license to practice medicine in the State of Nevada.

The Deputy Administrator concludes that Dr. Chancellor is not currently licensed to practice medicine in Nevada, and therefore, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state. The DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the application or registrant is without state authority to handle controlled substances in the state in which he conducts his business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. Romeo J. Perez, M.D., 62 FR 16193 (1997); Demetris A. Green, M.D., 61 FR 60728 (1996); Dominick A. Ricci, M.D., 58 FR 51104 (1993).

Here it is clear that Dr. Chancellor is not currently authorized to handle controlled substances in the State of Nevada. As a result, Dr. Chancellor is not entitled to a DEA registration in that state.

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 C.F.R. 0.100(b) and 0.104, hereby orders that DEA Certificate or Registration BC2622644, previously issued to Robert S. Chancellor, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective September 7, 1999.

Dated: July 27, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99–20238 Filed 8–5–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 99–21]

Bryant D. Chomiak, Revocation of Registrations

On January 12, 1999, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Bryant D. Chomiak, M.D. (Respondent) of Nevada, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificates of Registration BC2335912 and BC5019395 pursuant to 21 U.S.C. 824(a)(3) and deny any pending applications for renewal of such registrations pursuant to 21 U.S.C. 823(f), for reason that he is not currently authorized to handle controlled substances in Nevada, the state in which he practices. The order also notified Respondent that should not request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause that was sent to Respondent at his registered location in Henderson, Nevada was returned to DEA unclaimed. However, a signed receipt indicates that the Order to Show Cause sent to Respondent at his registered location in Las Vegas, Nevada was received on January 20, 1999. There was no response to the Order to Show Cause by Respondent or anyone purporting to represent him within 30 days of receipt of the order and the matter was transmitted to the Deputy Administrator on April 6, 1999, for final agency action.

On April 26, 1999, the DEA's Office of Administrative Law Judges received a letter from Respondent dated April 16, 1999, indicating that he was seeking reinstatement of his Nevada medical license; stating that the revocation of his Nevada medical license had noting to do with his professional conduct; and seeking advice regarding the proper procedure to be followed in this matter. by letter dated May 3, 1999, the Hearing Clerk for the Office of Administrative Law Judges advised Respondent that it was unclear from his April 16, 1999 letter whether or not he was requesting a hearing. The Hearing Clerk then stated ''that although your response to the Order to Show Cause is outside the time period specific in 21 CFR 1301.43, you may file with this office a written request for a hearing by May 14, 1999. Otherwise, you will be deemed to have waived your right to a hearing.''

On May 18, 1999, Administrative Law Judge Gail A. Randall issued an Order Terminating the Proceedings in this matter. Judge Randall found that there had been no response to the May 3, 1999 letter from the Hearing Clerk, and therefore concluded that Respondent had waived his right to a hearing.

Thereafter, on May 19, 1999, the Office of Administrative Law Judges received a letter from Respondent dated May 16, 1999, in which Respondent stated that ''I suppose, the best course is to request a hearing to explain my position formally.'' Since Judge Randall had already terminated the proceedings before her, the Hearing Clerk forwarded Respondent's May 16, 1999 letter to Government counsel for appropriate action. the investigative file, including all of the above-referenced documents, has been transmitted to the Deputy Administrator.

The Deputy Administrator concludes that Respondent has waived his right to a hearing in this matter. The Order to show Cause specifically states that Respondent had 30 days from the date of receipt of the order to request a hearing. The Order to Show Cause was received on January 20, 1999, and no correspondence did not specifically request a hearing and was clearly outside the 30-day period for requesting a hearing. Nonetheless, Judge Randall gave Respondent a second chance to request a hearing. Respondent was give until May 14, 1999, yet Respondent's letter requesting the hearing was not filed with DEA until May 19, 1999, again outside the allotted time period. Therefore, Respondent is deemed to have waived his right to a hearing and the Deputy Administrator now enters his final order in this matter without a hearing and based on the investigative file pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Respondent currently possesses DEA Certificates of Registration BC23355912 and BC5019395, issued to him in Nevada. The Deputy Administrator further finds that on April 24, 1997, the Board of Medical Examiners of the State of Nevada (Board) ordered the summary suspension of Respondent's license to practice medicine in Nevada pending further proceedings. Thereafter, on July 15, 1997, the Board revoked Respondent's Nevada medical license. Therefore, the Deputy Administrator finds that Respondent is not currently authorized to practice medicine in Nevada, and it is reasonable to infer that 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 his business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See Romeo J. Perez, M.D., 62 FR 16193 (1997); Demetris A. Green, M.D., 61 FR 60728 (1996); Dominick A. Ricci, M.D., 58 FR 51104 (1993).

Here it is clear that Respondent is not currently authorized to practice medicine and handle controlled substances in Nevada. As a result, he is not entitled to a DEA registration in that state.

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 Certificates of Registration BC2335912 and BC5019395, previously issued to Bryant D. Chomiak, M.D., be, and they hereby are, revoked. The Deputy Administrator further orders that any pending applications for the renewal of such registrations, be, and they hereby are, denied. This order is effective September 7, 1999.

Dated: July 27, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99–20239 Filed 8–5–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated Agril 26, 1999, and published in the **Federal Register** on May 7, 1999, (64 FR 24678), Dupont Pharmaceuticals, 1000 Stewart Avenue, Garden City, New York 11530, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Oxycodone (9143)	II
Hydrocodone (9193)	II
Oxymorphone (9652)	II

The firm plans to manufacture the listed controlled substances to make finished products.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Dupont Pharmaceuticals to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Dupont Pharmaceuticals on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.104, 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.

Dated: July 22, 1999.

John H. King,

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

[FR Doc. 99–20229 Filed 8–5–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 98–27]

Roger Lee Kinney, M.D.; Grant of Restricted Registration

On March 17, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Roger Lee Kinney, M.D. (Respondent) of Sapulpa, Oklahoma, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that his registration would be inconsistent with the public interest.

By letter dated April 15, 1998, Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause. Following prehearing procedures, a hearing was held in Tulsa, Oklahoma on July 21, 1998, before Administrative Law Judge Gail A. Randall. At the hearing, both parties called witnesses to testify and introduced documentary evidence. After the hearing, both parties submitted proposed findings of fact, conclusions of law and argument. On January 22, 1999, Judge Randall issued her Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision, recommending that Respondent's application for registration be granted subject to various conditions. Neither party filed exceptions to Judge Randall's opinion, and on April 12, 1999, Judge Randall transmitted the record of these proceedings to the Deputy Administrator.

The 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 Deputy Administrator adopts in full the recommended rulings, findings of fact, conclusions of law and decision of the Administrative Law Judge. His adoption is in no manner diminished by any recitation of facts, issues or conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that Respondent graduated from medical school in 1966, and entered private practice in Sapulpa, Oklahoma in 1967, as a general or family practitioner. He has been a staff member at the only local hospital for approximately 30 years. There are 14 active staff positions at the hospital and it serves a fairly rural area consisting of approximately 58,000 people.

During the early 1980s, Respondent purchased and ingested cocaine. The record is not clear as to the extent of Respondent's abuse of cocaine. However according to Respondent, he last ingested cocaine on August 8, 1985. There is also some evidence in the record that in 1981, Respondent dispensed and distributed Preludin, a Schedule II controlled substance, not in the usual course of his professional practice or for legitimate medical or research purposes.

In 1985, a federal grand jury charged Respondent with an 82-count indictment, which include counts for illegal distribution of a controlled substance, conspiracy to distribute cocaine, and income tax evasion. According to Respondent, he pled guilty to at least 14 felony counts, among them, conspiracy, illegal distribution, and tax evasion, and he was sentenced to four years incarceration. However, the Deputy Administrator is unable to determine exactly what charges Respondent was convicted of, since no judgment order was entered into evidence. Further, while Respondent pled guilty to some charges and he admitted in his 1990 application for a DEA Certificate of Registration that he has been convicted of illegal distribution of controlled substances ''which stemmed from a problem of substance abuse,'' the Government did not present any evidence of the underlying fact of the investigation which led to Respondent's indictment and ultimate conviction. Therefore, the Deputy Administrator is unable to determine the extent and severity of Respondent's unlawful conduct.

Respondent consented to the suspension of his medical license during the period of his incarceration. Thereafter, on February 24, 1986, the Oklahoma State Board of Medical Examiners (Board) suspended Respondent's medical license. While incarcerated, Respondent participated in a drug rehabilitation program. His sentence was later reduced to three years incarceration because of his