

Dated: October 28, 2002.

**John B. Brown, III,**

*Deputy Administrator.*

[FR Doc. 02-28658 Filed 11-8-02; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances; Notice of Registration

By Notice dated April 11, 2002, and published in the **Federal Register** on April 26, 2002 (67 FR 20828), Noramco of Delaware, Inc., Division of McNeilab, Inc., which has changed its name to Noramco of Delaware, Inc., Division of Ortho-McNeil, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, 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
Codeine (9050) .....	II
Oxycodone (9143) .....	II
Hydrocodone (9193) .....	II
Morphine (9300) .....	II
Thebaine (9333) .....	II

The firm plans to manufacture the listed controlled substances for distribution to its customers as bulk product.

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 Noramco of Delaware, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Noramco of Delaware, 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 classes of controlled substances listed above is granted.

Dated: October 21, 2002.

**Laura M. Nagel,**

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

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Alfred S. Santucci, D.M.D.; Revocation of Registration

On May 13, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Alfred S. Santucci, D.M.D. of Niles, Ohio, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BS1782665 under 21 U.S.C. 824(a), and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Santucci not currently authorized to handle controlled substances in Ohio, the state in which he practices, and had been convicted of a felony involving controlled substances. The order also notified Dr. Santucci that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

By letter of June 10, 2002, Dr. Santucci requested an administrative hearing. On July 9, 2002, DEA filed the Government's Motion for Summary Disposition and Request for Stay of the Filing of Prehearing Statement. The Motion was based upon the argument that no facts were at issue: DEA 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 business. Dr. Santucci did not respond to the Motion. On September 18, 2002, Administrative Law Judge Mary Ellen Bittner certified and transmitted the record in the matter to the Deputy Administrator along with her Opinion and Recommended Decision. In her Decision, the Administrative Law Judge granted DEA's Motion for Summary Disposition and recommended that Dr. Santucci's DEA registration be revoked.

The Deputy Administrator has carefully reviewed the entire record in this matter, as defined above, and hereby issues this final order as prescribed by 1301.46, based upon the following findings and conclusions. The Deputy Administrator adopts the

Opinion and Recommended Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitative of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law. The Deputy Administrator now enters his final order without a hearing pursuant to 21 C.F.R. 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Dr. Santucci possesses DEA Certificate of Registration B1782665. On February 14, 2001, Dr. Santucci entered into a consent agreement with Ohio State Dental Board which imposed an indefinite suspension of Dr. Santucci's license to practice dentistry. Loss of state authority to engage in the practice of medicine is an independent ground to revoke a practitioner's registration under 21 U.S.C. 824(a)(3). This agency has consistently held that a person may not maintain a DEA registration if he is without appropriate authority under the laws of the State in which he does business. See Anne Lazar Thorn, M.D., 62 FR 12,847 (DEA 1997); Bobby Watts, M.D., 53 FR 11,919 (DEA 1988); Robert F. Witek, D.D.S., 52 FR 47,770 (DEA 1987).

Dr. Santucci has not denied that he is currently not licensed to practice medicine in Ohio, the jurisdiction in which he is registered. Accordingly, he is not entitled to a DEA registration. As the Administrative Law Judge stated, it is well-settled that when no question of fact is involved, or when the material facts are agreed upon, a plenary, adversarial administrative proceedings is not required. See Jesus R. Jaurez, M.D., 62 FR 14,945 (DEA 1997); Dominick A. Ricci, M.D., 58 FR 51,104 (DEA 1993).

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, grants the agency's Motion for Summary Disposition and hereby orders that DEA Certificate of Registration BSS1782665 issued to Alfred S. Santucci, D.M.D. be, and hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective December 12, 2002.

Dated: October 28, 2002.

**John B. Brown, III,**

*Deputy Administrator.*

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