

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0019]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change of a Currently Approved Collection; Federal Firearms License (FFL) RENEWAL Application—ATF F 8 (5310.11) Part 11

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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.

DATES: Comments are encouraged and will be accepted for 60 days until July 24, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Tracey Robertson, Chief, Federal Firearms Licensing Center either by mail at 244 Needy Road, Martinsburg, WV 20226, by email at Tracey.Robertson@atf.gov, or by telephone at.

SUPPLEMENTARY INFORMATION: 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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* (check justification or form 83): Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Federal Firearms License (FFL) RENEWAL Application.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): ATF F 8 (5310.11) Part 11.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): Individuals or households.

Abstract: The form is filed by the licensee desiring to renew a Federal firearms license. It is used to identify the applicant, locate the business/collection premises, identify the type of business/collection activity, and determine the eligibility of the applicant.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 35,000 respondents will utilize the form, and it will take each respondent approximately 30 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 17,500 hours which is equal to (35,000 (total # of respondents * .5(30 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: May 22, 2017.

Melody Braswell,
Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017-10738 Filed 5-24-17; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Josip Pasic, M.D.; Order

On February 23, 2017, the Assistant Administrator, Division of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Josip Pasic, M.D., of Chicago, Illinois. GX 2, at 2. The Show Cause Order proposed the revocation of Dr. Pasic's Certificate of Registration on the ground that he does not possess "authority to handle controlled substances in Illinois, the [S]tate in which [he is] registered with the" Agency. *Id.*

As to the jurisdictional basis for the proceeding, the Show Cause Order alleged that Dr. Pasic is "registered . . . as a practitioner in [s]chedules II through V under . . . Certificate of Registration #AP7955923 at 5510 N. Sheridan Road, Suite #7A, Chicago," Illinois. *Id.* The Order alleged that this "registration expires by its terms on March 31, 2017." *Id.*

As to the substantive ground for the proceeding, the Show Cause Order alleged that on December 14, 2016, the "Illinois Department of Financial and Professional Regulation issued an Order temporarily suspending [Dr. Pasic's] Illinois Physician and Surgeon License . . . and Controlled Substance License." *Id.* The Order then alleged that "[a]s a result of this suspension, [he is] currently without authority to practice medicine or handle controlled substances in the State of Illinois, the [S]tate in which [he is] registered with the DEA." *Id.* at 3. The Order then asserted that his registration is subject to revocation "based on [his] lack of authority to handle controlled substances in the State." *Id.*

The Show Cause Order also notified Dr. Pasic of his right to request a hearing on the allegations or to submit a written statement on the matters of fact and law asserted in the Order while waiving his right to a hearing, the procedures for electing either option, and the consequence of failing to elect either option. *Id.* (citing 21 CFR 1301.43). Finally, the Order notified Dr. Pasic of his right to submit a corrective action plan. *Id.* at 3-4 (citing 21 U.S.C. 824(c)(2)(C)).

On February 28, 2017, as well as on March 1, 2017, the Show Cause Order was served on Dr. Pasic. GX 4, at 3 (declaration of DI). According to the DI's Declaration, as of April 3, 2017, Dr. Pasic had not requested a hearing. *Id.* The DI's Declaration does not, however, state whether Dr. Pasic filed a written

statement of position. See generally GX 4. So too, the Government's Request for Final Agency Action does not address whether Dr. Pasic submitted a written statement.¹ See generally Gov. Request for Final Agency Action.

In her declaration, the DI stated that she had obtained a copy of Dr. Pasic's Registration and Registration History. GX 4, at 3. According to the DI, "Dr. Pasic allowed his . . . registration to lapse on March 31, 2017" and has not "made any request—timely or untimely—to renew his registration." *Id.*

On May 2, 2017, the Government submitted its Request for Final Agency Action. Therein, the Government noted that the case is moot because Dr. Pasic has allowed his registration to expire and has not submitted an application. Request for Final Agency Action, at 3 (citing *Victor B. Williams*, 80 FR 50029 (2015)). However, while the Government recognizes that the matter is moot, it requests that I issue "a final order . . . setting forth the following facts and conclusions of law" related to the suspension of his state authority to "memorialize the outcome of this proceeding for the record and for purpose of evaluating future applications." *Id.*

I grant the Government's request but only with respect to its request that I dismiss this case as moot. Were I to make the factual findings and legal conclusions requested by the Government, I would be issuing an advisory opinion. Though an administrative agency is not subject to the case or controversy requirements of Article III, relevant authority suggests that in the event Respondent sought judicial review of the decision, the federal courts would lack jurisdiction to review that part of the decision. It is settled, however, that where the federal courts lack the power to review an agency decision because of intervening mootness, the court vacates the agency's order. See *A.L. Mechling Barge Lines, Inc. v. United States*, 368 U.S. 324, 329 (1961) (vacating administrative orders which had become unreviewable in federal court); see also *American Family Life Assurance Co. v. FCC*, 129 F.3d 625, 630 (D.C. Cir. 1997) ("Since *Mechling*, we have, as a matter of course, vacated agency orders in cases that have become moot by the time of judicial review."). See also *Samuel H. Albert*, 74 FR 54851, 54852 (2009). As the requested factual findings and legal conclusions would be

subject to vacation on judicial review, there is no point to making them.

Because Respondent's registration has expired and he has not filed an application, whether timely or not, this case is now moot. See *Williams*, 80 FR at 50029; see also *William W. Nucklos*, 73 FR 34330 (2008); *Ronald J. Riegel*, 63 FR 67132, 67133 (1988). Accordingly, I will dismiss the Order to Show Cause.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that the Order to Show Cause issued to Josip Pasic, M.D., be, and it hereby is, dismissed. This Order is effective immediately.

Dated: May 16, 2017.

Chuck Rosenberg,

Acting Administrator.

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DEPARTMENT OF JUSTICE

[CPCLO Order No. 004-2017]

Privacy Act of 1974; System of Records

AGENCY: United States Department of Justice.

ACTION: Notice of modified Systems of Records; blanket routine use.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 and Office of Management and Budget (OMB) Circular No. A-108, notice is hereby given that the United States Department of Justice (Department or DOJ) proposes to modify the DOJ System of Records Notices for the DOJ systems of records listed below.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is subject to a 30-day notice and comment period. Please submit any comments by June 26, 2017.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments to the U.S. Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530-0001, by facsimile at 202-307-0693, or email at privacy.compliance@usdoj.gov. To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT:

Andrew A. Proia, Attorney Advisor, Office of Privacy and Civil Liberties, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530-0001, by

facsimile at 202-307-0693, or email at privacy.compliance@usdoj.gov. To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

SUPPLEMENTARY INFORMATION: On May 22, 2007, OMB issued Memorandum M-07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information, to the heads of all executive departments and agencies. In its memorandum, OMB required agencies to publish a routine use for their systems of records specifically applying to the disclosure of information in connection with response and remedial efforts in the event of a breach of personally identifiable information. DOJ published a notice in the **Federal Register**, 72 FR 3410 (January 25, 2007), modifying all DOJ System of Records Notices by adding a routine use to address the limited disclosure of records related to a suspected or confirmed breach within the Department, consistent with OMB requirements. Since that time, all new DOJ System of Records Notices published by the Department, as well as significantly modified System of Records Notices that were republished in full, included a breach response routine use consistent with the requirements in OMB Memorandum M-07-16.

On January 3, 2017, OMB issued Memorandum M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information, to the heads of all executive departments and agencies. OMB Memorandum M-17-12 rescinds and replaces OMB Memorandum M-07-16 and updates agency routine use requirements for responding to a breach. Specifically, OMB Memorandum M-17-12 requires all Senior Agency Officials for Privacy to ensure that their agency's System of Records Notices include a routine use for the disclosure of information necessary to respond to a breach of the agency's personally identifiable information. Additionally, OMB Memorandum M-17-12 requires agencies to add a routine use to ensure that agencies are able to disclose records in their systems of records that may reasonably be needed by another agency in responding to a breach.

To satisfy the routine use requirements in OMB Memorandum M-17-12, DOJ is issuing two notices in the **Federal Register** to modify all of the Department's System of Records Notices. The records maintained in many DOJ systems of records are still subject to the Department's blanket breach response routine use published

¹ Because I conclude that this matter is now moot, I deem it unnecessary to remand the matter for clarification as to whether Dr. Pasic submitted a written statement.