Dated: March 25, 1997.

Eluid L. Martinez,

Commissioner, Bureau of Reclamation.

[FR Doc. 97–7948 Filed 3–27–97; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 96–42]

Bruce A. Ames, M.D.; Revocation of Registration

On July 22, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Bruce A. Ames, M.D. (Respondent), of Redding, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration AA5878422, and deny any pending applications for registration as a practitioner pursuant to 21 U.S.C. 823(f) and 824(a)(3), for reason that he is not currently authorized to handle controlled substances in the State of California.

On August 19, 1996, Respondent filed a timely request for a hearing, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On August 21, 1996, Judge Bittner issued an Order for Prehearing Statements. On August 26, 1996, the Government filed a Motion for Summary Disposition, alleging that effective May 12, 1995, the Medical Board of California (Board) placed Respondent's license to practice medicine in the State of California on probation for five years, prohibited him from handling controlled substances, and ordered him to surrender his DEA Certificate of Registration. In his response to the Government's motion, Respondent asserted various defenses. However, Respondent did not deny that the Board prohibited him from handling controlled substances.

On October 28, 1996, Judge Bittner issued her Opinion and Recommended Decision, finding that Respondent lacked authorization to handle controlled substances in the State of California; granting the Government's Motion for Summary Disposition; and recommending that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her opinion, and on December 3, 1996, Judge Bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, 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 Acting Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Acting Deputy Administrator finds that effective May 12, 1995, the Board revoked Respondent's license to practice medicine in the State of California, but stayed the revocation and placed Respondent's license on probation for five years subject to various terms and conditions. One of these terms is that ''Respondent shall not prescribe, administer, dispense, order or possess any controlled substances as defined in the California Uniform Controlled Substances Act.'' In addition, ''Respondent is prohibited from practicing medicine until [he] provides documentary proof * * * that [his] DEA permit has been surrendered to the Drug Enforcement Administration for cancellation * * *.'' Therefore, the Acting Deputy Administrator finds that Respondent is not currently authorized to handle controlled substances in the State of California.

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 in the state in which he 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 Fed. Reg. 51,104 (1993); James H. Nickens, M.D., 57 Fed. Reg. 59,847 (1992); Roy E. Hardman, M.D., 57 Fed. Reg. 49,195 (1992). In the instant case, the record indicates that Respondent is not currently authorized to handle controlled substances in the State of California. As Judge Bittner notes, ''[i]t is equally clear that because Respondent lacks this state authority, Respondent is not currently 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 California. 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 Phillip E. Kirk, M.D., 48 Fed. Reg. 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); *United States* v. *Consolidated Mines & Smelting Co.*, 44 F.2d 432 (9th Cir. 1971).

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 DEA Certificate of Registration AA5878422, previously issued to Bruce A. Ames, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective April 28, 1997.

Dated: March 14, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–7883 Filed 3–27–97; 8:45 am]

BILLING CODE 4410–09–M

Importer of Controlled Substances; Notice of Registration

By Notice dated August 21, 1996, and published in the **Federal Register** on September 3, 1996, (61 FR 46488), Calbiochem-Novabiochem Corporation, 10394 Pacific Center Court, Attn: Receiving Inspector, San Diego, California 92121–4340, made application to the Drug Enforcement Administration (DEA) to renew its registration to import small quantities of the listed controlled substances to make reagents for distribution to the biomedical research community as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
Amphetamine (1100)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
Cocaine (9041)	II

No request for a hearing was filed concerning Calbiochem-Novabiochem Corporation's 1996 application for renewal of its registration. However, by Notice dated July 5, 1995, Calbiochem-Novabiochem Corporation made application to the Drug Enforcement Administration (DEA) to renew its registration as an importer of the basic classes of controlled substances listed above. Notice of this application was published in the **Federal Register** on July 13, 1995 (60 FR 36165). A registered manufacturer filed a request for a hearing with respect to amphetamine for the 1995 application.

The action on Calbiochem-Novabiochem Corporation's 1995 application to import amphetamine was docketed before Administrative Law Judge (ALJ) Mary Ellen Bittner.

By letter to the ALJ, dated August 31, 1995, the registered manufacturer withdrew its request for a hearing based on Calbiochem-Novabiochem Corporation's agreement to withdraw its application to be registered with DEA to manufacture amphetamine. The ALJ terminated the administrative proceeding on October 2, 1995. As of October 1, 1996, Calbiochem-Novabiochem Corporation has not filed a request for withdrawal of its 1995 application for registration as a bulk manufacturer of amphetamine and, therefore, DEA did not process that application. By letter dated October 25, 1996, Calbiochem-Novabiochem Corporation's request that amphetamine be deleted from its 1996 renewal application for registration.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Calbiochem-Novabiochem Corporation is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above with the exception of amphetamine (1100).

Dated: February 26, 1997.

Gene R. Haislip,

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

[FR Doc. 97–7878 Filed 3–27–97; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 96–46]

Charles R. Griffin, Jr., D.D.S. Revocation of Registration

On August 15, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Charles R. Griffin, Jr., D.D.S. (Respondent), of Tucson, Arizona, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BG4084593, and deny any pending applications for registration as a practitioner pursuant to 21 U.S.C. 823(f) and 824(a)(3), for reason that he is not currently authorized to practice dentistry in the State of Arizona.

Respondent timely requested a hearing, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On October 21, 1996, Judge Bittner issued an Order for Prehearing Statements. On October 30, 1996, the Government filed a Motion for Summary Disposition, alleging that effective May 12, 1995, the Arizona State Board of Dental Examiners (Board) revoked Respondent's license to practice dentistry, and as a result, Respondent is not currently authorized to handle controlled substances in the State of Arizona. Respondent did not file a response to the Government's motion. However, in his letter requesting a hearing, Respondent did not dispute that he was not authorized to handle controlled substances, but rather asked for a postponement of the revocation proceeding since he is seeking reinstatement of his license either by judicial action or by approval of his application for reinstatement with the Board.

On November 27, 1996, Judge Bittner issued her Opinion and Recommended Decision, finding that Respondent lacked authorization to handle controlled substances in the State of Arizona; granting the Government's Motion for Summary Disposition; and recommending that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her opinion, and on January 8, 1997, Judge Bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, 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 Acting Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Acting Deputy Administrator finds that by Order dated May 12, 1995, the Board revoked Respondent's license to practice dentistry in the State of Arizona. Like Judge Bittner, the Acting Deputy Administrator finds it reasonable to infer that because Respondent is not licensed to practice dentistry in Arizona, he is also not authorized to handle controlled substances in that State.

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 in the State in which he 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 Fed. Reg. 51,104 (1993); James H. Nickens, M.D., 57 Fed. Reg. 59,847 (1992); Roy E. Hardman, M.D., 57 Fed. Reg. 49,195 (1992). Since the record is clear that Respondent is not authorized to handle controlled substances in the State of Arizona, as Judge Bittner notes, ''[i]t is equally clear that * * * Respondent is not currently 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 Arizona. 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 Phillip E. Kirk, M.D., 48 Fed. Reg. 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); *United States* v. *Consolidated Mines & Smelting Co.*, 44 F.2d 432 (9th Cir. 1971).

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 DEA Certificate of Registration BG4084593, previously issued to Charles R. Griffin, Jr., D.D.S., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are denied. This order is effective April 28, 1997.

Dated: March 14, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–7882 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 November 22, 1996, Johnson & Johnson Pharmaceutical Partners, HC–02 State Road 933, KMO.1 Mamey Ward, HC–02 Box 19250, Gurabo, Puerto Rico 00778–