

the allegations because of the pending criminal charges and was willing to surrender his license, pending resolution of that matter.

On May 20, 2005, after the investigative file was received by the Deputy Administrator, Dr. Loxley entered into a Consent Agreement with the Virginia Board in which he agreed to surrender his state medical license, pending the outcome of the criminal case. In the event he is acquitted of all charges, his license will be reinstated. However, if he is convicted of any misdemeanor or felony counts, it is to remain surrendered until further order of the Virginia Board. Upon entry of the Consent Agreement, Dr. Loxley's medical license was recorded as being surrendered and no longer current.

There is no evidence before the Deputy Administrator that the Consent Agreement has been modified, lifted or stayed or that Dr. Loxley's Virginia medical license has been reinstated or renewed.

Pursuant to 21 U.S.C. 824(a)(3), the Deputy Administrator may revoke a DEA Certificate of Registration if she finds the registrant has had state license revoked and is no longer authorized to dispense controlled substances in the jurisdiction of registration. Alternatively, revocation is authorized if the registrant has committed such acts as would render his registration contrary to the public interest, as determined by factors listed in 21 U.S.C. 823(f). See Thomas B. Pelkowski, D.D.S., 57 FR 28538 (1992).

Despite Dr. Loxley's egregious and unlawful activities and the public interest factors that are implemented by such unprofessional and criminal conduct, his lack of state authorization to handle controlled substances is dispositive of this matter.

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 business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See Rory Patrick Doyle, M.D., 69 FR 11655 (2004); Dominick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts, M.D., 53 FR 11919 (1988).

Here, it is clear Dr. Loxley surrendered his medical license and it is reasonable to infer that he is currently not authorized to handle controlled substances in Virginia and is therefore not entitled to a DEA registration in that state. As a result of the finding that Dr. Loxley lacks any state authorization to handle controlled substances, the

Deputy Administrator concludes it is unnecessary to address further whether his DEA registration should be revoked based upon the public interest grounds asserted in the Order to Show Cause and Immediate Suspension of Registration. See Gilbert C. Aragon, Jr., D.O., 69 FR 58536 (2004); Samuel Silas Jackson, D.D.S., 67 FR 65145 (2002); Nathaniel-Aikens-Afful, M.D., 62 FR 16871 (1997); Sam F. Moore, D.V.M., 58 FR 14428 (1993).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AL6366428, issued to Sidney S. Loxley, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective June 26, 2006.

Dated: July 6, 2005.

Michele M. Leonhart,
Deputy Administrator.

[FR Doc. 06-4839 Filed 5-24-06; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Worth S. Wilkinson, M.D.; Revocation of Registration

On March 1, 2005, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Worth S. Wilkinson, M.D. (Dr. Wilkinson) of Shreveport, Louisiana, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certification of Registration BW2217974 under 21 U.S.C. 824(a)(3) and deny any pending applications for renewal or modification of that registration pursuant to 21 U.S.C. 823(f). As a basis for revocation, the Order to Show Cause alleged that Dr. Wilkinson is not currently authorized to practice medicine or handle controlled substances in Louisiana, his state of registration and practice. The Order to Show Cause also notified Dr. Wilkinson 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 by certified mail to Dr. Wilkinson at his registered address at 729 Wichita Street, Shreveport, Louisiana 71101 and to his residence at 700 Delaware, Shreveport,

Louisiana 71101. According to the return receipt the Order to Show Cause sent to his home was received by Dr. Wilkinson on March 9, 2005. DEA has not received a request for hearing or any other reply from Dr. Wilkinson or anyone purporting to represent him in this matter.

Therefore, the Deputy Administrator of DEA, finding that thirty days having passed since the delivery of the Order to Show Cause to the registrant and no request for hearing having been received, concludes that Dr. Wilkinson is deemed to have waived his hearing right. See Thomas J. Mulhearn, III, M.D., 70 FR 24625 (2005); James E. Thomas, M.D., 70 FR 3564 (2005); Steven A. Barnes, M.D., 69 FR 51474 (2004); David W. Linder, 67 FR 12579 (2002).

After considering material from the investigative file in this matter, the Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds Dr. Wilkinson currently possesses DEA Certificate of Registration BW2217974, as a practitioner authorized to handle controlled substances in Schedules IV-V. The Deputy Administrator further finds that on October 29, 2004, the Louisiana State Board of Medical Examiners (Louisiana Board) issued an Opinion and Ruling suspending Dr. Wilkinson's license to practice medicine in Louisiana.

That suspension was based upon the Louisiana Board's conclusion that Dr. Wilkinson was in need of further testing and evaluation for alcohol abuse and his apparent physical and mental inability to practice medicine with reasonable skill and safety to his patients.

The investigative file contains no evidence that the Louisiana Board's Opinion and Ruling has been stayed, modified or terminated or that Dr. Wilkinson's medical license has been reinstated. Therefore, the Deputy Administrator finds Dr. Wilkinson is not currently authorized to practice medicine in the State of Louisiana. As a result, it is reasonable to infer he is also without authorization to handle controlled substances in that state.

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 business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See Stephen J. Graham, M.D., 69 FR 11661 (2004); Dominick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts,

M.D., 53 FR 11919 (1988). Revocation is also appropriate when a state license has been suspended, but with possibility of future reinstatement. See Alton E. Ingram, Jr., M.D., 69 FR 22562 (2004); Anne Lazar Thorn, M.D., 62 FR 847 (1997).

Here, it is clear Dr. Wilkinson's medical license has been suspended and he is not currently licensed to handle controlled substances in Louisiana, where he is registered with DEA. Therefore, he is not entitled to a DEA registration in that state.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BW2217974, issued to Worth S. Wilkinson, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal or modifications of such registration be, and they hereby are, denied. This order is effective June 26, 2006.

Dated: July 6, 2005.

Michael M. Leonhart,
Deputy Administrator.

Editorial note: This document was received at the Office of the Federal Register May 19, 2006.

[FR Doc. 06-4840 Filed 5-24-06; 8:45 am]

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Bureau of Justice Assistance Application Form: Public Safety Officer's Medal of Valor

The Department of Justice (DOJ), Office of Justice Programs (OJP), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until July 24, 2006. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions,

or need a copy of the proposed information collection instrument with instructions or additional information, please contact Maria A. Pressley at 202-353-8643, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street, NW., Washington, DC 20531.

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

- 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 agencies 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 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:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Bureau of Justice Assistance Application Form: Public Safety Officers Medal of Valor.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None.

(4) *Affected public who will be asked or required to respond, as well as a brief Abstract:* Primary: State, local and tribal government agencies within the United States and its territories.

Abstract: The Bureau of Justice Assistance, a component of the Office of Justice Program, Department of Justice, administers the Public Safety Officer's Medal of Valor. Once a year, the President of the United States of America may award, and present in the name of Congress, a Medal of Valor of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, upon the recommendation of the Medal of Valor Review Board, for extraordinary

valor above and beyond the call of duty. The Public Safety Officer Medal of Valor is the highest national award given to a public safety officer in recognition of their bravery and altruistic acts of valor to protect and save the lives of others. Nomination(s) for this award is voluntary.

Nominations are received through the Internet, or postal mail.

The Medal of Valor program is governed by F1.R.802, the "Public Safety Officer Medal of Valor Act of 2001."

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 182 applicants under the Medal of Valor approximately 25 minutes to complete the application form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden to complete the certification form is 75.83 hours.

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

Dated: May 22, 2006.

Lynn Bryant,
Department Deputy Clearance Officer, PRA,
Department of Justice.

[FR Doc. 06-4866 Filed 5-24-06; 8:45am]

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Existing Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Extension of a Currently Approved Collection; National Corrections Reporting Program.

This notice is published to correct an error in the notice that was published on May 19, 2006. It was incorrectly stated Bureau of Alcohol, Tobacco, Firearms and Explosives, it should have stated Office of Justice Programs.

The Department of Justice (DOJ), Office of Justice Programs (OJP) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the