

and discuss the process to review management objectives and information needs. In addition, the following items will be discussed: Adaptive Management Program guiding document, tribal participation update, Kanab ambersnail workshop, GCMRC Request for Proposal status, Lake Powell plan, fiscal year 2001 budget, fiscal year 2000 annual plan, experimental flows ad-hoc report, status of pit tag data files, temperature control device, programmatic compliance, and basin hydrology.

Phoenix, Arizona—July 20, 1999. The meeting will begin at 1:00 p.m. and conclude at 4:00 p.m. The meeting will be held in the Turquoise Room at the Embassy Suites Hotel located at 1515 North 44th Street in Phoenix, Arizona.

Agenda: The purpose of the meeting is to address any outstanding issues and discuss the items on the AMWG agenda for the meeting the following day.

Phoenix, Arizona—July 22, 1999. The meeting will begin at 1:00 p.m. and conclude at 3:00 p.m. The meeting will be held in the Turquoise Room at the Embassy Suites Hotel located at 1515 North 44th Street in Phoenix, Arizona.

Agenda: The purpose of the meeting is to review the action items for the TWG from the previous days AMWG meetings.

DATES AND LOCATION: The Glen Canyon Dam Adaptive Management Work Group will conduct an open public meeting as follows:

Phoenix, Arizona—July 21–22, 1999. The meeting will begin at 9:30 a.m. and conclude at 5:00 p.m. on the first day and begin at 8:00 a.m. and conclude at 12 noon on the second day. The meeting will be held in the Turquoise Room at the Embassy Suites Hotel located at 1515 North 44th Street in Phoenix, Arizona.

Agenda: The purpose of the meeting is to address administrative issues and discuss the process to review management objectives and information needs. The following items will also be discussed: Adaptive Management Program guiding document, Adaptive Management Program strategic plan, organization location of the GCMRC, status of filling the GCMRC director position, tribal participation update, report on flood avoidance ad-hoc activities, programmatic agreement five-year budget, National Research Council report, Kanab ambersnail workshop, GCMRC report on activities, fiscal year 2001 budget, fiscal year 2000 annual plan, experimental flows ad-hoc report, temperature control device, programmatic environmental compliance, and basin hydrology.

Time will be allowed on each agenda for any individual or organization wishing to make formal oral comments (limited to 10 minutes) at the meetings. To allow full consideration of information by the TWG and AMWG members, written notice must be provided to Randall Peterson, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102; telephone (801) 524–3715; faxogram (801) 524–3858; E-mail at: rpeterson@uc.usbr.gov at least FIVE (5) days prior to the meetings. Any written comments received will be provided to the TWG and AMWG members at the meetings.

FOR FURTHER INFORMATION CONTACT: Randall Peterson, telephone (801) 524–3715; faxogram (801) 524–3858; E-mail at: rpeterson@uc.usbr.gov.

Dated: May 6, 1999.

Eluid L. Martinez,
Commissioner, Bureau of Reclamation.
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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 98–31]

Bonds Discount Pharmacy; Revocation of Registration

On April 17, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Bonds Discount Pharmacy (Respondent) of Golden, Mississippi notifying it of an opportunity to show cause as to why DEA should not revoke the pharmacy's DEA Certificate of Registration BBB4240723 pursuant to 21 U.S.C. 824(a)(2) and (a)(4) and deny any pending applications for renewal of such registration pursuant to 21 U.S.C. 823(f), for reason that the pharmacy's owner was convicted of a felony related to controlled substances and that the pharmacy's continued registration would be inconsistent with the public interest.

By letter dated May 20, 1998, Respondent, through counsel, filed a request for a hearing and the matter was docketed before Administrative Law Judge Gail A. Randall. In the midst of prehearing proceedings, the Government filed a Request for Stay of Proceedings and a Motion for Summary Disposition on September 22, 1998. The Government alleged that on July 23, 1998, the Mississippi Board of

Pharmacy (Board) issued an order suspending the pharmacist's license of Michael Bonds, Respondent's owner and pharmacist; indicating that Respondent's pharmacy permit was considered null and void; and placing Respondent in a "closed pharmacy" status. The Government argued that as a result, Respondent is not authorized to handle controlled substances in Mississippi and therefore DEA cannot maintain its registration.

Respondent was given until October 13, 1998 to file its response to the Government's motion. On October 16, 1998, Respondent filed several documents, including an Order issued by the Supreme Court of Mississippi granting Mr. Bonds' Petition for Consideration by the Full Court relating to his criminal conviction. On October 19, 1998, Respondent filed its Response to Motion for Summary Disposition, asking that the Government's motion be denied and all proceedings stayed in light of Mr. Bonds' pending challenge to his criminal conviction. Respondent argued that because all matters relating to Mr. Bonds' conviction are not yet concluded, DEA should not revoke Respondent's registration.

Apparently at the same time Respondent was filing its response to the Government's motion, Judge Randall issued an Order on October 19, 1998, giving Respondent until October 27, 1998, to file a response.

On October 27, 1998, Judge Randall issued her Opinion and Recommended Decision, finding that Respondent lacked authorization to handle controlled substances in Mississippi; granting the Government's Motion for Summary Disposition; and recommending that Respondent's DEA Certificate of Registration be revoked. On the same day as Judge Randall issued her Opinion and Recommended Ruling, Respondent filed an Amended Response to Motion for Summary Disposition, essentially arguing that Mr. Bonds is "in the posture of regaining his license to practice pharmacy."

Neither party filed exceptions to Judge Randall's Opinion and Recommended Decision, and on December 1, 1998, she 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 Opinion and Recommended Decision of the Administrative Law Judge.

As a preliminary matter, the Deputy Administrator must determine whether or not to consider Respondent's Amended Response to Motion for Summary Disposition filed on October 30, 1998. Given Judge Randall's October 19, 1998 Order, there could arguably be some confusion as to whether Respondent was permitted to file a second response. Therefore, the Deputy Administrator has considered this filing in rendering his decision in this matter.

The Deputy Administrator finds that by order issued July 23, 1998, the Board indicated that it considered Respondent's Mississippi pharmacy permit null and void and placed it in a "closed pharmacy" status. In its responses to the Government's motion, Respondent argued that because Mr. Bonds has a motion pending before the Supreme Court of Mississippi regarding his criminal conviction, DEA should not take action at this time. However, Respondent did not dispute that it was not currently authorized to handle controlled substances.

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 authority to handle controlled substances in the state in which it conducts business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See, Andrew Mobley, Inc., d/b/a Medicine Shoppe*, 54 FR 16,421 (1989); *Wingfield Drugs, Inc.*, 52 FR 27,070 (1987); *Tony's Discount Store, Anthony Sekul, Proprietor*, 51 FR 12,578 (1986).

Here it is clear that Respondent's pharmacy permit is considered null and void. Consequently, it is reasonable to infer that it is not authorized to handle controlled substances in Mississippi, where it is registered with DEA. Since Respondent lacks this state authority, it is not entitled to a DEA registration in that state.

In light of the above, Judge Randall properly granted the Government's Motion for Summary Disposition. It is well-settled that where there is no material question of fact involved, or when the facts are agreed upon, there is no need for a plenary, administrative hearing. Congress did not intend for administrative agencies to perform meaningless tasks. *See Gilbert Ross, MD.*, 61 FR 8664 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993); *Philip E. Kirk, M.D.*, 48 FR 32,887 (1983), *aff'd sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984). Here, there is no dispute concerning the material fact that Respondent is not currently authorized

to handle controlled substances in Mississippi.

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 BB4240723, previously issued to Bonds Discount Pharmacy, be, and it 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 June 14, 1999.

Dated: May 6, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99-12035 Filed 5-12-99; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Joseph M. Burt, M.D.; Revocation of Registration

On July 29, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Joseph M. Burt, M.D., of Murrels Inlet, South Carolina, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BB0955774 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 South Carolina. The order has notified Dr. Burt 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. Burt by registered mail to his DEA registered address, but was returned to DEA unclaimed. Attempts by DEA to locate a current address for Dr. Burt were unsuccessful.

The Deputy Administrator finds that DEA has made numerous attempts to locate Dr. Burt and has determined that his whereabouts are unknown. It is evident that Dr. Burt 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. Burt with the Order to Show Cause without success. Dr. Burt 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 June 10, 1997, the State Board of Medical Examiners of South Carolina (Board) suspended Dr. Burt's license to practice medicine. As a result, on July 2, 1997 the South Carolina Department of Health, Bureau of Drug Control terminated Dr. Burt's state controlled substance registration. Thereafter, on July 20, 1998, the Board issued a Final Order revoking Dr. Burt's license to practice medicine in South Carolina.

The Deputy Administrator finds that Dr. Burt is not currently authorized to handle controlled substances in South Carolina, the state where he is registered with DEA. 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 had 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. Burt is not currently authorized to handle controlled substances in the State of South Carolina. Therefore, Dr. Burt 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 Certificate of Registration BB0955774, previously issued to Joseph M. Burt, 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 June 14, 1999.

Dated: May 6, 1999.

Donnie R. Marshall,

Deputy Administrator.

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