

a limited license in Wisconsin, lacked authorization to handle controlled substances there, (2) granting the Government's Motion for Summary Disposition, and (3) recommending that the Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her decision, and on March 15, 1996, Judge Bittner transmitted the record of these proceedings and her opinion to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the decision of the Administrative Law Judge. The Drug Enforcement Administration cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the State in which he conducts his business. See 21 U.S.C. 823 (f) (authorizing the Attorney General to register a practitioner to dispense controlled substances only if the applicant is authorized to dispense controlled substances under the laws of the state in which he or she practices); 802(21) (defining "practitioner" as one authorized by the United States or the state in which he or she practices to handle controlled substances in the course of professional practice or research); and 21 U.S.C. 824(a)(3) (authorizing the Attorney General to revoke a registration upon as finding that the registrant "has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in * * * dispensing of controlled substances * * *"). This prerequisite has been consistently upheld. See *Dominick A. Ricci*, M.D., 58 FR 51,104 (1993); *James H. Nickens*, M.D., 57 FR 59,847 (1992); *Roy E. Hardman*, M.D., 57 FR 49,195 (1992); *Myong S. Yi*, M.D., 54 FR 30,618 (1989); *Bobby Watts*, M.D., 53 FR 11,919 (1988).

Here, it is clear and undisputed that the Respondent currently is not authorized to handle controlled substances in Wisconsin. Likewise, since the respondent lacks state authority to handle controlled substances, DEA lacks authority to continue his registration.

Judge Bittner also properly granted the Government's motion for summary disposition. The parties did not dispute that the Respondent was unauthorized to handle controlled substances in Wisconsin, the state in which he conducts his practice. Therefore, it is

well-settled that when no question of fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. *Dominick A. Ricci*, M.D., 58 FR at 51,104; see also *Philip E. Kirk*, M.D., 48 FR 32,887 (1983), *aff'd sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984); *Alfred Tennyson Smurthwaite*, M.D., 43 FR 11,873 (1978); *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers*, AFL-CIO, 549 F.2d 634 (9th Cir. 1977).

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 AN7645229, previously issued to David R. Nahin, M.D., be, and it hereby is, revoked, and any pending application for renewal of such registration is hereby denied. This order is effective August 29, 1996.

Dated: July 24, 1996.
Stephen H. Greene,
Deputy Administrator.
[FR Doc. 96-19257 Filed 7-29-96; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 25, 1996.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of this individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley (202-219-5095). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219-4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 (202-395-7316), on or before August 29, 1996.

The OMB is particularly interested in comments which:

- 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 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.

Agency: Employment and Training Administration.

Title: State Alien Labor Certification Activity Report.

OMB Number: 1205-0319.

Agency Number: ETA 9037.

Frequency: Biennially.

Affected Public: State, Local or Tribal Government.

Number of Respondents: 54.

Estimated Time Per Respondent: 2 hours.

Total Burden Hours: 216.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: The ETA 9037 provides the necessary information required to implement the labor certification process. This record is used to compile internal reports to management as well as answering public inquiries about the status.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96-19336 Filed 7-29-96; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Sunshine Act Meeting; Meeting of the U.S. National Commission on Libraries and Information Science

TIME, DATE, AND PLACE: 3:00 p.m. to 5:45 p.m., July 19, 1996, Koret Auditorium, San Francisco Public Library, San Francisco, CA.

MATTERS TO BE DISCUSSED: San Francisco Bay Area Library and Information