

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