products from multiple wholesale distributors. In addition, many of these purported customers have expressed no desire to purchase listed chemical products from J & S and the wholesalers distribute listed chemical products primarily to convenience stores and gas stations. While there are no specific prohibitions under the Controlled Substance Act regarding the sale of listed chemical products to these entities, DEA has nevertheless found that business establishments such as gas stations and convenience stores constitute sources for the diversion of listed chemical products. *See, e.g.,* Sinbad Distributing, 67 FR 10,232 (2002); K.V.M. Enterprises, 67 FR 70,968 (2002) (denial of application based in part upon information developed by DEA that the applicant proposed to sell listed chemicals to gas stations, and the fact that these establishments in turn have sold listed chemical products to individuals engaged in the illicit manufacture of methamphetamine); Xtreme Enterprises, Inc., supra.

As noted above, there is no evidence in the investigative file that J & S has sought to modify its pending application with regard to the listed chemical products it seeks to distribute. Among the listed chemical products the firm intends to distribute is phenylpropanolamine. Accordingly, the Deputy Administrator also finds factor five relevant to J & S' request to distribute phenylpropanolamine and the apparent lack of safety associated with the use that product. DEA has previously determined that an applicant's request to distribute phenylpropanolamine constitutes a ground under factor five for denial of an application for registration. *See* William E. ''Bill'' Smith d/b/a B&B Wholesale, 69 FR 22,559 (2004); Shani Distributors, 68 FR 62,324 (2003). Based on the foregoing, the Deputy Administrator concludes that granting the pending application of J & S would be inconsistent with the public interest.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby orders that the pending application for DEA Certificate of Registration, previously submitted by J & S Distributors be, and it hereby is, denied. This order is effective November 22, 2004.

Dated: October 5, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–23706 Filed 10–21–04; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 04–40]

Sarfraz Mirza, M.D. Revocation of Registration

On March 2, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Sarfraz Mirza, M.D. (Respondent) of Melbourne, FL, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AM8413813, as a practitioner, pursuant to 21 U.S.C. 824(a)(3) and deny any pending applications for renewal of that registration pursuant to 21 U.S.C. 823(f). As a basis for revocation, the Order to Show Cause alleged that the Florida Department of Health had ordered an immediate suspension of Respondent's license to practice medicine in Florida and accordingly, he was not authorized to handle controlled substances in the state in which he is registered.

On May 17, 2004, through counsel, Respondent timely requested a hearing in this matter. On May 25, 2004, Administrative Law Judge Mary Ellen Bittner (Judge Bittner) issued the Government, as well as Respondent, an Order for Prehearing Statements.

In lieu of filing a prehearing statement, the Government filed Government's Request for Stay of Proceedings and Motion for Summary Disposition. The Government argued Respondent was without authorization to handle controlled substances in the State of Florida, and as a result, further proceedings in the matter were not required. Attached to the Government's motion was a copy of the State of Florida, Department of Health's Order of Emergency Suspension of License, indefinitely suspending Respondent's license to practice medicine in Florida, effective as of July 29, 2003.

On June 4, 2003, Judge Bittner issued a Memorandum to Counsel, staying the filing of prehearing statements and giving Respondent an opportunity to respond to the Government's motion. Respondent failed to file a response to the motion.

On August 10, 2004, Judge Bittner issued her Opinion and Recommended Decision of the Administrative Law Judge (Opinion and Recommended Decision). As part of her recommended ruling, Judge Bittner granted the Government's Motion for Summary Disposition, finding the Respondent lacked authorization to handle controlled substances in Florida, the jurisdiction in which he is registered. Judge Bittner recommended that Respondent's DEA registration be revoked and any pending applications for renewal or modification of that registration be denied. No exceptions were filed by either party to Judge Bittner's Opinion and Recommended Decision and on September 15, 2004, the record of these proceedings was transmitted to the Office of the DEA Deputy Administrator.

The Deputy Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues her 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.

The Deputy Administrator finds that Respondent holds DEA Certificate of Registration, AM8413813. The Deputy Administrator further finds that, effective as of July 29, 2003, the State of Florida, Department of Health issued its Order of Emergency Suspension of License, suspending Respondent's authority to practice as a physician in the State of Florida. There is no evidence in the record indicating that this suspension has been lifted, stayed or that Respondent's license has been reinstated. As a result, he is not currently authorized to prescribe, dispense, administer, or otherwise handle controlled substances in the State of Florida, his place of DEA registration.

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 924(a)(3). This prerequisite has been consistently upheld. See Karen Joe Smiley, M.D., 68 FR 48,944 (2003); Dominick A. Ricci, M.D., 58 FR 51,104 (1993); Bobby Watts, M.D., 53 FR 11,919 (1988). Revocation is also appropriate when a state license has been suspended, but with a possibility of future reactivation. See Anne Lazar Thorn, M.D., 62 FR 12,847 (1997).

Here, it is clear Respondent currently lacks authority to handle controlled substances in Florida, the state in which he is registered with DEA as a practitioner. Therrefore, DEA does not have authority to maintain Respondent's DEA Certificate of Registration for his Florida practice or to grant any pending applications for renewal or modification of that registration.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AM8413813, issued to Safraz Mirza, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective November 22, 2004.

Dated: October 5, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–23717 Filed–10–21–04; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 04–34]

Richard Daniel Price, MD.; Revocation of Registration

On March 15, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Richard Daniel Price, M.D. (Dr. Price) of Birmingham, Alabama, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BP4769949, as a practitioner, pursuant to 21 U.S.C. 824(a)(3) and deny any pending applications for renewal of that registration pursuant to 21 U.S.C. 823(f). As a basis for revocation, the Order to Show Cause alleged that Dr. Price's license to practice medicine in Alabama had been revoked and accordingly, he was not authorized to handle controlled substances in Alabama, the state in which he is registered.

On May 3, 2004, Dr. Price, acting *pro se,* timely requested a hearing in this matter. On May 5, 2004, Presiding Administrative Law Judge Mary Ellen Bittner (Judge Bittner) issued the Government, as well as Dr. Price, an Order for Prehearing Statements. In lieu of filing a prehearing statement, the Government filed its Motion for Summary Judgment and to Stay the Time to File Prehearing Statements if Necessary. The Government argued Dr. Price's license to practice medicine in Alabama had been revoked, that he was without authorization to handle controlled substances in that state and, as a result, further proceedings in the matter were not required. Attached to the government's motion was a copy of the Alabama Medical Licensure Commission's Order of March 31, 2003, revoking Dr. Price's license to practice medicine in that state.

On May 13, 2004, Judge Bittner issued an Order and Notice providing Dr. Price an opportunity to respond to the Government's motion. Dr. Price did not file a response. On June 28, 2004, Judge Bittner issued her Opinion and Recommended Decision of the Administrative Law Judge (Opinion and Recommended Decision). As part of her recommended ruling, Judge Bittner granted the Government's Motion for Summary Judgment, finding Dr. Price lacked authorization to handle controlled substances in Alabama, the jurisdiction in which he is registered. Judge Bittner recommended that Dr. Price's DEA registration be revoked and any pending applications for renewal or modification of that registration be denied. No exceptions were filed by either party to the Opinion and Recommended Decision and on August 10, 2004, the record of these proceedings was transmitted to the Office of the DEA Deputy Administrator.

The Deputy Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues her 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.

The Deputy Administrator finds that Dr. Price holds DEA Certificate of Registration, BP4769949, which expires on March 31, 2005. The Deputy Administrator further finds that, effective as of March 31, 2003, the Medical Licensure Commission of Alabama revoked Dr. Price's Alabama medical license based on his conviction of a felony, a violation of Alabama Code 34–24–360(5) (1997). There is no evidence in the record indicating that the Commission's order has been stayed or rescinded or that Dr. Price's license has been reinstated. Therefore, the Deputy Administrator finds that Dr. Price is currently not licensed to practice medicine in Alabama and, as a result, it is reasonable to infer that he is also without authorization to handle controlled substances in that state.

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 Kanwaljit S. Serai, M.D.,* 68 FR 48943 (2003); *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that Dr. Price is not currently authorized to handle controlled substances in Alabama, where he is registered with DEA. Therefore, he is not entitled to maintain that registration. Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, BP4769949, issued to Richard Daniel Price, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal or modification or such registration be, and they hereby are, denied. This order is effective November 22, 2004.

Dated: October 5, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–23711 Filed 10–21–04; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Ivan D. Garcia-Ramirez, M.D.; Revocation of Registration

On August 11, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ivan D. Garcia-Ramirez, M.D. (Respondent), proposing to evoke his DEA Certificate of Registration, BG2485173, pursuant to 21 U.S.C. 824(a)(2) and 824(a)(4). The Order to Show Cause alleged that Respondent had been convicted of a felony related to controlled substances and that his continued registration would be inconsistent with the public interest.

By letter dated September 10, 2003, Respondent, through his counsel, requested a hearing and on September 30, 2003, Presiding Administrative Law Judge Mary Ellen Bittner (Judge Bittner) issued the Government, as well as Respondent, an Order for Prehearing Statements.

On October 2, 2003, the Government timely filed its prehearing statement. However, Respondent failed to file a prehearing statement and on December 5, 2003, Judge Bittner issued an Order Terminating Proceedings, noting Respondent's lack of response was