

basis for revocation, the Order to Show Cause alleged that on December 8, 2001, the Board of Healing Arts of the State of Kansas (Board) revoked Respondent's medical license. Accordingly, the Respondent is not currently authorized to handle controlled substances in Kansas, the state in which he practices. The order also notified Respondent 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 certified mail to Respondent at his registered location in Grand Bend, Kansas. DEA received a signed receipt indicating that the Order to Show Cause was received by Respondent on or around May 2, 2002. The receipt noted that Respondent has changed his address to Virginia Beach, VA.

Respondent requested a hearing. On July 31, 2002, DEA filed a Motion for Summary Disposition and Request for Stay of the Filing of Prehearing Statement. In its Motion, the Government alleged that Respondent lacks authority to handle controlled substances in Kansas, the state in which he currently maintains his DEA registration. The Government further stated that Respondent's state medical license had been revoked by the Board on December 10, 2001, and appended a copy of the Board's Final Order to the Motion. The Final Order indicated that Respondent's license had been suspended on June 11, 2001, and remained suspended up to the time the Final Order was executed.

The Administrative Law Judge Gail A. Randall (ALJ) assigned to this case issued an Order on August 2, 2002, affording Respondent an opportunity to file his opposition to the Government's motion by August 16, 2002. Respondent filed a "Prehearing Statement," on August 23, 2002, apparently in response to the ALJ's Order. Even though the filing was received past the deadline set forth in the ALJ's order, the ALJ accepted the document into the record. In his filing, Respondent presented no evidence in opposition to the Government's contention that he lacked state authority to practice medicine or to handle controlled substances in Kansas.

On September 16, 2002, the ALJ certified and transmitted the record in this matter to the Acting Administrator, along with her Opinion and Recommended Decision. In her Decision, the ALJ granted DEA's Motion for Summary Disposition and recommended that Dr. Meredith's DEA registration be revoked.

The Acting Administrator has carefully reviewed the entire record in this matter, as defined above, and

hereby issues this final order as prescribed by 21 CFR 1301.43 and 21 CFR 1301.46 based upon the following findings and conclusions. The Acting Administrator adopts the Opinion and Recommended Decision of the ALJ, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions, herein, or of any failure to mention a matter of fact or law.

The Acting Administrator finds that Respondent possessed DEA Certificate of Registration AM8703995. The Acting Administrator further finds that an investigation by DEA revealed that on December 8, 2001, the Kansas Board of Healing Arts issued a Final Order revoking Respondent's license to practice medicine in Kansas.

DEA does not have 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 business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See* Muttaiya Darmarajeh, M.D., 66 FR 52936 (2001); Damonick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts, M.D., 53 FR 11919 (1988).

Here, it is clear that Respondent is not licensed to handle controlled substances in the State of Kansas where he is registered with DEA. Therefore, he is not entitled to a DEA registration in that state.

Accordingly, the Acting 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 AM8703995, issued to George Minor Meredith, M.D. be, and it hereby is, revoked. The Acting Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective September 2, 2003.

William B. Simpkins,

Acting Administrator.

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DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

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 on 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 supersedeas 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