

Total Estimated Burden Hours:
16,680.

Status: Reinstatement, with changes.

Contact: Robert Duncan, HUD, (202) 708-2690 x4681; Cornelia Robertson-Terry, HUD, (202) 708-1322; Joseph F. Lackey, Jr., OMB, (202) 395-7316.

[FR Doc. 96-31339 Filed 12-9-96; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-360-1920-00-4503]

Emergency Closure of Public Lands; California

AGENCY: Bureau of Land Management, United States Department of Interior.

ACTION: Emergency closure of certain public lands to motorized vehicle use in Trinity County, California.

SUMMARY: In accordance with title 43, Code of Federal Regulations, §§ 8364.1 and 8341.2, notice is hereby given that all the below listed lands and roads therein, administered by the Bureau of Land Management, have been closed to all motorized vehicle use; except for emergency vehicles, fire suppression and rescue vehicles, BLM operation and maintenance vehicles, law enforcement vehicles and other motorized vehicles specifically approved by an authorized officer of the Bureau of Land Management

This closure affects all of the public lands and roads located within the following lands of Trinity County, California.

T.33N., R9W., M.D.M.,
SE/4 Sec. 23, SW/4 Sec. 24, NE/4 Sec. 26.
A total of approximately 340 acres.

DATES: This emergency closure action goes into effect February 1, 1997 and will remain in effect until the Authorized Officer determines it is no longer needed.

SUPPLEMENTARY INFORMATION: The authority for this closure and rule making is 43 CFR 8341.2 and 43 CFR 8364.2. Any person who fails to comply with a closure order or rulemaking is subject to arrest and fines of up to \$1,000 and/or imprisonment not to exceed 12 months.

FOR FURTHER INFORMATION CONTACT:

Charles M. Schultz, Area Manager, Bureau of Land Management, Redding

Resource Area, 355 Hemsted Dr., Redding, CA 96002.

Charles M. Schultz,

Area Manager.

[FR Doc. 96-31262 Filed 12-9-96; 8:45 am]

BILLING CODE 4310-40-M

[AK-931-1430-01; AA-66900]

Public Land Order No. 6439; Revocation of Public Land Order No. 5549; Alaska; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: This order will correct the Summary and Paragraph 2 of Public Land Order No. 6439, 48 FR 33713-33714, FR Doc. 83-19996.

EFFECTIVE DATE: December 10, 1996.

FOR FURTHER INFORMATION CONTACT: Shirley J. Macke, BLM Alaska State Office, 222 W. 7th Avenue, #13, Anchorage, Alaska 99513-7599, 907-271-5477.

On page 33713, second column, the "SUMMARY" paragraph in Public Land Order No. 6439, which reads "This order totally revokes a withdrawal of 46,080 acres of national forest lands. Of this acreage, 3,190 acres was conveyed to Shee Atika, Inc. The remaining 42,890 acres remain closed to operation of the general land laws, including mining and mineral leasing." is hereby corrected to read: "This order totally revokes a withdrawal of 46,080 acres of national forest lands. Of this acreage, 3,190 acres were conveyed to Shee Atika, Inc. Approximately 19,810 acres of the lands are returned to national forest status, subject to such forms of disposition as may by law be made of National Forest System lands. The remaining 23,080 acres of national forest lands are also within the boundary of the Admiralty Island National Monument and the Admiralty Island National Monument Wilderness, as established and designated by the Alaska National Interest Lands Conservation Act."

On page 33714, first column, Paragraph 2, which reads "The lands shall remain subject to administration by the Secretary of Agriculture under applicable laws and regulations as part of the Tongass National Forest and the Admiralty Island National Monument as established in Sec. 503(b) of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2399). Accordingly, the lands remain closed to operation of the general public land laws, including mining and mineral leasing." is hereby corrected to read:

"The lands shall remain subject to administration by the Secretary of Agriculture under applicable laws and regulations. The lands listed under the subheading "Kuiu Island," located solely within the Tongass National Forest, are returned to unrestricted national forest status, and are open to such forms of disposition as may by law be made of National Forest System lands, including mining and mineral leasing. The remaining lands, which are also part of the Admiralty Island National Monument and the Admiralty Island National Monument Wilderness pursuant to Sections 503(b) and 703(a) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2399 and 2418, remain closed to operation of the public land laws, including mining and mineral leasing."

Dated: November 26, 1996.

Robert C. Fisk,

*Acting Resources Group Administrator,
Division of Lands, Minerals, and Resources.*

[FR Doc. 96-31261 Filed 12-9-96; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF JUSTICE

Attorney General; Certification of the Attorney General, Galveston County, Texas

In accordance with Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fourteenth and Fifteenth Amendments of the Constitution of the United States in Galveston County, Texas. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on September 18, 1975, under Section 4(b) of the Voting Rights Act of 1965 and published in the Federal Register on September 23, 1975 (40 FR 43746).

Dated: December 5, 1996.

Janet Reno,

Attorney General of the United States.

[FR Doc. 96-31404 Filed 12-9-96; 8:45 am]

BILLING CODE 4410-01-M

Attorney General; Certification of the Attorney General, Jefferson County, Texas

In accordance with Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fourteenth and

Fifteenth Amendments of the Constitution of the United States in Jefferson County, Texas. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on September 18, 1975, under Section 4(b) of the Voting Rights Act of 1965 and published in the Federal Register on September 23, 1975 (40 FR 43746).

Dated: December 5, 1996.

Janet Reno,

Attorney General of the United States.

[FR Doc. 96-31403 Filed 12-9-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 96-20]

Jonathan Agbebiyi, M.D.; Revocation of Registration

On September 5, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Jonathan A. Agbebiyi, M.D. (Respondent) of Phoenix, Arizona, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AA2034306, under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of such registration as a practitioner under 21 U.S.C. 823(f). Specifically, the Order to Show Cause alleged that on or about January 26, 1994, the Arizona Board of Medical Examiners revoked the Respondent's state medical license, and consequently, the Respondent was no longer authorized to handle controlled substances in the State of Arizona.

By letter dated February 24, 1996, the Respondent filed a timely request for a hearing, and the matter was docketed before administrative Law Judge Mary Ellen Bittner. On March 5, 1996, Judge Bittner issued an Order for Prehearing Statements. On March 14, 1996, in lieu of filing such a statement, the Government filed a motion for summary disposition, which was accompanied by a copy of the Board of Medical Examiners of the State of Arizona's (Board) Findings of Fact, Conclusions of Law and Order of Revocation dated January 26, 1994. Also attached to the Government's motion was a copy of a letter from a medical investigator for the Board to DEA dated August 31, 1995, stating that Respondent's license to practice medicine in Arizona remained revoked. In addition, Government counsel represented in its motion that on March 14, 1996, he had telephonically contacted the Board and

confirmed that Respondent's license to practice medicine in Arizona had not been restored.

On March 14, 1996, Judge Bittner issued an order providing Respondent up to and including April 5, 1996, to file a response to the Government's motion. However, the Respondent did not file a response, and on April 30, 1996, Judge Bittner issued her Opinion and Recommended Decision. Judge Bittner found that Respondent lacked authorization to handle controlled substances in the State of Arizona; granted the Government's motion for summary disposition; and recommended that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her decision, and on May 30, 1996, Judge Bittner transmitted the record of these proceedings to the 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 of the Administrative Law Judge.

The Acting Deputy Administrator finds that on January 26, 1994, the Board of Medical Examiners for the State of Arizona revoked Respondent's license to practice medicine in the State of Arizona. Therefore, Respondent is not currently authorized to handle controlled substances in the State of Arizona. The Drug Enforcement Administration lacks statutory authority to issue or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts his practice. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Therial L. Bynum, M.D.*, 61 FR 3948 (1996); *Charles L. Novosad, Jr., M.D.*, 60 FR 47182 (1995); *Dominick A. Ricci, M.D.*, 58 FR 51104 (1993).

Judge Bittner also properly granted the Government's motion for summary disposition. Respondent did not file a response to the Government's motion. Respondent presented no evidence to contradict the fact that his license to practice medicine in the State of Arizona has been revoked, and therefore he is unable lawfully to handle controlled substances in that state. 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. See *Philip E. Kirk, M.D.*, 48 FR 32887 (1983), *aff'd sub*

nom Kirk v. Mullen, 749 F.2d 297 (6th Cir. 1984; see also *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977).

Therefore, having considered the facts and circumstances in this matter, the Acting Deputy Administrator concludes that Respondent's DEA Certificate of Registration should be revoked due to his lack of authorization to handle controlled substances in the State of Arizona.

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 0.014, hereby orders that DEA Certificate of Registration, AA2034306, previously issued to Jonathan Agbebiyi, M.D., be, and it hereby is, revoked, and that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective January 9, 1997.

Dated: December 3, 1996.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 96-31251 Filed 12-9-96; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 94-41]

Anibal P. Herrera, M.D.; Continuation of Registration with Restriction

On August 31, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Anibal P. Herrera, M.D. (Respondent) of Middletown, New York, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AH3517298, under 21 U.S.C. 824(a)(5), and deny any pending applications for renewal of such registration as a practitioner, under 21 U.S.C. 823(f), for reason that he has been excluded from participation in a program pursuant to 42 U.S.C. 1320a-7(a).

By letter dated September 19, 1994, the Respondent, acting *pro se*, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in New York, New York on April 27, 1995, before Administrative Law Judge Mary Ellen Bittner. At the hearing, both parties called witnesses and introduced documentary evidence. After the hearing, Government counsel submitted proposed findings of fact, conclusions of law and argument. On July 13, 1995, an attorney entered a notice of appearance