

The DEA does not have the statutory authority pursuant to the Controlled Substances Act to issue or to maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he or she practices. See 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld in prior DEA cases. See Graham Travers Schuler, M.D., 65 FR 50570 (2000); Romeo J. Perez, M.D., 62 FR 16,193 (1997); Demetris A. Green, M.D., 61 FR 60728 (1996); Dominick A. Ricci, M.D., 58 FR 51104 (1993).

In the instant case, the Administrator finds the Government has presented evidence demonstrating that the Respondent is not authorized to practice dentistry in California, and therefore, the Administrator infers that Respondent is also not authorized to handle controlled substances in California, where he conducts his business, according to the address listed on his DEA Certificate of Registration. The Administrator finds that Judge Randall allowed Respondent ample time to refute the Government's evidence, and that Respondent has submitted no evidence or assertions to the contrary. Thus, there is no genuine issue of material fact concerning Respondent's lack of authorization to practice dentistry in California or to handle controlled substances in that State.

The Administrator concurs with Judge Randall's finding that it is well settled that when there is no question of material fact involved, there is no need for a plenary, administrative hearing. Congress did not intend for administrative agencies to perform meaningless tasks. See Michael G. Dolin, M.D., 65 FR 5661 (2000); Jesus R. Juarez, M.D., 62 FR 14945 (1997); see also Philip E. Kirk, M.D., 48 FR 32887 (1983), *aff'd sub nom. Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984).

Accordingly, the 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 BT0666000, issued to John Arthur Thomassen, D.D.S., be, and it hereby is, revoked; and that any pending applications for the renewal or modifications of said Certificate be denied. This order is effective November 19, k2001.

Dated: October 10, 2001.

**Asa Hutchinson,**  
*Administrator.*

[FR Doc. 01-26180 Filed 10-17-01; 8:45 am]

BILLING CODE 4410-09-M

## MERIT SYSTEMS PROTECTION BOARD

### Sunshine Act Notice

*Notice:* Pursuant to the Government in the Sunshine Act (5 U.S.C. 552(b)), notice is hereby given that the Merit Systems Protection Board will hold a partially closed meeting on Thursday, October 18, 2001, at 2 p.m., in the Board's conference room at 1615 M Street, NW., 6th Floor, Washington, DC 20419. In calling the meeting, the Board determined that Board business required its consideration of the agenda items on less than seven days' notice to that public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the first agenda item in a meeting open to public interest did not require consideration of the first agenda item in a meeting open to public observation; and that the second agenda item could be considered in a closed meeting by authority of subsection (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(10)).

#### Matters Considered:

- (1) Briefing of Board members on Senior Managers' retreat;
- (2) Case processing issues.

#### CONTACT PERSON FOR ADDITIONAL

**INFORMATION:** Shannon McCarthy or Matthew Shannon, Office of the Clerk of the Board, (202) 653-7200.

Dated: October 15, 2001.

**Robert E. Taylor,**

*Clerk of the Board.*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice [01-127]]

### Agency Information Collection Activities; Proposed Collections

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of agency report forms under OMB review.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)). This information collection provides records of

accountability, responsibility, transfer, location, and disposition of radioactive materials.

**DATES:** All comments should be submitted on or before December 17, 2001.

**ADDRESSES:** All comments should be addressed to Ms. Sue McDonald, Mail Code GP2, Lyndon B. Johnson Space Center, Houston, TX 77058.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nancy Kaplan, NASA Reports Officer, (202) 358-1372.

*Title:* Radioactive Material Transfer Receipt.

*OMB Number:* 2700-0007.

*Type of review:* Extension.

*Need and Uses:* NASA Johnson Space Center is required by Federal law to keep records of the receipt, transfer, and disposal of radioactive items and information on accountability, responsibility, transfer, disposition, and location.

*Affected Public:* Business or other for-profit, Federal Government, State, local or tribal government.

*Number of Respondents:* 25.

*Responses Per Respondent:* 2.

*Annual Responses:* 50.

*Hours Per Request:* approx. 1/2 hr.

*Annual Burden Hours:* 29.

*Frequency of Report:* On occasion.

**David B. Nelson,**

*Deputy Chief Information Officer, Office of the Administrator.*

[FR Doc. 01-26258 Filed 10-17-01; 8:45 am]

BILLING CODE 7510-01-P

## NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

### Proposed Collection, Comment Request, Reconsideration of the Library Services & Technology Act (LSTA) Annual Report Process

**AGENCY:** Institute of Museum and Library Services.

**ACTION:** Notice.

**SUMMARY:** The Institute of Museum and Library Services as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3508(2)(A)] This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection