

considerations weighed heavily against registering a distributor of list I chemicals because, “[v]irtually all of the Respondent’s customers, consisting of gas station and convenience stores, are considered part of the grey market, in which large amounts of listed chemicals are diverted to the illicit manufacture of amphetamine and methamphetamine.” Xtreme Enterprises, Inc., supra, 67 FR at 76,197. As in Xtreme Enterprises, Inc., Mr. and Mrs. Al-Alousi’s lack of a criminal record and stated intent to comply with the law and regulations are far outweighed by their lack of experience and the company’s intent to sell pseudoephedrine products almost exclusively to the grey market.

The Deputy Administrator is also troubled by AAI’s failure to provide accurate customer information to DEA investigators, indicating the company cannot be trusted to handle the responsibilities of a registrant. Further, its continued or implied use of its predecessor’s name, an entity which prior investigations had linked with the diversion of listed chemicals to illicit laboratories, raises questions about AAI’s customer base and the risk that its products might be sold to previous customers of AAI’s predecessor and then diverted to illegal purposes.

Based on the foregoing, the Deputy Administrator concludes that granting the pending application 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 824 and 28 CFR 0.100(b) and 0.104, hereby orders the pending application for DEA Certificate of Registration, submitted by Al-Alousi, Inc., be, and it hereby is, denied. This order is effective February 24, 2005.

Dated: December 30, 2004.

Michele M. Leonhart,

Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Ray V. Surapaneni, D.O.; Revocation of Registration

On April 29, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ray V. Surapaneni, D.O. (Dr. Surapaneni) who was notified of an opportunity to show cause as to why DEA should not revoke his DEA

Certificate of Registration, BS3724932, pursuant to 21 U.S.C. 824(a)(3). Specifically, the Order to Show Cause alleged that Dr. Surapaneni’s authority to handle controlled substances in the State of Missouri had been revoked.

The Order to Show Cause notified Dr. Surapaneni that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived. Alternatively, he could waive a hearing and submit a written statement regarding his position on the matters of fact and law for the Deputy Administrator’s consideration, along with the material within the investigative case file.

The Order to Show Cause was initially sent by certified mail to Dr. Surapaneni at an address which was not current. On September 2, 2004, the Order to Show Cause was resent and Dr. Surapaneni received it on September 6, 2004. In his September 10, 2004, letter to the Hearing Clerk, DEA Office of Administrative Law Judges, Dr. Surapaneni affirmatively waived a hearing and asked the Deputy Administrator to not revoke his registration and to consider the contents of the letter in deciding the matter.

The Deputy Administrator of DEA, after considering material from the investigative file and the written statement of Dr. Surapaneni, now enters her final order without a hearing pursuant to 21 CFR 1301.43(b) and (e) 1301.46.

The Deputy Administrator finds Dr. Surapaneni is currently registered with DEA as a practitioner authorized to handle controlled substances in Schedules II through V under DEA Certificate of Registration BS3724932, with a registered location of 1515 Union Avenue, Moberly, Missouri.

According to information in the investigative file, in June 2003, Dr. Surapaneni entered into a Memorandum of Agreement (MOA) with the DEA Saint Louis Field Division as a condition of renewing his DEA registration. Among the MOA’s terms was a provision that his DEA registration would terminate automatically if he were to lose authority to handle controlled substances in Missouri, his State of registration.

On December 9, 2003, the Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) notified Dr. Surapaneni that his Missouri Controlled Substances Registration No. 307766793, had been terminated and he did not “currently have the authority to conduct any activities with controlled substances in the state of Missouri.” The investigative file indicates his state controlled

substances registration was terminated because it had been issued for a specific location in Paris, Missouri and, pursuant to a March 11, 2003, Settlement Agreement Between Dr. Surapaneni and BNDD, his registration would terminate immediately if he relocated his professional practice. BNDD subsequently discovered Dr. Surapaneni had never been employed by or practiced at the Paris, Missouri location. Efforts by DEA diversion investigators to obtain his certificate by surrender proved unsuccessful and show cause proceedings were then initiated.

In his written statement to the Deputy Administrator, Dr. Surapaneni indicates he was unable to join the Paris, Missouri, practice because he lacked start-up funds, attributing this financial plight to a previous office manager having embezzled \$150,000 from him. Dr. Surapaneni also says he is seeking medical employment and intends to reapply for his Missouri registration once he has found a position.

However, Dr. Surapaneni does not dispute that his State controlled substances registration was terminated by BNDD or claim any current authority to handle controlled substances in that State. Therefore, the Deputy Administrator finds Dr. Surapaneni is currently not authorized to handle controlled substances in Missouri.

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 *Richard J. Clement, M.D.*, 68 FR 12, 103 (2003); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993); *Bobby Watts, M.D.*, 53 FR 11,919 (1988).

Here, it is clear Dr. Surapaneni’s State controlled substance registration was terminated and there is no information that action was ever stayed or that his registration has been reinstated. As a result, Dr. Surapaneni is not licensed to handle controlled substances in Missouri, 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 C.F.R. 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, BS3724932, issued to Ray V. Surapaneni, D.O., be, and it hereby is, revoked. The Deputy Administrator further orders that any

pending applications for renewal or modification of the aforementioned registration be, and hereby are, denied. This order is effective February 24, 2005.

Dated: December 30, 2004.

Michele M. Leonhart,
Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

James E. Thomas, M.D., Revocation of Registration

On April 29, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to James E. Thomas, M.D. (Dr. Thomas) of Troy, Alabama, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration AT7586829, as a practitioner, under 21 U.S.C. 824(a)(3) and deny any pending applications for renewal or modification of that registration pursuant to 21 U.S.C. 823(f). As a basis for revocation, the Order to Show Cause alleged that Dr. Thomas is not currently authorized to practice medicine or handle controlled substances in Alabama, his State of registration and practice. The Order to Show Cause also notified Dr. Thomas 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 Dr. Thomas at his address of record at P.O. Drawer 947, Suite 2, Highway 231, Troy, Alabama. That correspondence was returned marked "Not Deliverable as Addressed—Unable to Forward." It was then determined the local DEA office had sent three registered letters to Dr. Thomas' home and office addresses and all had been returned marked "unforwardable." Further, the State of Alabama, Medical Licensure Commission (Alabama Commission) had tried to contact Dr. Thomas without success. The Deputy Administrator finds reasonable efforts to contact and serve Dr. Thomas with the Order to Show Cause have been made and DEA has not received a request for hearing or any other reply from Dr. Thomas or anyone purporting to represent him in this matter.

Therefore, the Deputy Administrator, finding (1) 30 days have passed since DEA's attempt to serve the Order to Show Cause at the registered location

and that good faith efforts to locate Dr. Thomas have failed and (2) no request for a hearing having been received, concludes that Dr. Thomas is deemed to have waived his hearing right, *See* Steven A. Barnes, M.D., 69 FR 51,474 (2004); David W. Linder, 67 FR 12,579 (2002). After considering material from the investigative file, the Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds Dr. Thomas currently possesses DEA Certificate of Registration AT7586829, which expires on November 30, 2005. The Deputy Administrator further finds that on June 16, 2003, the Alabama Commission issued an Order revoking Dr. Thomas' license to practice medicine in Alabama. The suspension was based upon findings of fact, *inter alia*, that Dr. Thomas committed professional misconduct and "is unable to practice medicine with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances * * *"

The investigative file contains no evidence the Alabama Commission's Order has been stayed, modified or terminated or that Dr. Thomas' medical license has been reinstated. Therefore, the Deputy Administrator finds Dr. Thomas is not currently authorized to practice medicine in the State of Alabama. As a result, it is reasonable to infer 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* Stephen J. Graham, M.D., 69 FR 11,661 (2004); Dominick A. Ricci, M.D., 58 FR 51,104 (1993); Bobby Watts, M.D., 53 FR 11,919 (1988).

Here, it is clear Dr. Thomas' medical license has been revoked and he is not currently licensed to handle controlled substances in Alabama, where he is registered with DEA. Therefore, 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 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 AT7586829, issued to James E. Thomas, M.D., be, and it

hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective February 24, 2005.

Dated: December 30, 2004.

Michele M. Leonhart,
Deputy Administrator.

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DEPARTMENT OF LABOR

Bureau of Labor Statistics

Notice of Decision To Revise Method for Estimation of Monthly Labor Force Statistics for Certain Subnational Areas

AGENCY: Bureau of Labor Statistics, Labor.

ACTION: Statement of policy.

SUMMARY: The Department of Labor, through the Bureau of Labor Statistics (BLS), is responsible for the development and publication of local area labor force statistics. In the Local Area Unemployment Statistics (LAUS) program, monthly estimates of the labor force, employment, unemployment, and the unemployment rate for more than 7,000 areas in the Nation are developed and issued monthly. With data for January 2005, to be published in March 2005, the monthly labor force estimates prepared in the LAUS program will be based on methodological improvements that resulted from the completion of a number of projects to improve the statistical basis of the estimates. In addition, the LAUS estimates will reflect updated geography and other techniques that are based on 2000 Census data.

EFFECTIVE DATE: These changes will be effective with January 2005 LAUS estimates issued in March 2005.

FOR FURTHER INFORMATION CONTACT: Sharon P. Brown, Chief, Division of Local Area Unemployment Statistics, Bureau of Labor Statistics, Telephone 202-691-6390.

SUPPLEMENTARY INFORMATION:

I. Summary of Comments

The BLS received one comment in response to the request for comments on the Proposal to Revise the Method for Estimation of Monthly Labor Force Statistics for Certain Subnational Areas. That commenter was opposed to the use of model based estimation for the Miami metropolitan division. In BLS's judgment the statistical modeling