

Charge of the DEA Miami Field Division, or his designee.

(3) Respondent shall not prescribe or otherwise dispense controlled substances for himself or his immediate family members.

(4) Respondent shall maintain a log of his handling of controlled substances. At a minimum, the log shall include the date that the controlled substance is prescribed, administered or dispensed, the name of the patient, and the name, dosage and quantity of the substance prescribed, administered or dispensed. The log shall be sent on a quarterly basis to the Special Agent in Charge of the DEA Miami Field Division, or his designee.

(5) Respondent shall inform the Special Agent in Charge of the Miami Field Division, or his designee, of any action taken by any state regarding his medical license or his authorization to handle controlled substances. This notification must occur within 30 days of the state action.

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 AI5413404, previously issued to Robert D. Iver, D.D.S., be renewed and continued subject to the above described restrictions.

This order is effective November 20, 1998.

Dated: October 14, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98-28175 Filed 10-20-98; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 97-31]

Sandra J.S. Tyner, M.D.; Revocation of Registration

On August 1, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Sandra J.S. Tyner, M.D. (Respondent) of Grants Pass, Oregon notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration AS9530533, under 21 U.S.C. 824(a)(1) and (a)(4) and deny any pending applications for renewal of such registration pursuant to 21 U.S.C. 823(f). The Order to Show Cause alleged that Respondent falsified two DEA renewal applications filed in 1995 by

failing to indicate that the Oregon State Board of Medical Examiners (Board) had taken action on several occasions against her license to practice medicine. In addition, the Order to Show Cause alleged that in 1996, the Board suspended her medical license based upon her failure to undergo a psychiatric evaluation and upon her proclivity to abuse controlled substances. The Board subsequently reinstated her medical license and placed it on probation.

By letter dated August 26, 1997, Respondent, through counsel, requested a hearing and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. In the midst of prehearing procedures, Respondent's counsel indicated that Respondent's medical license had been suspended since October 21, 1997. Thereafter, on January 30, 1998, the Government filed a Motion for Summary Disposition alleging that Respondent is no longer authorized to handle controlled substances in Oregon, the state where she is registered with DEA. On February 20, 1998, Respondent filed a response to the Government's motion against arguing that the suspension of Respondent's medical license is temporary and that the regulations do not provide for summarily terminating Respondent's DEA registration under these circumstances.

On May 12, 1998, Judge Bittner issued her Opinion and Recommended Decision, finding that Respondent lacked authorization to handle controlled substances in Oregon; granting the Government's Motion for Summary Disposition; and recommending the Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her opinion, and on June 22, 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 Decision of the Administrative Law Judge.

The Acting Deputy Administrator finds that on October 21, 1997, the Board issued an emergency suspension order regarding Respondent's license to practice medicine in Oregon after it was determined that she had discontinued treatment with a psychiatrist and she was self-prescribing controlled substances in violation of a previous

Board order. A letter in the record dated January 22, 1998, from the Chief Investigator of the Board indicates that Respondent's medical license was still suspended as of that date.

While Respondent argues in her response to the Government's motion that her suspension is temporary, she does not deny that she is currently without authorization to handle controlled substances in Oregon. The DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without 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); *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 currently authorized to practice medicine in Oregon. It is reasonable to infer that because Respondent is not authorized to practice medicine, she is also not authorized to handle controlled substances in Oregon. 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. It is well-settled that when no material fact is involved, or when the material facts are agreed upon, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not required. Congress did not intend administrative agencies to perform meaningless tasks. *Gilbert Ross, M.D.*, 61 FR 8664 (1996); *Philip E. Kirk, M.D.*, 48 FR 32,887 (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); *United States v. Consolidated Mines & Smelting Co.*, 44 F.2d 432 (9th Cir. 1971). Here, there is no dispute concerning the material fact that Respondent currently lacks state authority to handle controlled substances in Oregon.

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 AS9530533, previously issued to Sandra J.S. Tyner, 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 November 20, 1998.

Dated: October 14, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98-28174 Filed 10-20-98; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

Sunshine Act Meeting

Foreign Claims Settlement Commission

[F.C.S.C. Meeting Notice No. 14-98]

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:

Date and Time: Thursday, October 29, 1998, 9:30 a.m.

Subject Matter: A. Hearings on the Record on Objections to Proposed Decisions on claims against Albania, as follows:

Claim No.

ALB-187 Helena Liolin

ALB-247 Stephen J. Pantos

ALB-321 John G. Koltse

B. Proposed Decisions on claims against Albania

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, NW., 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.
October 19, 1998.

Judith H. Lock,

Administrative Officer.

[FR Doc. 98-28325 Filed 10-19-98; 12:38 pm]

BILLING CODE 4410-BA-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB, Review; Comment Request

October 13, 1998.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) 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 each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Todd R. Owen ({202}) 219-5096 ex. 143) or by E-Mail to Owen-Todd@dol.gov.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395-7316), within 30 days from the date of this publication in the **Federal Register**.

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:* Bureau of Labor Statistics.
Title: Census of Fatal Occupational Injuries.
OMB Number: 1220-0133 (revision).
Agency Number: BLS CFOI-1.
Frequency: On Occasion.
Affected Public: Individuals and households; Business and other for-profit; Not-for-Profit institutions; Farms; Federal Government; and State, Local or Tribal Government.
Number of Respondents: 2,665.
Estimated Time per Respondent: 11 minutes per response.

Total Burden Hours: 5,000 hours.

Total annualized capital/startup costs: 0.

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

Description: The Census of Fatal Occupational Injuries provides policymakers and the public with comprehensive, verifiable, and timely measures of fatal work injuries. It compiles information—including characteristics of the fatal incident, the employer, and the deceased—useful for developing prevention strategies.

Agency: Veterans' Employment and Training Service.

Title: Eligibility Data Form for Requesting Assistance in obtaining Veterans' Reemployment Rights.

OMB Number: 1293-0002.

Agency Number: VETS/USERRA 1010.

Frequency: On Occasion.

Affected Public: Individuals or households.

Number of Respondents: 1,405.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 211 hours.

Total annualized capital/startup costs: 0.

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

Description: The information requested is needed to determine the eligibility of veterans complaints to reemployment rights they are seeking as well as to state alleged violations by employers of the pertinent statutes and request assistance in obtaining appropriate reemployment benefits.

Todd R. Owen,

Departmental Clearance Officer.

[FR Doc. 98-28136 Filed 10-20-98; 8:45 am]

BILLING CODE 4510-24-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D-10644, et al.]

Proposed Exemptions; Bankers Trust Company

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).