Courtroom No. 3, U.S. District Court, 230 North First Avenue, Phoenix, Arizona.

Dated: June 16, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-14005 Filed 6-19-86; 8:45 am]

BILLING CODE 4410-09-M

Robert J. Barnes, M.D., Revocation of Registration

On October 15, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Robert J. Barnes, M.D., of P.O. Box 235, Port Sulphur, Louisiana 70083. The Order to Show Cause sought to revoke the DEA practitioner Certificate of Registration, AB2399360, previously issued to Dr. Barnes. The statutory predicate for the Order to Show Cause was that Dr. Barnes was no longer licensed by the Louisiana State Board of Medical Examiners to practice medicine in the State of Louisiana, thereby terminating his authority to handle controlled substances in that State.

Dr. Barnes waived his opportunity for a hearing in a letter dated November 4, 1985. Instead, he submitted a written statement explaining his position in the matter. Based on Dr. Barnes' letter, the Administrator concludes that he has waived his opportunity for a hearing. 21 CFR 1301.54(c). Therefore, the Administrator issues this final order taking into consideration the information contained in the investigation file and the information included in Dr. Barnes' letter.

The Administrator finds that on April 11, 1985, the Louisiana State Board of Medical Examiners revoked Dr. Barnes' license to practice medicine in the State of Louisiana in an order which became effective as of May 1, 1985. In his response to the Order to Show Cause, Dr. Barnes did not deny that the Board had revoked his medical license. Instead, Dr. Barnes attempted to explain that the Board had made its decision based on incorrect information. He also indicated that on December 13, 1985, the Board was to hold a later hearing to allow him to present further evidence in the license revocation matter.

Following this later hearing, the Board refused to reinstate Dr. Barnes' medical license. Consequently, Dr. Barnes is without State authority to handle controlled substances. The Administrator has consistently held that when a DEA registrant is not authorized to handle controlled substances in the State in which he operates, DEA is without lawful authority to maintain his registration. See *Avner Kauffman, M.D.*, Docket No. 85-8, 50 FR 34208 (1985), *Kenneth K. Birchard, M.D.*, 48 FR 33778 (1983), and *Thomas E. Woodson, D.O.*, Docket No. 81-4, 47 FR 1353 (1982). Therefore, since Dr. Barnes is no longer authorized to handle controlled substances in Louisiana, the Administrator cannot maintain his registration in that State.

The Administrator is not persuaded by Dr. Barnes' statement that the Board based the revocation of his license on incorrect information. The Administrator cannot consider questions concerning the propriety of a professional licensing board's rationale for revoking a registrant's professional license. Once a registrant's State license is revoked, regardless of the basis for the revocation, the Administrator must revoke the registrant's DEA registration.

In this situation, although the Louisiana State Board of Medical Examiners revoked Dr. Barnes' license to practice medicine in the State of Louisiana, it granted him an institutional temporary permit. This permit allows Dr. Barnes the privilege of practicing medicine only within the bounds of the Louisiana State Penitentiary. This permit also restricts Dr. Barnes' handling of controlled substances to the confines of the penitentiary. To comply with the Board's grant of the institutional temporary permit to Dr. Barnes, the Administrator will waive the restrictions imposed upon the penitentiary by 21 CFR 1301.76(a). Under 21 CFR 1301.76(a), the penitentiary would be barred from employing Dr. Barnes, a person who has had a DEA registration revoked, suspended or denied. Since the Louisiana Board has allowed Dr. Barnes to continue a very limited practice in the penitentiary, the Administrator will grant a waiver allowing the institution to continue to employ him, despite the revocation of his registration. Such waiver shall only apply to the penitentiary's employment of Dr. Barnes. This waiver shall terminate in the event that the institutional temporary permit previously issued to Dr. Barnes is revoked, denied, suspended, or otherwise terminated.

Having concluded that there is a lawful basis for revoking Dr. Barnes' DEA Certificate of Registration, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by Title 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AB2399360, previously issued to Robert J. Barnes, M.D., be and hereby is, revoked. It is also ordered that the Louisiana State Penitentiary be granted a waiver of the limitations imposed under 21 CFR 1301.76(a), with respect to the employment of Dr. Barnes. Such waiver shall only remain in force so long as Dr. Barnes retains a valid institutional temporary permit issued by the Louisiana State Board of Medical Examiners.

This order is effective July 21, 1986.

Dated: June 16, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-14006 Filed 6-19-86; 8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report to keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.