

## 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]

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## 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