parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before December 29, 2004, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Dated: August 13, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–18985 Filed 8–18–04; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–244 (Second Review)]

Natural Bristle Paintbrushes From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on natural bristle paintbrushes from China.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on natural bristle paintbrushes from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: August 6, 2004.

FOR FURTHER INFORMATION CONTACT: Debra Baker ((202) 205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server *(http://www.usitc.gov)*. The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On August 6, 2004, the Commission determined that the domestic interested party group response to its notice of institution (69 FR 24191, May 3, 2004) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on September 1, 2004, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before September 7, 2004, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by September 7, 2004. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Dated: August 13, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04–18986 Filed 8–18–04; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] The Commission has found the responses submitted by Bestt Liebco; Elder & Jenks, Inc.; Purdy Corp.; Shur-Line; True Value Manufacturing; and Wooster Brush Co., and the response of the Paint Applicator Division of the American Brush Manufacturers Association, to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Steven A. Barnes, M.D.; Revocation of Registration

On September 16, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order

to Show Cause to Steven A. Barnes, M.D. (Dr. Barnes) who was notified of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BB4875437, under 21 U.S.C. 824(a)(3) and (a)(4), and deny any pending applications for renewal or modification of that registration. Specifically, the Order to Show Cause alleged that Dr. Barnes was without State license to handle controlled substances in the State of Texas. The Order to Show Cause also notified Dr. Barnes 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. Barnes at his registered location in Houston, Texas. The order was returned to DEA on October 20, 2003, by the United States Postal Service with a stamped notation: ''attempted, not known.'' On December 17, 2003, DEA again mailed the Order to Show Cause to Dr. Barnes at a second address, however, the order was not returned. DEA has not received a request for hearing or any other reply from Dr. Barnes or anymore purporting to represent him in this matter.

Therefore, the Deputy Administrator of DEA, finding that (1) thirty days having passed since the attempted delivery of the Order to Show Cause to the registrant's address of record, as well as to a second address, and (2) no request for hearing having been received, concludes that Dr. Barnes is deemed to have waived his hearing right. *See* David W. Linder, 67 FR 12579 (2002). After considering material from the investigative file in this matter, 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 that Dr. Barnes is currently registered with DEA as a practitioner authorized to handle controlled substances in Schedules II through V. According to information in the investigative file, on March 15, 2002, DEA received information from the Texas Department of Public Safety (DPS) regarding the termination of Dr. Barnes' DPS Controlled Substance Registration Certificate. The DPS action with respect to Dr. Barnes' State controlled substance registration was taken in conjunction with the temporary suspension of his State medical license by the Texas State Board of Medical Examiners (Board). In support of its order of temporary suspension, the Board found that Dr. Barnes was unable to practice medicine ''* * * with reasonable skill and safety to patients because of excessive use of drugs, narcotics, chemicals, or other substance.''

On April 5, 2002, the Board and Dr. Barnes entered into an Agreed Order. The Agreed Order restricted Dr. Barnes' practice of medicine for a period of five years under various terms and conditions, including Dr. Barnes agreement to abstain from ''the consumption of alcohol, dangerous drugs, or controlled substances in any form unless prescribed by another physician for legitimate and documented therapeutic purposes.''

On February 27, 2003, the Board was notified by a State drug testing service that on February 25, 2003, Dr. Barnes tested positive for cocaine from a head hair sample. Additionally, the Board has been previously notified by the drug testing service that Dr. Barnes had ''a negative dilute drug tests on June 4, 2002, and October 2, 2002.'' After reviewing evidence presented by the Board staff and Dr. Barnes before a Board panel on March 21, 2003, the panel found that Dr. Barnes violated the terms of the April 5, 2002, Agreed Order by ingesting cocaine. As a result, the Board entered an Order on May 27, 2003, suspending Dr. Barnes' Texas medical license. There is no evidence before the Deputy Administrator to rebut findings that Dr. Barnes' Texas medical license has been suspended, or that the suspension has been lifted. Therefore, the Deputy Administrator finds that since Dr. Barnes is currently not authorized to practice medicine in Texas, it is reasonable to infer that he is not authorized 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* Richard J. Clement, M.D., 68 FR 12103 (2003); Dominick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts, M.D., 53 FR 11919 (1988).

Here it is clear that Dr. Barnes' medical license has been suspended and the suspension has not been lifted. As a result, Dr. Barnes is not licensed to handle controlled substances in Texas, 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 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, BB4875437, issued to Steven A. Barnes, M.D., 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 it hereby is, denied. This order is effective September 20, 2004.

Dated: July 27, 2004.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 04–18972 Filed 8–18–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 03–15]

K & Z Enterprises, Inc.; Denial of Application

On December 13, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to K & Z Enterprises, Incorporated, d/b/a/ Georgia Wholesale (Respondent), proposing to deny its application executed on June 15, 2001, for DEA Certificate of Registration as a distributor of list I chemicals. The Order to Show Cause alleged that granting the application of the Respondent would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(h) and 824(a).

The Order to Show Cause was delivered to the Respondent by certified mail, and on January 22, 2003, the Respondent, through its president Kamar Hamrani (Mr. Hamrani), submitted a written response essentially addressing the allegation in the Order to Show Cause. However, there was no mention of any request for hearing in the Respondent's letter.

On February 10, 2003, the presiding Administrative Law Judge Gail A. Randall (Judge Randall) issued an Order for Prehearing Statements, directing the respective parties to file pre-hearing statements. However, in lieu of filing a pre-hearing statement, counsel for DEA filed Government's Request for Finding and Motion for Summary Disposition on February 12, 2003. The Government argued, *inter alia,* that there was no language in any of the Respondent's written submissions where a hearing was requested, as required by 21 CFR 1309.53. The Government therefore requested that Judge Randall make a finding that the Respondent had waived its right to a hearing and the contents of the Respondent's written submissions