Drug	Schedule
Oxycodone (9143)	II
Hydrocodone (9193)	II
Oxymorphone (9652)	II

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Dupont Pharmaceuticals to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: September 25, 1996.

Gene R. Haislip,

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

[FR Doc. 96–26320 Filed 10–11–96; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 954–15]

Michael J. Septer, D.O., Grant of Request To Modify Continuation of Registration With Restrictions

On November 4, 1993, the then-Director, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Michael James Septer, D.O. (Respondent) at two locations in Tucson, Arizona and one location in Sierra Vista, Arizona, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificates of Registration (BS0321454, BS0321430 and BS0321442) under 21 U.S.C. 824(a)(4), and deny any request to modify such registrations by changing the registered address, and deny any pending applications for renewal of such registrations as a practitioner under 21 U.S.C. 823(f), as being inconsistent with the public interest.

By letter dated December 2, 1993, the Respondent filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Grand Rapids, Michigan on February 28, 1995, before Administrative Law Judge Paul A. Tenney. At the hearing, the parties agreed that two of the DEA registrations that were the subject of the proceedings (BS0321454 and BS0321442) had terminated as a matter of law pursuant to 21 CFR 1301.62. Consequently, the scope of the proceedings was narrowed to determine whether the Respondent's DEA Certificate of Registration (BS0321430) should be modified or transferred from Arizona to Michigan, or whether such action should be denied for reasons that the Respondent's continued registration with DEA as a practitioner is inconsistent with the public interest as determined pursuant to 21 U.S.C. 823(f) and 825(a)(4). Both parties called witnesses to testify and introduced documentary evidence. After the hearing, both sides submitted proposed findings of fact, conclusions of law and argument. On May 30, 1995, Judge Tenney issued his Findings of Fact, Conclusions of Law, and Recommended Ruling, recommending that the Deputy Administrator grant the Respondent's request to modify his DEA Certificate of Registration (BS0321430) so that it may be transferred from Arizona to Michigan, and to impose certain conditions on the registration. Judge Tenney's recommended conditions for the registration contemplated that the Respondent would continue to be employed at Hackley Occupational Health Clinic (HOHC), his place of employment at the time of the hearing, or at another facility approved by DEA that would provide a structured environment similar to HOHC. Neither party filed exceptions to the Administrative Law Judge's decision, and on June 29, 1995, Judge Tenney transmitted the record of these proceedings to the Deputy Administrator.

By letter dated October 23, 1995, an attorney representing HOHC notified the Deputy Administrator that the HOHC Vice President, who testified at the hearing on behalf of the Respondent and who was in charge of monitoring the Respondent at HOHC, was no longer employed by HOHC. In addition, the letter indicated that Respondent and HOHC have voluntarily terminated their employment agreement. On November 1, 1995, the Deputy Administrator returned the record to the Administrative Law Judge, along with a copy of the October 23, 1995 letter from the HOHC attorney, and requested that Judge Tenney reopen the record to add this letter and to take whatever other actions he deemed necessary to consider the information contained in the letter. By order dated November 1, 1995, Judge Tenney included the letter in the record and allowed the parties to notify him of their recommendations on how to proceed in light of the HOHC's letter. Respondent was the only party to file a response and submitted a letter requesting that he be allowed to continue his DEA registration until the necessary monitors are available at his new employment. On December 6, 1995, the Administrative Law Judge issued an Addendum to his Recommended Ruling dated May 30, 1995, recommending that Respondent be allowed to continue his DEA registration provided that the nearest DEA office approve the monitoring conditions at any new place of employment. No exceptions were filed to the Addendum and the record was again transmitted to the Deputy Administrator on May 16, 1996.

The Acting Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, with noted exceptions, the opinion and recommended ruling of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Acting Deputy Administrator finds that on November 25, 1980, a ten-count indictment was filed against the Respondent in the United States District Court for the District of Arizona. Six of the ten counts alleged mail fraud in violation of 18 U.S.C. 1341 with respect to certain Medicare claims filed by the Respondent. The remaining counts alleged insurance fraud in violation of 42 U.S.C. § 1395nn, in that Respondent attempted to secure payment for ''medical services never performed and medical supplies never placed, rented or purchased . . . .'' On May 4, 1981, following a jury trial, the Respondent was convicted of the six mail fraud counts. The court suspended imposition of sentence for a period of three years, placed the Respondent on probation during that time, and ordered that he spend one day per week for one year furnishing community service without compensation. There is little evidence in the record as to the underlying facts that led to Respondent's convictions. The Respondent however, testified at the hearing that the convictions were the result of his making up permanent placement dates for transcutaneous electrical nerve stimulators (TENS) to assure prospectively that he was reimbursed when the TENS were actually placed on his patients.

As a result of his mail fraud convictions, on October 21, 1981, the Board of Osteopathic Examiners of the State of Arizona placed the Respondent's license to practice osteopathic medicine on probation for three years to run concurrently with the criminal probation. Also as a result of

his convictions, on December 9, 1981, the Respondent was suspended from participation in the Medicare program by the United States Department of Health and Human Services (HHS). Recognizing that the offenses were not of long duration and there were no adverse impacts on program patients, Respondent's Medicare privileges were restored.

On July 1, 1981, the United States of America filed a civil complaint against the Respondent in the United States District Court for the District of Arizona seeking a judgment in excess of $44,000 based upon Respondent's filing of fourteen false, fictitious, and fraudulent Medicare claims. On January 11, 1982, the court approved a consent judgment whereby the Respondent agreed to pay a civil fine of $8,265.60.

In 1987, based upon reports that Respondent was excessively purchasing anorectic controlled substances, DEA and the Board of Osteopathic Examiners of the State of Arizona (BOE) initiated an investigation of Respondent. On September 28, 1988, pursuant to an administrative inspection warrant, DEA and BOE investigators conducted an accountability audit at Respondent's office located at 344 West Ajo, Tucson, Arizona, covering the period February 1, 1987 through September 28, 1988. The audit revealed a shortage of approximately 190,000 to 203,000 dosage units of Schedule III and IV controlled substances, recordkeeping deficiencies and security violations. As a result of the audit, on April 11, 1989, a civil complaint was filed against Respondent, doing business as Tucson Family Practice Clinic, in the United States District Court for the District of Arizona, seeking civil penalties in excess of $375,000 for violations of the Controlled Substances Act. A consent judgment was approved on December 18, 1989, in which the Respondent admitted various allegations in the complaint and the United States agreed to dismiss the other counts with prejudice. Subsequently, on March 13, 1990, the court ordered that Respondent pay a civil penalty of $40,000.

After completion of the civil proceedings, on May 4, 1990, DEA issued an Order to Show Cause proposing to revoke Respondent's DEA Certificate of Registration. A hearing was held before an Administrative Law Judge in September 1991. No decision was rendered by the Administrative Law Judge, since the parties entered into a Memorandum of Agreement in early 1992. The agreement permitted the Respondent to retain his DEA registration subject to certain terms and conditions for a period of two years. For instance, the Respondent was prohibited from prescribing, administering, dispensing, or possessing any Schedule II controlled substances for purposes of weight reduction or control of obesity. The Respondent further agreed that when prescribing, administering and/or dispensing Schedule III, IV and V controlled substances for purposes of weight reduction or control of obesity, he would be limited to periods of time as recommended in the current Physicians' Desk Reference (PDR), and that the phrase ''short term'' as used in the PDR will mean up to eight weeks. In addition, Respondent agreed to conduct accountability audits on a daily basis, and to notify the DEA investigator of any change in his business addresses.

Following execution of the Memorandum of Agreement, in September 1992, Respondent moved to Mississippi and commuted to his practice in Arizona. On October 8, 1992, Respondent sought medical licensure in the State of Mississippi. On the licensure questionnaire, Respondent denied ever having his DEA Certificate of Registration revoked or restricted even though his DEA registration was restricted approximately eight months earlier when the Memorandum of Agreement was executed. As a result of his responses, the Mississippi State Board of Medical Licensure (Mississippi Board) issued a letter to Respondent dated December 18, 1992, advising him that if he wished to pursue his application for licensure in Mississippi an ''Order to Show Cause'' would be issued. Respondent testified at the hearing that he attempted to honestly complete the Mississippi licensure questionnaire, however, in light of the Mississippi Board's letter, he decided to move to Michigan rather than pursue medical licensure in Mississippi.

On October 20, 1992, Respondent contacted DEA and expressed concern that one of his employees at his Arizona office may have diverted controlled substances. Consequently, DEA investigators went to Respondent's Arizona clinic on October 26, 1992, to conduct an accountability audit. The employee present during the audit indicated that she had been instructed by Respondent to cooperate fully in the investigation. The audit covered an approximate 10 month period in 1992 and revealed a shortage of 56 dosage units. At the hearing in this matter, the DEA investigator described the shortage as ''very good for that length of time with the quantity that he was dispensing; very good.'' The investigator also indicated that he was ''very satisfied'', and felt no further action was necessary.

By November of 1992, the Respondent decided not to return to Arizona, since a bench warrant had been issued for spousal maintenance and child support arrearages. Respondent testified at the hearing before Judge Tenney that all attempts to obtain physician coverage for his Arizona practice were unsuccessful. He then contacted the Arizona Nursing Board (Nursing Board) and based upon information from the Nursing Board, Respondent believed that it was permissible for a nurse practitioner to dispense controlled substances without a physician present. According to the Respondent the Nursing Board stated that: (1) a nurse practitioner, duly licensed in the State of Arizona, is permitted to prescribe and dispense controlled substances; (2) the presence of a physician on site would not be required; and (3) nurse practitioners are able to conduct their own practices without the supervision of a physician. Respondent then hired a nurse practitioner, who was left in charge of his Arizona office, and controlled substances were dispensed without the direct supervision of the Respondent.

On December 7, 1992, investigators of DEA and BOE went to Respondent's Arizona office to investigate whether controlled substances were being dispensed without a physician on the premises. An individual, identified as Respondent's advisor, was present and the investigators provided him with a copy of Arizona Revised Statutes § 32–1871(D) which states that a physician ''shall provide direct supervision of a nurse or attendant involved in the dispensing process.'' The section further provides that the term '' 'direct supervision' means that a physician is present and makes the determination as to the legitimacy or the advisability of the drugs . . . to be dispensed.'' The investigators advised the individual that Respondent's office should be shut down since controlled substances were being dispensed without a physician present. The individual stated that he and Respondent had done extensive research and did not believe that there was any violation of the law.

Based upon conversations with Respondent's advisor, members of Respondent's staff, and a review of the records maintained at Respondent's office, the investigators discovered that controlled substances had in fact been dispensed from Respondent's Arizona office without a physician present; that anorectics had been dispensed for periods longer than eight weeks in violation of the Memorandum of

Agreement; and that audits were not consistently taken on a daily basis also in violation of the Memorandum of Agreement. In addition, the investigators discovered that in Respondent's absence, employees were dispensing controlled substances to each other and to family members.

During the course of the investigation, it was also revealed that between March 1, 1993, and August 26, 1993, while in Michigan, the Respondent wrote or authorized 96 prescriptions for controlled substances using DEA Certificate of Registration BS0321430 issued to him in Arizona. Respondent failed to notify DEA of his change of address to Michigan in violation of the Memorandum of Agreement and failed to obtain a modification of his registration to change the address to Michigan before writing or authorizing these prescriptions. Respondent testified at the hearing in this matter that he thought ''that all of his credentials were in place for practicing medicine and prescribing'' in Michigan, and that he ''would never have written any of those prescriptions at Sparta Health Center [in Michigan] had I known my control [sic] substance number was not yet valid.''

Subsequently, in August 1993, the DEA investigators contacted the Respondent and advised him of the violations of the Memorandum of Agreement. During the conversation, Respondent denied responsibility for what had occurred at the Arizona clinic when he was not present. At the hearing before Judge Tenney however, Respondent partly blamed incorrect advice of counsel for his actions, but also admitted failing to focus on his responsibilities, and that he ''should have kept a closer look over . . . the control logs.'' Almost immediately after being contacted by DEA, the Respondent requested modification of his DEA registrations to Michigan.

During the hearing, the DEA investigator acknowledged that he and the Respondent have always had a good working relationship, and have exhibited a spirit of cooperation and forthrightness in their dealings with one another. He further indicated that they have ''always tried to accommodate each other.''

On the day of the hearing, the Arizona Board of Osteopathic Examiners served a complaint upon the Respondent. The complaint was based, in part, on the Respondent's failure to directly supervise his employees in late 1992. However, there is nothing in the record to indicate the disposition of this complaint.

At the time of the hearing before Judge Tenney, Respondent was working at HOHC. The Vice President of Operations for HOHC (Vice President) testified on behalf of Respondent at the hearing, and candidly stated that ''[the Respondent] has made a lot of glaring mistakes * * *. I would even go so far as to say they've been real dumb.'' Nonetheless, the Vice President testified that he was impressed with Respondent's abilities; that Respondent ''does occupational medicine very well''; that Respondent is a ''quality physician''; that Respondent ''relates to people [and h]e knows what he's doing''; and that his diagnoses are ''fine''.

The Vice President testified that Respondent's lack of a DEA registration is ''somewhat limiting'', and if Respondent's request for modification were granted, HOHC would be willing to comply with any type of auditing or monitoring systems that would enable Respondent to handle controlled substances at HOHC. Respondent, when testifying about his past and current employment, stated that he was not interested in dispensing controlled substances anymore and he will ''never again'' take on that degree of responsibility that was associated with his former position as medical director of a multi-location facility. However, subsequent to the hearing, an attorney representing HOHC informed DEA in a letter dated October 23, 1995, that the Respondent and the Vice President were no longer employed by HOHC.

Documentary evidence is in the record that indicates that Respondent falsified two of his applications filed with DEA. On his December 18, 1990 application for registration, and his February 13, 1992 renewal application, Respondent answered ''No'' to the question which asks whether his State professional license was ever ''revoked, suspended, denied, restricted or placed on probation,'' when in fact his license to practice osteopathic medicine had been placed on probation for three years in 1981. In addition, on his February 13, 1992 renewal application, Respondent answered ''No'' to the question which asks whether his Federal controlled substance registration was ''revoked, suspended, restricted or denied''. Technically, there was no falsification regarding this answer since the Memorandum of Agreement which imposed restrictions on Respondent's DEA registration, while signed by Respondent on January 7, 1992, was not actually fully executed until February 24, 1992, after the renewal application was submitted.

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Deputy Administrator may revoke a DEA Certificate of Registration and deny any pending applications, if he determines that the continued registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety. These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16,422 (1989).

In this case, factors one, two, four and five are relevant in determining whether the Respondent's continued registration would be inconsistent with the public interest. As to factor one, ''recommendation of the appropriate licensing board * * *,'' in 1981, the Arizona Board of Osteopathic Examiners placed Respondent's license on probation for three years, based upon his mail fraud convictions. However, the Acting Deputy Administrator attaches very little significance to this action since it occurred approximately 15 years ago and did not involve his handling of controlled substances. The State of Arizona did file a complaint against the Respondent in 1995, however, there is no evidence in the record as to the disposition. In addition, there is no evidence in the record that the State of Michigan has taken any action against Respondent's license to practice osteopathic medicine in that state. Thus the Acting Deputy Administrator concludes that factor one is of little relevance in determining the public interest in this case.

As to factor two, the Respondent's ''experience in dispensing * * * controlled substances,'' the Acting Deputy Administrator agrees with Judge Tenney's conclusion that ''[i]t is readily apparent from the evidence that the Respondent has demonstrated an

inability to dispense controlled substances as part of his medical practice.'' The 1988 audit revealed significant overages and shortages of various Schedule III and IV substances, as well as other recordkeeping and security violations, resulting in Respondent's payment of a $40,000 civil penalty. Although, a subsequent audit in 1992 revealed a shortage of 56 dosage units over a 10 month period, which according to the DEA investigator, who testified at the hearing, was ''very good for that length of time with the quantity [Respondent] was dispensing,'' Respondent continued to have other problems with his dispensing of controlled substances. He violated the Memorandum of Agreement by failing to conduct daily audits of the dispensing of controlled substances from his Arizona office, and by dispensing controlled substances to individuals for weight reduction or control of obesity for longer than eight weeks. Additionally, he allowed the employees at his Arizona office to dispense controlled substances without adequate supervision. Respondent testified at the hearing that based upon advice he received from the Arizona Nursing Board he did not think that he needed to be present when controlled substances were dispensed and thought that it was permissible to leave a nurse practitioner in charge of his Arizona practice. This however does not justify his cavalier behavior. In fact, the Respondent himself readily concedes that he ''should have kept a closer look over * * * the control logs.'' Thus, factor three is significant in evaluating the public interest in this case.

As to factor four, the Respondent's ''[c]ompliance with applicable State, Federal, or local laws relating to controlled substances'', the Respondent violated Arizona Revised Statutes § 32–1871, by failing to provide direct supervision to his employees that dispensed controlled substances. In addition, the Acting Deputy Administrator finds that Respondent violated 21 CFR 1301.71 by failing to ''provide effective controls and procedures to guard against theft and diversion of controlled substances.'' In evaluating a registrant's practice, a consideration is ''[t]he adequacy of supervision over employees having access to * * * storage areas.'' 21 CFR 1301.71(b)(11). Consequently, factor four is relevant in determining whether Respondent's continued registration is inconsistent with the public interest.

As to factor five, the Government argues that Respondent has ''not demonstrated an ability to accept the responsibilities of a DEA registration,'' and that he ''has attempted to shift the blame to [others] for his predicament.'' However, as Judge Tenney noted in his opinion, ''[a]lthough the Respondent partly blamed improper advice of counsel for his decisions, he also admitted failing to focus on his responsibilities, and that he 'should have kept a closer look over * * * the control logs.' '' In addition, the Respondent's testimony at the hearing indicated that he recognizes that he had problems with dispensing controlled substances, and consequently is not interested in dispensing controlled substances in the future. The Acting Deputy Administrator concludes that the evidence does not support the Government's contentions regarding factor five.

The Acting Deputy Administrator agrees with Judge Tenney's conclusion that factors one and five are of little significance, but that the Government has established a prima facie case regarding the relevance of factors two and four in determining the public interest. Therefore, grounds exist to revoke or suspend the Respondent's registration as inconsistent with the public interest. In addition, based upon Respondent's material falsification of his December 18, 1990 and February 13, 1992 applications for DEA registration, grounds exist to revoke his registration pursuant to 21 U.S.C. 824(a)(1).

The Acting Deputy Administrator concludes that neither complete revocation nor any unrestricted registration is in the public interest at this time. Respondent has clearly had problems with the handling of controlled substances in the past, however, most, if not all of those problems stemmed from his significant responsibilities at his prior private practice or from his dispensing of controlled substances. Judge Tenney recommended that Respondent's registration not be revoked, but instead be restricted, *inter alia*, to the closely monitored prescribing of Schedule III, IV and V controlled substances at HOHC, or at another DEA approved facility. As the letter HOHC attorney indicated, the Respondent is no longer employed at HOHC. The Acting Deputy Administrator agrees that strict controls must be imposed upon the Respondent's registration. This ''will allow the Respondent to demonstrate that he can responsibly handle controlled substances in his medical practice, yet simultaneously protect the public by providing a mechanism for rapid detection of any improper activity related to controlled substances.'' *Steven M. Gardner, M.D.*, Docket No. 85–26, 51 Fed. Reg. 12,576 (1986).

However, the Acting Deputy Administrator concludes that with these restrictions in place, it is unnecessary for the Respondent to obtain DEA's prior approval regarding the specific setting in which he handles controlled substances as was recommended by Judge Tenney.

The Acting Deputy Administrator concludes that the modification of Respondent's DEA Certificate of Registration (BS0321430) from Arizona to Michigan is in the public interest with the following limitations placed upon the registration:

(1) The Respondent's controlled substance handling authority shall be limited to the writing of prescriptions for Schedule III, IV and V controlled substances only. He shall not dispense, administer, possess, or store any controlled substances. The only exception to this limitation is that the Respondent may possess controlled substances which are medically necessary for his own use and which he has obtained lawfully from another duly authorized physician.

(2) The Respondent shall maintain a log of all prescriptions that he issues. At a minimum, the log shall indicate the date that the prescription was written, the name of the patient for whom it was written, and the name and dosage of the controlled substance(s) prescribed. The Respondent shall maintain this log for a period of three years from the effective date of this final order. Upon request by the Special Agent in Charge of the DEA Detroit Field Division, or his designee, the Respondent shall submit or otherwise make available his prescription log for inspection.

(3) By the effective date of this final order, the Respondent shall notify the Special Agent in Charge of the DEA Detroit Field Division, or his designee, of his place of employment at that time. Thereafter, the Respondent shall immediately notify the Special Agent in Charge of the DEA Detroit Field Division, or his designee, of any changes in his employment.

(4) These restrictions shall remain in effect for three years from the effective date of this final order.

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 BS0321430, issued to Michael J. Septer, D.O., be modified by transferring it to Michigan, and any pending applications be granted, with the above restrictions. This order is effective November 14, 1996.

Dated: October 8, 1996.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 96–26321 Filed 10–11–96; 8:45 am]

BILLING CODE 4410–09–M

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection: Comments Requested

ACTION: Notice of information collection under emergency review.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by October 10, 1996. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Ms. Deborah Bond, 202–395–7316, Department of Justice Desk Officer, Washington, DC, 20503.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until December 16, 1996. Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments 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) *Title of the Form/Collection:* Application—Alternative Inspection Services.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–823. Inspections 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. The collected data will be used to determine eligibility for automated inspections programs and to secure those data elements necessary to confirm enrollment at the time of application for admission to the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 500,000 respondents at 70 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 583,000 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 Mr. Richard A. Sloan, 202–616–7600, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536.

If additional information is required contact: Mr. Robert B. Briggs, 202–514–4319, Department Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: October 9, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–26326 Filed 10–11–96; 8:45 am]

BILLING CODE 4410–18–M

Office of Juvenile Justice and Delinquency Prevention

Agency Information Collection Activities: Proposed collection; Comment Request

ACTION: Notice of Information Collection Under Emergency Review; State Juvenile Corrections Organization Survey.

The Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by November 1, 1996. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Ms. Victoria Wassmer, 202–395–5871, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20503.

During the first 60 days of this same period a regular review of this collection is also being undertaken. Comments are encouraged and will be accepted until December 16, 1996. Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments 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: New collection.

(2) Title of the Form/Collection: State Juvenile Corrections Organization Survey.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: none Office of Juvenile