Restoration Trust Fund may be used annually and shall be used exclusively for the acquisition of specific properties, or for the purposes, identified in the Tribe's Reservation Restoration Plan. There shall be an annual review of the plan to update it for purposes of identifying the priorities of properties in consultation with the Land Acquisition Committee. Upon acquiring any land, the Tribal Council may request that the United States hold the land in trust for the Little River Band of Ottawa Indians. The remaining earnings, after payment to the trust manager and the independent certified public accountant, shall be added to the principal of the Reservation Restoration Trust Fund.

5.06. The Tribal Council shall maintain the Reservation Restoration Fund on an annual basis, which includes:

(a) Maintaining ten percent (10%) of the annual earnings generated by the Reservation Restoration Trust Fund, after payments to the trust manager and independent certified public accountant in the Reservation Restoration Fund;

(b) Using any portion of the ninety percent of the earnings that was not used in one year, in any subsequent year thereafter; and,

(c) Depositing any other funds which the Tribal Council chooses to add to the Reservation Restoration Trust Fund.

5.07. The principal of the Reservation Restoration Trust Fund shall not be expended for any purpose, including but not limited to, per capita payments to members of the Little River Band of Ottawa Indians.

5.08. The Reservation Restoration Trust Fund shall be maintained as a separate account, which shall be audited at least once during each fiscal year by a certified public accountant who shall prepare a report on the results of such audit. Such report shall be a public document, and shall be available for inspection by any member of the Little River Band of Ottawa Indians.

5.09. Notwithstanding any other provision of law, the approval of the United States of any payment from the Reservation Restoration Trust Fund shall not be required and the United States shall have no trust responsibility for the investment, supervision, administration, or expenditure of funds from the Reservation Restoration Trust Fund.

Section 6.Tribal Sovereign Immunity

6.01. Nothing in this plan shall provide, or be interpreted to provide, a waiver of the sovereign immunity from suit of the Little River Band of Ottawa Indians or any of its governmental officers and/or agents.

6.02. Nothing in this plan shall create a duty of financial obligation on the part of the Little River Band of Ottawa Indians or any of its officers and/or agents to provide judgment fund distribution payments to an individual who alleges that he/she did not receive a per capita distribution check; provided, however, that the Little River Band of Ottawa Indians must show:

(a) The individual's name does not appear on any of the rolls authorized under this plan; or

(b) The individual's name: (i) appeared on one of the rolls authorized under this plan; and, (ii) a copy of the per capita check is returned by the Tribal Administration as proof of distribution to the last known address of the individual entitled to a per capita check.

This notice is published in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Dated: November 19, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–32301 Filed 12–3–98; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

National Park Service

Availability of Plan of Operations and Environmental Assessment for Proposed 3–D Seismic Survey; Seismic Exchange, Incorporated, Big Thicket National Preserve, Hardin and Jasper, Texas

Notice is hereby given in accordance with Section 9.52(b) of Title 36 of the Code of Federal Regulations, Part 9, Subpart B, that the National Park Service has accepted a Plan of Operations from Seismic Exchange, Incorporated for Three Dimensional Seismic Survey within Big Thicket National Preserve, Hardin and Jasper Counties, Texas.

The Plan of Operations and corresponding Environmental Assessment are available for public review and comment for a period of 30 days from the publication date of this notice. Both documents can be viewed during normal business hours at the Office of the Superintendent, Big Thicket National Preserve, 3785 Milam Street, Beaumont, Texas. Copies can be requested from the Superintendent, Big Thicket National Preserve, 3785 Milam Street, Beaumont, TX 77701.

Dated: November 23, 1998.

Richard R. Peterson,

Superintendent, Big Thicket National Preserve.

[FR Doc. 98–32239 Filed 12–3–98; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of the Record of Decision for the General Management Plan for the Sitka National Historical Park, Alaska

AGENCIES: National Park Service, Interior.

ACTION: Notice of Availability of the Record of Decision for the General Management Plan for the Sitka National Historical Park, Alaska.

SUMMARY: The National Park Service (NPS) announces the availability of the Record of Decision (ROD) for the General Management Plan for the Sitka National Historical Park, Alaska.

The National Park Service will implement the proposed action (alternative 1) as described in the Draft and Abbreviated Final General Management Plan/Environmental Impact Statements as the selected alternative. This plan will achieve a high-quality, diverse visitor experience consistent with the mandate and mission of the NPS and the purpose and significance of the park. New management strategies, social science methods, and interpretive tools will be used to improve the management of visitor use, especially during the days of peak demand. For better visitor distribution, visitors will be encouraged to move beyond the visitor center and the nearby Totem Trail into less frequently visited areas, such as the fort site, the battleground, and the Russian Memorial. By funding and implementing comprehensive research and interpretive programs, the NPS will place increased emphasis on the park's cultural resources and on the purpose and significance of the park.

A Notice of Intent to prepare an environmental impact statement (EIS), published in the **Federal Register** in May 17, 1995 (60 FR 26455), formally initiated the National Park Service planning and EIS effort for the park. A draft and final plan and EIS were prepared. The final plan and abbreviated EIS describe and analyze the environmental impacts of a proposed action and three other action alternatives. A no-action alternative also was evaluated.

The Record of Decision (ROD) documents the decision of the Department of the Interior, National Park Service, regarding the Sitka National Historical Park. This ROD briefly discusses the background of the planning effort, states the decision and discusses the basis for it, describes other alternatives considered, specifics the environmentally preferable alternative, identifies measures adopted to minimize potential environmental harm, and summarizes the results of public involvement during the planning process.

ADDRESSES: Copies of the ROD are available on request from: Superintendent, Sitka National Park, 106 Metlakatla Street, P.O. Box 738, Sitka, Alaska 99835.

FOR FURTHER INFORMATION CONTACT: Superintendent, Sitka National Historical Park, 106 Metlakatla Street, P.O. Box 738, Sitka, Alaska 99835. Phone (907) 747–6281.

Dated: November 24, 1998.

Robert D. Barbee,

Regional Director, Alaska.

[FR Doc. 98–32238 Filed 12–3–98; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 97–6]

Ronald J. Riegel, D.V.M., Revocation of Registration

On January 28, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Ronald J. Riegel, D.V.M. (Respondent) [1] of Ostrander, Ohio, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration AR1930254, and deny any pending applications for renewal of such registration pursuant to 21 U.S.C. 824(a)(2) and (a)(4), because he was convicted of a felony related to controlled substances and because his continued registration would be inconsistent with the public interest.

By letter dated February 12, 1997, Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Columbus, Ohio on August 13, 1997, before Administrative Law Judge Gail A. Randall. At the hearing, both parties called witnesses to testify and the Government introduced documentary evidence. After the hearing, Government counsel submitted proposed findings of fact, conclusions of law and argument. On March 27, 1998, Judge Randall issued her Opinion and Recommended Ruling, recommending that Respondent's DEA registration be revoked. On April 17, 1998, the Government filed exceptions to the Opinion and Recommended Ruling of the Administrative Law Judge, and on May 28, 1998, Judge Randall transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, except as specifically noted below, the Opinion and Recommended Ruling 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.

Respondent is a veterinarian who has been licensed to practice in Ohio for approximately 18 years. His DEA Certificate of Registration, that is the subject of these proceedings, expired on April 30, 1997, and he did not submit an application for renewal of this registration. Before reaching the merits of this case, it must be determined whether DEA has jurisdiction to revoke this registration since it has expired with no renewal application being filed.

After the hearing in this matter, the Government filed a Motion for Appropriate Relief on September 3, 1997, arguing that the Administrative Law Judge has no jurisdiction over this matter since Respondent's registration expired before resolution of the issues raised in the Order to Show Cause. The Government further argued that since DEA has not received a renewal application for the registration, ''there is no registration to either suspend or revoke under 21 U.S.C. § 824.'' The Government requested that Judge Randall issue a ruling allowing Respondent an opportunity to submit an application for registration which would then be considered based upon the record in these proceedings, or in the alternative if no such application is submitted, to terminate the proceedings based upon a lack of jurisdiction. Respondent did not file a response to the Government's motion.

On November 7, 1997, Judge Randall issued a Memorandum and Order regarding the jurisdictional issue. As Judge Randall noted, there is nothing in the Controlled Substances Act or its implementing regulations that specifically addresses the status of a registration that expires before the resolution of show cause proceedings where no renewal application has been filed. The Administrative Procedure Act (APA) applies to show cause proceedings, and 5 U.S.C. 558(c) provides that ''[w]hen the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.'' However, the APA does not specifically address what happens to a registration when no renewal application has been filed.

Pursuant to 21 CFR 1301.36(i), a registration will be automatically extended past its expiration date and continue in effect until a final decision is made regarding the registration if a renewal application is filed at least 45 days before the expiration of the registration. The regulation also provides that:

> The Administrator may extend any other existing registration under the circumstances contemplated in this section even though the registrant failed to apply for reregistration at least 45 days before expiration of the existing registration, with or without request by the registrant, if the Administrator finds that such extension is not inconsistent with the public health and safety.

Here, no specific findings were made to extend Respondent's registration past the expiration date and therefore, 21 CFR 1301.36(i) does not apply to extend the registration in this proceeding.

As Judge Randall noted, in a prior DEA decision, the then-Administrator addressed facts somewhat similar to the ones at issue in this proceeding. See *Park and King Pharmacy*, 52 FR 13,136 (1987). In that case, the pharmacy's Certificate of Registration expired by its own terms after the Order to Show Cause was issued but before a final order had been issued. No renewal application had been submitted, and instead the pharmacy was sold while the show cause proceeding was pending final agency action. The then-Administrator disagreed with the Administrative Law Judge's finding that the pharmacy's registration terminated pursuant to 21 CFR 1301.62 (now 21 CFR 1301.52) as a result of the sale of the pharmacy, and that the show cause proceeding was moot. In addition, the then-Administrator found that:

[1] The Order to Show Cause indicated that Respondent was an ''M.D.'', however Respondent identified himself as a ''D.V.M.'' in his request for a hearing and the facsimile of Respondent's DEA Certificate of Registration, which was introduced at the hearing as a Government exhibit, also indicates that Respondent is a ''D.V.M.''