submitted by not later than *May 15, 1995*, in order to be considered by the Commission. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E St. S.W., Washington, D.C. 20436.

Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 205–1810.

By order of the Commission.

Issued: February 14, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–4432 Filed 2–22–95; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94–67]

Barry S. Gleken, D.M.D.; Denial of Application

On June 27, 1994, the Deputy Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Barry S. Gleken (Respondent), of Methuen, Massachusetts, proposing to deny his application for a DEA Certificate of Registration, as a practitioner under 21 U.S.C. 823(f). The proposed action was predicated, *inter alia*, on Respondent's lack of authorization to handle controlled substances in the Commonwealth of Massachusetts. 21 U.S.C. 824(a)(3). The Order to Show Cause also alleged that Respondent's registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f) based on a number of other allegations, including that Respondent materially falsified his present application by indicating that he was currently authorized to handle controlled substances in the state he was proposing to operate, when, in fact, he was not so authorized.

The Order to Show Cause was sent to Respondent by registered mail. Respondent, through counsel, timely filed a request for a hearing. On August 18, 1994, the Government filed a motion for summary disposition based upon documentation that Respondent did not possess a valid Massachusetts Controlled Substances Registration and that such a registration was necessary before DEA could issue Respondent a registration to handle controlled substances in the Commonwealth of Massachusetts.

Respondent filed a response which did not deny that Respondent was not currently authorized to handle controlled substances in Massachusetts. Respondent, however, urged the administrative law judge to recommend that Respondent be allowed to withdraw his application without prejudice and that no further action be taken by DEA. Respondent maintained that such action be taken because he intended to apply for a Massachusetts Controlled Substances Registration in the future.

Respondent, in support of his response, asserted that Massachusetts recently enacted regulations requiring all dentists to be registered with the State Department of Health for authorization to handle controlled substances and that Respondent had just become aware of this requirement.

On September 6, 1994, in his opinion and recommended decision, the administrative law judge found that Respondent was not currently authorized to handle controlled substances in Massachusetts. The administrative law judge also found that Respondent wanted to properly apply for a Massachusetts registration, thereby eliminating the ''procedural'' defect to obtaining a DEA registration. Consequently, he concluded that no prejudice would accrue to DEA if Respondent were allowed to withdraw his application rather than denying the application based upon his lack of state authorization to handle controlled substances in Massachusetts. The administrative law judge recommended that Respondent be permitted to withdraw his application without prejudice.

On September 26, 1994, the Government filed exceptions to the opinion and recommended decision of the administrative law judge, contending that Respondent's application should be denied based upon the lack of state authorization rather than allowing Respondent to voluntarily withdraw his application. The Government argued in the alternative, that the Deputy Administrator remand the case back to the administrative law judge to allow the Deputy Assistant Administrator, Office of Diversion Control, to decide whether to permit Respondent to withdraw his application, as provided under 21 CFR 1301.37 and 28 CFR 0.104 Appendix to Subpart R, Section 7(a). Respondent did not file a response to the Government exceptions.

The Deputy Administrator finds that, pursuant to 28 CFR 0.104 Appendix to Subpart R, Section 7(a), it is within the discretion of the Deputy Assistant Administrator, Office of Diversion Control, to permit Respondent to withdraw his application after an Order to Show Cause has been filed. However, the Deputy Administrator has concluded that rather than remand the matter for consideration of a withdrawal of the application, the application should be denied based on Respondent's current lack of authorization to handle controlled substances in Massachusetts.

As detailed in the Order to Show Cause, Respondent is alleged to have committed numerous wrongful acts, one of which is the falsification of the present application. Permitting the withdrawal of this application would be prejudicial to the Government and potentially the public. It would eliminate an important factor, the alleged falsification of an application, which should be considered in determining whether future applications should be granted.

The Deputy Administrator finds that Respondent does not currently have state authority to handle controlled substances in the Commonwealth of Massachusetts, the state in which he proposes to be registered with the DEA. The Deputy Administrator concludes that the DEA does not have the 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. *See* 21 U.S.C. 823(f). The Deputy Administrator and his predecessors have consistently so held. *See Howard J. Reuben, M.D.*, 52 FR 8375 (1987); *Ramon Pla, M.D.*, Docket No. 86–54, 51 FR 41168 (1986); *Dale D. Shahan, D.D.S.*, Docket No. 85–57, 51 FR 23481 (1986); and cases cites therein. Since there is no disagreement that Respondent was not currently authorized to handle controlled substances in Massachusetts when he filed his application, the Deputy Administrator concludes that the Government's motion for summary disposition should be granted.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104

hereby orders that the application for a DEA Certificate of Registration, submitted by Barry S. Gleken, D.M.D., be, and it is hereby denied. This order is effective February 23, 1995.

Dated: February 16, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95–4334 Filed 2–22–95; 8:45 am]

BILLING CODE 4410–09–M

Federal Bureau of Investigation

Implementation of The Communications Assistance for Law Enforcement Act

AGENCY: Federal Bureau of Investigation, Justice.

ACTION: Notice.

SUMMARY: The Federal Bureau of Investigation (FBI) is providing notice of initial steps being taken to implement, on behalf of the Attorney General, certain provisions in the Communications Assistance for Law Enforcement Act.

FOR FURTHER INFORMATION CONTACT: Telecommunications Industry Liaison Unit, (TILU), FBI, 1–800–551–0336.

SUPPLEMENTARY INFORMATION: On October 25, 1994, the President signed into law the Communications Assistance for Law Enforcement Act (Pub. L. 103–414) (the Act). This law requires telecommunications carriers, as defined in the Act, to ensure law enforcement's ability, pursuant to court order or other lawful authorization, to intercept communications notwithstanding advanced telecommunications technologies.

Under the Act, certain implementation responsibilities are conferred upon the Attorney General. The Attorney General has, pursuant to an Attorney General Order, as codified at 28 CFR 0.85(o), delegated responsibilities set forth in the Act to the Director, FBI, or his designee. The Director, FBI, has designated personnel in the Engineering Section, Information Resources Division, to carry out these responsibilities.

To effectively implement this law, the Engineering Section has established the Telecommunications Industry Liaison Unit (TILU) to specifically address the responsibilities set forth in the Act. TILU personnel will respond to questions and inquiries concerning this Act, and act as the designated contact point for facilitating communication with the telecommunications industry.

Definition of ''Telecommunications Carrier''

The Act defines a ''telecommunications carrier'' as any ''person or entity engaged in the transmission or switching of wire or electronic communications as a common carrier for hire'' (section 102(8)(A)), and includes any ''person or entity engaged in providing commercial mobile service, (as defined in section 332(d) of the Communications Act of 1934, as amended (47 U.S.C. 332(d))'' (section 102(8)(B)). This definition includes but is not limited to local exchange and interexchange carriers; competitive access providers; resellers, cable operators, utilities, and shared tenant services to the extent that they offer telecommunications services as common carriers for hire; cellular telephone companies; personal communications services (PCS) providers; satellite-based mobile communications providers; specialized mobile radio services (SMRS) providers, and enhanced SMRS providers; and paging service providers.

The definition does not include persons or entities insofar as they are engaged in providing information services such as electronic publishing and messaging services.

Capability Requirements

The Act requires telecommunications carriers to ensure that, within four years from the date of enactment, their systems have the capability to meet the assistance capability requirements as described in section 103 of the Act. A document entitled *Law Enforcement Requirements for the Surveillance of Electronic Communications,* clarifies the generic law enforcement assistance capability requirements set forth in the Act and gives additional guidance to telecommunications carriers. This document is available upon request from TILU.

Under section 107(a)(2) of the Act, a carrier will be deemed to be in compliance if it adheres to publicly available technical requirements, feature descriptions, or standards adopted by an industry association or standard-setting organization relevant to the Act. Telecommunications carriers may also develop their own solutions. In any case, carriers must meet the requirements set forth in section 103 of the Act. If no such technical requirements or standards are issued, or if they are challenged as being deficient, upon petition, the Federal Communications Commission (FCC) has authority to develop them through a rule making.

Notice of Maximum and Actual Capacity Requirements

Within one year after enactment, the Attorney General is required to publish in the **Federal Register**, and to provide to appropriate telecommunications industry associations and standard-setting organizations, notice of the estimated electronic surveillance capacity requirements as of October 24, 1998, as well as the estimated maximum capacity required to accommodate such surveillance thereafter.

Compliance, Payment, Enforcement, Exemption, Extensions, Consultation, Systems Security, Cooperation

The mandated compliance with the requirements set forth in section 103 of the Act is affected by a number of interrelated factors, including whether the Attorney General is required to, and has agreed to, pay for needed modifications; whether the equipment, facility, or service was deployed on or before January 1, 1995; and whether such modifications are reasonably achievable under criteria set forth in the Act. Under certain circumstances, telecommunications carriers also may petition regulatory authorities to adjust changes, practices, classifications, and regulations to recover costs expended for making needed modifications. Unexcused noncompliance can lead to civil enforcement actions by the Attorney General and imposition of civil fines. The Act also includes provisions for exemption, extension of the compliance date, consultation with industry, and systems security. In addition, it requires telecommunications transmission and switching equipment manufacturers, as well as providers of telecommunications support services, to cooperate with telecommunications carriers in achieving the required capacities and capabilities.

Commerce Business Daily Notice

The FBI Telecommunications Contracts Audit Unit will issue a Notice in the *Commerce Business Daily* soliciting comments from the telecommunications industry concerning cost accounting procedures and other rules regarding payment procedures and criteria.

Dated: February 16, 1995.

Louis J. Freeh,

Director.

[FR Doc. 95–4376 Filed 2–22–95; 8:45 am]

BILLING CODE 4410–02–M