reasonable and prudent mitigation measures are added, resulting from formal consultation with the U.S. Fish and Wildlife Service on the endangered Sonoran pronghorn, the lesser long-nosed bat, and the recently listed cactus ferruginous pygmy-owl. The concept of the proposed action is two-fold: within the region, enact principles of the Man and the Biosphere (MAB) program by adopting a regional perspective to improve visitor services and conserve resources; and within the monument, improve management capabilities to enhance visitor opportunities and protect resources and wilderness values. The effect desired from implementing these actions is to enhance protection, understanding, and recognition of Sonoran desert ecosystems and further strengthen relations with the Tohono O'odham Nation, Mexico, and other neighbors of the monument. Under the proposed plan, the NPS would seek redesignation of the monument as Sonoran Desert National Park. No tolls, traffic re-routes, or speed limit reductions are proposed for State Route 85.

In addition to the proposed action, three other alternatives are presented (which are detailed in the SEIS). The Existing Conditions/No Action Alternative would basically continue the existing management situation. The Former Preferred Future Alternative proposed adding 2,130 acres to the National Wilderness Preservation System, and called for significant cultural resource preservation efforts and new facilities in several locations within the monument. The New Ideas Alternative proposed 3,650 acres for wilderness, and existing or new park facilities would be relocated at or outside the monument boundary.

REVIEW COPIES: Copies of the FEIS will be available for on-site review as follows: (1) Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets, NW, Washington, DC 20240, (202) 208–6843; (2) Planning Team Leader, Denver Service Center, National Park Service, 12795 W. Alameda Parkway, Denver, CO 80225–0287, (303) 969–2273; and (3) Superintendent, Organ Pipe Cactus National Monument, Route 1, Box 100, Ajo, AZ 85321, (520) 387–7661. A limited number of copies for distribution are available on request from either the Superintendent or Planning Team Leader.

DECISION: A Record of Decision will be approved no sooner than 30 days after the Environmental Protection Agency's filing of their receipt of this FEIS in the **Federal Register**. The National Park Service officials jointly responsible for the decision will be the Regional Directors of the Intermountain and the Pacific West Regions. Subsequently, the officials responsible for implementing the plan will be the Regional Director, Intermountain Region and the Superintendent, Organ Pipe Cactus National Monument.

Dated: October 1, 1997.

John J. Reynolds,

Pacific West Region.

[FR Doc. 97–27732 Filed 10–17–97; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 97–21

Robert M. Binenfeld, M.D. Revocation of Registration

On June 23, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Robert M. Binenfeld, M.D., (Respondent), of Monroe, New York. The Order to Show Cause notified him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AB4921210, pursuant to 21 U.S.C. 824(a)(3), and deny any pending applications for registration pursuant to 21 U.S.C. 823(f), for reason that he is not currently authorized to handle controlled substances in the State of New York.

On July 11, 1997, Respondent filed a request for a hearing, and the matter was docketed before Administrative Law Judge Gail A. Randall. On July 21, 1997, Judge Randall issued an Order for Prehearing Statements. Thereafter, on August 8, 1997, the Government filed a Motion for Summary Disposition and Motion to Stay Proceedings, alleging that effective December 19, 1994, the State of New York, Department of Health, State Board for Professional Medical Conduct (Board) revoked Respondent's license to practice medicine and therefore, Respondent is not authorized to handle controlled substances in that state.

On August 11, 1997, Judge Randall issued an Order providing Respondent with an opportunity to respond to the Government's motion. In addition, Judge Randall stayed the proceedings pending her ruling on the Government's motion.

On August 21, 1997, Respondent filed a response to the Government's motion, arguing that, ''[m]any statements made by the [Board] are untrue.'' Respondent however, did not deny that he is not currently authorized to handle controlled substances in the State of New York.

On August 26, 1997, Judge Randall issued her Opinion and Recommended Decision, finding that Respondent lacked authorization to handle controlled substances in the State of New York; 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 October 1, 1997, Judge Randall 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 C.F.R. 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 its entirety, the Opinion and Recommended Decision of the Administrative Law Judge.

The Acting Deputy Administrator finds that the Hearing Committee of the Board issued a Decision and Order dated August 26, 1994, finding among other things, that Respondent committed gross negligence, gross incompetence, negligence and incompetence in his practice of medicine. As a result, the Hearing Committee ordered the revocation of Respondent's license to practice medicine in the State of New York. Effective December 19, 1994, the Board's Administrative Review Board affirmed the Hearing Committee's decision to revoke Respondent's medical license. Subsequently, on February 21, 1995, the State of New York, supreme Court-Appellate Division, Third Judicial Department denied Respondent's request for a stay of the Board's order.

Therefore, the Acting Deputy Administrator finds that Respondent is not currently authorized to practice medicine in the State of New York. As a result, the Acting Deputy Administrator concludes that it is reasonable to infer that Respondent is not authorized to handle controlled substances in that state.

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). Since Respondent lacks authority in the State of New York to handle controlled substances, he is not entitled to a DEA registration in that state.

While, Respondent argues that many untrue statements were made by the Board in revoking his license to practice medicine, he does not dispute that he is currently not authorized to handle controlled substances in the State of New York. Under the circumstances, Judge Randall properly granted the Government's Motion for Summary Disposition. 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 C.R.F. 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AB4921210, previously issued to Robert M. Binenfeld, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration be, and they hereby are denied. This order is effective November 19, 1997.

Dated: October 10, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–27638 Filed 10–17–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Benjamin R. Borja, D.M.D.; Revocation of Registration

On June 23, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Benjamin R. Borja, D.M.D., of North Hills, California, notifying him of an opportunity to show case as to why DEA should not revoke his DEA Certificate of Registration AB8143024, under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of such registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that he is not currently authorized to handle controlled substances in the State of California. The order also notified Dr. Borja that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The DEA received a signed receipt indicating that the order was received by Dr. Borja on June 30, 1997. No request for a hearing or any other reply was received by the DEA from Dr. Borja or anyone purporting to represent him in his matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Borja is deemed to have waived his hearing right. After considering relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on March 22, 1996, the Board of Dental Examiners, Department of Consumer Affairs, State of California issued a Default Decision and Order revoking Dr. Borja's dental license effective May 1, 1996, based upon a finding that Dr. Borja engaged in unprofessional conduct, incompetence, gross negligence, and/or repeated acts of negligence in his treatment of a patient. The Acting Deputy Administrator finds that in light of the fact that Dr. Borja is not currently licensed to practice medicine in the State of California, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state.

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 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 Dr. Borja is not currently authorized to handle controlled substances in the State of California. Therefore, Dr. Borja is not entitled to a DEA registration in that state.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 1 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AB8143024, previously issued to Benjamin R. Borja, D.M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective November 19, 1997.

James S. Milford,

Acting Deputy Administrator.

Dated: October 9, 1997.

[FR Doc. 97–27639 Filed 10–17–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

October 14, 1997.

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, 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 BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, 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 nececesary 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;