of the stated purpose of its request, and (2) provides similar information to the United States upon request.

L. To student volunteers whose services are accepted pursuant to 5 U.S.C. 3111 or to students enrolled in a college work study program pursuant to 42 U.S.C. 2751 et seq.

M. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of a personal privacy.

N. To a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

O. To the General Services Administration and the National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

P. To an obligor who has posted a bond with the INS for the subject. INS may provide only such information as either may (1) aid the obligor in locating the subject to insure his or her presence when required by INS, or (2) assist the obligor in evaluating the propriety of the following actions by INS: either the issuance of an appearance demand or notice of a breach of bond—i.e., notice to the obligor that the subject of the bond has failed to appear which would render the full amount of the bond due and payable.

Q. To an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Most A-file and C-file records are paper documents and are stored in file folders. Some microfilm and other records are stored in manually operated machines, file drawers, and filing cabinets. Those index records which can be accessed electronically are stored in a data base on magnetic disk and tape.

RETRIEVABILITY:

These records are indexed and retrieved by A-file or C-file number, name, and/or date of birth.

SAFEGUARDS:

INS offices are located in buildings under security guard, and access to premises is by official identification. All records are stored in spaces which are locked during non-duty office hours. Many records are stored in cabinets or machines which are also locked during non-duty office hours. Access to automated records is controlled by passwords and name identifications.

RETENTION AND DISPOSAL:

A-file records are retained for 75 years from the closing date or date of last action and then destroyed. C-file records are to be destroyed 100 years from March 31, 1956. Automated index records are retained only as long as they serve a useful purpose and then they are deleted from the system disk and/or tape.

SYSTEM MANAGER(S) AND ADDRESS:

The Servicewide system manager is the Assistant Commissioner, Office of Records, Office of Examinations, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager identified above, the nearest INS office, or the INS office maintaining desired records, if known, by using the list of principal offices of the Immigration and Naturalization Service Appendix: JUSTICE/INS—999, published in the **Federal Register**.

RECORD ACCESS PROCEDURE:

Make all requests for access in writing to the Freedom of Information Act/Privacy Act (FOIA/PA) officer at one of the addresses identified above. Clearly mark the envelope and letter ''Privacy Act Request.'' Provide the A-file number and/or the full name, date and place of birth, and notarized signature of the individual who is the subject of the record, and any other information which may assist in identifying and locating the record, and a return address. For convenience, INS Form G–639, FOIA/PA Request, may be obtained from the nearest INS office and used to submit a request for access.

CONTESTING RECORDS PROCEDURES:

Direct all requests to contest or amend information to the FOIA/PA Officer at one of the addresses identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope ''Privacy Act Request.'' The record must be identified in the same manner as described for making a request for access.

RECORD SOURCE CATEGORIES:

Basic information contained in INS records is supplied by individuals on Department of State and INS applications and forms. Other information comes from inquiries and/or complaints from members of the general public and members of congress; referrals of inquiries and/or complaints directed to the White House or Attorney General; INS reports to investigations, sworn statements, correspondence and memorandums; official reports, memorandums, and written referrals from other entities, including Federal, State, and local governments, various courts and regulatory agencies, foreign government agencies and international organizations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4); (d); (e) (1), (2), and (3); (e)(4) (G) and (H); (e) (5) and (8); and (g) of the Privacy Act. These exemptions apply to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552 (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the **Federal Register** and codified as additions to Title 28, Code of Federal Regulations (28 CFR 16.99).

[FR Doc. 97–17683 Filed 7–7–97; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 97–2]

Gilbert J. Elian, M.D.; Revocation of Registration

On August 14, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Gilbert J. Elian, M.D., (Respondent) at his registered location in Santa Clara, California, and at his residence in Parkland, Florida. The Order to Show Cause notified him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AE6216611, and deny any pending applications for registration pursuant to 21 U.S.C. 823(f) and 824(a)(3), for reason that he is not currently authorized to handle controlled substances in the State of California.

On October 10, 1996, Respondent filed a request for a hearing in which he

asserted that he is ''still duly licensed in the State of Hawaii and such revocation would not allow me to practice medicine with a DEA license in the Atate of Hawaii (or any other state).'' In addition, he argued that the reason for the revocation of his California medical license ''did not concern the use or dispensing of any controlled or non-controlled substances.'' The matter was docketed before Administrative Law Judge Mary Ellen Bittner. On October 16, 1996, Judge Bittner issued an Order for Prehearing Statements. On October 21, 1996, the Government filed a Motion for Summary Disposition, alleging that effective April 21, 1995, the Medical Board of California (Board) revoked Respondent's license to practice medicine in the State of California and therefore, he is not authorized to handle controlled substances in that state.

On October 28, 1996, Respondent filed a response to the Government's motion, arguing that there are various issues that should be presented and argued in a hearing. Respondent however, did not deny that he is not currently authorized to handle controlled substances in California.

On April 22, 1997, Judge Bittner issued her Opinion and Recommended Decision, finding that Respondent lacked authorization to handle controlled substances in the State of California; granting the Government's Motion for Summary Disposition; and recommending that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her opinion, and on May 22, 1997, Judge Bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirely, and pursuant to 21 CFR 131.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Acting Deputy Administrator finds that on July 31, 1991, an Administrative Law Judge for the Board issued a Proposed Decision recommending that Respondent's medical license be revoked based upon his negligent practice of ophthalmology, but that the revocation be stayed and that his license be placed on probation for seven years subject to various terms and conditions. In a Decision dated May 21, 1992, the Board adopted the Administrative Law Judge's Proposed Decision with some exceptions. Significantly, the Board did not adopt the Administrative Law Judge's proposed stay of revocation and instead ordered the ''outright revocation'' of Respondent's medical license effective June 20, 1992. The Board's order was stayed however, pending an appeal to the Los Angeles County Superior Court. Following the appeal, the Board issued a Decision dated March 23, 1995, which ordered that the revocation originally ordered on May 21, 1992, would be effective April 21, 1995. A letter from the Board dated October 18, 1996, that accompanied the Government's Motion for Summary Disposition, indicates that there have been no appeals since the April 23, 1995 revocation and that Respondent's medical license ''is in a REVOKED STATUS.'' Therefore, the Acting Deputy Administrator finds that Respondent is not currently authorized to practice medicine in the State of California.

The DEA does not have 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. 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 Respondent is not licensed to practice medicine in California and consequently, it is reasonable to infer that he is not authorized to handle controlled substances in that state. Since Respondent lacks this state authority, he is not entitled to a DEA registration in that state. Respondent argues in his request for a hearing that his DEA registration should not be revoked since he is currently licensed to practice medicine in Hawaii. The Acting Deputy Administrator notes however that Respondent's DEA registration is issued to him in California, not Hawaii, and he is not authorized to practice medicine in California. Respondent is not precluded from applying for a DEA Certificate of Registration for a state where he is licensed to practice medicine. Respondent further argues that his DEA registration should not be revoked since the revocation of his California medical license had nothing to do with controlled or non-controlled substances. The Acting Deputy Administrator concludes that this argument is without merit. If a practitioner is without state authority to handle controlled substances, regardless of the reason, the practitioner is not entitled to a DEA registration in that state.

In light of the above, Judge Bittner properly granted the Government's Motion for Summary Disposition. Here, the parties did not dispute the fact that Respondent was unauthorized to handle controlled substances in California. Therefore, it is well-settled that when no question of material fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. See *Phillip E. Kirk, M.D.,* 48 FR 32,887 (1983); *aff'd sub nom Kirk* v. *Mullen,* 749 F.2d 297 (6th Cir. 1984); *NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO, 549 F.2d 634 (9th Cir. 1977); United States* v. *Consolidated Mines & Smelting Co.,* 44 F.2d 432 (9th Cir. 1971).

Accordingly, the Acting 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 AE6216611, previously issued to Gilbert J. Elian, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective August 7, 1997.

Dated: June 30, 1997.

James S. Milford,

Acting Deputy Adminsitrator.

[FR Doc. 97–17656 Filed 7–7–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Sunshine Act Meeting

Foreign Claims Settlement Commission, U.S. Department of Justice, Washington, DC 20579

[F.C.S.C. Meeting Notice No. 18–97]

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Dates and Times:

Monday, July 21, 1997, 9:30 a.m. to 5:00 p.m.

Wednesday, July 23, 1997, 9:30 a.m. to 5:00 p.m.

Friday, July 25, 1997, 9:30 a.m. to 5:00 p.m.