

had met its burden in establishing these factors.

The administrative law judge found that, notwithstanding the deferred adjudication of guilt, the Government had established a *prima facie* case under factor (3). DEA has previously held that a registrant may be found to have been convicted within the meaning of the Controlled Substances Act despite the withholding of an adjudication of guilt. See *Clinton D. Nutt, D.O.*, 55 FR 30992 (1990); *Eric A. Baum, M.D.*, 53 FR 47272 (1988).

The administrative law judge additionally found that the Government had proven, by a preponderance of the evidence, that Respondent had prescribed controlled substances to the undercover officer on three separate occasions, without a valid medical purpose, thereby establishing a *prima facie* case under factors (2), (4) and (5).

The administrative law judge found that the Government failed to prove that Respondent knew or should have

known that the combination of Tylenol No. 4 and Valium or Xanax was highly abused on the streets or that the prescriptions issued to individuals other than the undercover officer were for a non-legitimate purpose. The Government did, however, establish that the combination controlled substances is abused among low-income individuals in the Houston area, a group served by Respondent. The administrative law judge also noted that the ease with which the undercover officer obtained the combination of drugs warrants serious concern by DEA.

The Deputy Administrator adopts the findings of fact, conclusions of law and recommended ruling of the administrative law judge in its entirety. 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 DEA Certificate of Registration, AD7600631, issued to

David W. Davis, D.O., be, and it hereby is, revoked, and that any pending applications for such registration as a practitioner be, and they hereby are, denied. This order is effective on October 2, 1995.

Dated: August 28, 1995.
Stephen H. Greene,
Deputy Administrator.
 FR Doc. 95-21694 Filed 8-31-95; 8:45 am]
 BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated April 4, 1995, and published in the **Federal Register** on April 12, 1995, (60 FR 18618), Mallinckrodt Chemical, Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Methylphenidate (1724)	II
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine Hydrochloride (9059)	II
Dihydrocodeine (9120)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium powdered (9639)	II
Opium granulated (9640)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

A comment and a request for a hearing with respect to Methylphenidate were filed by two registered manufacturers. However, Mallinckrodt Chemical, Inc., has withdrawn its 1994 and 1995 applications for registration as a bulk manufacturer of Methylphenidate. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 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 with the exception of Methylphenidate (1724).

Dated: August 28, 1995.
Gene R. Haislip,
Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.
 [FR Doc. 95-21771 Filed 8-31-95; 8:45 am]
 BILLING CODE 4410-09-M

Importer of Controlled Substances; Registration

By Notice dated April 7, 1995, and published in the **Federal Register** on April 17, 1995, (60 FR 19306), Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed below: