Study, Long-Term, is the second phase and is intended to develop a long-term operation strategy for New Melones Reservoir. This study will negotiate a consensus among stakeholders concerning New Melones Reservoir long-term operation. If it is determined that upon completion of both the New Melones Water Management Study, Short-Term and Long-Term, there are still unmet demands, a new planning study will be developed to address these needs.

Roger Patterson,

Regional Director.

[FR Doc. 96–20177 Filed 8–7–96; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

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 June 25, 1996, Allen, Dovensky & Company, Inc., 3529 Lincoln Highway, Thorndale, Pennsylvania 19372, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of morphine (9300) a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture morphine for the purpose of deuterium labeled internal standards for distribution to analytical laboratories.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 7, 1996.

Dated: July 31, 1996.

Gene R. Haislip,

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

[FR Doc. 96–20161 Filed 8–7–96; 8:45 am]

BILLING CODE 4410–09–M

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on June 27, 1996, B.I. Chemical, Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Acetylmethadol (9601)	I
Phenylacetone (8501)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Thebaine (9333)	II

The firm intends to import the listed controlled substances to sell to its customers.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC., 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: July 31, 1996.

Gene R. Haislip,

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

[FR Doc. 96–20162 Filed 8–7–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 16, 1996, U.S. Drug Testing, Inc., 10410 Trademark Street, Rancho Cucamonga, California 91730, made application, which was received for processing on June 20, 1996, to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug:	Schedule
Tetrahydrocannabinols (7370)	I
Heroin (9200)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
Benzoylecgonine (9180)	II
Morphine	II

The firm plans to manufacture small quantities of the listed controlled substances to make drug test kits.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 7, 1996.

Dated: July 31, 1996.

Gene R. Haislip,

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

[FR Doc. 96–20163 Filed 8–7–96; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 96–11]

Gerald E. Vangsgard, M.D.; Revocation of Registration

On November 27, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Gerald Vangsgard, M.D., (Respondent), of Carmel, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AY0018970, and deny any pending applications for registration as a practitioner under 21 U.S.C. 823(f), for the reason that on December 28, 1993, the California Medical Board (Board) issued a Decision which prohibited him from practicing medicine until such time as he passed required examinations, which he had not done.

The Respondent filed a timely request for a hearing, and the matter was docketed before Administrator Law Judge Mary Ellen Bittner. However, prior to the hearing, the Government filed a Motion for Summary Disposition on January 17, 1996, noting that the Respondent was unauthorized to practice medicine in California until requirements levied by an order of the Board had been met. Attached to the motion was a copy of the Board's accusations, a copy of a Stipulation and Waiver signed by the Respondent on July 2, 1993, and a copy of the Board's order dated December 28, 1993, which adopted the Stipulation and Waiver as its decision. The Respondent was afforded an opportunity to respond to the Government's motion on or before February 2, 1996. The Respondent did not file a response specifically addressing the Government's motion, but the Respondent's physician submitted a letter stating that the Respondent planned to meet the Board's requirements in the spring of 1996. However, the Respondent has not denied that he is not authorized to handle controlled substances in the State of California.

On February 15, 1996, Judge Bittner issued her Opinion and Recommended Decision, (1) Finding that the Respondent had not taken and passed the required examinations and therefore, lacked authorization to practice medicine in California; (2) finding that it was reasonable to infer, and that the Respondent had not denied, that he thus lacked state authorization to handle controlled substances; (3) granting the Government's Motion for Summary Disposition; and (3) recommending that the Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her decision, and on March 15, 1996, Judge Bittner transmitted the record of these proceedings and her opinion 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 decision 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 Respondent signed a Stipulation and Waiver on July 2, 1993, in response to the Board's accusation filed against the Respondent on September 16, 1992. In relevant part, the Stipulation and Waiver ordered the Respondent to pass an oral and a written examination, and prohibited him from practicing medicine until he met this requirement and received written notification from the Board. Further, the Respondent was ordered to undergo a medical and a psychiatric evaluation, and he was not to engage in the practice of medicine until he was notified in writing by the Division of its determination that the Respondent is medically and mentally fit to practice medicine. On December 28, 1993, the Board adopted the Stipulation and Waiver.

In the Motion for Summary Disposition, the Government asserted that it did not have any indication that the Respondent had taken and passed the required examinations, or that the Board's restrictions had been removed. The Deputy Administrator finds that the Respondent has not submitted any information or evidence to the contrary, and concludes that the Respondent consequently is not authorized to practice medicine or to handle controlled substances in the State of California.

The Drug Enforcement Administration cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts his business. See 21 U.S.C. 823(f) (authorizing the Attorney General to register a practitioner to dispense controlled substances only if the applicant is authorized to dispense controlled substances under the laws of the state he or she practices); 802(21) (defining ''practitioner'' as one authorized by the United States or the state in which he or she practices to handle controlled substances in the course of professional practice or research). 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); Myong S. Yi, M.D., 54 FR 30,618 (1989); Bobby Watts, M.D., 53 FR 11,919 (1988).

Here, it is clear that the Respondent is not currently authorized to practice medicine in California. The Deputy Administrator agrees with Judge Bittner's finding that ''[i]t is therefore reasonable to infer, and Respondent does not deny, that because he is not authorized to practice medicine, he is also not authorized to handle controlled substances.'' Likewise, since the Respondent lacks state authority to handle controlled substances, DEA lacks authority to continue the Respondent's registration.

Judge Bittner also properly granted the Government's motion for summary disposition. Here, the parties did not dispute that the Respondent was unauthorized to handle controlled substances in California, the state in which he proposed to conduct his practice. Therefore, it is well-settled that when no question of fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory, Dominick A. Ricci, M.D., 58 FR at 51,104; see also Phillip E. Kirk, M.D., 48 FR 32,887 (1983), aff'd sub nom Kirk V. Mullen, 749 F2d 297 (6th Cir. 1984); Alfred Tennyson Smurthwaite, M.D., 43 FR 11,873 (1978); NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO, 549 F.2d 634 (9th Cir. 1977).

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 Certificate of Registration AY0018970, previously issued to Gerald Vangsgard, M.D., be, and it hereby is, revoked, and any pending application for renewal of such registration is hereby denied. This order is effective September 9, 1996.