

Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

New Collection

(1) Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act.

(2) Violence Against Women Program Office, United States Department of Justice.

(3) Primary = State, Local or Tribal Government, Others = None. The Crime Act of 1994 enacted the Violence Against Women Program. This program awards grant money to the states, territories, and Indian tribal governments to combat violence against women. The actual legislation dictates that in order to receive federal monies, these grantees must certify that rape exams will be paid for by some entity other than the victim, and the victim will also not incur the cost of filing fees for criminal charges.

(4) 54 annual respondents at .15 hours per response.

(5) 13.5 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96-511.

Public comment on this item is encouraged.

Dated: March 23, 1995.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 95-7686 Filed 3-28-95; 8:45 am]

BILLING CODE 4410-21-M

Drug Enforcement Administration

[Docket No. 94-70]

Zack B. Brown, M.D.; Denial of Application

On February 25, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Zack B. Brown, M.D. (Respondent) of Detroit, Michigan, proposing to deny his application for registration as a practitioner. The statutory basis for the Order to Show Cause was the Respondent's registration would be inconsistent with the public interest pursuant to 21 U.S.C. 823(f).

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause and the matter was docketed before Administrative Law Judge Mary Ellen Bittner.

On September 30, 1994, following prehearing procedures and prior to any evidentiary hearing, the Government filed a motion for summary disposition alleging that Respondent no longer held state authorization to handle controlled substances following the suspension of Respondent's license to practice medicine in Michigan by the Michigan Board of Medicine. Respondent did not file a response to the Government's motion and did not deny that his state license to handle controlled substances had been suspended.

On October 17, 1994, the administrative law judge entered her Opinion and Recommended Decision granting the Government's motion for summary disposition and recommending that the Respondent's application for DEA Certificate of Registration be denied. No exceptions were filed by either party.

On November 21, 1995, the administrative law judge transmitted the record to the Deputy Administrator. After a careful consideration of the record in its entirety, the Deputy Administrator enters his final order in this matter pursuant to 21 CFR 1316.67, based on findings of fact and conclusions of law as set forth herein.

On August 17, 1994, the Michigan Board of Medicine summarily suspended the Respondent's state license to practice medicine. On September 26, 1994, an Order Continuing the Summary Suspension of August 17 was issued by the Michigan Office of Legal Services (Department of Commerce). Judge Bittner found that, by virtue of the suspension of Respondent's license to practice medicine in Michigan, it was reasonable to infer, and Respondent did not deny, that because he is not authorized to practice medicine in Michigan, he also is not authorized to handle controlled substances within that state. Judge Bittner concluded that DEA has no authority to register a practitioner, unless that practitioner is authorized by the state to dispense controlled substances. The DEA has consistently held this position. See *Bobby Watts, M.D.*, 53 FR 11919 (1988); *Lawrence R. Alexander, M.D.*, 57 FR 22256 (1992).

In cases such as the present, where a Respondent is not authorized to handle controlled substances in the state in which he proposes to practice, a motion for summary disposition is properly entertained. It is well settled that where no question of fact exists, or where the material facts are agreed, a plenary administrative proceeding is not required. See *Phillip E. Kirk, M.D.*, 48 FR 32877 (1983), *aff'd sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984).

Congress did not intend for administrative agencies to conduct hearings where no issues remain in dispute. *United States v. Consolidated Mines and Smelting Company, Ltd.*, 445 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).

The Deputy Administrator adopts the opinion and recommended decision of the administrative law judge in its entirety. Based on the foregoing, the Deputy Administrator concludes that Respondent's application for registration must be denied. 21 U.S.C. 823(f) and 824(a)(3). Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority invested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b) and 0.104, hereby orders that the application for registration of Zack B. Brown be, and hereby is, denied. This order is effective April 28, 1995.

Dated: March 23, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95-7642 Filed 3-28-95; 8:45 am]

BILLING CODE 4410-09-M

Immigration and Naturalization Service

[INS No. 1689-95; AG Order No. 1959-95]

RIN 1115-AC30

Extension of Designation of Liberia Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until March 28, 1996, the Attorney General's designation of Liberia under the Temporary Protected Status program provided for in section 244A of the Immigration and Nationality Act, as amended ("the Act"). Accordingly, eligible aliens who are nationals of Liberia, or who have no nationality and who last habitually resided in Liberia, may re-register for Temporary Protected Status and extension of employment authorization. This re-registration is limited to persons who already registered for the initial period of Temporary Protected Status, which ended on March 27, 1992. In addition during the extension period, some aliens may be eligible for late initial registration pursuant to 8 CFR 240.2(f)(2).

EFFECTIVE DATES: This extension of designation is effective on March 29,

1995, and will remain in effect until March 28, 1996. Re-registration procedures become effective on March 29, 1995, and will remain in effect until April 27, 1995.

FOR FURTHER INFORMATION CONTACT: Ronald Chirlin, Senior Immigration Examiner, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION: Under section 244A of the Act, as amended by section 302(a) of Public Law 101-649 and section 304(b) of Public Law 102-232 (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals for a foreign state designated by the Attorney General, or who have no nationality and who last habitually resided in that state. The Attorney General may designate a state, or a part thereof, upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

Effective on March 27, 1991, the Attorney General designated Liberia for Temporary Protected Status for a period of 12 months, 56 FR 12746. The Attorney General extended the designation of Liberia under the Temporary Protected Status program for additional 12-month periods until March 28, 1995, 59 FR 9997.

This notice extends the designation of Liberia under the Temporary Protected Status program for an additional 12 months, in accordance with sections 244A(b)(3) (A) and (C) of the Act. This notice also describes the procedures with which eligible aliens who are nationals of Liberia, or who have no nationality and who last habitually resided in Liberia, must comply in applying for continuation of Temporary Protected Status.

In addition to timely re-registrations and late re-registrations authorized by this notice's extension of Liberia's Temporary Protected Status designation, late initial registrations are possible for some Liberians under 8 CFR 240.2(f)(2). Such late initial registrants must have been "continuously physically present" in the United States since March 27, 1991, and must have had a valid immigrant or non-immigrant status during the original registration period. For each Application for Temporary Protected Status, Form I-821, filed for late initial registration, a fee of fifty dollars (\$50) is charged. An Application for Employment Authorization, Form I-

765, must be filed together with Form I-821 in all cases. However, the fee prescribed in 8 CFR 103.7(b)(1) for Form I-765, which is currently seventy dollars (\$70), is only charged if the alien requests employment authorization.

The filing fee is required when Form I-765 is filed as part of either a re-registration or as part of a late initial registration for Temporary Protected Status. This filing fee must accompany Form I-765 unless a properly documented fee waiver requests is submitted to the Immigration and Naturalization Service or the applicant does not request employment authorization.

Notice of Extension of Designation of Liberia Under the Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254a, and pursuant to sections 244A(b)(3) (A) and (C) of the Act, I have had consultations with the appropriate agencies of the Government concerning (a) the conditions in Liberia; and (b) whether permitting nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, to remain temporarily in the United States is contrary to the national interest of the United States. As a result, I determine that the conditions for the original designation of Temporary Protected Status for Liberia continue to be met. Accordingly, it is ordered as follows:

(1) The designation of Liberia under section 244A(b) of the Act is extended for an additional 12-month period from March 29, 1995, to March 28, 1996.

(2) I estimate that there are approximately 4,000 nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) A national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who received a grant of Temporary Protected Status during the initial period of designation from March 27, 1991, to March 27, 1992, must comply with the re-registration requirements contained in 8 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who previously has been granted Temporary Protected Status, must re-register by filing a new Application for Temporary Protected Status, Form I-821, together with an Application for Employment

Authorization, Form I-765, within the 30-day period beginning on March 29, 1995, and ending on April 27, 1995, in order to be eligible for Temporary Protected Status during the period from March 29, 1995, until March 28, 1996. Late re-registration applications will be allowed for "good cause" pursuant to 8 CFR 240.17(c).

(5) There is no fee for the Form I-821 filed as part of the re-registration application. The fee prescribed in 8 CFR 103.7(b)(1) will be charged for the Form I-765, filed by an alien requesting employment authorization pursuant to the provisions of paragraph (4) of this notice. An alien who does not request employment authorization must file Form I-821 together with Form I-765 for information purposes, but in such cases both Form I-821 and Form I-765 may be submitted without fee.

(6) Pursuant to section 244A(b)(3)(A) and (C) of the Act, the Attorney General will review, at least 60 days before March 28, 1996, the designation of Liberia under the Temporary Protected Status program to determine whether the conditions for designation continue to be met. Notice of that determination, including the basis for the determination, will be published in the **Federal Register**.

(7) Information concerning the Temporary Protected Status program for nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: March 23, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95-7678 Filed 3-28-95; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Topper Coal Company

[Docket No. M-95-21-C]

Topper Coal Company, Inc., 266 Rocky Road, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.1710-1 (canopies or cabs; self-propelled electric face equipment; installation