

substances in that state. As a result, his DEA Certificate of Registration must be revoked.

Therefore, the Deputy Administrator agrees with Judge Randall that Respondent's registration must be revoked and his request for modification denied. But, the Deputy Administrator declines to indicate under what circumstances DEA would consider granting any future applications. Any such applications will be considered in light of the facts and circumstances that exist at that time.

Accordingly, the 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 AH1993749, issued to Saihb S. Halil, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that Dr. Halil's request to modify his registration, and any pending applications for renewal of his registration, be, and they hereby are, denied. This order is effective July 22, 1999.

Dated: June 14, 1999.

Donnie R. Marshall,

Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Ahmed A. Shohayeb, M.D.; Denial of Applications

On January 28, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ahmed A. Shohayeb, M.D. of California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BS4243591 pursuant to 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of such registration and two pending applications, executed on August 20, 1996, and September 11, 1996, for registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that he is not currently authorized to handle controlled substances in the State of California. The order also notified Dr. Shohayeb that should no request for a hearing be filed within 30 days, his hearing right should be deemed waived.

The Order to Show Cause was sent to Dr. Shohayeb by registered mail to his DEA registered address and to the

addresses listed on his two applications for registration, but were returned to DEA unclaimed. A DEA investigator attempted to contact Dr. Shohayeb by telephone, but all telephone numbers listed for Dr. Shohayeb were disconnected. On February 27, 1998, the investigator went to the address listed on Dr. Shohayeb's driver's license and confirmed that Dr. Shohayeb lived at that address, however he was unable to talk to Dr. Shohayeb at that time. The investigator left a copy of the Order to Show Cause under the door.

No request for a hearing or any other reply was received by the DEA from Dr. Shohayeb or anyone purporting to represent him in this matter. Therefore, the Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Shohayeb is deemed to have waived his hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that there are indications in the file that Dr. Shohayeb's DEA Certificate of Registration BS4243591, expired on February 28, 1998, and that no renewal applications have been filed for this registration. Therefore the Deputy Administrator concludes that as of February 28, 1998, this registration was no longer valid, and as a result, there is noting to revoke. *See Ronald J. Reigel, D.V.M.*, 63 FR 67,132 (1998). However, there are two pending applications for registration that must be addressed.

The Deputy Administrator finds that effective May 23, 1997, the Medical Board of California (Board) revoked Respondent's license to practice medicine. The Board found that Dr. Shohayeb engaged in sexual misconduct with a patient; he engaged in acts of gross negligence; he advertised his practice of medicine using a name which was not his own or one which was approved by the Board; and he engaged in unprofessional conduct.

The Deputy Administrator finds that Dr. Shohayeb is not currently licensed to practice medicine in the State of California and therefore, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state. The DEA does not have the statutory authority under the Controlled Substances Act to issue or 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. *See Romeo J. Perez, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here it is clear that Dr. Shohayeb is not currently authorized to handle controlled substances in the State of California. As a result, he is not entitled to a DEA registration in that state.

Accordingly, the 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 the applications, executed on August 20, 1996 and September 11, 1996 by Ahmed A. Shohayeb, M.D., for registration as a practitioner, be, and they hereby are, denied. This order is effective June 22, 1999.

Dated: June 14, 1999.

Donnie R. Marshall,

Deputy Administrator.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: Application for employment authorization.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on January 28, 1999 at 64 FR 4471, allowing for an emergency OMB review and approval and a 60-day public comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 22, 1999. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the