

all its administrative costs in connection with the sale process. Included in the bid package, interested parties will receive instructions in how to submit their sealed bids to the Bureau of Reclamation, the amount of the minimum bid required (appraised value), an estimate of the administrative costs to be paid, along with other pertinent sales information.

Pursuant to the Canyon Ferry Reservoir, Montana Act, the Canyon Ferry Recreation Association (CFRA) shall have the right to match the highest bid and purchase the properties at a price equal to the amount of the highest bid. If CFRA does not match the highest bid, then the Canyon Ferry Reservoir, Montana Act requires that the cabin sites be sold to the high bidder. The purchaser is then required by the Canyon Ferry Reservoir, Montana Act to give each cabin site lessee an option either to purchase their cabin site at its appraised fair market value, or to continue leasing their cabin site from the purchaser up through August 2014. As a condition to the bulk sale, it will be the sole responsibility of the successful bidder to negotiate the sale or lease of the individual tracts to the current lessees.

In the event there is not a qualified high bidder, then Reclamation will offer to sell the cabin sites to the current lessees at their fair market value, at a later date as determined by the Bureau of Reclamation. The Bureau of Reclamation may at any time during the course of the sale, accept or reject any and all offers, or remove any land or interest in land from the sale at its sole discretion.

Resource clearances consistent with the National Environment Policy Act requirements have been completed. An Environmental Assessment pertaining to the proposed sale is available upon request from the Montana Area Office. The patent and quitclaim deed issued for the land sold will be subject to easement or rights-of-way existing or of record in favor of the public or third parties, as well as the condition set forth in the Canyon Ferry Reservoir, Montana Act, and mineral and other reservations by the United States.

Easements granted—The purchaser(s) will be granted easements for: (A) Vehicular access to each lot, (B) access to and use of 1 dock per lot, and (C) access to and use of all boathouses, ramps, retaining walls, and other improvements for which access is provided in the leases as of the date of enactment of the Canyon Ferry Reservoir, Montana Act.

Improvements—Each cabin site is encumbered with a cabin or home, and

may include other structures such as sheds, garages, boathouses, fences, retaining walls, wells, and septic systems. These improvements are privately owned by the current lessees and therefore not included in the fair market value of the property and they are not included in this sale. The United States and the Bureau of Reclamation, hereby absolves itself of any responsibility or liability of any nature whatsoever in connection with said improvements which are owned by the current lessees.

Dated: October 3, 2001.

**Susan Kelly,**

*Area Manager, Montana Area Office, Bureau of Reclamation.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### **Lawrence C. Agee, M.D.; Revocation of Registration**

On January 25, 2001, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC) by certified mail to Lawrence C. Agee, M.D., notifying him of an opportunity to show cause as to why the DEA should not revoke his DEA Certificate of Registration, BA0922903, pursuant to 21 U.S.C. 824(a)(3), and deny any pending applications for renewal or modification of such registration pursuant to 21 U.S.C. 823(f), on the grounds that Dr. Agee is not licensed in California, the jurisdiction in which he practices. The order also notified Dr. Agee that should no request for hearing be filed within 30 days, his right to a hearing would be deemed waived.

The OTSC was sent to Dr. Agee at his DEA registered premises in Auburn, California. Subsequently, on February 16, 2001, the letter was returned by the U.S. Postal Service, marked "attempted, not known" and "not at this address."

The DEA Sacramento District Office then contacted the California Medical Board and obtained its address of record for Dr. Agee in Rocklin, California. The OTSC was then sent by certified mail to Dr. Agee at this address. On April 18, 2001, this second letter was also returned to DEA, marked "not deliverable as addressed," and "unable to forward," and "moved left no address."

DEA has received no further information regarding the whereabouts of Dr. Agee, nor any information from

anyone purporting to represent him in this matter. Therefore, the Administrator, finding that (1) 30 days having passed since the attempted delivery of the Order to Show Cause at Dr. Agee's last known address, and (2) no request for a hearing having been received, concludes that Dr. Agee is deemed to have waived his right to a hearing. Following a complete review of the investigative file in this matter, the Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43 (d) and (e), and 1301.46 (2001).

The Administrator finds as follows: Dr. Agee currently possesses DEA Certificate of Registration BA0922903, issued to him in California. By Decision and Order effective October 11, 2000, the Medical Board of California adopted the Proposed Decision of the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, that Dr. Agee's Physician and Surgeon Certificate be suspended for an indefinite period. Therefore, the Administrator concludes that Dr. Agee is not currently licensed or authorized to handle controlled substances in California.

The DEA does not have the statutory authority pursuant to the Controlled Substances Act to issue or to maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he or she practices. See 21 U.S.C. 823(f), and 824(a)(3). This prerequisite has been consistently upheld in prior DEA cases. See Graham Travers Schuler, M.D., 65 FR 50,570 (2000); Romeo J. Perez, M.D., 62 FR 16,193 (1997); Demetris A. Green, M.D., 61 FR 60,728 (1996); Dominick A. Ricci, M.D., 58 FR 51,104 (1993).

In the instant case, the Administrator finds the Government has presented evidence demonstrating that Dr. Agee is not authorized to practice medicine in California, and therefore, the Administrator infers that Dr. Agee is also not authorized to handle controlled substances in California, the State in which he holds his DEA Certificate of Registration.

Accordingly, the Administrator of the Drug Enforcement Administration pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the DEA Certificate of Registration BA0922903 previously issued to Lawrence C. Agee, M.D., be, and it hereby is, revoked. The Administrator hereby further orders that any pending applications for renewal or modification of said registration be, and hereby are, denied. This order is effective November 19, 2001.

Dated: October 10, 2001.

**Asa Hutchinson,**  
*Administrator.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### **Kiran Bhatt, M.D., Revocation of Registration**

On May 21, 2001, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC) by certified mail to Kiran Bhatt, M.D., notifying her of an opportunity to show cause as why the DEA should not revoke her DEA Certificate of Registration, BB2541628, pursuant to 21 U.S.C. 824(a)(3), and to deny any pending applications for renewal of her registration, pursuant to 21 U.S.C. 823(f), on the grounds that Dr. Bhatt was not authorized by the State of California to handle controlled substances. The order also notified Dr. Bhatt that should not request for hearing be filed within 30 days, her right to a hearing would be deemed waived.

The OTSC was sent to Dr. Bhatt at her DEA registered premises to Palo Alto, California. A postal delivery receipt was signed May (day illegible), 2001, on behalf of Dr. Bhatt, indicating the OTSC was received. To date, no response has been received from Dr. Bhatt nor anyone purporting to represent her.

Therefore, the Administrator, finding that (1) 30 days having passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Bhatt is deemed to have waived her right to a hearing. Following a complete review of the investigative file in this matter, the Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e), and 1301.46 (2001).

The Administrator finds as follows. Dr. Bhatt currently possesses DEA Certificate of Registration BB254168, issued to her in California. By Decision and Order dated December 15, 1998, Medical Board of California, Division of Medical Quality, Department of Consumer Affairs, State of California adopted the Proposed Decision of the Administrative Law Judge revoking Dr. Bhatt's physician and Surgeon's Certificate. The Proposed Decision found, *inter alia*, that Dr. Bhatt's ability to practice medicine safely is impaired because she is mentally ill, and further that Dr. Bhatt refuses to seek or to receive psychiatric care. The Proposed

Decision further found Dr. Bhatt's condition such that without treatment, she poses a substantial risk to the safety and welfare of her patients. The investigative file contains no evidence that Dr. Bhatt's medical license has been reinstated or otherwise renewed.

Therefore, the Administrator concludes that Dr. Bhatt is not currently licensed or authorized to handle controlled substances in California.

The DEA does not have the authority pursuant to 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 or she practices. See 21 U.S.C. 823(f), and 824(a)(3). This prerequisite has been consistently upheld in prior DEA cases. See Graham Travers Schuler, M.D., 65 FR 50,570 (2000); Romeo J. Perez, M.D., 62 FR 16,193 (1997); Demetris A. Green, M.D., 61 FR 60,728 (1996); Dominick A. Ricci, M.D., 58 FR 51,104 (1993).

In the instant case, the Administrator finds the Government has presented evidence demonstrating that Dr. Bhatt is not authorized to practice medicine in California, and therefore, the Administrator infers that Dr. Bhatt is also not authorized to handle controlled substances in California, the State in which she holds her DEA Certificate of Registration.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the DEA Certificate of Registration BB2541628, previously issued to Kiran Bhatt, M.D., be, and it hereby is, revoked. The Administrator hereby further orders that any pending applications for renewal or modification of said registration be, and hereby are, denied. This order is effective November 19, 2001.

Dated: October 10, 2001.

**Asa Hutchinson,**  
*Administrator.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### **Iliana M. Cabeza, D.D.S.; Revocation of Registration**

On June 26, 2000, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC) by certified mail to Iliana M. Cabeza, D.D.S.,

(Respondent) notifying her of an opportunity to show cause as to why the DEA should not revoke her DEA Certificate of Registration AC2230338, pursuant to 21 U.S.C. 824(a)(2), and (4), and deny any pending applications for renewal of this registration, pursuant to 21 U.S.C. § 823(f), for the reasons that Respondent entered a plea of guilty to Conspiracy to Possess with Intent to Distribute Cocaine, a Schedule II substance; and that the Florida Department of Health ordered the immediate suspension of the Respondent's state license to practice dentistry. By letter dated August 1, 2000, Respondent, through counsel, requested a hearing in this matter.

On August 14, 2000, Administrative Law Judge Gail A. Randall issued an order for Prehearing Statements. On August 31, 2000, the Government filed a motion seeking summary disposition, arguing that Respondent is no longer authorized to handle controlled substances in the State of Florida, where Respondent's DEA Certificate of Registration states she conducts her business. The Government attached to its motion a copy of an Order of Emergency Suspension of License, issued by the Florida Department of Health; a copy of Respondent's DEA Certificate of Registration with an expiration date of August 31, 2002; and a sworn statement from the Chief of the Registration Unit of DEA, certifying the Certificate's authenticity.

By an Order dated September 1, 2000, Judge Randall stayed the proceedings pending the resolution of the Government's motion, and she allowed the Respondent until September 12, 2000, to respond to the Government's motion. The Respondent did not file a response by this deadline. Rather, on October 13, 2000, the Respondent filed an Unopposed Motion for Enlargement of Time, asserting that the parties were attempting to resolve the matter. Although the motion was untimely filed, Judge Randall accepted it, and by order dated October 17, 2000, she allowed Respondent until November 20, 2000, to respond to the Government's Motion for Summary Disposition. As of this date, the investigative file contains no response from Respondent nor anyone purporting to represent her.

The Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Administrator adopts in full the Opinion and Recommended Decision of the Administrative Law Judge.