

(a) Is the proposed collection of information necessary for the proper performance of MMS's functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

(2) In addition, the PRA requires agencies to estimate the total annual cost burden to respondents as a direct result of this collection of information. The MMS needs your comments on this item. Your response should split the cost estimate into two components:

(a) Total capital and startup cost component; and

(b) Annual operation, maintenance, and purchase of services component. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Do not include in your estimates equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208-7744.

Dated: August 27, 1997.

E.P. Danenberger,

Chief, Engineering and Operations Division.
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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Steven Cohen, M.D.; Revocation of Registration

On February 25, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Steven Cohen, M.D., of Mercersburg, Pennsylvania, proposing the revocation of his DEA Certificate of Registration BC0417104, and denial of any pending applications for renewal of such registration as a practitioner pursuant to 21 U.S.C. 824(a)(3), for reason that he is not currently authorized to handle controlled substances in the Commonwealth of Pennsylvania. The order also advised 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 to Dr. Cohen by registered mail to his DEA registered address, but was returned to DEA with the notation, "Moved, left no address". DEA then sent the Order to Show Cause to an address provided by the State Board of Medicine. The Order was not returned to DEA, however there is no indication that it was received by Dr. Cohen and DEA did not receive any response to the Order. DEA investigators also attempted to personally deliver the Order to Show Cause to Dr. Cohen without success. DEA then learned of another possible address for Dr. Cohen in Hagerstown, Maryland. The Order sent to this address was returned to DEA indicating that the addressee had moved and left no forwarding address.

The Acting Deputy Administrator finds that DEA has made numerous attempts to locate Dr. Cohen and has determined that his whereabouts are unknown. It is evident that Dr. Cohen is no longer practicing medicine at the address listed on his DEA Certificate of Registration. The Acting Deputy Administrator concludes that considerable effort has been made to serve Dr. Cohen with the Order to Show Cause without success. Dr. Cohen is therefore deemed to have waived his opportunity for a hearing. The Acting Deputy Administrator now enters his final order in this matter without a hearing and based on the investigative file pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on August 22, 1995, the

Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, State Board of Medicine (Board) issued an Adjudication and Order revoking Dr. Cohen's license to practice medicine. The Board found that Dr. Cohen engaged in unprofessional conduct involving the provision of a medical service at a level beneath the accepted standard of care; unprofessional conduct exhibiting a reckless indifference to the interests of the patient; and unprofessional conduct involving the prescribing of a controlled substance in a way other than for an acceptable medical purpose.

The Acting Deputy Administrator finds that in light of the fact that Dr. Cohen is not currently licensed to practice medicine in the Commonwealth of Pennsylvania, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state. The 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 his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *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).

Here it is clear that Dr. Cohen is not currently authorized to handle controlled substances in the Commonwealth of Pennsylvania. Therefore, Dr. Cohen is not entitled to a DEA registration in that state.

Accordingly, the Acting Deputy 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 DEA Certificate of Registration BC0417104, previously issued to Steven Cohen, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective October 6, 1997.

Dated: August 27, 1997.

James S. Milford,

Acting Deputy Administrator.

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