Detective stated that he would like to get ''a prescription instead of hitting somebody up,'' Applicant acknowledged that ''the only problem is unless we have an actual pain diagnosis psychiatrists can't write for it'' and then asked the Detective if he had ''ever been diagnosed with a disk problem or anything?'' GX 4, at 10. Even then, the Detective did not identify any pain problem, and said: ''I mean . . . if I just gotta say I got something.'' *Id.* Applicant thus clearly knew that the Detective did not have a legitimate pain condition.

Moreover, Applicant did not perform a physical exam at either the Detective's second or third visit, each of which lasted two to three minutes. Indeed, at the second visit, Applicant merely asked ''what kind of pain is it? Is it back pain or?'' to which the Detective replied: ''That's what you . . . told me you put on there before.'' *Id.* at 14. Here again, Applicant issued the Detective an additional prescription for OxyContin and did so notwithstanding that he knew that the Detective did not have any pain.

So too, at the Detective's third visit, Applicant's inquiry into the former's need for controlled substances involved him asking, ''[i]s this for your back?'' with the Detective answering: ''You know yeah that's well last time you told me to it was my back yeah.'' *Id.* at 18. Applicant then asked ''[i]s it more help out your mood or what's it do for you?'' to which the Detective answered that he did ''concrete all day long'' and was ''working with people and stuff like that,'' and that after coming home, ''it helps unwind.'' Respondent then stated: ''Ok that one they'll let us do.'' *Id.* Applicant then agreed to write the Detective a prescription for Norco, a schedule III combination drug which contains hydrocodone. *Id.* Moreover, he also wrote the Detective a prescription for Xanax based solely on the Detective's asking him if he had anything for sleep and did not ask him a single question about his sleep patterns. *Id.*

As the evidence shows, at each of the above visits, Applicant knew that the Detective was not seeking the drugs for the purpose of treating a legitimate medical condition, but rather, for the purpose of abusing them. He also did not perform a physical examination. Applicant nonetheless issued the four prescriptions to the Detective. Given the evidence, expert testimony is not necessary to conclude that Applicant acted outside of the usual course of professional practice and lacked a legitimate medical purpose in issuing each of the four prescriptions. 21 CFR 1306.04(a); *see also T.J. McNichol,* 77 FR 57133, 57147–48 (2012), *pet. for rev. denied McNichol* v. *DEA,* No. 12–15292, Slip. Op. at 4 (11th Cir. Oct. 17, 2013).

Indeed, these were outright drug deals. *See Moore,* 423 U.S. at 142–43 (noting that evidence established that physician ''exceeded the bounds of professional practice,'' when, *inter alia,* ''he gave inadequate physical examinations or none at all'' and ignored signs of diversion); Cal. Bus. & Prof. Code section 2242(a) (requiring a ''prior examination'' before prescribing medication); *Gabriel Sanchez, M.D.,* 78 FR 59060, 59063–64 (2013) (finding that a doctor acted outside the usual course of professional practice by not conducting an adequate physical examination before prescribing controlled substances). These findings alone support the conclusion that granting Applicant's application for a new registration ''would be inconsistent with the public interest.'' 21 U.S.C. 823(f).

While these findings provide reason alone to deny his application, the evidence further shows that Applicant violated several recordkeeping requirements. *See Volkman,* 73 FR at 30644 (''Recordkeeping is one of the CSA's central features; a registrant's accurate and diligent adherence to this obligation is absolutely essential to protect against the diversion of controlled substances.''). As found above, at the time of the search, Respondent possessed various controlled substances including Ambien (zolpidem), Lunesta (eszopiclone), and Xanax (alprazolam). Applicant, however, admitted to the DI that he ''did not maintain any records of acquisition or dispensation'' of controlled substances and that he ''did not document the dispensation in the patient's chart.'' GX 3, at 2.

Under the CSA, a ''registered individual practitioner is required to maintain records of controlled substances in Schedules II–V that are dispensed and received, including the number of dosage units, the date of receipt or disposal, and the name, address, and registration number of the distributor.'' *Richard A. Herbert,* 76 FR 53942, 53958 (2011) (citing 21 CFR 1304.03(b), 1304.22(c)); *see also* 21 U.S.C. 827(a) & (c). Thus, by his own admission, Applicant violated federal law by failing to maintain CSA-required records. *See Volkman,* 73 FR at 30644); *see also* Cal. Bus. & Prof. Code section 2241.5(c)(5) (subjecting physician to discipline for failing to ''keep complete and accurate records of purchases and disposals of . . . controlled substances scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970''). This finding provides an additional basis for denying Applicant's application.

I therefore conclude that the Government has met its *prima facie* burden of showing that the issuance of a registration to Applicant ''would be inconsistent with the public interest.'' 21 U.S.C. 823(f). Because Applicant neither requested a hearing nor submitted a written statement regarding the allegations of the Order to Show Cause, there is no evidence to the contrary. *Patrick K. Chau,* 77 FR 36003, 36008 (2012). Accordingly, I will order that Applicant's application be denied.

**Order**

Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b) and 0.104, I hereby order that the application of James Clopton, M.D., for a DEA Certificate of Registration be, and it hereby is, denied. This order is effective immediately.

Dated: January 6, 2014.

**Thomas M. Harrigan,**

*Deputy Administrator.*

[FR Doc. 2014–00524 Filed 1–13–14; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Executive Office for Immigration Review

**[OMB Number 1125–NEW]**

### Agency Information Collection Activities: Proposed Collection; Comments Requested; Request by Organization for Accreditation of Non-Attorney Representative (Form EOIR–31A)

**ACTION:** 30-Day notice.

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) 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. This proposed information collection was previously published in the **Federal Register**, 78 FR 66382, November 5, 2013, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 13, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this

notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments also may be submitted to OMB via facsimile to (202) 395–5806. 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 agency's 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 elect 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 Voluntary Collection.

(2) *Title of the Form/Collection:* Request by Organization for Accreditation of Non-Attorney Representative.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: EOIR–31A. Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected public who may choose to respond to this collection, as well as a brief abstract:* Primary: Non-profit organizations seeking accreditation of its representatives by the Board of Immigration Appeals (Board) of the Executive Office for Immigration Review (EOIR). Other: None. Abstract: This information collection will allow an organization to seek accreditation for a non-attorney representative to appear before EOIR and/or the Department of Homeland Security. The Form EOIR–31A will elicit, in a uniform manner, all of the required information for EOIR to determine whether a proposed representative meets the eligibility requirements for accreditation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 544 respondents will complete the form annually with an average of 2 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,088 total burden hours associated with this collection annually.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: January 8, 2014.

**Jerri Murray,**

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

[FR Doc. 2014–00422 Filed 1–13–14; 8:45 am]

**BILLING CODE 4410–30–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. NRC–2014–0003]**

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Generic Customer Satisfaction Surveys and NRC Form 671, Request for Review of a Customer Satisfaction Survey under Generic Clearance.

2. *Current OMB approval number:* 3150–0197.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* NRC licensees and the public will be asked to report voluntarily.

5. *The number of annual respondents:* 3,884.

6. *The number of hours needed annually to complete the requirement or request:* 1,614 hours.

7. *Abstract:* Voluntary customer satisfaction surveys will be used to contact users of NRC's services and products to determine how the Commission can improve its services and products to better meet their needs. In addition, focus groups will be conducted to discuss questions concerning those services and products. Results from the surveys will provide insight into how the NRC can make its services and products more effective, efficient and responsive to customer needs. Each survey will be submitted to the OMB for its review.

Submit, by March 17, 2014, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection.

Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2014–0003. You may submit your comments by any of the following methods: Electronic comments go to *http://www.regulations.gov* and search for Docket No. NRC–2014–0003. Mail comments to the NRC Clearance Officer,