

Stevens County

Opera House and I. O. O. F. Lodge, 151 W.
1st Ave., Colville, 97000319

Thurston County

Union Cemetery—Pioneer Calvary Cemetery,
5700 Littlerock Rd., Tumwater, 97000323

WISCONSIN**Dane County**

Marquette Bungalows Historic District,
Bounded by S. Thorton Ave., Rutledge, S.
Dickinson, and Spaight Sts., Madison,
97000329

Door County

Welcker's Resort Historic District, Roughly
bounded by Cottage Row, Maple, Cedar,
and Main Sts., Gibraltar, 97000328

Fond Du Lac County

Longfellow School, 221 Spaulding Ave.,
Ripon, 97000325

Iowa County

Spensley Farm, 1126 WI QQ, E of jct. with
WI 39, Mineral Point, 97000330

Iron County

Springstead, Jct. of Old Springfield Tote Rd.
and WI 182, Sherman, 97000326

Winnebago County

Omro Village Hall and Engine House, 144 E.
Main St., Omro, 97000327

[FR Doc. 97-6822 Filed 3-17-97; 8:45 am]

BILLING CODE 4310-70-P

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collections of information for 30 CFR parts 733 and 785.

DATES: Comments on the proposed information collection must be received by May 19, 1997 to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Room 120—SIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection requests, explanatory information and related forms, contact John A. Trelease, at (202) 208-2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR Part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collections that OSM will be submitting to OMB for extension. These collections are contained in 30 CFR part 733, Maintenance of State programs and procedures for substituting Federal enforcement of State programs and withdrawing approval of State programs, and part 785, Requirements for permits for special categories of mining.

OSM has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents. OSM will request a 3-year term of approval for each information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will be included in OSM's submissions of the information collection requests to OMB.

The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) summary of the information collection activity; and (4) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information.

Title: Maintenance of State programs and procedures for substituting Federal enforcement of State programs and withdrawing approval of State programs, 30 CFR part 733.

OMB Control Number: 1029-0025.

Summary: This part provides that any interested person may request the Director of OSM to evaluate a State program by setting forth in the request a concise statement of facts which the person believes establishes the need for the evaluation.

Bureau Form Number: None.

Frequency of Collection: On occasion.

Description of Respondents: Any interested person (individuals, businesses, institutions, organizations).

Total Annual Responses: 1.

Total Annual Burden Hours: 100 hours.

Title: Requirements for permits for special categories of mining, 30 CFR 785.

OMB Control Number: 1029-0040.

Summary: The information is being collected to meet the requirements of sections 507, 508, 510, 515, 701, and 711 of Public Law 95-87, which require applicants for special types of mining activities to provide descriptions, maps, plans and data of the proposed activity. This information will be used by the regulatory authority in determining if the applicant can meet the applicable performance standards for the special type of mining activity.

Bureau Form Number: None.

Frequency of Collection: On occasion.

Description of Respondents:

Applicants for coal mine activities.

Total Annual Responses: 463.

Total Annual Burden Hours: 8,443.

Dated: March 13, 1997.

Arthur W. Abbs,

Chief, Division of Regulatory Support.

[FR Doc. 97-6754 Filed 3-17-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Harvey Bigelsen, M.D., Revocation of Registration

On April 19, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Harvey Bigelsen, M.D., of Scottsdale, Arizona, proposing the revocation of his DEA Certificate of Registration BB3105992 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 State of Arizona. The order also advised that should no request for a hearing be filed within 30 days, his hearing right would be deemed waiver.

The Order to Show Cause was sent to Dr. Bigelsen by registered mail to his DEA registered address, but was returned to DEA unclaimed. The Order was next sent by registered mail to Dr. Bigelsen's last known residence in Scottsdale, Arizona, and is also was returned to DEA unclaimed. DEA then

attempted to locate Dr. Bigelsen in Arizona through the telephone directory and the Arizona Board of Medical Examiners without success. DEA investigators went to Dr. Bigelsen's last known address and were advised that he no longer lived there.

The Acting Deputy Administrator finds that DEA has attempted to locate Dr. Bigelsen and has determined that his whereabouts are unknown. It is evident that Dr. Bigelsen 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. Bigelsen with the Order to Show Cause without success. Dr. Bigelsen 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. 21 C.F.R. 1301.54 and 1301.57.

The Acting Deputy Administrator finds that effective May 2, 1994, the Board of Medical examiners of the State of Arizona (Board) entered into a Consent Order with Dr. Bigelsen whereby his license to practice medicine in the State of Arizona was canceled. The Board's action was a result of a plea agreement entered into by Dr. Bigelsen on or about October 21, 1993, wherein he pled guilty to charges of filing false, fictitious or fraudulent claims in violation of 18 U.S.C. 287, mail fraud in violation of 18 U.S.C. 1341, and conspiring to obstruct justice in violation of 18 U.S.C. 371. As part of the plea agreement, Dr. Bigelsen agreed to voluntarily relinquish his licenses to practice medicine in Arizona, New York and New Jersey, and his DEA Certificate of Registration. Attempts by DEA to obtain the voluntary surrender of Dr. Bigelsen's DEA Certificate of Registration have been unsuccessful.

As a result of the cancellation of his Arizona medical license, the Acting Deputy Administrator finds that Dr. Bigelsen is not currently authorized to handle controlled substances in the State of Arizona. 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 Earl G. Rozeboom, M.D., 61 FR 60,730 (1996); Charles L. Novosad, Jr., M.D., 60 FR 47,182 (1995); Dominick A. Ricci, M.D., 58 FR 51,104 (1993). Since Dr. Bigelsen is not currently authorized to handle controlled

substances in the State of Arizona, he 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 C.F.R. 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, BB3105992, previously issued to Harvey Bigelsen, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective April 17, 1997.

Dated: March 11, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97-6792 Filed 3-17-97; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 96-36]

Yu-To Hsu, M.D., Denial of Application

On May 15, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Yu-To Hsu, M.D. (Respondent), of Houston, Texas, notifying him of an opportunity to show cause as to why DEA should not deny his application for a DEA Certificate of Registration as a practitioner pursuant to 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged that:

(1) On ten separate occasions between February 28, 1991 and November 4, 1992, [Respondent] prescribed controlled substances to undercover officers for no legitimate medical purpose. On at least seven of those occasions, [Respondent] prescribed combinations of Tylenol with codeine and Valium (diazepam) to undercover officers when [he] knew or should have known that the combination of these drugs is highly abused on the streets.

(2) Following the execution of a Federal search warrant at [Respondent's] office, on December 4, 1992, [he] voluntarily surrendered his DEA Certificate of Registration, AH8099788, as well as [his] State of Texas Controlled Substances Registration Certificate. [Respondent's] Texas Controlled Substances Registration Certificate has since been reinstated.

(3) Following [Respondent's] indictment on seven counts of unlawful prescribing of controlled substances to undercover officers, on March 30, 1993, in the District Court of Harris County,

Texas, [he] pled guilty to each count of the indictment. On July 23, 1993, [Respondent was] sentenced to probation for a period of ten years with deferred adjudication, fined \$10,000 and ordered to perform 1,500 hours of community service.

By letter to DEA dated June 16, 1996, counsel for Respondent replied to the Order to Show Cause, but did not request a hearing on the issues raised by the Order to Show Cause. The matter was docketed before Administrative Law Judge Mary Ellen Bittner. In a letter dated July 3, 1996, the Office of Administrative Law Judges advised counsel for Respondent that Respondent had until July 19, 1996, to file a request for a hearing or else be deemed to have waived the right to a hearing. No request for a hearing was filed on behalf of Respondent. Therefore, on July 24, 1996, Judge Bittner issued an order finding that Respondent had waived his right to a hearing, and ordering that all proceedings before her be terminated. Thereafter, the case was transmitted to the Deputy Administrator for issuance of a final order pursuant to 21 C.F.R. 1301.54(e).

According, the Acting Deputy Administrator now enters his final order in this matter pursuant to 21 C.F.R. 1301.54(e) and 1301.57, without a hearing and based on the investigative file and the letter dated July 16, 1996, from counsel for Respondent.

The Acting Deputy Administrator finds that sometime in the late 1980's or early 1990's, DEA received information from the Houston Police Department that Respondent was a major diverter of Schedule III through V controlled substances. DEA then contacted the Medicaid Fraud Division of the Texas Department of Human Services and learned that Respondent had issued a large number of controlled substance prescriptions. A subsequent survey of area pharmacies also revealed that Respondent issued a large number of controlled substance prescriptions and further revealed that he continually prescribed Tylenol with Codeine No. 4 (Tylenol No. 4), a Schedule III controlled substance, in combination with diazepam 10 mg., a Schedule IV controlled substance. At that time, this combination of drugs was being abused in the Houston area and was being sold at crack houses throughout the Houston area to help users alleviate the effects of coming off a crack cocaine high. In addition, DEA learned that on April 5, 1990, during the execution of a search warrant at a crack house by the Houston Police Department, several prescription bottles were found, containing Tylenol