

(2) Respondent shall notify the Special Agent in Charge of the DEA New Orleans Field Division, or his designee, if he ceases to be employed at LSU Monroe Medical Center.

(3) If Respondent goes into private practice, he shall permit DEA personnel to conduct inspections of his registered location and of his controlled substance records without an Administrative Inspection Warrant.

However, having said that it is in the public interest to issue Respondent a restricted registration, DEA cannot issue him such a registration unless he is authorized to handle controlled substances by the state in which he practices. As discussed above, it is unclear whether Respondent possesses a current valid state controlled substance license. Therefore, the Deputy Administrator concludes that Respondent should be issued a DEA Certificate of Registration subject to the above described conditions once he provides evidence to DEA that he is authorized to handle controlled substances in Louisiana.

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 application for a DEA Certificate of Registration submitted by Lawrence C. Hill, M.D., be, and it hereby is granted subject to the above described conditions, upon receipt by the DEA New Orleans office of evidence of his state authorization to handle controlled substances. This order is effective June 4, 1999.

Dated: May 25, 1999.

Donnie R. Marshall,
Deputy Administrator.

[FR Doc. 99-14100 Filed 6-3-99; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Pablo E. Melgarejo, M.D.; Revocation of Registration

On November 17, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Pablo E. Melgarejo, M.D., of Orlando, Florida, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration AM2026284 pursuant to 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of such registration pursuant to 21 U.S.C. 823(f), for reason that he is not

currently authorized to handle controlled substances in the State of Florida. The order also notified Dr. Melgarejo that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was sent to Dr. Melgarejo by registered mail to his DEA registered address, but was returned with the notation "not deliverable as addressed, unable to forward." The Order to Show Cause was then sent to Dr. Melgarejo at another address in Florida. This time the order was returned to DEA with the notation that delivery had been refused. Information in the investigative file indicates that the records of the Florida State Attorney's Office in Orange County and the Florida Medical Board show that Dr. Melgarejo failed to appear at a criminal proceeding and has fled the United States.

The Deputy Administrator finds that DEA has made numerous attempts to locate Dr. Melgarejo and has determined that his whereabouts are unknown. It is evident that Dr. Melgarejo is no longer practicing medicine at the address listed on his DEA Certificate of Registration. The Deputy Administrator concludes that considerable effort has been made to serve Dr. Melgarejo with the Order to Show Cause without success. Dr. Melgarejo is therefore deemed to have waived his opportunity for a hearing. 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 on July 15, 1998, the Florida Board of Medicine issued an Order revoking Dr. Melgarejo's license to practice medicine effective July 21, 1998, based upon his sexual misconduct with patients.

The Deputy Administrator finds that Dr. Melgarejo is not currently authorized to practice medicine in Florida. It is reasonable to infer that he is also not 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 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 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here it is clear that Dr. Melgarejo is not currently licensed to practice medicine or authorized to handle

controlled substances in the State of Florida. Therefore, Dr. Melgarejo is not entitled to a DEA registration in that state.

Accordingly, the Deputy Administration 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 AM2026284, previously issued to Pablo E. Melgarejo, 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 July 6, 1999.

Dated: May 25, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99-14101 Filed 6-3-99; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Neil Laboratories, Inc.; Suspension of Shipment

On August 7, 1998, the then-Acting Deputy Administrator of the Drug Enforcement Administration (DEA), issued an Order to Suspend Shipment to Neil Laboratories, Inc. of East Windsor, New Jersey, notifying it that a proposed shipment of 240 kilograms of pseudoephedrine to Oscar Barajas Gomez/Comercializadora Del Noroeste (Comercializadora) of Mexico was suspended pursuant to 21 U.S.C. 971 and 21 CFR 1313.41. The Order to Suspend Shipment stated that DEA believed that the listed chemical may be diverted. Specifically, the order provided Neil Laboratories, Inc.: (1) With the factual and legal basis for the suspension of the shipment; (2) with an opportunity to file a written request for a hearing within 30 days pursuant to 21 CFR 1313.51 through 1313.57; (3) with notice that, should it fail to request a hearing, it would be deemed to have waived the hearing; and (4) with notice that upon the expiration of the 30 day time frame, the Deputy Administrator may then enter his final order in this matter without a hearing.

The order was received by Neil Laboratories, Inc. on August 21, 1998. No request for a hearing has been received by DEA from Neil Laboratories, Inc., or anyone purporting to represent the company in this matter. Subsequently, the investigative file was transmitted to the Deputy Administrator for final agency action.

Therefore, the Deputy Administrator, finding that: (1) 30 days have passed since the issuance of the Order to Suspend Shipment; and (2) no request for a hearing has been received, concludes that Neil Laboratories, Inc. is deemed to have waived its hearing right. After considering relevant material from the file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1313.57.

The Deputy Administrator finds that on December 12, 1997, Neil Laboratories, Inc. submitted a DEA Form 486 to DEA which indicated that it proposed to export 2,992,000 pseudoephedrine 60 mg. tablets to Comercializadora. A check with Mexican authorities revealed that Comercializadora never requested an import permit from the Mexican Department of Health. This shipment was exported to Mexico before DEA could discuss this matter with Neil Laboratories, Inc.

On February 3, 1998, DEA was notified that Comercializadora was not authorized by the Department of Health to import pseudoephedrine into Mexico.

On February 6, 1998, Neil Laboratories, Inc. submitted another DEA Form 486 which indicated that it proposed to export 4,000,000 pseudoephedrine 60 mg. tablets to Comercializadora. Neil Laboratories, Inc. also forwarded to DEA a copy of a Mexican import permit for this shipment. Upon receipt of the documents, DEA asked the Mexican Department of Health to verify the legitimacy of the customer. Thereafter, the Mexican authorities informed DEA that the Mexican import document submitted by Comercializadora to Neil Laboratories, Inc. was fraudulent. On February 20, 1998, Neil Laboratories, Inc. voluntarily canceled the shipment.

DEA personnel went to the address used by Comercializadora which was the same address as that listed in the Tijuana, Mexico telephone book for its owner, Oscar Barajas Gomez. The address was discovered to be an empty store front.

On April 2, 1998, Neil Laboratories, Inc. submitted a third DEA Form 486 which indicated that it proposed to export 4,000,000 pseudoephedrine 60 mg. tablets to Comercializadora. DEA requested that the Mexican Department of Health verify the import license submitted for this shipment. It was determined that the import license provided to Neil Laboratories, Inc. was fraudulent, in that one of the Mexican officials' signature was a forgery and two other Mexican officials listed on the permit were fictitious names. In

addition, the company number provided by Comercializadora on the import license belonged to another company in Mexico.

On June 4, 1998, Neil Laboratories, Inc. forwarded another import license from Comercializadora, which Mexican authorities verified was also fraudulent. On June 15, 1998, Neil Laboratories, Inc. withdrew the previous DEA Form 486 and submitted a new, duplicate request. The Mexican port of entry for the shipment listed on the form is not authorized to receive shipments of pseudoephedrine.

Pursuant to 21 U.S.C. 971(c), and the delegation of authority found in 28 CFR 0.100(b) and 0.104, the Deputy Administrator may "order the suspension of any importation or exportation of a listed chemical * * * on the ground that the chemical may be diverted to the clandestine manufacture of a controlled substance." The Deputy Administrator concludes that there is substantial evidence to support the conclusion that this shipment of pseudoephedrine may be diverted to the clandestine manufacture of a controlled substance. The address noted for the customer was an empty store front and the customer provided fraudulent import documents. Further, the Deputy Administrator notes that no contrary evidence has been presented.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 971 and 28 CFR 0.100(b) and 0.104, hereby orders that the proposed shipment described above, be, and it hereby is, suspended, and that these proceedings are hereby concluded. This final order is effective immediately.

Dated: May 25, 1999.

Donnie R. Marshall,

Deputy Administrator.

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DEPARTMENT OF LABOR

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to

be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.