

registration, he was not entitled to maintain his registration.<sup>1</sup> *Id.*

On July 17, 2007, Respondent requested a hearing on the allegations; the matter was assigned to Administrative Law Judge (ALJ) Mary Ellen Bittner. On August 3, 2007, the Government moved for summary disposition and to stay the proceeding pending the resolution of its motion.

The basis of the Government's motion was that the state board had suspended Respondent's state medical license and Respondent therefore lacked authority to handle controlled substances in Nevada, the State in which he holds his DEA registration. Motion at 1–2. As support for its motion, the Government attached a copy of the June 16, 2006 order of the Nevada Board which suspended Respondent's state license pending the resolution of disciplinary proceedings. Order of Summary Suspension at 1–3. Citing numerous agency decisions, the Government argued that because Respondent lacked authority under Nevada law to handle controlled substances, he was not entitled to maintain his DEA registration. Gov. Mot. at 1–2. *Id.* Respondent did not respond to the Government's motion.

The ALJ granted the Government's motion. Noting that there was no dispute as to whether Respondent was without authority to handle controlled substances in Nevada, the ALJ applied the settled rule that a practitioner is not entitled to hold a DEA registration if he lacks authority to handle controlled substances under state law. ALJ Dec. at 2. The ALJ thus recommended that Respondent's registration be revoked and forwarded the record to me for final agency action. *Id.* at 2–3.

Having considered the record as a whole, I adopt the ALJ's decision in its entirety.<sup>2</sup> I find that on June 16, 2006, the Nevada Board of Medical Examiners suspended Respondent's state medical license pending the outcome of disciplinary proceedings.<sup>3</sup> Based on

<sup>1</sup> The Show Cause Order also alleged that on June 18, 2005, Respondent had materially falsified his application to renew his DEA registration by failing to disclose a prior disciplinary action by the Nevada Board of Medical Examiners. Show Cause Order at 2.

<sup>2</sup> Because Respondent did not deny the allegation that Respondent's DEA registration does not expire until July 31, 2008, see Show Cause Order at 1, I deem the allegation admitted and find that Respondent has a current registration.

<sup>3</sup> I further note that in its Order of Summary Suspension, the State Board found that "Respondent's prescribing practices cannot be ruled out as contributing factors in the deaths of 6 patients, 5 of whom died of overdoses." *In re Harriston L. Bass, Jr., M.D.*, Order of Summary Suspension, at 2. (Nev. Bd. of Med. Examiners, Case No. 06–9455–1).

public information available at the Nevada's Board Web site, I further find that Respondent's state medical license remains suspended and that he is without authority under Nevada law to handle controlled substances.

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."). As these provisions make plain, possessing authority to dispense a controlled substance under the laws of the State in which a physician practices medicine is an essential condition for holding a DEA registration.

Accordingly, DEA has repeatedly held that the CSA requires the revocation of a registration issued to a practitioner whose state license 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"). Because Respondent's Nevada medical license has been indefinitely suspended, he is not entitled to maintain his DEA registration.

#### Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) & 824(a), as well as 28 CFR 0.100(b)–0.104, I hereby order that DEA Certificate of Registration, BB0816441, issued to Harriston L. Bass, M.D., be, and it hereby is, revoked. I further order that any pending applications of Harriston L. Bass, M.D., for renewal or modification of his registration be, and they hereby are, denied. This order is effective immediately.<sup>4</sup>

<sup>4</sup> My decision that this Order be made effective immediately is based on the state's Board finding that "Respondent's prescribing practices cannot be ruled out as contributing factors in the deaths of 6

Dated: June 11, 2008.

**Michele M. Leonhart,**  
Deputy Administrator.

[FR Doc. E8–13741 Filed 6–17–08; 8:45 am]

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

June 11, 2008.

The Department of Labor (DOL) hereby announces the submission of the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202–693–4129 (this is not a toll-free number) / e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration (ETA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316 / Fax: 202–395–6974 (these are not toll-free numbers), e-mail: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; and

patients, 5 of whom died of overdoses." Order of Summary Suspension, at 2; see also 21 CFR 1316.67.

- 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.

*Agency:* Employment and Training Administration.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Unemployment Insurance Data Validation Program.

*OMB Control Number:* 1205-0431.

*Form Number:* Handbook 361.

*Affected Public:* State Governments.

*Estimated Number of Respondents:* 53.

*Estimated Total Annual Burden*

*Hours:* 29,150.

*Estimated Total Annual Costs Burden:* \$0.

*Description:* This program requires States to operate a system for ascertaining the validity (adherence to Federal reporting requirements) of specified unemployment insurance (UI) data they submit to ETA on certain reports they are required to submit monthly or quarterly. Some of these data are used to assess performance, including for the Government Performance and Results Act, or determine States' grants for UI administration. For additional information, see related notice published at 73 FR 8066 on February 12, 2008.

*Agency:* Employment and Training Administration.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Non Production Questionnaire.

*OMB Control Number:* 1205-0447.

*Form Number:* ETA-9118.

*Affected Public:* Private Sector—Business or other for-profits.

*Estimated Number of Respondents:* 555.

*Estimated Total Annual Burden*

*Hours:* 1,943.

*Estimated Total Annual Costs Burden:* \$0.

*Description:* Information on the Form ETA-9118 is required in order to make a determination on Trade Adjustment Assistance petitions filed on behalf of service workers in accordance with Section 223 of the Trade Adjustment Assistance Act of 2002. For additional information, see related notice published at 73 FR 13922 on March 14, 2008.

*Agency:* Employment and Training Administration.

*Type of Review:* Extension without change of a currently approved collection.

*Title:* Unemployment Insurance (UI) Facilitation of Claimant Reemployment

*OMB Control Number:* 1205-0452.

*Form Number:* ETA-9047.

*Affected Public:* State Governments.

*Estimated Number of Respondents:* 53.

*Estimated Total Annual Burden*

*Hours:* 2,120.

*Estimated Total Annual Costs Burden:* \$0.

*Description:* This information is collected at the state level to determine the percentage of individuals who become reemployed in the calendar quarter subsequent to the quarter in which they received their first UI payment. The data will be used to measure performance for the Department's Government Performance and Results Act of 1993 with the goal of facilitating the reemployment of UI claimants. For additional information, see related notice published at 73 FR 13013 on March 11, 2008.

*Agency:* Employment and Training Administration.

*Type of Review:* New (Request for a new OMB Control Number).

*Title:* Workforce Investment Streamlined Performance Reporting (WISPR) System.

*OMB Control Number:* 1205-0NEW.

*Form Numbers:* WISRD-1; ETA-9131; ETA-9132; and ETA-9133.

*Affected Public:* State Governments.

*Estimated Number of Respondents:* 54.

*Estimated Total Annual Burden*

*Hours:* 816,071.

*Estimated Total Annual Costs Burden:* \$0.

*Description:* The WISPR System replaces the reporting and recordkeeping requirements of 7 Employment and Training programs. The goal is to ensure that the workforce system is clearly focused on results, which will help ensure that the system's jobseeker and employer customers are effectively served. The Office of Management and Budget and other Federal agencies developed a set of common performance measures; these common measures are integral to ETA's performance accountability system and are the key results that ETA programs strive to achieve for their customers and to measure with a uniform information collection system. For additional information, see related notices published at 69 FR 42777 on July 16,

2004 and 71 FR 65000 on November 6, 2006.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

[FR Doc. E8-13648 Filed 6-17-08; 8:45 am]

**BILLING CODE 4510-FW-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

June 12, 2008.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202-693-4129 (this is not a toll-free number)/e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employee Benefits Security Administration (EBSA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-6974 (these are not toll-free numbers), E-mail: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who