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.

Monday, July 28, 1997, 9:30 a.m. to 5:00 p.m.

Thursday, July 31, 1997, 9:30 a.m. to 5:00 p.m.

Subject Matter: (1) Oral Hearings and Hearings on the Record on Objections to the Commission's Proposed Decision on the Scope of the Holocaust Survivors Claims Program, Decision No. HS–I, issued June 16, 1997; (2) Oral Hearings and Hearings on the Record on Objections to Individual Proposed Decisions on Claims of Holocaust Survivors Against Germany: (3) Consideration of Individual Proposed Decisions on Claims of Holocaust Survivors Against Germany.

Status: Closed.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, N.W., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616–6988.

Dated at Washington, DC, July 2, 1997.

Judith H. Lock,

Administrative Officer.

[FR Doc. 97–17845 Filed 7–2–97; 5:05 pm]

BILLING CODE 4410–01–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 2, 1997.

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 ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Theresa M. O'Malley ((202) 219–5096 ext. 143) or by E-Mail to OMalley-Theresa@dol.gov. 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–Friday.

Comments should be sent to Office of Information and Regulatory Affairs, *Attn:* OMB Desk Officer for the Mine Safety and Health Administration Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316, by August 7, 1997.

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: Mine Safety and Health Administration.

Title: Petitions for Modification of Mandatory Safety Standards.

OMB Number: 1219–0065.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 217.

Estimated Time Per Respondent: 29 hours.

Total Burden Hours: 6,400.

Total Annualized Capital/Startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): $285,651.

Description: This information collection provides procedures by which a mine operator, representative of miners, or independent contractor may request relief from a mandatory safety standard.

Theresa M. O'Malley,

Departmental Clearance Officer.

[FR Doc. 97–17740 Filed 7–7–97; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–97–29]

Agency Information Collection Activities; Proposed Collection; Comment Request; Manlifts (29 CFR 1910.68(e)(3))—Inspection Certifications

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirements contained in 29 CFR 1910.68(e)(3). The Agency 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 submissions of responses.

DATES: Written comments must be submitted on or before September 8, 1997.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–97–29, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Belinda Cannon, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Avenue, NW.,