

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. The parties did not dispute the fact that Respondent is currently unauthorized to handle controlled substances in the State of Nevada. 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 Philip E. Kirk, M.D., 48 FR 32887 (1993), *aff'd sub nom* Kirk v. Mullen, 749 F.2d 297 (6th Cir. 1984); see also 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 432 (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 application for registration submitted by Dietrich A. Stoemer, M.D., be, and it hereby is, denied. This order is effective August 6, 1999.

Dated: July 27, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99-20235 Filed 8-5-99; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Richard M. Wodka, M.D., Revocation of Registration

On February 26, 1999, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Richard M. Wodka, M.D., of Arizona, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BW3512173 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 Arizona. The order also notified Dr. Wodka 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 by registered mail to Dr. Wodka's DEA registered address in Tucson, Arizona,

but was returned to DEA with a notation that Dr. Wodka had moved without leaving a forwarding address. A copy of the Order to Show Cause was also sent by regular mail to Dr. Wodka at his last known address in Marana, Arizona. This copy has not been returned and therefore is considered to have been delivered.

No request for a hearing or any other reply was received by the DEA from Dr. Wodka or anyone purporting to represent him in this matter. It is evident that Dr. Wodka is no longer practicing medicine at the address listed on his DEA Certificate of Registration. Dr. Wodka 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 Dr. Wodka currently possesses DEA Certificate of Registration BW3512173, issued to him in Arizona. On July 17, 1996, the Arizona Board of Medical Examiners (Board) placed Dr. Wodka's license to practice medicine in inactive status and totally revoked his prescribing privileges.

The Deputy Administrator concludes that Dr. Wodka is not currently licensed to practice medicine in the State of Arizona, and is 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. See 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 Dr. Wodka is not currently authorized to handle controlled substances in the State of Arizona. As a result, he 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 BW3512173, previously issued to Richard M. Wodka, 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 September 7, 1999.

Dated: July 27, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99-20240 Filed 8-5-99; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2009-99; AG Order No. 2239-99]

Extension of the Registration Period for Hondurans and Nicaraguans Under the Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: On January 5, 1999, the Attorney General designated Honduras and Nicaragua under the Temporary Protected Status (TPS) program for a period of 18 months. Under the terms of the designation, applicants could apply for TPS during the registration period lasting from January 5, 1999, through July 5, 1999. This notice extends the registration period until August 20, 1999. Applications must be received with the appropriate fee for a fee waiver request by the Immigration and Naturalization Service (Service) service center with jurisdiction over the applicant's place of residence by close of business on August 20, 1999. The extension of the registration period does not extend the period of the designation. In order to be eligible for TPS under the Honduras or Nicaragua designations, applicants must demonstrate that they have been continuously present in the United States since January 5, 1999, and have continuously resided in the United States since December 30, 1998. The Service is extending the registration period to allow eligible applicants who have not yet filed an application an additional 45 days to register for TPS. There will be no further extension of the registration deadline.

DATES: This notice is effective July 7, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Valverde, Immigration and Naturalization Service, Adjudications Division, 425 I Street, NW, Room 3040, Washington, DC 20536, telephone (202) 514-4754.

SUPPLEMENTARY INFORMATION:

When did the Attorney General designate Honduras and Nicaragua under the TPS Program?

On January 5, 1999, the Attorney General designated Honduras and