

OMB reviewer, Mr. Jeff Hill on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514-4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer and of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Data Relating to Beneficiary of a Private Bill.

(2) INC Form G-79A. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary: Individuals or households. Others: None. The Form G-79A is used by the Immigration and Naturalization Service (INS) to obtain information from beneficiaries and/or interested parties in Private Bill cases. The INS prepares a report to the appropriate Congressional Committee (Senate or House of Representatives) and advise whether a person for whom a Private Bill has been introduced is or is not in violation of Section 212 of the Immigration and Naturalization Act which identifies classes of aliens not eligible for admission to the United States.

(4) 100 annual respondents at 1.0 hour per response.

(5) 100 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96-511.

Public comment on this item is encouraged.

Dated: June 17, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95-17957 Filed 7-20-95; 8:45 am]

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Drug Enforcement Administration

[Docket No. 95-18]

Shia Ben-Hur, D.V.M.; Revocation of Registration

On December 22, 1994 the Deputy Assistant Administrator, Office of

Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Shia Ben-Hur, D.V.M., of River Hills, Wisconsin (Respondent), proposing to revoke his DEA Certificate of Registration, AB3559652, and deny any pending applications for registration as a practitioner. The statutory basis for the Order to Show Cause was that Respondent was no longer authorized to handle controlled substances in the State of Wisconsin. 21 U.S.C. 823(f) and 924(a)(3).

By letter dated January 23, 1995, Respondent, through counsel, requested a stay of all proceedings in this matter. Administrative Law Judge Mary Ellen Bittner, before whom this matter was docketed, denied Respondent's request for stay on February 16, 1995, and directed Respondent to file any request for hearing by February 27, 1995. On March 14, 1995, following Respondent's failure to request a hearing on the Order to Show Cause, the administrative law judge issued an Order Terminating Proceedings. The Deputy Administrator hereby enters his final order based upon the record and investigative file pursuant to 21 CFR 1301.57.

On November 2, 1993, Respondent pled guilty to one count of distributing approximately two ounces of cocaine in violation of 21 U.S.C. 841(a) and was sentenced to 30 months incarceration. On January 16, 1994, the Veterinary Examining Board for the State of Wisconsin, by stipulation with Respondent, suspended Respondent's veterinary license until such time as Respondent was released from prison and could address the charges in the complaint filed by the Veterinary Examining Board. As a result, Respondent is no longer authorized to dispense controlled substances in the State of Wisconsin.

The DEA has consistently held that it does not have statutory authority under the Controlled Substances Act to register a practitioner unless that practitioner is authorized to dispense controlled substances by the state in which he proposes to practice. See *Lawrence R. Alexander, M.D.*, 57 FR 22256 (1992); *Bobby Watts, M.D.*, 53 FR 11919 (1988); *Robert F. Witek, D.D.S.*, 52 FR 4770 (1987). In such cases a motion for summary disposition is properly entertained. There is no need for a plenary evidentiary hearing since there are no questions of fact to be resolved by such a hearing. *Phillip E. Kirk, M.D.*, 48 FR 32887 (1983), aff'd sub nom, *Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984); *Floyd A. Santner, M.D.*, 47 FR 51831 (1982). Therefore, because Respondent is no longer authorized to handle

controlled substances in the State of Wisconsin, the Deputy Administrator cannot permit him to maintain a DEA Certificate of Registration in that State.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AB3559652, previously issued to Shia Ben-Hur, D.V.M., be, and it is hereby, revoked, and that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective August 21, 1995.

Dated: July 14, 1995.

Stephen H. Greene,

Deputy Administrator.

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DEPARTMENT OF LABOR

Employment Standards Administration

Agency Recordkeeping/Reporting Requirements To Be Reviewed by the Office of Management and Budget (OMB)

The Department of Labor will submit the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. Copies may be obtained by calling Patricia A. Forkel, ({202} 219-7601). Comments and questions about the ICRs listed below should be directed to Ms. Forkel, Office of Management, Administration and Planning, U.S. Department of Labor, 200 Constitution Ave., N.W., Room S-3201, Washington, D.C. 20210. Dates: Comments on the information collection should be directed to the Agency Clearance Officer within 30 days of this notice.

Type of Review: Extension

Agency: Employment Standards Administration

Title: Reporting and Recordkeeping Requirements for Supply and Service Contractors

OMB Number: 1215-0072

Agency Number: None

Frequency: Annually

Affected Public: State of local governments; Small businesses or organizations; Businesses or other for-profit; Non-profit institutions