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**Joel M. Gross,**

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

The Acting Deputy Administrator finds that on July 29, 1995, the Louisiana State Board of Medical Examiners (Board) issued an Opinion and Ruling regarding Dr. Okun's license to practice medicine. The Board found that Dr. Okun had entered a plea of *nolo contendere* to a charge of assault with a dangerous weapon—an automobile; had answered untruthfully a question on his 1992 license renewal application as to whether he had been charged with a violation of any statute; and had run an advertisement in a newspaper which contained false, fraudulent or misleading representations. It was the Board's opinion that in order to determine the appropriate sanction against his medical license, Dr. Okun should be evaluated by a psychiatrist and then he should personally appear before the Board. The Board ordered that if Dr. Okun did not comply with these requirements within 60 days of the Board's Opinion and Ruling, his medical license would be suspended until he does comply. By letter dated October 27, 1995, the Board advised DEA that Dr. Okun's license to practice medicine was suspended effective September 27, 1995.

The Acting Deputy Administrator finds that there is no indication that Dr. Okun has complied with the Board's requirements and therefore, his medical license remains suspended. The Acting Deputy Administrator concludes that it is reasonable to infer that since Dr. Okun is not currently licensed to practice medicine in Louisiana, he is also 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. Okun is not currently authorized to handle controlled substances in the State of Louisiana. Consequently, he is not entitled to a DEA registration in that state. While it appears that Dr. Okun is currently living in California, he has not submitted a request to modify his registration to that state. Therefore, the DEA registration issued to him in Louisiana must be revoked.

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, BO1821354, previously issued to James D. Okun, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending requests for 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.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### **Raymond S. Sanders, D.P.M.; Revocation of Registration**

On June 18, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Raymond S. Sanders, D.P.M., of Sacramento, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AS8739572, under 21 U.S.C. 824(a)(3) and 824(a)(4), and deny any pending applications for registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that he is not currently authorized to handle controlled substances in the State of California and his continued registration would be inconsistent with the public interest. The order also notified Dr. Sanders 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 the order was received by Dr. Sanders on July 1, 1996. No request for a hearing or any other reply was received by the DEA from Dr. Sanders 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. Sanders 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 April 15, 1996, the Office of Administrative Hearings, State of

California, issued an interim suspension order suspending Dr. Sanders from practicing podiatric medicine. Thereafter, on April 29, 1996, the Board of Podiatric Medicine for the State of California (Board) filed an Accusation charging, in part, that Dr. Sanders engaged in unprofessional conduct by prescribing, dispensing or furnishing dangerous drugs to himself and his wife without medical indication. The Accusation proposed the revocation of Dr. Sanders' podiatric medicine license. On June 19, 1996, the Board entered a Default Decision revoking Dr. Sanders' podiatric medicine license effective July 19, 1996. The Acting Deputy Administrator finds that in light of the fact that Dr. Sanders is not currently licensed to practice podiatric medicine in the State of California, it is reasonable to infer that he is not currently 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. Sanders is not currently authorized to handle controlled substances in the State of California. Therefore, Dr. Sanders is not entitled to a DEA registration. Because Dr. Sanders is not entitled to a DEA registration due to his lack of state authorization to handle controlled substances, the Acting Deputy Administrator concludes that it is unnecessary to address whether Dr. Sanders' continued registration would be inconsistent with the public interest as alleged 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, AS8739572, previously issued to Raymond S. Sanders, D.P.M., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for registration, be, and they hereby are, denied. This order is effective May 8, 1997.