a reasonable extension of the time allowed for response to an Order to Show Cause.'' Therefore, Judge Randall found ''(1) that the Respondent's letter dated March 22, 1998, is deemed as a request to accept a late filing, (2) that three days is a reasonable extension of time to file this request, and (3) that the Respondent has subsequently requested a hearing in this matter within that reasonable time.'' The Acting Deputy Administrator agrees with Judge Randall's conclusion that she had jurisdiction in this matter.

As to the merits of this case, the Acting Deputy Administrator finds that on February 11, 1997, the Texas State Board of Medical Examiners (Board) issued an order temporarily suspending Respondent's license to practice medicine in the State of Texas. Subsequently, on February 18, 1997, the Texas Department of Public Safety canceled his state controlled substance registration.

In his request for a hearing, Respondent argued that his medical license was unjustly suspended by the Board. He requested that DEA postpone taking any action against his DEA registration ''until the temporary suspension of [his] Texas license is further adjudicated.'' However, Respondent did not deny that he is not currently authorized to handle controlled substances in Texas.

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 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 currently authorized to handled controlled substances in Texas, where he is registered with DEA. Since Respondent lacks this state authority, he is not entitled to a DEA registration in that state.

In light of the above, Judge Randall properly granted the Government's Motion for Summary Disposition. It is well settled that where there is no material question of fact involved, there is no need for a plenary, administrative hearing. Congress did not intend for 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). As Judge Randall noted, ''[h]ere, there is no dispute concerning the material fact that the Respondent currently lacks state authority to handle controlled substances in Texas.''

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 BC2334364, previously issued to Garth A.A. Clark, 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 12, 1998.

Dated: October 6, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98–27379 Filed 10–9–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Advisory Council on Employee Welfare and Pension Benefit Plans Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act and Office of Management and Budget Circular A–63 and after consultation with the General Services Administration (GSA), the Secretary of Labor has determined that the renewal of the Advisory Council on Employee Welfare and Pension Benefit Plans is in the public interest in connection with the performance of duties imposed on the Department of section 512(a)(1) of the Employee Retirement Income Security Act of 1974 (ERISA).

The Advisory Council on Employee Welfare and Pension Benefit Plans shall advise the Secretary of Labor on technical aspects of the provisions of ERISA and shall provide reports and/or recommendations by November 14 of each year on its findings to the Secretary of Labor.

The Council shall be composed of fifteen members appointed by the Secretary. Not more the eight members of the Council shall be of the same political party. Three of the members shall be representatives of employee organizations, at least one whom shall be representative of any organization members of which are participants in a multiemployer plan); three of the members shall be representatives of employers (at least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); three members shall be representatives appointed from the general public (one of whom shall be a person representing those receiving benefits from a pension plan); and there shall be one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and the accounting field.

The Advisory Council will report to the Assistant Secretary of the Pension and Welfare Benefits Administration. It will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act, and its charter will be filed under the Act. For further information, contact Sharon K. Morrissey, Executive Secretary, Advisory Council on Employee Welfare and Pension Benefit Plans, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, telephone (202) 219–8921.

Signed at Washington, DC, this 5th day of October, 1998.

Alexis M. Herman,

Secretary of Labor.

[FR Doc. 98–27377 Filed 10–9–98; 8:45 am]

BILLING CODE 4510–29–M

MERIT SYSTEMS PROTECTION BOARD

Opportunity To File Amicus Briefs in Bracey v. Office of Personnel Management, MSPB Docket No. DC–831E–97–0643–I–1, and Wilson v. Office of Personnel Management, MSPB Docket No. AT–844E–97–0645–I–1

AGENCY: Merit Systems Protection Board.

ACTION: The Merit Systems Protection Board has requested an advisory opinion from the Director of the Office of Personnel Management (OPM) concerning the interpretation of regulations promulgated by OPM. The Board is providing interested parties with an opportunity to submit amicus briefs on the same questions raised in the request to OPM. The Board's request to OPM is reproduced below:

''Pursuant to 5 U.S.C. 1204(e)(1)(A), the Merit Systems Protection Board requests an advisory opinion concerning the interpretation of regulations promulgated by the Office of Personnel management.

''*Background.* The appellants in the above-captioned cases became unable to perform the duties of their most recently-held positions of record because of medical conditions. In each case the employing agency provided the