Registration issued to him in new Mexico.

The Deputy Administrator further finds that pursuant to the April 14, 1998 plea agreement, Respondent also agreed ''to withdraw any application for a DEA registration number.'' In its motions, the Government asserted that pursuant to 21 CFR 1301.16(a), Respondent needed permission from DEA before he could withdraw his application since the Order to Show Cause had been previously issued on April 7, 1998. Consequently, the Government attached to its motions a copy of a letter from the DEA Deputy Assistant Administrator, Office of Diversion Control which stated that, ''[i]n response to your plea agreement * * * you are hereby granted permission to withdraw your application dated September 21, 1994, for a Drug Enforcement Administration Certificate of Registration.'' As a result, the Government argued that the proceedings regarding Respondent's application for a DEA Certificate of Registration in South Carolina should be terminated in light of Respondent's plea agreement and DEA's granting of permission to withdraw the application.

However, Judge Bittner concluded that the record does not contain any evidence that Respondent in fact withdrew his September 14, 1994 application for registration. Pursuant to the plea agreement Respondent only agreed to withdraw any pending applications for registration. Further, while the letter from the Deputy Assistant Administrator granted Respondent permission to withdraw his application, he indicates that he did so in response to the plea agreement. Judge Bittner noted that in his request for a hearing Respondent stated that ''[t]he application for renewal in South Carolina has now been withdrawn.'' However, Judge Bittner concluded that this is not sufficient evidence to support a finding that Respondent took any action to withdraw his application. As a result, Judge Bittner concluded, and the Deputy Administrator agrees, that Respondent has not withdrawn his September 21, 1994 application and therefore the proceedings regarding this application are not terminated.

With respect to the application for registration in South Carolina, the Government also argued that summary disposition should be granted based on Respondent's lack of authorization to handle controlled substances in South Carolina. The Deputy Administrator finds that by letter dated September 27, 1994, the South Carolina Department of Health and Environmental Control denied Respondent's application for a controlled substance registration. In his response to the Government's motions, Respondent did not deny that he is without authorization to handle controlled substances in South Carolina. Therefore, the Deputy Administrator concludes that Respondent is not currently authorized to handle controlled substances in South Carolina.

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 his business. 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 licensed to handle controlled substances in South Carolina. Therefore, he is not entitled to a DEA registration in that state.

In light of the above, Judge Bittner properly granted the Government's Motion for Summary Disposition regarding Respondent's application for registration in South Carolina. Here, there is no dispute that Respondent is without authorization to handle controlled substances in South Carolina. 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 FR 32887 (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 (9th Cir. 1971).

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 the proceedings regarding DEA Certificate of Registration BP5105590, previously issued to William Franklin Prior, Jr., M.D., be, and they hereby are, terminated. The Deputy Administrator further orders that the September 14, 1994 application for registration submitted by William Franklin Prior, Jr., M.D., be, and it hereby is, denied. This order is effective April 1, 1999.

Dated: March 15, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99–7928 Filed 3–31–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances, Notice of Registration

By Notice dated December 10, 1998, and published in the Federal Register on December 23, 1998 (63 FR 71156), Irix Pharmaceuticals, Inc., 101 Technology Place, Forence, South Carolina 29501, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of methylphenidate (1724), a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture methylphenidate for demonstration purposes and for dosage form development and stability studies.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Irix Pharmaceuticals, Inc. to manufacture the listed controlled substance is consistent with the public interest at this time. DEA has investigated Irix Pharmaceuticals, Inc. to ensure that the company's registration is consistent with the public interest. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR. 0.100 and 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 class of controlled substance listed above is granted.

Dated: March 17, 1999.

John H. King,

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

[FR Doc. 99–7937 Filed 3–31–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substance; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 23, 1998, Johnson Matthey, Inc., Custom Pharmaceuticals Department, 2003 Nolte Drive, West Deptford, New Jersey

08066, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Difenoxin (9168)	I
Propiram (9649)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Morphine (9300)	II
Thebaine (9333)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture the listed controlled substances in bulk to supply final dosage form manufacturers.

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

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 June 1, 1999.

Dated: March 18, 1999.

John H. King,

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

[FR Doc. 99–7934 Filed 3–31–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated December 23, 1998, and published in the **Federal Register** on January 4, 1999, (64 FR 182), Knoll Pharmaceutical Company, 30 North Jefferson Road, Whippany, New Jersey 07981, 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
Dihydromorphine (9145)	I
Hydromorphone (9150)	II

The firm plans to produce bulk product and finished dosage units for distribution to its customers.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Knoll Pharmaceutical Company to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Knoll Pharmaceutical Company 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 0.100 and 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: March 18, 1999.

John H. King,

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

[FR Doc. 99–7938 Filed 3–31–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 20, 1999, Lilly Del Caribe, Inc., Chemical Plant, Kilometer 146.7, State Road 2, Mayaguez, Puerto Rico 00680, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of dextropropoxyphene (9273), a basic of controlled substances listed in Schedule II.

The firm plans to manufacture bulk product for distribution to its customers.

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

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 June 7, 1999.

Dated: March 1, 1999.

John H. King,

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

[FR Doc 99–7933 Filed 3–31–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated December 2, 1998, and published in the **Federal Register** on December 11, 1998, (63 FR 68474), Mallinckrodt Chemical, Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 6314, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of amphetamine (1100), a basic class of controlled substance listed in Schedule II.

The firm plans to bulk manufacture the listed controlled substance for product development.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Mallinckrodt Chemical, Inc. to manufacture amphetamine is consistent with the public interest at this time. DEA has investigated Mallinckrodt Chemical, Inc. 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 0.100 and 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 class of controlled substance listed above is granted.