

Management (BLM) in the State of Oregon, Prineville District, intends to analyze an amendment to the Brothers/La Pine Resource Management Plan (RMP). The purpose of the amendment is to make available for direct sale the following public lands in Deschutes County, Oregon, under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2760, 43 U.S.C. 1713), at not less than the estimated fair market value:

Williamette Meridian

T. 22 S., R. 10 E.,
Tract 38.

Containing 518.8 acres, more or less

The RMP amendment would facilitate the completion of a land sale that is a key component in a program developed by Deschutes County to protect groundwater. The need by the county to acquire this parcel was identified during the Regional Problem Solving Project, which is a State or Oregon sponsored process to evaluate community problems stemming from unregulated development prior to the implementation of state land use planning laws. The Secretary of the Interior may make this parcel available for sale pursuant to Section 7 of the *Oregon Public Lands Transfer and Protection Act of 1998*.

The patent, if issued, may contain certain reservations to the United States and will be subject to valid and existing rights. Acceptance of the direct sale offer will qualify the purchaser to make application for conveyance of mineral interests.

SUPPLEMENTARY INFORMATION: The Brothers/La Pine RMP (1989) assigns all lands administered by the Prineville District to one of three Land Tenure Zones. Those lands in Zone 1 are identified for retention and may not be transferred out of Federal ownership. While those in Zone 2 may be considered for exchange and those in Zone 3 may be considered for sale or exchange. The regulations at 43 CFR 2711.1-1(a) require that no parcel of public land may be offered for sale until it has been specifically identified in an approved land use plan (i.e. assigned to Land Tenure Zone 3). The parcel proposed for sale is Land Tenure Zone 2, but would be assigned to Land Tenure Zone 3 by this amendment.

The plan amendment and proposed sale will be analyzed in an environmental assessment. The sale is pending until the appropriate environmental analyses and public and interagency reviews are completed.

The plan amendment is anticipated for completion in the summer of 1999.

A 45 day comment period will be provided to allow for additional public involvement. The comment period will be announced through the local media. The need for a public meeting will be evaluated based on the level of public input as a result of public notification procedures. Any public meeting will be announced at least 15 days in advance.

ADDRESSES: Detailed information concerning the plan amendment and the direct sale of public lands is available for review at the office of the Bureau of Land Management, Prineville District, 3050 NE Third, Prineville, 97754.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, pending disposition of this action. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the classification or proposed sale of the lands to the District Manager, Prineville District Office, P.O. Box 550, Prineville, Oregon 97754. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factors not directly related to the suitability of the land for a sale.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: June 9, 1999.

Donald L. Smith,

Assistant District Manager.

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DEPARTMENT OF THE INTERIOR

National Park Service

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 June 12, 1999. Pursuant to section 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, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by July 7, 1999.

Carol D. Shull,

Keeper of the National Register.

ALABAMA

Greene County

Carpenter, Capt. Nathan, House, 2.5 mi. SE of Clinton, Eutlaw vicinity, 99000793

ARKANSAS

Benton County

Sulphur Springs Park Reserve, AR 59, Sulphur Springs, 99000791

Sebastian County

Ayers, William, House, 820 N. 12th St., Fort Smith, 99000792

COLORADO

Denver County

Hover, W.A., and Company Building, 1390 Lawrence St., Denver, 99000794

FLORIDA

Lee County

Bonita Springs School (Lee County MPS), 10701 Dean St., Bonita Springs, 99000800
English, J. Colin, School (Lee County MPS), 120 Pine Island Rd., North Fort Myers, 99000798

Fort Myers Beach School (Lee County MPS), 2751 Oak St., Fort Myers Beach, 99000796
Sanibel Colored School (Lee County MPS), 520 Tarpon Bay Rd., Sanibel, 99000797
Tice Grammer School (Lee County MPS), 4524 Tice St., Tice, 99000799

Palm Beach County

Grandview Heights Historic District, Roughly bounded by Park Pl., Alabama Ave., M St., and S. Lake Ave., West Palm Beach, 99000795

Mango Promenade Historic District, Roughly bounded by S. Dixie Hwy., Austin Ln., Coconut Ln., and Cranesnest Way, West Palm Beach, 99000801

Pinellas County

Mount Olive African Methodist Episcopal Church, 600 Jones St., Clearwater, 99000802

GEORGIA

Harris County

Duke, Welcome P., Log House, 312 Duke Rd., Hamilton vicinity, 99000803

IDAHO

Power County

American Falls Archeological District, Address Restricted, vicinity, 99000804

MASSACHUSETTS

Middlesex County

Old Chestnut Hill Historic District (Boundary Increase), (Newton MRA), Suffolk Rd., Newton, 99000805

MINNESOTA**Winona County**

Winona City Hall, (Federal Relief Construction in Minnesota MPS), 207 Lafayette St., Winona, 99000806

NEW YORK**Delaware County**

Old School Baptist Church of Halcottsville, Old NY 30, Halcottsville, 99000809

Rockland County

Old Sloatsburg Cemetery, Richards Rd., Sloatsburg, 99000807

Ulster County

Guilford—Bower Farm House, Albany Post Rd., New Paltz vicinity, 99000810
Hasbrouck, Maj. Jacob, Jr. House, 193 Huguenot St., New Paltz, 99000808

NORTH CAROLINA**Duplin County**

Boney, W. Stokes, House, (Duplin County MPS), 651 E. Southerland St., Wallace, 99000812

Moore County

Black, J.C., House, 106 McNeill St., Carthage, 99000811

Rutherford County

Cool Springs High School, 382 W. Main St., Forest City, 99000813

PENNSYLVANIA**Philadelphia County**

Germantown Junction Station, 2900 N. Broad St., Philadelphia, 92000940

SOUTH CAROLINA**Bamberg County**

American Telephone and Telegraph Company Building, 124 N. Palmetto Ave., Denmark, 99000815

Hampton County

Pineland, The, The Pineland Lane, Off US 321, Garnett vicinity, 99000814

York County

Clover Downtown Historic District, Jct. of Main and Kings Mountain Sts., Clover, 99000816

WISCONSIN**Brown County**

Broadway—Walnut Historic District, 100 N and part of 100 S Block Broadway; 100 N Block Pearl St., 400 Block W. Walnut St., Green Bay, 99000817

Dunn County

Upper Wakanda Park Mound Group, Address Restricted, Menomonie vicinity, 99000818

Monroe County

Walczak—Wontor Quarry Pit Workshop, Address Restricted, Cataract vicinity, 99000819

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DEPARTMENT OF JUSTICE**Drug Enforcement Administration**

[Docket No. 98-7]

Michael J. Pine, D.D.S.; Denial of Application

On October 22, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Michael J. Pine, D.D.S. (Respondent) of Roseburg, Oregon, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f) and 824(a)(1) and (a)(4) for reason that his registration would be inconsistent with the public interest.

Respondent filed a request for a hearing, and the matter was docketed before Administrative Law Judge Gail A. Randall. Following prehearing procedures, a hearing was held on April 2, 1998, in Eugene, Oregon. After the hearing, both parties submitted proposed findings of fact, conclusions of law and argument.

On November 27, 1998, while the matter was still pending before Judge Randall, counsel for the Government filed a Motion to Reopen Record and for Summary Disposition, alleging that Respondent is currently without authority to handle controlled substances in the State of Oregon. The motion was supported by a copy of the Consent Order for Revocation of License entered into by Respondent with the Oregon Board of Dentistry dated June 26, 1998. The Government argued that DEA cannot issue Respondent a registration since Respondent is without state authorization to handle controlled substances. Although Respondent was given the opportunity to file a response to the Government's motion, no such response was filed.

Thereafter, on December 29, 1998, Judge Randall issued her Opinion and Recommended Decision, finding that based upon the evidence before her, Respondent lacks authorization to handle controlled substances in the State of Oregon and therefore he is not entitled to a DEA registration in that state; granting the Government's Motion for Summary Disposition; and recommending that Respondent's application for registration be denied. Neither party filed exceptions to her opinion, and on February 5, 1999, Judge Randall transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety,

and pursuant to 21 CFR 1416.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts in full the Opinion and Recommended Decision 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 Deputy Administrator finds that by a Consent Order for Revocation of License dated June 26, 1998, the Oregon Board of Dentistry ordered the immediate revocation of Respondent's license to practice dentistry. Therefore, the Deputy Administrator finds that Respondent is not currently authorized to practice dentistry in Oregon, the state where he has applied to be registered with DEA. The Deputy Administrator further finds that it is reasonable to infer that since Respondent is not authorized to practice dentistry in Oregon, he is also not authorized to handle controlled substances in that state.

DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. See 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here, it is clear that Respondent is not licensed to handle controlled substances in Oregon. Since Respondent lacks this state authority, he is not entitled to a DEA registration in that state.

In light of the above, Judge Randall properly granted the Government's Motion for Summary Disposition. The parties did not dispute the fact that Respondent is currently unauthorized to handle controlled substances in Oregon. See *Dong Ha Chung, M.D.*, 63 FR 11,694 (1998); *Jesus R. Juarez, M.D.*, 62 FR 14,945 (1997).

Since DEA does not have the statutory authority to issue Respondent a DEA registration because he is not currently authorized to handle controlled substances in Oregon, the Deputy Administrator concludes that it is unnecessary to determine whether Respondent's application for registration should be denied based upon the grounds alleged in the Order to Show Cause.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration pursuant to the authority vested in him by 21 U.S.C. 823