

enforcement personnel and nothing herein shall limit or constitute a waiver of the sovereign immunity of the Tribe or its officers, instrumentalities and agents or authorize any form of a prospective waiver of such sovereign immunity. Nothing in this Ordinance shall be construed as an admission that any body politic, other than the Tribe, has jurisdiction over any matter arising from or related to the Reservation, except to the extent such jurisdiction is confirmed by Federal law.

Dated: October 29, 1997.

**Ada E. Deer,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 97-29934 Filed 11-13-97; 8:45 am]

BILLING CODE 4310-02-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Proclaiming Certain Lands as Reservation for the Redwood Valley Rancheria of Pomo Indians of California

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Reservation Proclamation.

**SUMMARY:** The Assistant Secretary—Indian Affairs proclaimed certain lands in Mendocino County, California, as an addition to the reservation of the Redwood Valley Rancheria of Pomo Indians of California on November 3, 1997. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

**FOR FURTHER INFORMATION CONTACT:** Larry E. Scrivner, Bureau of Indian Affairs, Chief, Division of Real Estate Services, MS-4510/MIB/Code 220, 1849 C Street, N.W., Washington, D.C. 20240, telephone (202) 208-7737.

**SUPPLEMENTARY INFORMATION:** By proclamation issued pursuant to the Act of June 18, 1934, (48 Stat. 986; 25 U.S.C. § 467), the land described in a Grant Deed, numbered 5369, recorded in Book 1502, pages 479, 480 and 481, of the official records of Mendocino County, California, were proclaimed to be an Indian Reservation for the exclusive use of Indians entitled by enrollment or tribal membership to reside at such reservation.

Dated: November 3, 1997.

**Ada E. Deer,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 97-29912 Filed 11-13-97; 8:45 am]

BILLING CODE 4310-02-P

## DEPARTMENT OF INTERIOR

### Bureau of Land Management

[OR-080-082-6230-00; GP8-0024]

#### Emergency Closure Restriction on Public Lands, Salem District, Oregon

**ACTION:** Emergency closure restriction on public lands notice, Salem District, Oregon.

**SUMMARY:** Notice is hereby given that public lands in Clackamas County, Oregon, are temporarily closed to all public use, including vehicle operation, camping, and shooting, from October 16, 1997, until further notice. This order is issued under the authority of 43 CFR 8364.1 and closes additional roads and public lands to public access and use. Notice is hereby given that the following areas are closed to motor vehicle access and use:

1. Approximately 5 acres incorporating two open areas, one east and one west of the Pine Creek; Bridge on the Molalla River, near the intersection of Pine Creek Road and the Molalla Forest; Road in Section 30, T. 6 S., R. 3 E., Will. Mer., Oreg.;

**EXEMPTIONS:** The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure order: BLM employees; state, local, and federal law enforcement and fire protection personnel; holders of BLM road use permits or contracts that include areas within the closure including their employees and subcontractors. Access by additional parties may be allowed but must be approved in advance by the Authorized Officer.

**PENALTIES:** Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0-7, which include a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months, as well as penalties provided under Oregon State Law.

**EFFECTIVE DATE:** This emergency closure shall remain in effect until revised, revoked, or amended.

**FOR FURTHER INFORMATION CONTACT:** Richard Prather, Area Manager, Cascades Resource Area, 1717 Fabry Road SE, Salem, OR 97306, (503) 375-5646.

**SUPPLEMENTARY INFORMATION:** The purpose of these closures is to protect water quality, soil, vegetation, and sensitive cultural, paleontological, and

riparian resources from excessive damage and provide for visitor safety.

**Scott S. Abdon,**

*Acting Area Manager, Cascades Resource Area.*

[FR Doc. 97-29941 Filed 11-13-97; 8:45 am]

BILLING CODE 4310-33-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID-957-1910-00-4573]

#### Idaho: Filing of Plats of Survey; Idaho

The plat, in two sheets, of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m. November 3, 1997.

The plat representing the dependent resurvey of portions of the west and north boundaries, subdivisional lines, and subdivision of sections 8 and 18, T.5 S., R.36 E., Boise Meridian, Idaho, Group 945, was accepted November 3, 1997.

This survey was executed to meet certain administrative needs of the Bureau of Indian Affairs, Fort Hall Agency.

All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho 83709-1657.

Dated: November 3, 1997.

**Duane E. Olsen,**

*Chief Cadastral Surveyor for Idaho.*

[FR Doc. 97-29920 Filed 11-13-97; 8:45 am]

BILLING CODE 4310-GG-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID-957-1430-00]

#### Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m. November 4, 1997.

The plat representing the dependent resurvey of portions of the subdivisional lines, of the subdivision of section 31, and of Mineral Survey No. 2486, and the corrective dependent resurvey of Mineral Survey No. 2486, Hope lode, T. 2 N., R. 18 E, Boise Meridian, Idaho, Group 461, was accepted November 4, 1997.

This survey was executed to meet certain administrative needs of the

Bureau of Land Management. All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho, 83709-1657.

Dated: November 4, 1997.

**Duane E. Olsen,**

*Chief Cadastral Surveyor for Idaho.*

[FR Doc. 97-29921 Filed 11-13-97; 8:45 am]

BILLING CODE 4310-GG-M

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 97-5]

#### **Martha Hernandez, M.D.; Reprimand and Continuation of Registrations With Restriction**

On January 14, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Martha Hernandez, M.D., (Respondent) of Chicago, Illinois and Gary, Indiana, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificates of Registration, AH2262424 and BH4493475, pursuant to 21 U.S.C. 824(a)(1), and deny any pending applications for renewal of her registrations as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged that Respondent materially falsified two applications for registration with DEA.

By letter dated February 6, 1997, Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Chicago, Illinois on May 27, 1997, before Administrative Law Judge Gail A. Randall. At the hearing, both parties called witnesses to testify and introduced documentary evidence. After the hearing, counsel for both parties submitted proposed findings of fact, conclusions of law and argument. On September 5, 1997, Judge Randall issued her Opinion and Recommended Ruling, recommending that Respondent's registrations not be revoked, but that Respondent be reprimanded and that she be required to submit certain documentation to DEA on an annual basis for three years. On September 25, 1997, the Government filed exceptions to Judge Randall's Opinion and Recommended Ruling, and on October 6, 1997, the record was transmitted to the Acting Deputy Administrator.

On October 15, 1997, Respondent submitted a request to file a response to the Government's exceptions, as well as her response to the exceptions. Respondent argued that "[t]he Government filed its exceptions on September 25, 1997 and pursuant to regulation the Respondent has 20 days to request leave and file a response." In addition, Respondent stated that the Government does not object to Respondent filing a response to the exceptions. The Acting Deputy Administrator finds that Respondent has misread 21 CFR 1316.66, which provides for the filing of exceptions within 20 days of service of the Administrative Law Judge's Opinion and Recommended Ruling. The regulation further provides that the Administrative Law Judge may grant time beyond the twenty days for the filing of a response to any exceptions filed. Nowhere in the regulations is a party given 20 days from the filing of exceptions to submit a response. However, the Acting Deputy Administrator will nonetheless consider Respondent's response to the Government's exceptions since it has been represented that the Government does not object to the consideration of Respondent's response.

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. His adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Acting Deputy Administrator finds that Respondent is a psychiatrist licensed to practice medicine in the states of Illinois and Indiana, with a DEA Certificate of Registration issued to her in each state. On June 15, 1990, the State of Illinois, Department of Professional Regulation (IDPR) refused to renew Respondent's Illinois medical license because she had defaulted on her student loan payments. On December 2, 1991, Respondent entered into a consent order with IDPR, which reinstated her Illinois medical license, but placed her license on probation until such time as she completes repayment of her student loan. The consent order set forth a schedule for repayment of the loan. However, by Order dated January 10, 1994, the IDPR indefinitely suspended Respondent's Illinois medical license due to her failure to abide by the repayment plan.

On October 1, 1994, Respondent submitted a renewal application for DEA Certificate of Registration AH2262424 issued to her in Illinois. On this renewal application, Respondent indicated that she was currently authorized to handle controlled substances "in the state in which [she is] operating or propos[ing] to operate", yet she listed her Indiana state medical license number. Also, Respondent answered "No" to the liability question which asked, "Has the applicant ever been convicted of a crime in connection with controlled substances under State or Federal law, or ever surrendered or had a Federal controlled substance registration revoked, suspended, restricted or denied, or ever had a State professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation?"

DEA personnel telephonically contacted Respondent on January 31, 1995, and again on May 3, 1995. During these conversations, the DEA personnel discussed with Respondent the effect of the IDPR's suspension upon Respondent's DEA registration; the possible voluntary surrender of Respondent's Illinois DEA registration in light of the continued suspension of her Illinois medical license; and the need for Respondent to submit a new application for registration with DEA in the State of Indiana. However, the DEA personnel did not indicate to Respondent during these conversations that her answer to the liability question on the October 1, 1994 renewal application was incorrect or questionable.

On May 5, 1995, Respondent submitted a new application for a DEA registration in the State of Indiana. Again, she answered "No" to the liability question which asks, "Has the applicant ever had a State professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation?" Subsequently, on July 10, 1995, Respondent was issued DEA Certificate of Registration BH4493475, in the State of Indiana.

On June 16, 1995, Respondent submitted an application to renew her Indiana medical license. On that application, Respondent answered "No" to a question which asked, "In the last two years, has disciplinary action been taken regarding any license, certificate, registration or permit you hold or have held?" As a result of this application, Respondent's Indiana medical license was renewed on June 30, 1995.

Following her conversations with the DEA personnel, Respondent decided not