

and from 12 p.m. until recess, on December 12 from 8 a.m. until recess and on December 13 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20892, telephone (301-496-5717), will provide a summary of the meeting and a roster of the committee members upon request.

Dr. John I. Gallin, Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 10, Room 11C103, telephone (301-496-3006), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health.)

Dated: November 9, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-27291 Filed 11-20-89; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

Subsistence Resource Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Subsistence Resource Commission meeting.

SUMMARY: The National Park Service announces an upcoming meeting of the Subsistence Resource Commission of the Gates of the Arctic National Park.

The following agenda items will be discussed:

- (1) Election of chairman and introduction of new members.
- (2) Introduction of guests.
- (3) Review of commission authorities and responsibilities.
- (4) Review of minutes from last meeting.
- (5) Review of the Secretary of the Interior's response to the Subsistence Hunting Plan Recommendations.
- (6) Work on re-draft of Subsistence Hunting Plan Recommendations.
- (7) Review of 1989 park plans and activities.

(8) New business.

DATE: The meeting will begin on November 16, 1989 at 8:30 a.m. and conclude on November 17, 1989 at approximately 12:30 p.m.

ADDRESS: The meeting will be held at the Regency Fairbanks Hotel, 95 10th Avenue, Fairbanks, Alaska 99701.

FOR FURTHER INFORMATION CONTACT: Roger J. Siglin, Superintendent, Gates of the Arctic National Park, P.O. Box 74680, Fairbanks, Alaska 99707 (phone (907) 456-0281).

SUPPLEMENTARY INFORMATION: The Gates of the Arctic National Park's Subsistence Resource Commission is authorized under title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96-487, and operates in accordance with the provisions of the Federal Advisory Committees Act.

Boyd Evison,

Regional Director.

[FR Doc. 89-27309 Filed 11-20-89; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 11, 1989. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by December 6, 1989.

Amy Federman,

Acting Chief of Registration, National Register.

ILLINOIS

Pulaski County

Olmstead Depot, Front St. & Caledonia Ave., Olmstead, 89002101

KENTUCKY

Clay County

Peabody—Forsdon Historic District, KT 66, S of Big Creek, Big Creek vicinity, 89002099

NEW YORK

Hamilton County

Whelan Camp, Mick Rd., Long Lake, 89002089

Kings County

St. Paul's Protestant Episcopal Church, 199 Carroll St., New York 89002086

Montgomery County

Botes—Englehardt Mansion, 19 Washington St., St. Johnsville, 89002091

Larrowe House, S. Main St./US 415, Cohocton, 89002088

New York County

Duke Residence, 1009 Fifth Ave., New York, 89002090

Mount Morris Bank, E. 125th St. and Park Ave., New York, 89002087

Oneida County

Weaver, Gen. John G., House, 711 Herkimer Rd., Utica, 89002093

Seneca County

Christ Evangelical and Reformed Church, Main St., Fayette, 89002092

PENNSYLVANIA

Armstrong County

Ford City Armory (Pennsylvania National Guard Armories MPS), 301 Tenth St., Ford City, 89002074

Blair County

Tyrone Armory (Pennsylvania National Guard Armories MPS), 956 S. Logan Ave., Tyrone, 89002083

Centre County

Bellefonte Armory (Pennsylvania National Guard Armories MPS), E. Bishop St., Bellefonte, 89002068

Clearfield County

Clearfield Armory (Pennsylvania National Guard Armories MPS), Coal Hill Rd., Clearfield, 89002072

Cumberland County

Carlisle Armory (Pennsylvania National Guard Armories MPS), 504 Cavalry Rd., Carlisle, 89002071

Delaware County

Media Armory (Pennsylvania National Guard Armories MPS), 12 E. State St., Media, 89002077

Merion Golf Club, East and West Courses, Ardmore Ave., Ardmore, 89002085

Elk County

Ridgway Armory (Pennsylvania National Guard Armories MPS), 72 N. Broad St., Ridgway, 89002078

Erie County

Erie Armory (Pennsylvania National Guard Armories MPS), 6th and Parade Sts., Erie, 89002073

Franklin County

Waynesboro Armory (Pennsylvania National Guard Armories MPS), N. Grant St., Waynesboro, 89002080

Huntingdon County

Huntingdon Armory (Pennsylvania National Guard Armories MPS), Standing Stone Ave., Huntingdon, 89002075

Indiana County

Blairsville Armory (Pennsylvania National Guard Armories MPS), 119 N. Walnut St., Blairsville, 89002069

Lackawanna County

Scranton Armory (Pennsylvania National Guard Armories MPS), 900 Adams Ave., Scranton, 89002081

Luzerne County

Kingston Armory (Pennsylvania National Guard Armories MPS), 280 Market St., Wilkes-Barre, 89002084

Northumberland County

Sunbury Armory (Pennsylvania National Guard Armories MPS), Catawissa Ave., Sunbury, 89002082

Washington County

Canonsburg Armory (Pennsylvania National Guard Armories MPS), W. College St. and N. Central Ave., Canonsburg, 89002070

Westmoreland County

Latrobe Armory (Pennsylvania National Guard Armories MPS), 1017 Ridge Ave., Latrobe, 89002076

Mount Pleasant Armory (Pennsylvania National Guard Armories MPS), Eagle and Spring Sts., Mount Pleasant, 89002079

WASHINGTON**Benton County**

Carey, J.W., House, Byron Rd., W. of Prosser, Prosser vicinity, 89002096

King County

Graham, J. S., Store, 119 Pine St., Seattle, 89002094

Walla Walla County

Walla Walla Valley Traction Company Car Barn, 1102 W. Cherry, Walla Walla 8902097

Whitman County

United Presbyterian Church, 430 Maple St., Pullman, 89002095

[FR Doc. 89-27405 Filed 11-21-89; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31543]

Missouri Pacific Truck Lines, Inc.—Merger Exemption—Union Pacific Motor Freight Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts from the requirements of 49 U.S.C. 11343 the merger of Union Pacific Motor Freight Company into Missouri Pacific Truck Lines, Inc., subject to standard labor protective conditions.

DATES: This exemption will be effective on November 28, 1989. Petitions for reconsideration must be filed by December 11, 1989.

ADDRESSES: Send pleadings referred to Finance Docket No. 31543 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Joseph D. Anthofer, General Attorney, Jeanna L. Regier, Registered Practitioner, 1416 Dodge Street, Omaha, NE 68179

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 275-7245. TDD for hearing impaired: (202) 275-1721.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone (202) 289-4357/4359.

(Assistance for hearing impaired is available through TDD services at (202) 275-1721.)

Decided: November 14, 1989.

By the Commission, Chairman Cradison, Vice Chairman Simmons, Commissioners André, Lamboley, and Phillips.

Noreta R. McGree,
Secretary.

[FR Doc. 89-27374 Filed 11-20-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE**Drug Enforcement Administration****Angelos Michalatos d/b/a Contraband Searches and Investigations, Denial of Applications for Registration**

On May 26, 1989, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Angelos Michalatos, d/b/a Contraband Searches and Investigations, of 6822 Catina Street, New Orleans, Louisiana, proposing to deny his pending applications for registration as a Schedule I and II controlled substance researcher under 21 U.S.C. 823(f). The statutory basis for denying the pending applications is that Mr. Michalatos is not currently licensed to handle controlled substances in the State of Louisiana.

The Order to Show Cause was sent registered mail, return-receipt requested to the address listed on pending applications for registration. Although more than 30 days have elapsed since the Order to Show Cause was received by Mr. Michalatos, DEA has received no request for a hearing or any other response to the Order to Show Cause. Therefore, in accordance with 21 CFR 1301.54(a), 1301.54(d), and 1301.54(e), the Administrator determines that Mr.

Michalatos has waived his opportunity for a hearing on the issues raised in the Order to Show Cause and enters this final order based upon the information contained in the DEA investigative file.

The Administrator finds that on January 7, 1989, Angelos Michalatos, d/b/a Contraband Searches and Investigations, executed an application for registration as a Schedule II controlled substance researcher. On March 14, 1988, Mr. Michalatos executed a second application for registration as a Schedule I controlled substance researcher. Mr. Michalatos alleged in attachments to his applications that Contraband Searches and Investigations was a "business in which canines were trained and leased to search for and locate concealed contraband narcotics in conjunction with various law enforcement agency investigations."

On November 1, 1988, the Louisiana Department of Health and Human Resources (now the Department of Health and Hospitals), Bureau of Health Services Financing, Health Standards Section, Narcotics and Dangerous Division, declined to renew Mr. Michalatos' license to handle controlled substances in the State of Louisiana. The decision not to renew Mr. Michalatos' license was made following an investigation which revealed that Mr. Michalatos lacked adequate security for storing and handling controlled substances, had inadequate training facilities and had no experience in training drug detection canines. The Department of Health and Human Resources also concluded that Mr. Michalatos' continued licensure posed a danger to the public health and safety.

The Drug Enforcement Administration has long held that an individual cannot be issued a DEA Certificate of Registration for handling controlled substances unless he is so authorized by the state in which he is seeking registration. See 21 U.S.C. 823(f); See also Emerson Emory, M.D., Docket No. 85-46, 51 FR 9543 (1986); Avner Kauffman, M.D., Docket No. 85-8, 50 FR 34208 (1985); and Agostino Carlucci, M.D., Docket No. 82-20, 49 FR 33184 (1984). Therefore, the Drug Enforcement Administration cannot consider registering Mr. Michalatos until he is licensed to handle controlled substances by the State of Louisiana.

In addition to Mr. Michalatos' lack of state authorization to handle controlled substances, the Administrator also finds, based upon the conclusions made by the Louisiana Department of Health and Human Resources, that Mr. Michalatos' registration would be inconsistent with the public interest. The

lack of security for storing and handling controlled substances at Contraband Searches and Investigations' place of business, the lack of facilities for training canines and Mr. Michalatos' inexperience in training canines for drug detection indicate that Mr. Michalatos is not in a position to handle controlled substances responsibly. Consequently, his registration would be contrary to the public interest and his pending applications for registration must be denied.

Therefore, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), the Administrator of the Drug Enforcement Administration orders that the pending applications for registration as a Schedule I and II controlled substance researcher, executed by Angelos Michalatos, d/b/a Contraband Searches and Investigations, be, and they hereby are, denied.

This order is effective November 21, 1989.

Dated: November 13, 1989.

John C. Lawn,
Administrator.

[FR Doc. 89-27236 Filed 11-20-89; 8:45 am]
BILLING CODE 4910-09-M

[Docket No. 89-36]

Angela Duncan, d/b/a Rainbow Treatment Center, Inc.; Revocation of Registration

On March 22, 1989, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Angela Duncan, d/b/a Rainbow Treatment Center, Inc. (Respondent), located at 3205 East 8th Avenue, Tampa, Florida, proposing to revoke DEA Certificate of Registration RR0128202, and to deny any pending applications for renewal of Respondent's registration as a narcotic treatment program under 21 U.S.C. 823(g). The grounds for seeking the revocation of Respondent's registration were that the narcotic treatment program was no longer authorized by the State of Florida to handle controlled substances and that its continued registration was inconsistent with the public interest, as the term is used in 21 U.S.C. 823(f) and 824(a)(4).

Respondent, through counsel, timely filed a request for hearing on the issues raised in the Order to Show Cause and the matter was placed on the docket of Administrative Law Judge Mary Ellen Bittner. Shortly after Respondent requested a hearing, Government

counsel filed a motion for summary disposition based upon Respondent's lack of state authorization to handle controlled substances. Judge Bittner allowed Respondent an opportunity to respond to the Government's motion for summary disposition. Respondent's counsel subsequently filed a response to the motion urging that the matter not be summarily dismissed. In that response, Respondent's counsel admitted that Respondent lacked state authority to handle controlled substances, but argued that Respondent expected to prevail in a pending appeal of the state suspension action. Respondent's counsel also claimed that the grant of the motion for summary disposition would deprive her of due process.

On August 17, 1989, Judge Bittner issued an opinion and recommended decision of the administrative law judge. In her decision, Judge Bittner granted the motion for summary disposition and recommended that the Administrator revoke Respondent's DEA Certificate of Registration and deny any pending applications for renewal based upon her lack of state authority to handle controlled substances. Neither party filed exceptions to the administrative law judge's opinion and recommended decision.

After a careful review of the entire record in this matter, the Administrator adopts the findings and recommendation of the administrative law judge and concludes that Respondent's registration must be revoked and any pending applications for renewal of said registration must be denied.

The Administrator finds that Respondent is currently registered with the Drug Enforcement Administration as a narcotic treatment program. On October 10, 1988, the Florida Department of Health and Rehabilitative Services (DHRS) issued an emergency final order suspending Respondent's probationary license to operate a methadone treatment program in the State of Florida. DHRS found that, based upon numerous controlled substance violations discovered at the treatment program, Respondent's continued licensure posed an immediate danger to the public health, safety and welfare and that emergency action suspending Respondent's license was necessary to protect the public interest. On review, the Florida Court of Appeals upheld the emergency suspension of Respondent's license.

The Drug Enforcement Administration does not have statutory authority under the Controlled Substances Act to allow Respondent to remain registered as a narcotic treatment program without

proper state authorization to handle controlled substances. See generally, Wingfield Drugs, Inc., Docket No. 87-13, 52 FR 27070 (1987); Robert F. Witek, D.D.S., Docket No. 87-54, 52 FR 47770 (1987); and Bobby Watts, M.D., Docket No. 87-71, 53 FR 11919 (1988). Respondent has not been authorized by the State of Florida to handle controlled substances since October 10, 1988. Without such state authority, Respondent cannot maintain a DEA Certificate of Registration.

The Administrator finds no merit in Respondent's contention that the grant of summary disposition in this case would deprive her of due process. Under 21 U.S.C. 824(a)(3), a registration may be revoked or suspended based upon the suspension of the registrant's state controlled substance license or registration. Such action is appropriate, regardless of whether the state action is final or even whether a hearing was held before the state agency. See, Robert F. Witek, D.D.S., supra.

The Administrator finds that the motion for summary disposition was properly granted. It is well established that when no fact question is involved, or when the facts are agreed, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not necessary, even though the pertinent statute calls for a hearing. In such situations, the rationale is that Congress does not intend administrative agencies to perform meaningless tasks. *United States v. Consolidated Mines and Smelting Co., Ltd.*, 455 F.2d 432, 453 (9th Cir. 1971); *N.L.R.B. v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977); Alfred Tennyson Smurthwaite, M.D., Docket No. 77-29, 43 FR 11873 (1978); Philip E. Kirk, M.D., Docket No. 82-36, 48 FR 32887 (1983); *aff'd sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984).

Therefore, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), the Administrator of the Drug Enforcement Administration orders that DEA Certificate of Registration RR0128202, previously issued to Angela Duncan, d/b/a Rainbow Treatment Center, Inc., be, and it hereby is, revoked. The Administrator further orders that any pending applications for renewal of said registration be, and they hereby are, denied.

This order is effective November 21, 1989.