

Carolina 27709, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Marihuana (7360) .....	I
Cocaine (9041) .....	II

The Institute will manufacture marihuana, and cocaine derivatives for use by their customers in analytical kits, reagents, and reference standards as directed by the National Institute on Drug Abuse.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than December 27, 2011.

Dated: October 20, 2011.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 2011-28013 Filed 10-27-11; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### David T. Koon, M.D.; Revocation of Registration

On July 24, 2009, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to David T. Koon (hereinafter, Registrant), of Summerton, South Carolina. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration, BK4092350, as a practitioner, and the denial of any applications to renew or modify the registration, on the ground that he does not "have authority to practice medicine or handle controlled substance in the [S]tate of South Carolina, the [S]tate in which [he is] registered with DEA" because "of actions by the South Carolina Board of Medical Examiners and the South Carolina Bureau of Drug Control." *Id.* at 1 (citing 21 U.S.C. 824(a)(3)).

On August 1, 2009, the Show Cause Order, which also advised Registrant of his right to request a hearing on the allegations or to file a written statement in lieu of a hearing, the procedures for doing either, and the consequence for failing to do so, was served by certified mail sent to him at his home address as established by the signed return-receipt card. *Id.* at 2. Since that time, neither Respondent, nor anyone purporting to represent him, has requested a hearing or submitted a statement. Because more than thirty days have passed since service of the Show Cause Order, I conclude that Respondent has waived his right to either request a hearing or to submit a written statement. 21 CFR 1301.43. I therefore issue this Decision and Final Order without a hearing based on relevant material contained in the record submitted by the Government and make the following findings.

#### Findings

Respondent is the holder of DEA Certificate of Registration, BK4092350. Respondent's registration was last renewed on January 2, 2009, and does not expire until December 31, 2011.

On March 31, 2009, the South Carolina Board of Medical Examiners ordered that Respondent's medical license be "temporarily suspended, effective immediately, until further Order of the Board." Order of Temporary Suspension, *In re David Thomas Koon*, OIE# 2009-46, 2008-217 (S.C. Bd. Med. Exam'rs, Mar. 31, 2009). Moreover, according to the Board's Web site, Registrant's medical license expired on September 30, 2009; the Web site also indicates Registrant's "Credential Status" as "Suspended." In addition, according to the South Carolina Department of Health and Environmental Control, Bureau of Drug Control, Registrant's South Carolina Controlled Substances Registration expired on May 12, 2009.

#### Discussion

DEA does not have statutory authority to grant or maintain a DEA registration if the applicant or registrant lacks authority to handle controlled substances under the laws of the State in which he is engaged in professional practice. See 21 U.S.C. 802(21) (defining the term "practitioner" as a person "licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices \* \* \* to distribute, dispense \* \* \* [or] administer \* \* \* a controlled substance"); *id.* § 823(f) ("The Attorney General shall register practitioners \* \* \* to dispense \* \* \* controlled substances \* \* \* 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 under state law to handle controlled substances is an essential condition for holding a DEA registration.

Accordingly, DEA has held repeatedly that the CSA requires the revocation of a registration issued to a practitioner whose state license has been suspended or revoked. *David W. Wang*, 72 FR 54297, 54298 (2007); *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").

Moreover, the Agency has interpreted the CSA to require the revocation of a registration upon a practitioner's loss of state authority "not only where a registrant's authority has been suspended or revoked, but also where a practitioner \* \* \* has lost his state authority for reasons other than through formal disciplinary action of a State board." *John B. Freitas*, 74 FR 17524, 17525 (2009). Thus, even when a registrant ceases to possess authority to handle controlled substance in the State in which he practices through the expiration of a medical license or separate state controlled substances registration (when required), the Agency has revoked the practitioner's registration. *James Stephen Ferguson*, 75 FR 49994, 49995 (2010); *Mark L. Beck*, 64 FR 40899, 40900 (1999); *Charles H. Ryan*, 58 FR 14430 (1993).

Because Registrant is no longer licensed to practice medicine and to dispense controlled substances in South Carolina, the State in which he is registered with DEA, under the CSA, he is no longer entitled to hold his registration. Accordingly, his registration will be revoked and any pending applications will be denied.

#### 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), I order that DEA Certificate of Registration, BK4092350, issued to David T. Koon, M.D., be, and it hereby is, revoked. I further order that any pending application of David T. Koon, M.D., to renew or modify his registration, be, and it hereby is, denied.

This Order is effective November 28, 2011.

Dated: October 17, 2011.

**Michele M. Leonhart,**  
Administrator.

[FR Doc. 2011-28010 Filed 10-27-11; 8:45 am]

BILLING CODE 4410-09-P

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Forging Machines

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, "Forging Machines," to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

**DATES:** Submit comments on or before November 28, 2011.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, <http://www.reginfo.gov/public/do/PRAMain>, on the day following publication of this notice or by contacting Michel Smyth by telephone at (202) 693-4129 (this is not a toll-free number) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: (202) 395-6929/Fax: (202) 395-6881 (these are not toll-free numbers), email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at (202) 693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Under regulations 29 CFR 1910.218, it is mandatory for covered employers to conduct and to document periodic inspections of forging machines, guards, and point-of-operation protection

devices and to mark manually controlled valves and switches. These requirements reduce workers' risks of death or serious injury by ensuring that forging machines used by them are in safe operating condition and that the workers are able to identify manually operated valves and switches.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under OMB Control Number 1218-0228. The current OMB approval is scheduled to expire on October 31, 2011; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on May 24, 2011 (76 FR 30200).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should reference OMB Control Number 1218-0228. The OMB is particularly interested in comments that:

- 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:* Occupational Safety and Health Administration (OSHA).

*Title of Collection:* Forging Machines.

*OMB Control Number:* 1218-0228.

*Affected Public:* Private Sector—businesses or other for-profits and not for profit institutions.

*Total Estimated Number of Respondents:* 27,700.

*Total Estimated Number of Responses:* 1,440,788.

*Total Estimated Annual Burden Hours:* 187,264.

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

Dated: October 24, 2011.

**Michel Smyth,**

Departmental Clearance Officer.

[FR Doc. 2011-27904 Filed 10-27-11; 8:45 am]

BILLING CODE 4510-26-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Development of the U.S. Department of Labor, Employment and Training Administration's Five-Year Research and Evaluation Strategic Plan for 2010-2015; Request for Public Comment

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given on the development of the U.S. Department of Labor (Department), Employment and Training Administration's (ETA) Five-Year Research and Evaluation Strategic Plan for 2010-2015, hereafter referred to as the "Research Plan." The Research Plan is required under the Workforce Investment Act (WIA) of 1998 (29 U.S.C. 2916(a)). The Research Plan sets a research agenda by identifying high priority topics for potential pilot, demonstration, multiservice, multistate, research, and evaluation efforts that should be examined over the next five years. The draft Research Plan was based on a consultation process of internal and external stakeholders. This request for public comment is another opportunity for ETA to receive additional stakeholder feedback as part of its process in finalizing the Research Plan and transmitting it to Congress.

To download a copy of the full draft report as a PDF, visit the ETA Research Web site at [http://www.doleta.gov/reports/fiveyear\\_researchplan.cfm](http://www.doleta.gov/reports/fiveyear_researchplan.cfm).

**DATES:** Submit comments on or before November 14, 2011.