

PART 1301 — REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

HEARINGS

§1301.43 Request for hearing or appearance; waiver.

(a) Any person entitled to a hearing pursuant to **Sec. 1301.32** or Secs. **1301.34-1301.36** and desiring a hearing shall, within 30 days after the date of receipt of the order to show cause (or the date of publication of notice of the application for registration in the Federal Register in the case of **Sec. 1301.34**), file with the Administrator a written request for a hearing in the form prescribed in **Sec. 1316.47** of this chapter.

(b) Any person entitled to participate in a hearing pursuant to **Sec. 1301.34** or **Sec. 1301.35(b)** and desiring to do so shall, within 30 days of the date of publication of notice of the request for a hearing in the Federal Register, file with the Administrator a written notice of intent to participate in such hearing in the form prescribed in **Sec. 1316.48** of this chapter. Any person filing a request for a hearing need not also file a notice of appearance.

(c) Any person entitled to a hearing or to participate in a hearing pursuant to **Sec. 1301.32** or Secs. **1301.34-1301.36** may, within the period permitted for filing a request for a hearing or a notice of appearance, file with the Administrator a waiver of an opportunity for a hearing or to participate in a hearing, together with a written statement regarding such person's position on the matters of fact and law involved in such hearing. Such statement, if admissible, shall be made a part of the record and shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to matters of fact asserted therein.

(d) If any person entitled to a hearing or to participate in a hearing pursuant to **Sec. 1301.32** or Secs. **1301.34-1301.36** fails to file a request for a hearing or a notice of appearance, or if such person so files and fails to appear at the hearing, such person shall be deemed to have waived the opportunity for a hearing or to participate in the hearing, unless such person shows good cause for such failure.

(e) If all persons entitled to a hearing or to participate in a hearing waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may cancel the hearing, if scheduled, and issue his/her final order pursuant to **Sec. 1301.46** without a hearing.

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