

within 30 days, his right to a hearing would be considered waived.

On April 6, 2001, a copy of the OTSC was personally served by two DEA Diversion Investigators upon Dr. Nelson's attorney. No request for a hearing or any other response was received by DEA from Dr. Nelson or anyone purporting to represent him in this matter, however. Therefore, the Administrator of the DEA, finding that (1) thirty days have passed since receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes Dr. Nelson is deemed to have waived his right to a hearing. After considering relevant material from the investigative file in this matter, the Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46 (1999).

The Administrator finds that based on an investigation by the Oklahoma and State Board of Medical Licensure and Supervisor, by use of a pharmacy internet web site, Dr. Nelson issued prescriptions for controlled substances without personally seeing or physically examining patients. During the single week of October 25, 2000, to November 2, 2000, Dr. Nelson authorized 1,684 prescriptions, of which 1,651 were for controlled substances. These prescriptions were not issued in the usual course of medical practice, in violation of 21 CFR 1306.04.

On December 14, 2000, Dr. Nelson agreed with the Oklahoma State Board of License and Supervision (Board) to refrain from issuance of further prescriptions to internet customers. Despite this agreement, at least eight refills and new prescriptions for controlled substances attributed to Dr. Nelson continued to be filled. The Board also learned that Dr. Nelson had prescribed drugs for three separate internet web sites.

On February 12, 2001, the Oklahoma Bureau of Narcotics and Dangerous Drug Control (Bureau) suspended Dr. Nelson's State narcotic registration, in part on the grounds that his registered address was in actuality a postal mail box facility, not a place of professional practice. The Bureau also learned that Dr. Nelson had provided a false social security number and date of birth in the application that he made with the Bureau.

On March 1, 2001, the Oklahoma State Board of Medical License and Supervisions issued an Order of Emergency Suspension suspending Dr. Nelson's medical license, in part based on a finding that he could not practice medicine with a reasonable degree of safety, competency, and skill sufficient

to protect the public health, safety, and welfare.

On the basis of this evidence, by the OTSC dated April 6, 2001, the Administrator of the DEA made the preliminary findings that Dr. Nelson was responsible for the diversion of large quantities of controlled substances into other than legitimate channels, and further that Dr. Nelson's violation of the December 14, 2000, agreement with the Board demonstrated that Dr. Nelson will continue to assist in the diversion of controlled substances. Therefore, pursuant to 21 U.S.C. 824(d), the Administrator of the DEA issued an immediate suspension of Dr. Nelson's DEA Certificate of Registration.

While the above-cited evidence provides ample grounds for an immediate suspension pursuant to section 824(d), these grounds also provide the basis for the revocation of Dr. Nelson's DEA Certificate of Registration. There is no evidence in the investigative file that Dr. Nelson's medical license has been reinstated since the March 1, 2001, Emergency Suspension by the Board. Therefore, the Administrator finds that Dr. Nelson is not currently authorized to practice medicine in the State of Oklahoma. Additionally, since there is no evidence that the suspension of Dr. Nelson's State narcotics registration has been lifted, the Administrator finds that Dr. Nelson also is not authorized to handle controlled substances in that State.

The DEA does not have the statutory authority pursuant to the Controlled Substances Act to issue or to 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. See 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld in prior DEA cases. See Frank R. Pennington, M.D., 66 FR 15,762 (DEA 2001); Romeo J. Perez, M.D., 62 FR 16,193 (DEA 1997); Demetris A. Green, M.D., 61 FR 60,728 (DEA 1996); Dominick A. Ricci, M.D., 58 FR 51,104 (DEA 1993). Here it is clear that Dr. Nelson is not currently authorized to handle controlled substances in the State of Oklahoma. As a result, he is not entitled to a DEA registration in that State.

Accordingly, the 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 BN1075224, previously issued to Rick Joe Nelson, M.D., be, and it hereby is, revoked. This order is effective July 6, 2001.

Dated: May 31, 2001.

**Donnie R. Marshall,**  
*Administrator.*

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### Agency Information Collection Activities: Comments Request

**ACTION:** Notice of information collection under review; Employment eligibility verification

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance 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 August 6, 2001.

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

(1) 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;

(2) 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;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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 currently approved collection.

(2) *Title of the Form/Collection:* Employment Eligibility Verification.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-9. Programs Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form was developed to facilitate compliance with Section 274A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, which prohibits the knowing employment of unauthorized aliens. The information collection is used by employers or by recruiters for enforcement of provisions of immigration laws that are designed to control the employment of unauthorized aliens.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 78,000,000 responses at 9 minutes (.15 hours) per response and 20,000,000 record keepers at 4 minutes (.066 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 13,020,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202-514-3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, National Place Building, Washington, DC 20530.

Dated: June 1, 2001.

**Richard A. Sloan,**

*Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Young Offender Initiative: Reentry Grant Program; Demonstration Grant Program

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice of availability of funds and solicitation for grant applications (SGA).

**SUMMARY:** This notice contains all of the necessary information and forms needed to apply for grant funding. The Departments of Labor, Justice, and Health and Human Services are requesting applications for the Fiscal Year 2001 Young Offender Initiative: Demonstration Grant Program projects. Approximately \$11.5 million is available to fund demonstration grants to provide services aimed at youth who are or have been under criminal justice supervision or involved in gangs. The Department of Labor (DOL) has worked with the Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice (DOJ) and the Substance Abuse and Mental Health Services Administration (SAMHSA) in the U.S. Department of Health and Human Services (DHHS) in deciding to use these funds for an innovative model to serve young offenders, gang members, and at-risk youth. This model is called the One-Stop Youth Services Demonstration Model. Grants will be given in two categories: Category A: Large Areas and Category B: Small to Medium-Sized Areas. The model is based upon new research. Applicants can only apply under one of the two categories which must be clearly identified on the face sheet of the application.

Local Workforce Investment Boards (Local Boards), other political subdivisions of the State, and private entities are eligible to receive grant funds under this announcement. Local workforce investment areas who were awarded grants to administer Youth Offender Demonstration Projects in 1999 (SGA/DAA 98-015, dated September 2, 1998) and 2001 (SGA/DFA 01-101, dated December 11, 2000) are ineligible to apply under this Solicitation. However, first round (1999) grantees who were not awarded additional funds to continue their current programs through DOL's Letter of Competition, dated December 7, 2000, are eligible to apply.

**DATES:** The closing date for receipt of applications is Monday, October 1,

2001. Applications must be received by 4 p.m. (Eastern Daylight Savings Time) at the address below. No exceptions to the mailing and hand-delivery conditions set forth in this notice will be granted. Applications that do not meet the conditions set forth in this notice will not be honored. Telefacsimile (FAX) applications will not be honored.

**ADDRESSES:** Applications must be mailed to: U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: B. Jai Johnson, Reference: SGA/DFA 01-109, 200 Constitution Avenue, NW., Room S-4203, Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Questions should be faxed to B. Jai Johnson at (202) 693-2879, (this is a not a toll-free number). All inquiries should include the SGA/DFA number 01-109, and a contact name, fax and phone numbers. This announcement will also be published on the Internet on the Employment and Training Administration's Home Page at <http://www.doleta.gov>. Award notifications will also be published on the Home Page.

**SUPPLEMENTARY INFORMATION:** This solicitation is jointly issued by the U.S. Department of Labor (DOL), Employment and Training Administration (ETA); the U.S. Department of Justice (DOJ), Corrections Program Office (CPO), Office of Justice Programs (OJP); and U.S. Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT) and Center for Mental Health Services (CMHS). Additional offices within DOJ's Office of Justice Programs helping to guide this effort include the Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, and the Executive Office of Weed and Seed.

These grants make use of funds appropriated in the Fiscal Year (FY) 2001 Federal budget, and are the third round of Young Offender Initiative: Demonstration Grant Program projects. Two prior rounds of such grants have been awarded based on appropriations in the FY 1998 and FY 2000 budgets.

This solicitation is one of two dealing with the overall Young Offender Initiative: Reentry Grant Program (Initiative). It is for a smaller number of experimental Young Offender Initiative: Demonstration Grant Program projects and published coincident with the larger Young Offender Initiative: Reentry Grant Program solicitation.