

to Show Cause to Samuel Wise Chang, M.D., of Alexandria, Virginia, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AC5597262, under 21 U.S.C. 824 (a)(3) and (a)(4), and deny any pending applications for renewal of such registration as a practitioner under 21 U.S.C. 823(f), for reason that he is not authorized to handle controlled substances in the Commonwealth of Virginia, and his continued registration would be inconsistent with the public interest. The Order to Show Cause specifically alleged that:

"(1) In December 1993, a confidential informant informed the Alexandria (Virginia) police Vice Narcotics Section that (Dr. Chang) routinely dispensed and/or prescribed controlled substances for no legitimate medical purpose. In response to this information, law enforcement agents and confidential informants made 24 undercover visits to (Dr. Chang's) office between November 1993 and June 1994. On each occasion, (Dr. Chang) dispensed and/or prescribed controlled substances to these individuals for no legitimate medical purpose.

"(2) On February 6, 1995, (Dr. Chang was) indicted in the Circuit Court for the City of Alexandria, and charged with 24 counts of illegal distribution and/or prescribing of controlled substances in violation of Title 18 of the Virginia State Code.

"(3) On June 7, 1995, (Dr. Chang was) found guilty of 15 felony counts of illegal distribution of anabolic steroids and seven misdemeanor counts of unlawful prescribing of controlled substances. (Dr. Chang was) sentenced to one month confinement on each felony count with a fine of \$10,000 per count, and (Dr. Chang was) further fined \$2,000 on each misdemeanor count. The matter is currently on appeal.

"(4) On October 26, 1995, the Virginia Department of Health Professions ordered the suspension of (his) license to practice medicine. Therefore, (he is) not currently authorized to handle controlled substances in the Commonwealth of Virginia."

The Order to Show Cause also notified Dr. Chang that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The DEA received a signed receipt indicating that Dr. Chang received the order on November 4, 1996. No request for a hearing or any other reply was received by the DEA from Dr. Chang or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1)

30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Chang is deemed to have waived his hearing right. After considering the relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on October 26, 1995, the Virginia Department of Health Professions suspended Dr. Chang's license to practice medicine in the Commonwealth of Virginia based upon the fact that Dr. Chang was convicted of 15 felony counts of distribution of stimulants. A letter to the DEA from the Virginia Department of Health Professions dated October 3, 1996, indicates that Dr. Chang has not sought reinstatement of his license to practice medicine and it therefore remains suspended. The Acting Deputy Administrator finds that since Dr. Chang is not currently authorized to practice medicine in the Commonwealth of Virginia, it is reasonable to infer that he is not authorized to handle controlled substances in that state.

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 *Romeo J. Perex, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green M.D.*, 61 FR 60,728 (1996); *Eominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here, it is clear that Dr. Chang is not currently authorized to handle controlled substances in the Commonwealth of Virginia, where he is registered with DEA. Therefore, he is not entitled to maintain that registration. Because Dr. Chang is not entitled to a DEA registration in Virginia due to his lack of state authorization to handle controlled substances, the Acting Deputy Administrator concludes that it is unnecessary to address whether Dr. Chang's continued registration would be inconsistent with the public interest, as alleged in the Order to Show Cause.

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 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AC 5597262, previously issued to Samuel Wise Chang, M.D., be,

and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective May 29, 1997.

Dated: April 21, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97-10915 Filed 4-28-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Harvey Robert Spar, M.D.; Revocation of Registration

On July 30, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Harvey Robert Spar, M.D., of Camarillo, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AS1871486, under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of such registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that he is not currently authorized to handle controlled substances in the State of California. The order also notified Dr. Spar that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The DEA received a signed receipt indicating that the order was received by Dr. Spar on August 5, 1996. No request for a hearing or any other reply was received by the DEA from Dr. Spar or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for hearing having been received, concludes that Dr. Spar is deemed to have waived his hearing right. After considering the relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that by a Decision dated August 23, 1995, the Medical Board of California adopted a Stipulation for surrender of License signed by Dr. Spar on July 7, 1995, whereby Dr. Spar agreed to surrender his license to practice medicine in the State of California. The Acting Deputy Administrator finds that in light of the fact that Dr. Spar is not currently

licensed to practice medicine in the State of California, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state.

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 *Romeo J. Perez, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here it is clear that Dr. Spar is not currently authorized to handle controlled substances in the State of California. Therefore, Dr. Spar 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 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AS1871486, previously issued to Harvey Robert Spar, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective May 29, 1997.

Dated: April 21, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97-10916 Filed 4-28-97; 8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

April 24, 1997.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (P.L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Theresa M. O'Malley ((202) 219-5096 ext. 143). Individuals who use a telecommunications device for the deaf

(TTY/TDD) may call (202) 219-4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), by May 29, 1997.

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 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: Mine Safety and Health Administration.

Title: Underground Retorts (30 CFR 57.22401).

OMB Number: 1219-0096 (reinstatement).

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 1.

Estimated Time Per Respondent: 160 hours.

Total Burden Hours: 160.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: Prior to ignition of underground retorts, mine operators must submit a written plan containing site-specific safeguards and safety procedures for the underground areas of the mine affected by the retorts. The Mine Safety and Health Administration uses this information to ensure that safe practices are followed, and to determine that the procedures and safeguards used protect the safety of all persons in the mine during ignition and operation of a retort.

Agency: Mine Safety and Health Administration.

Title: Product Testing by Applicant or Third Party (30 CFR Part 7).

OMB Number: 1219-0100 (reinstatement).

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 392.

Estimated Time Per Respondent: .54 hours.

Total Burden Hours: 219.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: To prevent fire and explosion hazards in underground mines, manufacturers of certain products are required to submit to the Mine Safety and Health Administration applications for product approval. Certain records and reports are required to assure continued product quality.

Agency: Veterans' Employment and Training Service.

Title: Federal Contractor Veteran's Employment Report (VETS-100).

OMB Number: 1293-0005 (revision).

Frequency: Annually.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 291,000.

Estimated Time Per Respondent: 30 minutes.

Total Burden Hours: 145,500.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: The Veterans' Annual Report (VETS 100) is required by 38 U.S.C. 4212(d), from entities with contractors of \$10,000 or more with Federal departments or agencies of numbers of special disabled and Vietnam-era veterans in the workforce by job category and hiring location, number of employees hired and of those, the number of special disabled and Vietnam era veterans.

Agency: Employment Standards Administration.

Title: Optional Use Payroll Form Under the Davis-Bacon Act.

OMB Number: 1215-0149 (extension).

Frequency: Weekly.

Affected Public: Individuals or households; Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 113,022.

Estimated Time Per Respondent: 56 minutes.

Total Burden Hours: 9,700,000.

Total Annualized capital/startup costs: 0.