

Order based on the record submitted by the Government. 21 CFR 1301.43(e). I make the following findings.

Findings

Registrant is the holder of DEA Certificate of Registration AC6553437, which authorizes him to dispense controlled substances in schedules II through V as a practitioner at the registered address of 450 Slosson Avenue, Staten Island, New York. GX 2A. His registration does not expire until August 31, 2014. *Id.*

On November 2, 2011, the New York Bureau of Professional Medical Conduct issued a Statement of Charges to Registrant, alleging, *inter alia*, that he had committed gross negligence in performing plastic surgery on five patients, that he “practice[ed] the profession of medicine with negligence” and “with incompetence on more than one occasion,” and that he failed to maintain accurate records regarding his treatment of four of the patients. GX 2B. On December 6, 2011, the Commissioner of the New York Department of Health concluded that Registrant’s “continued practice of medicine . . . constitutes an imminent danger to the health of the people of this state” and ordered Registrant to “immediately” cease the practice of medicine. GX 2C.

Thereafter, a Hearing Committee of the State Board conducted a hearing. On September 10, 2012, the Committee issued its Determination and Order in which it found most of the charges proved and determined that “the only way to ensure the safety of the public is to revoke [Registrant’s] medical license.” GX 2I, at 42. The Committee thus ordered the revocation of Registrant’s medical license, effective upon service of the order. *Id.* at 43.

Registrant then sought review from the New York Department of Health Administrative Review Board (ARB). GX 2J. On or about April 4, 2013, the ARB issued its Determination and Order, affirming the Hearing Committee’s determinations that Registrant “committed professional misconduct” and to revoke his medical license. *Id.* at 9. A search conducted on the New York State Office of the Professions online verification page establishes that Registrant’s medical license remains revoked.

Discussion

The Controlled Substances Act (CSA) grants the Attorney General authority to revoke 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.” 21 U.S.C. 824(a)(3). Moreover, DEA has long held that a practitioner must be currently authorized to handle controlled substances in the “jurisdiction in which [he] practices” in order to maintain a DEA registration. *See* 21 U.S.C. 802(21) (“the term ‘practitioner’ means a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.”); *see also id.* § 823(f) (“The Attorney General shall register practitioners . . . 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 dispense controlled substances is an essential condition for holding a DEA registration. *See 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).

Here, the evidence shows that Respondent’s medical license has been revoked and that he no longer holds authority under New York law to dispense controlled substances. Registrant is therefore not entitled to maintain his DEA registration. *See* 21 U.S.C. 802(21), 823(f), and 824(a)(3). Accordingly, Registrant’s registration will be revoked.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b) and 0.104, I order that DEA Certificate of Registration AC6553437, issued to Robert V. Cattani, M.D., be, and it hereby is, revoked. I further order that any pending application of Robert V. Cattani, M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective August 29, 2014.

Dated: July 22, 2014.

Thomas M. Harrigan,
Deputy Administrator.

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DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998

ACTION: Notice.

SUMMARY: On July 31, 2014, the Department of Labor (DOL) will submit the Office of the Assistant Secretary for Administration and Management (OASAM) sponsored information collection request (ICR) revision titled, “Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998,” to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 2, 2014.

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 free of charge from the RegInfo.gov Web site at http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201404-1225-001 (this link will only become active on August 1, 2014) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064 (these are not toll-free numbers) or sending an email to DOL_PRA_PUBLIC@dol.gov.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–DM, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: OIRA_submission@omb.eop.gov. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: DOL_PRA_PUBLIC@dol.gov.

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064,

(these are not toll-free numbers) or sending an email to DOL_PRA_PUBLIC@dol.gov.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for a revision to the Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998 (WIA) information collection that provides data used to help ensure a recipient of DOL Federal financial assistance does not discriminate in the administration, management, or operation of programs and activities. Information collections covered by this ICR include (1) a grant applicant providing assurance that the applicant is aware of and, as a condition of receipt of Federal financial assistance, agrees to comply with the assurance requirements; (2) a DOL funds recipient maintaining a record of equal opportunity (EO) characteristics data and a log of any EO complaints for activities under a DOL funded WIA program; (3) a person who believes a relevant EO requirement may have been violated filing a complaint with either the funds recipient or with the DOL, Civil Rights Center; (4) a State periodically filing a plan outlining administrative methods the State will use to ensure WIA funds are not used in a discriminatory manner; and (5) a DOL funds recipient posting required notices. This information collection has been classified as a revision, because the DOL wants to make a minor change to the Complaint Information Form (Form DL-1-2014A) to clarify the information requested. WIA section 185 authorizes this information collection. *See* 29 U.S.C. 2935.

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 that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1225-0077. The current approval is scheduled to expire on July 31, 2014; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New

requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 17, 2014 (79 FR 21809).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section by September 2, 2014. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1225-0077. 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: DOL-OASAM.

Title of Collection: Nondiscrimination Compliance Information Reporting Under the Workforce Investment Act of 1998.

OMB Control Number: 1225-0077.

Affected Public: State, Local, and Tribal Governments; Private Sector—businesses or other for-profits and not-for-profit institutions; and Individuals or Households.

Total Estimated Number of Respondents: 2,911.

Total Estimated Number of Responses: 32,046,366.

Total Estimated Annual Time Burden: 180,458 hours.

Total Estimated Annual Other Costs Burden: \$0.

Dated: July 23, 2014.

Michel Smyth,

Departmental Clearance Officer.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2011-0057]

Excavations (Design of Cave-In Protection Systems); Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements contained in the Standard on Excavations (Design of Cave-in Protection Systems) (29 CFR part 1926, subpart P).

DATES: Comments must be submitted (postmarked, sent, or received) by September 29, 2014.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693-1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA-2011-0057, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA-2011-0057) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the