

Inc., Lincoln, MA; Promis Systems Corporation, Toronto, Ontario, CANADA; and NIIP Project Office, Stamford, CT.

NIIP's area of planned activity is development of open industry software protocols that will integrate computing environments across the U.S. manufacturing base.

Constance K. Robinson,

*Director of Operations, Antitrust Division.*

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BILLING CODE 4410-01-M

### Notice Pursuant to the National Cooperative Research and Production Act of 1993; X Consortium, Inc.

Notice is hereby given that, on May 29, 1996, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the X Consortium, Inc., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing 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, the changes are as follows: Draper Laboratory, Arlington, VA; Smithsonian Astrophysical Observatory, Cambridge, MA; and TriTeal Corp., Carlsbad, CA have been added to the venture. AT&T Global Information Solutions, West Columbia, SC; Compagnie Europeene des Techniques de l'Ingeniere Assiste, Toulon, FRANCE; O'Reilly & Associates, Inc., Cambridge, MA; Tatung Science and Technology, Milpitas, CA; and Visual Information Technologies, Inc., Richardson, TX have withdrawn from the venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the X Consortium, Inc., intends to file additional written notifications disclosing all changes in membership.

On September 15, 1993, the X Consortium, Inc., filed its original notification pursuant to § 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to § 6(b) of the Act on November 10, 1993 (58 FR 59737).

Constance K. Robinson,

*Director of Operations, Antitrust Division.*

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### Drug Enforcement Administration

[Docket No. 94-26]

#### Nestor A. Garcia, M.D.; Grant of Restricted Registration

On February 18, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Nestor A. Garcia, M.D., (Respondent) of North Miami, Florida, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged in substance that: (1) Between April and August of 1990, the Respondent entered three separate addiction programs for treatment of his abuse of Demerol, a Schedule II controlled substance. (2) On February 13, 1991, the Florida Department of Professional Regulation (DPR) issued an emergency order suspending his state medical license, but on July 27, 1992, ordered the reinstatement of his state license subject to certain limitations. However, there were three actions pending against his license. (3) On February 28, 1991, after the suspension, the Respondent submitted DEA Form 222 to a pharmacy to order meperidine, a Schedule II controlled substance. (4) On November 5, 1991, the Respondent surrendered his DEA Certificate of Registration, AG2355370.

On March 22, 1994, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Miami, Florida, on March 29, 1995, before Administrative Law Judge Mary Ellen Bittner. At the hearing, both parties called witnesses to testify, and the Government introduced documentary evidence. After the hearing, counsel for both sides submitted proposed findings of fact, conclusions of law and argument. On December 5, 1995, Judge Bittner issued her Opinion and Recommended Ruling, recommending that the Respondent's application for registration be granted only as to controlled substances in Schedules IV and V, with specifically enumerated restrictions. Neither party filed exceptions to her decision, and on January 16, 1996, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record, 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.

Specifically, the Deputy Administrator finds that the parties have stipulated that Demerol is a Schedule II controlled substance pursuant to 21 CFR 1308.12. The Deputy Administrator also finds that Valium is the brand name for diazepam, a Schedule IV controlled substance pursuant to 21 CFR 1308.14.

The Respondent is a physician who specializes in psychiatry. On January 26, 1993, he completed an Application for Registration under the Controlled Substances Act, requesting DEA register him as a practitioner and authorize him to handle Schedule II nonnarcotic substances, both narcotic and nonnarcotic Schedule III substances, Schedule IV substances, and Schedule V substances. The Respondent also disclosed on the form that his medical license had been suspended on or about February 25, 1990, but had been reinstated on December 8, 1992.

A detective from the Broward County, Florida, Sheriff's Department (Detective) testified at the hearing before Judge Bittner, stating that in late 1988, the Respondent was arrested and charged with sexual activity, while in custodial and familial authority, with a sixteen-year-old girl, LW. The Detective testified that LW told him that in November of 1988, while she was a patient at South Florida State Hospital, she had developed a relationship with the Respondent, her treating psychiatrist. She told the Detective that she had been transferred to the psychiatric unit of Hollywood Memorial Hospital, had escaped from that hospital, and had lived with the Respondent in a motel room across the street from the hospital where he worked. LW told the Detective that she had maintained a sexual relationship with the Respondent. The Detective testified that he was able to verify some of the information provided by LW, specifically that the Respondent had rented the motel room. However, the charges were eventually dropped.

The Respondent did not testify before Judge Bittner. However, Dr. Goetz, the director of the Physicians' Recovery Network (PRN) testified, stating that he had visited the Respondent on April 5, 1990, and on that same day the Respondent was admitted to the Chemical Dependency Unit of the Mt. Sinai Medical Center in Miami. There, a urine sample tested positive for