

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

- 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 agencies 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.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) *Title of the Form/Collection:* Firearms Inquiry Statistics (FIST) Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Not applicable. As applicable, tally sheets and an Excel spreadsheet are sent to relevant State and local agencies for reporting purposes. These data collection forms have not been assigned an agency form number but will be labeled with the appropriate OMB number as required.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State and Local Governments. This information collection is a survey of State and local agencies that conduct background checks on individuals applying to purchase firearms from federally licensed firearm dealers. The information will provide national statistics on the total number of applications and rejections annually, reasons for rejection, and arrest and appeal information.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The survey will be sent to an estimated 816 state and local agencies.

It is estimated that 653 respondents (80 percent of the sample) will spend a cumulative total of 15 minutes annually responding to the survey and/or verifying information.

(6) *An estimate of the total public burden (in hours) associated with the collection:*

There are an estimated 163.25 total annual burden hours associated with this collection. This estimate is higher than the figure reported on the 60 day notice (139.75 hours). The figure listed in the 60 day notice assumed a response rate of 70 percent. However, BJS and the data collection agent will continue to identify ways to encourage a higher response rate in future data collections and, as will be set forth in the FY2011 funding announcement for the FIST program, BJS has established as a performance measure a goal of achieving an overall response rate of 80 percent. To calculate the current estimated public reporting burden for this information collection, the estimated response rate submitted previously was reassessed and revised to reflect the current performance measure established for the data collection agent.

This revised estimate remains lower than the estimated public burden approved in 2007 (341.5 hours). The decreased burden is associated with a change in data collection schedule from twice to once annually. BJS determined that the relevant data could be effectively obtained by administering the survey once a year, and this schedule is anticipated to continue in subsequent information collections.

*If additional information is required contact:* Lynn Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street, NE., Suite 2E-502, Washington, DC 20530.

Dated: October 21, 2010.

**Lynn Murray,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

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## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0055]

#### Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-Day Notice of Information Collection Under Review: Identification of Explosive Materials.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval 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 December 27, 2010. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact William Miller, Chief, Explosives Industry Programs Branch, Room 6E405, 99 New York Avenue, NE., Washington, DC 20226.

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

- 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 agencies 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.

## Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Identification of Explosive Materials.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. The regulations of 27 CFR 55.109 require that manufacturers of explosive materials place marks of identification on the materials manufactured. Marking of explosives enables law enforcement entities to more effectively trace explosives from the manufacturer through the distribution chain to the end purchaser. This process is used as a tool in criminal enforcement activities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 1,563 respondents will respond to this information collection. Estimated time for a respondent to respond is none. Because the manufacturers are required to place markings on explosives, the burden hours are considered usual and customary. 5 CFR 1320.3(b)(2) states, there is no burden when the collection of information is usual and customary.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual total burden hours associated with this collection is 1 hour.

*If additional information is required contact:* Lynn Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, Room 2E-502, 145 N Street NE., Washington, DC 20530.

Dated: October 21, 2010.

**Lynn Murray,**

Department Clearance Officer, PRA, U.S. Department of Justice.

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 06-8]

#### George Mathew, M.D.; Denial of Application

On September 19, 2005, I, the Deputy Administrator of the Drug Enforcement Administration, issued an Order to Show Cause and Immediate Suspension of Registration to George Mathew, M.D. (Respondent), of Seattle, Washington. The Order proposed the revocation of Respondent's DEA Certificate of Registration, BM5009065, which authorized him to dispense controlled substances in schedules II through V as a practitioner, and the denial of any pending applications to renew or modify his registration on the ground that his "continued registration is inconsistent with the public interest, as that term is used in 21 U.S.C. 823(f) and 824(a)(4)." Show Cause Order at 1.

The Show Cause Order alleged that Respondent had participated in a criminal scheme run by Johar Saran, the owner of Carrington Healthcare Systems/Infiniti Services Group (CHS/ISG) of Arlington, Texas, which used numerous pharmacies owned by "sham corporations" to obtain the DEA registrations necessary to "purchase and dispense large quantities of controlled substances via the Internet." *Id.* at 5. As for Respondent's involvement, the Order alleged that between May 1, 2005 and June 17, 2005, Respondent, who was licensed in the State of Washington, had authorized 136 prescriptions for residents of "at least 27 different states" and that "[n]inety-three percent of the [prescriptions] were for hydrocodone," a schedule III controlled substance. *Id.* at 6. The Order further alleged that Respondent "did not see [the] customers, had no prior doctor-patient relationships with the Internet customers, did not conduct physical exams, \* \* \* did [not] create or maintain patient records," and that "[t]he only information usually reviewed prior to issuing [the] drug orders was the customer's online questionnaire." *Id.* The Order thus alleged that Respondent "participated" in a scheme to "facilitate [the] circumvention of legitimate medical practice" by "prescribing controlled substances to Internet customers despite never establishing a genuine doctor-patient relationship with the Internet customer." *Id.* at 5.

Next, the Show Cause Order alleged that a DEA Diversion Investigator (DI) had accessed a Web site, <http://www.heyknowmeds.com>, and, after

providing his name, address, phone number, date of birth, gender, and filling out a brief medical questionnaire, purchased hydrocodone. *Id.* at 6. The Order further alleged that the DI received the drug three days later, that he had not been contacted by any one affiliated with the Web site, and that the bottle's label listed Respondent as the prescriber and Southwest Fusion, an entity in Fort Worth, Texas, as the dispensing pharmacy. *Id.*

The Show Cause Order thus alleged that Respondent "did not establish legitimate physician-patient relationships with the Internet customers to whom [he] prescribed controlled substances" and that "such prescriptions [were] not [issued] for a legitimate medical purpose in the usual course of professional practice." *Id.* at 7. The Order thus alleged that the prescriptions violated 21 CFR 1306.04(a).<sup>1</sup>

On September 22, 2005, Respondent requested a hearing on the allegations, which he denied, maintaining that he had been the victim of identity theft, ALJ Ex. 2; the matter was then placed on the docket of the Agency's Administrative Law Judges (ALJ). Moreover, on October 7, 2005, Respondent requested a stay of the immediate suspension based on his contention of identity theft. *See ALJ Ex. 4.* On October 14, 2005, I stayed the suspension pending resolution of his claim. *Id.*

Thereafter, on October 19, 2005, the parties filed a Joint Motion to Stay the Proceedings, ALJ Ex. 3, and on October 26, 2005, the ALJ granted a stay. ALJ Ex. 5. On December 4, 2006, the parties filed a joint status report. ALJ Ex. 6. Therein, the parties notified the ALJ of their inability to reach a resolution of the matter and requested that the stay of the proceedings be lifted and that the hearing be held as soon as possible. *Id.*

In its prehearing statement of January 5, 2007, the Government notified Respondent that it also intended to present evidence regarding statements he made during an interview with DEA Investigators on September 22, 2005. Gov. Prehearing Statement at 7. More specifically, the Government alleged that Respondent had contracted with EDrugs, an entity which operated a Web site (<http://www.eDrugstore.com>), and that "on a daily basis" "for about 6

<sup>1</sup> While I also immediately suspended Respondent's registration based on my conclusion that his continued registration during the pendency of the proceeding "would constitute an immediate danger to public health and safety," Show Cause Order at 7, on October 14, 2005, I subsequently stayed the suspension after Respondent maintained that he was the victim of identity theft. ALJ Ex. 4.