

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.

[FR Doc. 01-26471 Filed 10-16-01; 3:14 pm]

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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

instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently the Institute of Museum and Library Services is soliciting comments concerning the proposed reconsideration of the LSTA Annual Report process.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before December 17, 2001.

IMLS is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary 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;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submissions of responses.

ADDRESSES: Send comments to: Barbara G. Smith, Technology Officer, Institute of Museum and Library Services, 1100 Pennsylvania Ave., NW., Room 802, Washington, DC 20506. Ms. Smith can be reached on Telephone: 202-606-5254; Fax: 202-606-1077 or at bmsmith@imls.gov

SUPPLEMENTARY INFORMATION:

I. Background

The Institute of Museum and Library Services is an independent Federal grant-making agency authorized by the Museum and Library Services Act, Pub. L. 104-208. The IMLS provides a variety of grant programs to assist the nation's museums and libraries in improving their operations and enhancing their services to the public. Museums and libraries of all sizes and types may receive support from IMLS programs.

Agency: Institute of Museum and Library Services.

Title: Reconsideration of the Library Services & Technology Act (LSTA) Annual Report Process.

OMB Number n/a.

Frequency: One time.

Affected Public: State Library Administrative Agencies for the States and U.S. Territories.

Number of Respondents: 125.

Estimated Time Per Respondent: one hour.

Total Burden Hours: 125 hours.

Total Annualized capital/startup costs: zero.

Total Annual costs: \$3,650.00.

CONTACT: Mamie Bittner, Director of Public and Legislative Affairs, Institute of Museum and Library Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, telephone (202) 606-4648.

Dated: September 19, 2001.

Mamie Bittner,

Director of Public and Legislative Affairs.

[FR Doc. 01-26312 Filed 10-17-01; 8:45 am]

BILLING CODE 7036-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-245, 50-336, and 50-423]

Dominion Nuclear Connecticut, Inc., Millstone Nuclear Power Station, Units 1, 2, and 3; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating Licenses Nos. DPR-21, DPR-65, and NPF-49 for the Millstone Nuclear Power Station, Units 1, 2, and 3 (Millstone) to the extent held by Dominion Nuclear Connecticut, Inc. (Dominion Nuclear). The indirect transfer would result from the establishment of an intermediary parent company that will indirectly own Dominion Nuclear.

Dominion Nuclear is a wholly owned, indirect subsidiary of Dominion Energy, Inc., which is a wholly owned, direct subsidiary of Dominion Resources, Inc., the ultimate parent of Dominion Nuclear. According to Dominion Nuclear's application dated August 17, 2001, Dominion Energy Holdings, Inc., will become an intermediary, indirect parent company of Dominion Nuclear. Specifically, Dominion Energy Holdings, Inc., will become a direct wholly owned subsidiary of Dominion Resources, Inc., and the new direct parent of Dominion Energy Inc., which at the same time will be converted to Dominion Energy, LLC. No physical changes to the Millstone facility or operational changes are being proposed

in the application. The two other licensees for Millstone Unit 3, Central Vermont Public Service Corporation and Massachusetts Municipal Wholesale Electric Company, which hold minority ownership interests in Unit 3, are not involved in the restructuring action affecting Dominion Nuclear.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the underlying transaction that will effectuate the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By November 7, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Lillian M. Cuoco, Senior Nuclear Counsel, Dominion Nuclear Connecticut, Inc., Rope Ferry Road, Waterford, CT 06385 (tel: 860-444-5316; fax: 860-444-4278; e-mail: lillian_cuoco@dom.com); the General Counsel, U.S. Nuclear Regulatory