

their jobs. The Kirkpatrick 4-Level Model is used to evaluate ATF training programs.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There will be an estimated 354 respondents, who will complete the survey within approximately 12 minutes.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 71 total burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: March 5, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E7-4232 Filed 3-8-07; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Julian A. Abbey, M.D.; Revocation of Registration

On April 17, 2006, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Julian A. Abbey, M.D., (Respondent) of Saugus, Massachusetts. The Show Cause Order proposed to revoke Respondent's DEA Certificate of Registration, BA4361426, as a practitioner on two grounds.

First, the Show Cause Order alleged that Respondent had entered into a voluntary agreement with the Massachusetts Board of Registration in Medicine in which he agreed to cease the practice of medicine in that State effective July 30, 2004. Show Cause Order at 1. The Show Cause Order further alleged that the agreement constituted a disciplinary action against Respondent's state license. *Id.*

Second, the Show Cause Order alleged that on August 4, 2004, Respondent had submitted an on-line renewal application for his DEA registration in which he falsely indicated that he "had not been the subject of any State disciplinary or licensing action." *Id.* at 2. The Show Cause Order further alleged that based on Respondent's misrepresentation, DEA renewed his registration. *Id.*

On April 21, 2006, the Government attempted to serve the Show Cause Order, which also notified Respondent of his right to request a hearing, by Certified Mail, Return Receipt Requested. However, the mailing was returned unclaimed. Thereafter, on May 18, 2006, the Government served the Show Cause Order by First Class Mail to the address of Respondent's registered location. Since that time, neither Respondent, nor any one purporting to represent him, has responded. Because (1) more than thirty days have passed since service of the Show Cause Order, and (2) no request for a hearing has been received, I conclude that Respondent has waived his right to a hearing. *See* 21 CFR 1301.43(d). I therefore enter this final order without a hearing based on relevant material found in the investigative file and make the following findings.

Findings

Respondent holds DEA Certificate of Registration, BA4361426, which was initially issued to him on March 15, 1995. On August 3, 2004, Respondent renewed his registration using the DEA Internet site. Respondent's registration does not expire until June 30, 2007.

On June 25, 2004, Respondent entered into a "Voluntary Agreement Not To Practice Medicine" with the Massachusetts Board of Registration in Medicine (Board); on July 30, 2004, the Board accepted the agreement. Under the agreement, Respondent agreed to immediately cease practicing medicine in Massachusetts. Moreover, Respondent acknowledged that the agreement constituted "a voluntary restriction of my license to practice medicine and is considered to be a disciplinary action that is reportable to any national data reporting system" pursuant to Massachusetts law. Agreement at 1. Respondent also agreed that "[a]ny violation of this Agreement shall be *prima facie* evidence for immediate summary suspension of my license to practice medicine." *Id.* Furthermore, according to the Board, "as a consequence of such an agreement, a physician may not prescribe controlled substances." Massachusetts Board of Registration in Medicine, Press Release (Nov. 9, 2005).

According to the investigative file, on October 28, 2005, Respondent was arrested in Lynnfield, Massachusetts, and charged under state law with the illegal possession of a class C substance (hydrocodone bitartrate) with intent to distribute. According to the file, during the period following Respondent's entering into the voluntary agreement

and his arrest, Respondent obtained approximately 37,500 tablets of hydrocodone bitartrate 10mg/650mg.

Thereafter, on November 9, 2005, the Board summarily suspended Respondent's state medical license on the ground that he posed an immediate threat to the public safety, health and welfare. According to online records of the Board, Respondent's medical license remains suspended. *See* Massachusetts Board of Registration in Medicine Physician Profile, Julian Abbey, M.D.

Under Massachusetts law, a physician must also hold a registration to handle a controlled substance; the registration is issued by the State's Commissioner of Public Health. *See* Mass. Gen. Laws ch. 94C, § 7(a). On December 1, 2005, the Massachusetts Department of Public Health sent a letter to Respondent notifying him that he was "no longer authorized as a registrant under [Massachusetts law] to prescribe, distribute, possess, dispense or administer controlled substances in the Commonwealth." Letter from Adele D. Audet, Assistant Director, Drug Control Program, Massachusetts Department of Public Health, to Respondent (Dec. 1, 2005). The letter further advised Respondent that his state controlled substances registration would be terminated unless Respondent produced evidence of his authority to practice medicine in the State within thirty days of his receipt of the letter. A March 28, 2006 letter from the Department of Public Health to Respondent confirms that he no longer holds authority under Massachusetts law to handle controlled substances. Letter from Patricia Calvagna-Lusk, Administrative Coordinator, Massachusetts Department of Public Health, to Respondent (Mar. 28, 2006).

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.* § 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 controlled substances authority 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”).

As found above, the letters from the State Department of Health establish that Respondent no longer has authority to handle controlled substances in Massachusetts, the State in which he holds his DEA registration. Therefore, Respondent is no longer entitled to maintain his DEA registration.

Furthermore, based on the evidence in the investigative file which shows that Respondent obtained 37,500 dosage units of hydrocodone bitartrate notwithstanding that he no longer had authority to practice medicine, I conclude that Respondent was engaged in the diversion of substantial quantities of controlled substances. Therefore, while this conduct was not alleged as grounds for the revocation of Respondent’s registration, I conclude that the public interest requires that Respondent’s registration be revoked effective immediately.¹ *See* 21 CFR 1316.67.

Order

Accordingly, pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b) and 0.104, I hereby order that DEA Certificate of Registration, BA4361426, issued to Julian A. Abbey, 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 immediately.

Dated: February 28, 2007.

Michele M. Leonhart,

Deputy Administrator.

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¹ While the Show Cause Order also alleged that Respondent materially falsified his application, the investigative file does not contain any probative evidence on this issue.

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110-0009]

Agency Information Collection Activities: Proposed Collection, Comments Requested

ACTION: 30-day notice of information collection under review: Revision of a currently approved collection; Analysis of Law Enforcement Officers Killed and Assaulted.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** on January 5, 2007, Volume 72, Number 3, Pages 582-583, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until April 9, 2007. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Mr. Gregory E. Scarbro, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, Module E-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625-3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Revision of a currently approved collection.

(2) *The title of the form/collection:* Analysis of Law Enforcement Officers Killed and Assaulted.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form 1-701; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, State, Federal and tribal law enforcement agencies. This report will gather specific incident data obtained from law enforcement agencies in which an officer was feloniously or accidentally killed in the line of duty; information is also collected on this form when any officer sustains injury from a firearm or knife or other cutting instrument. Officer killed data are published annually in the publication Law Enforcement Officers Killed and Assaulted. Serious assault data are presented as separate topic papers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 275 law enforcement agency respondents; calculated estimates indicate 1 hour per report.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 275 hours, annual burden, associated with this information collection.

If additional information is required contact: Ms. Lynn Bryant, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: March 5, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

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