substances.

On April 5, 1996, Respondent filed a timely request for a hearing, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On April 17, 1996, Judge Bittner issued an Order for Prehearing Statements. On April 23, 1996, in lieu of filing such a statement, the Government filed a motion for summary disposition, which noted that while Respondent's DPS registration had expired on March 31, 1995, it was subsequently renewed on February 20, 1996. It further alleged however, that Respondent was not currently authorized to handle controlled substances in the State of Texas in light of Respondent's Agreed Order with the Board effective June 28, 1995. Respondent did not submit a response to the Government's motion.

On June 14, 1996, Judge Bittner issued a ruling denying the Government's motion, finding that it was unclear whether the Agreed Order prohibited Respondent from handling controlled substances at all or whether it merely restricted Respondent's handling of controlled substances if both DEA and DPS issue her controlled substance registrations. The Judge's ruling did not preclude the Government from renewing its motion for summary

disposition upon clarification from the Board that Respondent is unable to handle controlled substances in the State of Texas.

On June 20, 1996, the Government renewed its motion for summary disposition. Its motion was accompanied by a letter from the Board dated June 19, 1996, which states that under the Agreed Order, Respondent ''is not authorized to 'prescribe, administer, or dispense any controlled substance' even if the Drug Enforcement Administration were to grant her certificate for same.'' Thereafter, on June 21, 1996, Judge Bittner issued her Opinion and Recommended Decision, finding that based upon the evidence before her, Respondent lacked authorization to handle controlled substances in the State of Texas; granting the Government's motion for summary disposition; and recommending that Respondent's application for a DEA Certificate of Registration be denied. Neither party filed exceptions to her opinion, and on July 24, 1996, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, and pursuant to 21 C.F.R. 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The DEA does not have 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 in the state in which he/she conducts business. 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld. See Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992). In the instant case, the record indicates that Respondent is not currently authorized to handle controlled substances in the State of Texas. As Judge Bittner notes, ''[i]t is equally clear that because Respondent lacks this state authority, she is not currently entitled to a DEA registration.''

In her letter dated April 5, 1996, Respondent had noted that the terms of the Agreed Order would be subject to amendment one year after issuance of the order. However, the Acting Deputy Administrator finds that there is nothing in the record to indicate that there has been any amendment to the terms of the Agreed Order. Accordingly, the Acting Deputy Administrator concurs with Judge Bittner's conclusion that Respondent is not currently authorized to handle controlled substances and therefore is not entitled to a DEA registration.

Judge Bittner also properly granted the Government's motion for summary disposition. Here, the parties did not dispute the fact that Respondent was unauthorized to handle controlled substances in Texas. Therefore, it is well-settled that when no question of material fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. See Dominick A. Ricci, M.D., supra, (finding it well settled that where there is no question of material fact involved, a plenary, adversarial administrative hearing was not required.); see also *Phillip E. Kirk, M.D.,* 48 FR 32,887 *(1983, aff'd sub nom Kirk* v. *Mullen,* 749 F. 2d 297 (6th Cir). 1984); *NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO,* 549 F. 2d 634 (9th Cir. 1977).

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 C.F.R. 0.100(b) and 0.104, hereby orders that the application submitted by Barbara H. Briner, M.D. for a DEA Certificate of Registration be, and it hereby is, denied. This order is effective March 17, 1997.

Dated: February 4, 1997.

[FR Doc. 97–3640 Filed 2–12–97; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances Application

Pursunat to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 11, 1996, Isotec, Inc., 3858 Benner Road, Miamisburg, Ohio 45342, made application, which was received for processing December 30, 1996, by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585)	I
Methaqualone (2565)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
2,5-Dimethoxyamphetamine (7396)	I
3,4-Methylenedioxyamphetamine (7400)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
Dihydromorphine (9145)	I
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
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgoine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Levo-Alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Fentanyl (9801)	II

The firm plans to use small quantities of the listed controlled substances to produce standards for analytical laboratories.

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 above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug