The company plans to import the other listed controlled substances for internal reference standards use only. The comparisons of foreign reference standards to the company’s domestically manufactured API will allow the company to export domestically manufactured API to foreign markets.


Susan A. Gibson,
Deputy Assistant Administrator.

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DEPARTMENT OF JUSTICE
Drug Enforcement Administration

[No. 18–12]

Donald Kenneth Shreves, D.V.M.; Dismissal of Proceeding

On October 31, 2017, the Acting Assistant Administrator, Diversion Control Division, issued an Order to Show Cause to Donald Kenneth Shreves, D.V.M. (Respondent), of Pottstown, Pennsylvania. The Show Cause Order proposed the revocation of Respondent’s Certificate of Registration on the ground that he does “not have authority to handle controlled substances in the State of Pennsylvania, the State in which [he is] registered, and substances in Pennsylvania, the State in which is registered,” at 1–2. On November 8, 2017, Respondent was personally served with the Show Cause Order, and on December 8, 2018, Respondent requested a hearing. Resp. Hrng. Req. at 1. The matter was placed on the docket of the Office of Administrative Law Judges and assigned to ALJ Charles Wm. Dorman, who, on December 11, 2017, issued an order setting the briefing schedule. See Briefing Schedule for Lack of State Authority Allegations, at 1.

On January 4, 2018, the Government submitted a Motion for Summary Disposition: as support for its motion, the Government attached a copy of the Board’s Suspension Order and a Declaration of a DEA Task Force Office that Respondent’s Veterinary License remained suspended as of January 2, 2017, when she queried the Board’s website. Mot. for Summ. Disp., Attachments 3; 5; 6, at 2. On January 10, 2018, Respondent filed his reply and admitted that he was currently without authority to handle controlled substances in Pennsylvania. Resp.’s Reply to Govt. Mot. for Summ. Disp., at 1.

On January 11, 2018, the ALJ issued his Recommended Decision (R.D.). Therein, the ALJ found that there was no dispute over the material fact that Respondent lacks authority to dispense controlled substances in Pennsylvania. Id. at 5–6. The ALJ thus granted the Government’s Motion for Summary Disposition and recommended that Respondent’s registration be revoked. Id.

Neither party filed exceptions to the Recommended Decision. On February 6, 2018, the ALJ forwarded the record to my Office.

Having reviewed the record, I hold that this proceeding is now moot. The evidence in the record establishes that Respondent’s registration was due to expire on February 28, 2018, and according to the Agency’s registration record for Respondent of which I take official notice, he has not submitted an application to renew his registration.

Accordingly, I find that Respondent’s registration expired on February 28, 2018 and that there is no application to act upon.

DEA has long held that “if a registrant has not submitted a timely renewal application prior to the expiration date, then the registration expires and there is nothing to revoke.” Donald Brooks Reece II, M.D., 77 FR 35054, 35055 (2012) (quoting Ronald J. Riegel, 63 FR 67312, 67133 (1998)); see also Thomas E. Mitchell, 76 FR 20032, 20033 (2011). “Moreover, in the absence of an application (whether timely filed or not), there is nothing to act upon.” Reece, 77 FR at 35055. Accordingly, because Respondent has allowed his registration to expire and did not file an application to renew his registration or for any other registration in Pennsylvania, this case is now moot and will be dismissed.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that the Order to Show Cause issued to Donald K. Shreves, D.V.M., be, and it hereby is, dismissed. This Order is effective immediately.

Dated: May 7, 2018.

Robert W. Patterson,
Acting Administrator.

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DEPARTMENT OF JUSTICE
Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: Registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as bulk manufacturers of various classes of schedule I and II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as bulk manufacturers of various basic classes of controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted for these notices.

1 Under the Administrative Procedure Act (APA), an agency “may take official notice of facts at any stage in a proceeding—even in the final decision.” U.S. Dept. of Justice, Attorney General’s Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA’s regulations, Respondent is “entitled on timely request to an opportunity to show to the contrary.” 5 U.S.C. 556(e); see also 21 CFR 1316.53(e). To allow Respondent the opportunity to refute the facts of which I take official notice, Respondent may file a motion for reconsideration within fifteen calendar days of service of this order which shall commence on the date this order is mailed.

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