

Dated: March 14, 1997.

**Terrance W. Woodworth,**

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

[FR Doc. 97-7876 Filed 3-27-97; 8:45 am]

BILLING CODE 4410-09-M

**Manufacturer of Controlled Substances; Notice of Application**

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 19, 1997, Stepan Company, Natural Products Department, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application 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
Cocaine (9041) .....	II
Benzoylcegonine (9180) .....	II

The firm plans to manufacture bulk cocaine for distribution to its customers.

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 Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than May 27, 1997.

Dated: March 14, 1997.

**Terrance W. Woodworth,**

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

[FR Doc. 97-7880 Filed 3-27-97; 8:45 am]

BILLING CODE 4410-09-M

**John C. Turley, III, M.D.; Denial of Application**

On July 1, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to John C. Turley, III, M.D., 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 as a practitioner pursuant to 21 U.S.C. 823(f), as being inconsistent with the public interest. The order also

notified Dr. Turley that should not request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The DEA mailed the show cause order to Dr. Turley at the address listed on his application for registration. Subsequently, the DEA received a signed receipt showing that the order was received on July 8, 1996. No request for a hearing or any other reply was received by the DEA from Dr. Turley or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) thirty days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Turley is deemed to have waived his hearing right. After considering relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 C.F.R. 1301.54(e) and 1301.57.

The Acting Deputy Administrator finds that an investigation in 1986 by the Memphis Metro Narcotics Unit revealed that beginning in at least 1984, Dr. Turley issued prescriptions to three individuals for Dilaudid, a Schedule II controlled substance, in exchange for sexual favors and/or cash and for no legitimate medical purpose. Sometimes, Dr. Turley issued the prescriptions to one of the individuals using the names of her husband or son.

In June 1990, a local police department arrested an individual who attempted to fill a prescription for Lorcet, a Schedule III controlled substance, bearing Dr. Turley's name as the prescribing physician. It was believed that the prescription was forged. Subsequently, Dr. Turley verified that he had in fact issued the prescription to the individual, and therefore all charges against the individual were dismissed. The individual then agreed to cooperate in an investigation of Dr. Turley.

The individual indicated that commencing in late 1986 or early 1987, he began receiving controlled substances and/or prescriptions for such substances from Dr. Turley in exchange for various items such as televisions, stereos, automobile alarms, and guns. On July 19, 1990, the individual, while being monitored by Federal agents, gave Dr. Turley two fully automatic machine guns with silencers in exchange for 100 Ultragesic capsules, a Schedule III controlled substance.

As a result, on August 29, 1990, an information was filed in the United States District Court for the Western District of Tennessee charging Dr.

Turley with one count of unlawful distribution of a controlled substance in violation of 21 U.S.C. 841(a)(1) and two counts of unlawful receipt and possession of a firearm. On February 19, 1991, following his guilty plea, Dr. Turley was convicted of all three counts and sentenced to six months imprisonment as to each count to run concurrently, followed by three years of supervised release and was fined \$13,000.00. As part of the plea agreement, no charges would be brought against Dr. Turley for his unlawful prescribing of Dilaudid to the three individuals in exchange for sexual favors.

On August 31, 1990, Dr. Turley surrendered his previous DEA Certificate of Registration, and on September 19, 1990, the Tennessee Board of Medical Examiners (Board) issued an Order summarily suspending his license to practice medicine in the State of Tennessee. The Board found that emergency action was necessary "to prevent [Dr. Turley] from continuing his repeated and dangerous prescribing of addictive or contra-indicated controlled substances and to stop his criminal behavior involving the dispensing or prescribing of controlled substances for illegal reasons." On February 14, 1992, the Board ordered that Dr. Turley's medical license remain suspended for at least six months. Thereafter, on July 27, 1992, the Board reinstated Dr. Turley's license to practice medicine, placing him on probation for two years and ordering him to maintain a contract with the Tennessee Medical Foundation's Impaired Physicians Program for two years. Subsequently, on September 14, 1994, the Board terminated Dr. Turley's probation, and as a result, Dr. Turley's medical license is unrestricted.

Pursuant to 21 U.S.C. 823(f), the Deputy 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 Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See *Henry J. Schwarz, Jr., M.D.*, Docket No. 88-42, 54 FR 16,422 (1989).

Regarding factor one, the recommendation of the appropriate state licensing board, the Acting Deputy Administrator finds that while serious action was taken against Dr. Turley's Tennessee medical license in the past, this license is currently unrestricted. The Acting Deputy Administrator also finds however, that an unrestricted medical license is not dispositive of whether an applicant's registration with DEA is in the public interest.

As to Dr. Turley's experience in dispensing controlled substances, it is undisputed that Dr. Turley seriously abused his privileges as a DEA registrant. He dispensed controlled substances on numerous occasions for no legitimate medical purpose and in exchange for sexual favors and merchandise.

Regarding factors three and four, the record is clear that Dr. Turley was convicted of one count of unlawful distribution of controlled substances in violation of 21 U.S.C. 841(a)(1). This conviction was the result of the exchange of Ultragesic capsules for the two machine guns with silencers. However, it is evident that Dr. Turley failed to comply with 21 U.S.C. 841(a)(1) on numerous other occasions. He dispensed Dilaudid, an extremely addictive and dangerous substance, to at least three individuals for no legitimate medical purpose in exchange for sexual favors. In addition, he dispensed a variety of controlled substances to an individual for no legitimate medical purpose in exchange for merchandise.

The Acting Deputy Administrator concludes that Dr. Turley's past behavior as a DEA registrant was reprehensible. There is no indication that he can now be trusted to responsibly handle controlled substances, and therefore Dr. Turley's registration with DEA would be inconsistent with the public interest.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823, and 28 C.F.R. 0.100(b) and 0.104, hereby orders that the application submitted by John C. Turley, III, M.D. for a DEA Certificate of Registration be,

and it hereby is, denied. This order is effective April 28, 1997.

Dated: March 14, 1997.

**James S. Milford,**

*Acting Deputy Administrator.*

[FR Doc. 97-7884 Filed 3-27-97; 8:45 am]

BILLING CODE 4410-09-M

## NATIONAL BANKRUPTCY REVIEW COMMISSION

### Meeting

**AGENCY:** National Bankruptcy Review Commission.

**ACTION:** Notice of public meeting.

**TIME AND DATE:** Thursday, April 17, 1997; 8:00 a.m. to 5:30 p.m. and Friday, April 18, 1997; 8:00 a.m. to 5:00 p.m.

**PLACE:** Ninth Circuit Court of Appeals Courtroom, United States Courthouse—Room 815, 1010 Fifth Avenue, Seattle, Washington. The handicap entrance is located at the Sixth Avenue side of the building.

**STATUS:** The meeting will be open to the public.

**NOTICE:** At its public meeting, the Commission will consider general administrative matters and substantive agenda items including consumer bankruptcy, mass torts and future claims, and Chapter 12; Commission working groups will consider the following substantive matters: Chapter 11, consumer bankruptcy, government, service to the estate and ethics, and small business/partnership/single asset real estate. An open forum session devoted to issues related to consumer bankruptcy for public participation is tentatively planned to be held on April 17, 1997 from 8:15 a.m. to 10:30 a.m. In addition, an open forum session devoted to issues related to the United States Trustee Program for public participation will tentatively be held on April 18, 1997 from 4:00 p.m. to 4:30 p.m. This will be followed by a general open forum session for public participation that will tentatively be held on April 18, 1997 from 4:30 p.m. to 5:00 p.m. Dates and times for the open forum sessions may be subject to change.

**SUPPLEMENTARY INFORMATION:** Any individual or organization who wants to make an oral presentation to the National Bankruptcy Review Commission concerning the Commission's statutory responsibilities may do so at the open forum sessions. Persons who would like to make an oral presentation to the Commission at the open forum sessions should register in advance by contacting the National

Bankruptcy Review Commission at (202) 273-1813 no later than Wednesday, April 16, 1997 before 5:00 p.m. EST and providing name, organization (if applicable), address and phone number, or may register in person at the National Bankruptcy Review Commission registration desk at the meeting site by providing name, organization (if applicable), address and phone number. If the volume of requests to speak at the open forum sessions exceeds the time available to accommodate all such requests, the speakers will be chosen on the basis of order of registration.

Oral presentations will be limited to five minutes per speaker. Persons speaking at the open forum sessions are requested, but not required, to supply twenty (20) copies of their written statements prior to their presentations to the National Bankruptcy Review Commission, Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Suite 5-130, Washington, DC 20544. Written submissions are not subject to any limitations.

### CONTACT PERSONS FOR FURTHER

**INFORMATION:** Contact Susan Jensen-Conklin or Carmelita Pratt at the National Bankruptcy Review Commission, Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Suite 5-130, Washington, D.C. 20544; Telephone Number: (202) 273-1813.

**Susan Jensen-Conklin,**

*Deputy Counsel.*

[FR Doc. 97-7944 Filed 3-27-97; 8:45 am]

BILLING CODE 6820-36-P

## SECURITIES AND EXCHANGE COMMISSION

**Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (Time Warner, Inc., Common Stock, \$.01 Par Value; Rights to Purchase Series A Participating Cumulative Preferred Stock) Filed No. 1-12259**

March 24, 1997.

Time Warner, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities ("Securities") from listing and registration on the Pacific Exchange ("PCX").