

The proposed consent decree may be examined at the Office of the United States Attorney, United States Courthouse, 445 Broadway, Albany, NY 12207; the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, NY 10278; and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$5.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

*Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### **Nathaniel Aikens-Afful, M.D.;** **Revocation of Registration**

On August 1, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Nathaniel Aikens-Afful, M.D., of Randallstown, Maryland, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AA2585721, under 21 U.S.C. 824(a)(2), (a)(3), and (a)(4), and deny any pending applications for registration pursuant to 21 U.S.C. 823(f), for reason that he was convicted of a felony offense relating to controlled substances, he is not authorized to handle controlled substances in the State of Maryland, and his continued registration would be inconsistent with the public interest. The order also notified Dr. Aikens-Afful that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The DEA received a signed receipt indicating that Dr. Aikens-Afful received the order on August 5, 1996. No request for a hearing or any other reply was received by the DEA from Dr. Aikens-Afful or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 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.

Aikens-Afful is deemed to have waived his hearing right. After considering the relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.54(e) and 1301.57.

The Acting Deputy Administrator finds that on November 16, 1994, the Maryland State Board of Physician Quality Assurance (Board) issued an Order for Summary Suspension of License to Practice Medicine. The Board found that Dr. Aikens-Afful wrote prescriptions for Percocet and Roxicet, both Schedule II controlled substances, for individuals for no legitimate medical purpose, and often in names of individuals that he never saw. The Board found that Dr. Aikens-Afful would write these prescriptions for friends and associates who would have the prescriptions filled, sell the pills, and then provide Dr. Aikens-Afful with some of the proceeds from these illegal sales.

There is no evidence in the record that Dr. Aikens-Afful's license to practice medicine in the State of Maryland has been reinstated. Therefore, the Acting Deputy Administrator finds that since Dr. Aikens-Afful is not currently authorized to practice medicine in the State of Maryland, it is reasonable to infer that he is not authorized to handle controlled substances in that state.

The DEA does not have 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 his 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 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992).

Here, it is clear that Dr. Aikens-Afful is not currently authorized to handle controlled substances in the State of Maryland, where he is registered with DEA. Therefore, he is not entitled to maintain that registration. Because Dr. Aikens-Afful is not entitled to a DEA registration in Maryland due to his lack of state authorization to handle controlled substances, the Acting Deputy Administrator concludes that it is unnecessary to address whether Dr. Aikens-Afful's registration should be revoked based upon the other grounds asserted in the Order to Show Cause.

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 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AA2585721, previously issued to Nathaniel Aikens-Afful, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective May 8, 1997.

Dated: April 1, 1997.

**James S. Milford,**

*Acting Deputy Administrator.*

[FR Doc. 97-8945 Filed 4-7-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### **James D. Okun, M.D.;** **Revocation of Registration**

On August 6, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to James D. Okun, M.D., notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BO1821354, and deny any pending applications for registration 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 Louisiana, where he is registered with DEA. The order also notified Dr. Okun that should no 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. Okun at his registered address in Louisiana and at his residence in California. Subsequently, the DEA received a signed, but undated, receipt showing that Dr. Okun received the order sent to California. Government counsel asserts that more than 30 days have passed since the signed return receipt was received by the DEA. No request for a hearing or any other reply was received by the DEA from Dr. Okun or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 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. Okun 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 CFR 1301.54(e) and 1301.57