

substance related offense, or that he is not currently authorized to handle controlled substances in the state in which he practices.

The Order to Show Cause filed in this matter seems to suggest that there is a basis for denial of Respondent's application pursuant to 21 U.S.C. 824(a)(5), which provides for revocation of a registration if a registrant has been excluded (or directed to be excluded) from participation in a program pursuant to section 1320a-7(a) of Title 42. Specifically, the Order to Show Cause alleges that, "[a]s a result of your conviction, on May 8, 1992, you were notified by the Department of Health and Human Services of your ten-year mandatory exclusion from participation in the Medicare program pursuant to 42 U.S.C. 1320a-7(a)." However, a careful review of the May 8, 1992 letter from DHHS to Respondent indicates that he was not mandatorily excluded pursuant to 42 U.S.C. 1320a-7(a). Instead, Respondent's exclusion from the Medicare program was pursuant to 42 U.S.C. 1320a-7(b). Therefore, there is no basis for the denial of Respondent's application pursuant to 21 U.S.C. 824(a)(5).

Next, the Acting Deputy Administrator considers whether Respondent's registration would be inconsistent with the public interest pursuant to 21 U.S.C. 823(f) and 824(a)(4). Only factors one and five are relevant, since there is no evidence in the investigative file regarding Respondent's experience in dispensing controlled substances, his conviction record, if any, relating to controlled substances or his compliance with controlled substance laws.

As to factor one, Respondent is currently authorized to practice medicine, and therefore handle controlled substances in California, but is on probation for approximately two more years. Regarding factor five, Respondent's conduct in 1988 and 1989 causes concern as to his future conduct if entrusted with a DEA registration. However, the Acting Deputy Administrator concludes that it would not be in the public interest to deny Respondent's application for registration. Respondent's misconduct occurred in 1988 and 1989. His exclusion by DHHS from the Medicare program was permissive and not mandatory, and the State of California allowed him to continue practicing medicine.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him pursuant to 21 U.S.C. 823 and 824 and 28 CFR 0.100(b)

and 0.104, hereby orders that the application for registration submitted by Alan R. Schankman, M.D., be, and it hereby is granted. This order is effective upon issuance of the DEA Certificate of Registration, but not later than September 24, 1998.

Dated: August 14, 1998.

**Donnie R. Marshall,**

*Acting Deputy Administrator.*

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### Agency Information Collection Activities: Extension of Existing Collection; Comment Request

**ACTION:** Notice of Information Collection Under Review; Notice of Immigration Pilot Program.

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 October 26, 1998.

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 a currently approved collection.

(2) *Title of the Form/Collection:* Notice of Immigration Pilot Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No Agency Form number. Adjudications 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 is used by the Service to determine participants in the Pilot Immigration program provided for by section 610 of the Appropriations Act. The Service will select regional center(s) that are responsible for promoting economic growth in a geographical area.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 50 responses at 40 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 2,000 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 5307, 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, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: August 19, 1998.

**Robert B. Briggs,**

*Department Clearance Officer, United States Department of Justice.*

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