

## Findings

Respondent holds DEA Certificate of Registration, BB2195116, which authorizes him to act as a practitioner under the Controlled Substances Act. Respondent's registered location is 909 N. D Street, San Bernardino, CA. Respondent's registration does not expire until July 31, 2007.

Respondent was also the holder of a Physician and Surgeon's license (G67327) issued by the Medical Board of California. According to the official records of the Medical Board (which were checked on December 18, 2006), Respondent surrendered his license with an effective date of December 16, 2004. Moreover, Respondent has submitted no evidence to this Agency showing that the State's order has been vacated or that he has been granted a new license. Respondent therefore lacks authority under California law to practice medicine and handle controlled substances.

## Discussion

Under the Controlled Substances Act (CSA), a practitioner must be currently authorized to handle controlled substances in "the jurisdiction in which he practices" in order to maintain a DEA registration. See 21 U.S.C. 802(21) ("[t]he term 'practitioner' means a physician \* \* \* licensed, registered, or otherwise permitted, by \* \* \* the jurisdiction in which he practices \* \* \* to distribute, dispense, [or] administer \* \* \* a controlled substance in the course of professional practice"). See also *id.* sec. 823(f) ("The Attorney General shall register practitioners \* \* \* if the applicant is authorized to dispense \* \* \* controlled substances under the laws of the State in which he practices."). DEA has held repeatedly that the CSA requires the revocation of a registration issued to a practitioner whose state license has been suspended or revoked. See *Sheran Arden Yeates*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci*, 58 FR 51104, 51105 (1993); *Bobby Watts*, 53 FR 11919, 11920 (1988). See also 21 U.S.C. 824(a)(3) (authorizing the revocation of a registration "upon a finding that the registrant \* \* \* has had his State license or registration suspended [or] revoked \* \* \* and is no longer authorized by State law to engage in the \* \* \* distribution [or] dispensing of controlled substances").

Following service of the Show Cause Order, Respondent submitted a letter asserting that he had rejected the Medical Board's settlement stipulation. Respondent also contended that the stipulation was illegal because its terms

were illusory, fraudulent and unconscionable.

As found above, the official records of the Medical Board of California indicate that Respondent does not hold a current state medical license and therefore is without authority to handle controlled substances in the State where he is registered with DEA. As for Respondent's conclusory assertions regarding the illegality of the stipulation, DEA precedents hold that a registrant can not collaterally attack the results of a state criminal or administrative proceeding in a proceeding under section 304 of the CSA. See *Shahid Musud Siddiqui*, 61 FR 14818, 14818-19 (1996); *Robert A. Leslie*, 60 FR 14004, 14005 (1995). Thus, even if Respondent had submitted evidence establishing the illegality of the stipulation, a DEA Show Cause Proceeding is not the proper forum to litigate the issue. Because Respondent lacks authority under California law to handle controlled substances, he is not entitled to maintain his DEA registration.

## Order

Accordingly, pursuant to the authority vested in me by 21 U.S.C. 823(f) & 824(a), as well as 28 CFR 0.100(b) & 0.104, I hereby order that DEA Certificate of Registration, BB2195116, issued to Sunil Bhasin, M.D., be, and it hereby is, revoked. I further order that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective March 5, 2007.

Dated: January 26, 2007.

**Michele M. Leonhart,**

*Deputy Administrator.*

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**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

### Parole Commission

#### Record of Vote of Meeting Closure (Public Law 94-409) (5 U.S.C. 552b)

I, Edward F. Reilly, Jr., Chairman of the United States Parole Commission, was present at a meeting of said Commission, which started at approximately 1:30 p.m., on Wednesday, January 24, 2007, at the U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide two petitions for reconsideration pursuant to 28 C.F.R. 2.27. Four Commissioners were

present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commission present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Edward F. Reilly, Jr., Cranston J. Mitchell, Isaac Fulwood, Jr., and Patricia Cushwa.

*In witness whereof*, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: January 25, 2007.

**Edward F. Reilly, Jr.,**

*Chairman, Parole Commission.*

[FR Doc. 07-456 Filed 2-1-07; 8:45 am]

**BILLING CODE 4410-01-M**

## DEPARTMENT OF JUSTICE

### Federal Bureau of Prisons

#### Notice of the Availability of the Finding of No Significant Impact for the Criminal Alien Requirement VI

**AGENCY:** Federal Bureau of Prisons, Department of Justice.

**ACTION:** Notice; Finding of No Significant Impact.

**SUMMARY:** The U.S. Department of Justice, Federal Bureau of Prisons (BOP) announces the availability of the Finding of No Significant Impact (FONSI) concerning the Criminal Alien Requirement VI (CAR VI). The BOP is seeking flexibility in managing its current shortage of beds by contracting for those services with non-federal facilities to house federal inmates. This approach provides the BOP with flexibility to meet population capacity needs in a timely fashion, conform with federal law, and maintain fiscal responsibility, while successfully attaining the mission of the BOP. Initially, the BOP proposed to contract with multiple public and private corporations to house approximately 7,000 Federal, low-security, adult male, non-U.S. citizen, criminal aliens in existing Contractor-Owned/Contractor-Operated facilities located in Arizona, California, Louisiana, New Mexico, Oklahoma, or Texas. The awards would be granted to the responsible offerors whose offers are found to be most advantageous to the Government. Five existing facilities, have been offered in response to the BOP's solicitation for

services. The five responses provided a combined total of 10,243 beds. Environmental impacts of each facility have been evaluated in a combined Environmental Assessment (EA) based primarily on information provided by the Offerors. The EA evaluated the full effects of the potentially available of 10,243 inmate beds.

#### Background Information

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and the Council of Environmental Quality Regulations (40 CFR parts 1500-1508), BOP has prepared EA to contract with multiple public and private corporations to house approximately 7,000 federal, low-security, adult male, non-U.S. citizen, criminal aliens in existing Contractor-Owned/Contractor-Operated facilities located in Arizona, California, Louisiana, New Mexico, Oklahoma, or Texas. Five existing facilities, have been offered in response to the BOP's solicitation for services.

The five responses provided a combined total of 10,243 beds. The EA was published on December 12, 2006, for a 30-day comment period and prepared pursuant to NEPA.

#### Project Information

The BOP is responsible for carrying out judgements of the Federal courts whenever a period of confinement is ordered. Subsequently, the mission of the BOP is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. Approximately 162,200 inmates are currently housed within the 114 federal correctional institutions that have levels of security ranging from minimum to maximum; a number exceeding the combined rated capacities of all federal correctional facilities. Measures being taken to manage the growth of the federal inmate population include construction of new institutions, acquisition and adaptation of facilities originally intended for other purposes, expansion and improvement of existing correctional facilities, and expanded use of contract beds. Adding capacity through these various means allows the BOP to work toward the long-term goal of reduced system-wide crowding.

#### Alternatives Considered

The No Action alternative is defined as a decision not to proceed with the proposed action to award a contract to

house the described population. Instead, the BOP would continue the current and long-standing arrangement whereby low-security, adult male, criminal alien inmate populations are housed in facilities owned and operated by the BOP as well as with state, local, and private residential reentry centers and in alternative confinement. Adoption of the No Action alternative would avoid the potential impacts associated with use of a Contractor-Owned/Contractor-Operated correctional facility to house low-security, federal inmates.

Under the No Action alternative, the beneficial impacts on local and regional economies resulting from operational budget expenditures at potentially vacant or underutilized correctional facilities would not occur. The loss of jobs is likely at some facilities under the No Action alternative. The No Action alternative does not meet the purpose and need of the BOP's Action alternative and would not address the demand for additional capacity to house the increasing federal inmate population.

Five locations were evaluated in the EA. Because any given facility could be awarded a number of inmates up to its capacity, potential impacts at each facility were evaluated based upon its maximum possible capacity. The facilities and respective inmate populations evaluated were:

Big Spring Correctional Center (BSCC), located in Big Springs, Texas, evaluated for its maximum capacity under this action to provide 3,307 beds.

Eden Detention Center (EDC), Eden, Texas, evaluated for its maximum capacity to provide 1,556 beds.

Giles W. Dalby Correction Center (GDCC) of Post, Texas, evaluated for its maximum capacity to provide 1,670 beds.

Pine Prairie Correctional Facility (PPCF), Pine Prairie, Louisiana, evaluated for its maximum capacity to provide 1,090 beds.

Reeves County Detention Center (RCDC), located in Pecos, Texas, evaluated for its maximum capacity to provide 2,620 beds.

The impacts of the Action alternative on the environment were considered in an EA published on December 12, 2006, and prepared pursuant to NEPA. The EA evaluated the full effects of the potentially available of 10,243 inmate beds. Review of the EA with the necessary mitigation has led to a Finding of No Significant Impact (FONSI), as that phrase is defined pursuant to NEPA. The Action alternative would result in negligible

impacts to public services of host communities. There would be no significant adverse impacts to surrounding land uses, utility systems, traffic patterns or other community considerations. No significant adverse on-site impacts as defined pursuant to NEPA are anticipated as a result of the Action alternative. After review of the comments received from interested agencies and local citizens concerning the EA, the BOP signed a FONSI for the Action alternative.

#### Notice of Availability

BOP provided written notices of the availability of the EA in five newspapers with local and regional circulations, and through five local public libraries. The BOP also distributed approximately 175 copies (each) of the EA to Federal and State agencies, state and local governments, elected officials, interested organizations, and individuals.

#### Availability of The Finding of No Significant Impact

The Finding of No Significant Impact and other information regarding this project are available upon request. To request a copy of the Finding of No Significant Impact, please contact: Pamela J. Chandler, Chief, or Issac J. Gaston, Site Selection Specialist, Site Selection and Environmental Review Branch, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534. *Tel:* 202-514-6470/*Fax:* 202-616-6024/*E-mail:* [pchandler@bop.gov-igaston@bop.gov](mailto:pchandler@bop.gov-igaston@bop.gov).

**FOR FURTHER INFORMATION CONTACT:** Pamela J. Chandler, or Issac J. Gaston, Federal Bureau of Prisons.

Dated: January 26, 2007.

**Issac J. Gaston,**

*Site Selection Specialist, Site Selection and Environmental Review Branch.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-60,197]

#### C&C Smith Lumber Company, Inc., Summerhill, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated November 29, 2006, a company official requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade