

remains and associated funerary objects from Westerly, RI in the possession of the Rhode Island Historical Society, Providence, RI.

A detailed assessment of the human remains was made by Rhode Island Historical Society, Haffenreffer Museum of Anthropology, and the Public Archaeology Lab professional staffs in consultation with representatives of Narragansett Indian Tribe.

In 1835, human remains representing one individual (a hair lock) were recovered from a railhead site in Westerly, RI and sold to the Rhode Island Historical Society by Mr. Chesebrough. No known individuals were identified. The three associated funerary objects include a string of beads, wampum, and a wampum shell bracelet.

Based on funerary objects, this railhead site has been determined to be a Narragansett burial site during the historic period (approximately 16th century until the late 1600s). Historical documents and archeological evidence indicates this area was occupied by the Narragansett Indian Tribe during this period.

Based on the above mentioned information, officials of the Rhode Island Historical Society have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Rhode Island Historical Society have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the three objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Rhode Island Historical Society have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Narragansett Indian Tribe.

This notice has been sent to officials of the Narragansett Indian Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Linda Eppich, Curator, or Albert T. Klyberg, Director, Rhode Island Historical Society, 110 Benevolent St., Providence, RI 02906, telephone (401) 331-8575, before April 8, 1998. Repatriation of the human remains and associated funerary objects to the Narragansett Indian Tribe may begin after that date if no additional claimants come forward.

The National Park Service is not responsible for the determinations within this notice.

Dated: March 3, 1998.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 98-5918 Filed 3-6-98; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Central Valley Project Improvement Act, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of extension of time for review of the draft programmatic environmental impact statement (DPEIS); correction.

SUMMARY: The Bureau of Reclamation (Reclamation) has changed the time for the public hearing to be held on April 8, 1998, in Oakland, California, regarding the DPEIS for the Central Valley Project Improvement Act (CVPIA). Comments may be submitted in accordance with the notice published in the **Federal Register** on December 31, 1997 (62 FR 68299).

DATES: The Oakland public hearing will now be held at 7:00 p.m. on April 8, 1998, instead of 2:00 p.m.

ADDRESSES: The hearing will be held at the Oakland Federal Building, 1301 Clay Street, Oakland, California.

FOR FURTHER INFORMATION CONTACT: For additional information contact Mr. Alan Candlish, Bureau of Reclamation, 2800 Cottage Way, MP-120, Sacramento CA 95825, telephone: (916) 978-5190.

Dated: February 27, 1998.

Kirk C. Rodgers,

Deputy Regional Director.

[FR Doc. 98-5943 Filed 3-6-98; 8:45 am]

BILLING CODE 4310-94-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 98-6]

Nora Brayshaw, M.D.; Revocation of Registration

On October 7, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Nora Brayshaw, M.D. (Respondent), of Sausalito, California.

The Order to Show Cause notified her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration AB9072618, and deny any pending applications for renewal of such registration pursuant to 823(f) and 824, for reason that she is not currently authorized to handle controlled substances in the State of California.

By letter dated November 8, 1997, Respondent, through counsel, filed a request for a hearing, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On November 18, 1997, Judge Bittner issued an Order for Prehearing Statements. On November 20, 1997, the Government filed a Motion for Summary Disposition, alleging that effective January 16, 1997, the Medical Board of California (Board) revoked Respondent's license to practice medicine in California and therefore, she is not authorized to handle controlled substances in that state. Respondent submitted a response dated December 8, 1997, to the Government's motion, arguing that the revocation by the Board is under review, and therefore is not a final decision. Respondent further agreed that no action should be taken by DEA "until the California matter is final."

On January 6, 1998, Judge Bittner issued her Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and 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 February 9, 1998, Judge Bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting 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 Acting Deputy Administrator adopts, in full, the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge.

The Acting Deputy Administrator finds that by a Decision effective January 16, 1997, the Board adopted the proposed decision of an Administrative Law Judge of the Board recommending the revocation of Respondent's license to practice medicine in the State of California. Respondent argues that her DEA registration should not be revoked

at this time because she has filed a Petition for writ of Mandate to Set Aside Order Imposing Discipline, and she expects that the Board's decision will be set aside and her medical license will be reinstated. However, the Acting Deputy Administrator further finds that Respondent did not offer any evidence that the Board's revocation was stayed pending review, nor did she deny that she is not currently authorized to handle controlled substances in California. Therefore, the Acting Deputy Administrator concludes 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 she conducts her 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); *Dermetris 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. Consequently, it is reasonable to infer that she is not authorized to handle controlled substances in California, where she is registered with DEA. Since Respondent lacks this state authority, she 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 AB9072618, previously issued to Nora Brayshaw, 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 April 8, 1998.

Dated: March 3, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98-5997 Filed 3-6-98; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

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 (PRA95) [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 the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed new collection of the Trade Adjustment Assistance and NAFTA Transitional Adjustment Assistance Program Performance Report. A copy of the proposed information collection request (ICR) can be obtained by contacting the employee listed in the Addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before April 20, 1998.

The Department of Labor 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 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 or responses.

ADDRESSES: Curtis K. Kooser, Senior Economist, Office of Trade Adjustment Assistance, U.S. Department of Labor, Room C4318, 200 Constitution Ave. NW, Washington, DC 20210. Telephone (202) 219-4845, Ext. 111 (this is not a toll-free number), FAX (202) 219-5753.

SUPPLEMENTARY INFORMATION:

I. Background

The Government Performance and Results Act (GPRA) of 1993 requires all federal benefits programs to report on the outcomes achieved for benefit recipients and how those outcomes can be continuously improved. In addition, public and Congressional awareness and concern regarding the effectiveness of assistance provided to U.S. workers displaced by imports has created a demand for more information on those receiving assistance from Trade Adjustment Assistance (TAA) and North American Free Trade Act Transitional Adjustment Assistance (NAFTA-TAA). The data currently collected by TAA does not provide sufficient information to adequately assess TAA program performance and participant outcomes, making it impossible to precisely evaluate program effectiveness.

II. Current Actions

In order to comply with Federal law and respond to other concerns, the Office of Trade Adjustment Assistance (OTAA) is implementing a new system of collecting and reporting performance and outcomes data. Each quarter, the States will provide the Department with reports on demographic data, benefits provided, and participant outcomes for each participant who has terminated from the TAA or NAFTA-TAA program during the reporting quarter. A conference of Regional and State TAA staff concluded that many States already collect most, if not all, of the proposed data items. Therefore, many State TAA coordinators will only need to access existing data and reformat it for submission to the Department, rather than creating an entirely new data collection and reporting system. States may also take this opportunity to begin to collect additional data items for their own program review and improvement purposes.