

stylistically and functionally consistent with the Gambell cultural development sequence. Additionally, the present-day Native residents of Gambell are the documented descendants of the survivors of the 1879 epidemic and famine. Oral history evidence provided by representatives of the Native Village of Gambell indicates on-going recognition of the above Gambell grave sites as traditional burial grounds.

Based on the above mentioned information, officials of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 294 individuals of Native American ancestry. Officials of the Bureau of Land Management have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 556 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Bureau of Land Management have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Native Village of Gambell.

This notice has been sent to officials of the Native Village of Gambell. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Dr. Robert E. King, Alaska State NAGPRA Coordinator, Bureau of Land Management, 222 W. 7th Avenue, 1B13, Anchorage, AK 99513-7599; telephone: (907) 271-5510, before [thirty days after publication in the Federal Register]. Repatriation of the human remains and associated funerary objects to the Native Village of Gambell may begin after that date if no additional claimants come forward.

Dated: August 29, 1996.

Francis P. McManamon,
Departmental Consulting Archeologist,
Chief, Archeology and Ethnography Program.

[FR Doc. 96-22495 Filed 9-3-96; 8:45 am]

BILLING CODE 4310097009F

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: September 11, 1996 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. No. 731-TA-750 (Preliminary)—(Vector Supercomputers from Japan)—briefing and vote.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: August 30, 1996.

Donna R. Koehnke,

Secretary.

[FR Doc. 96-22637 Filed 8-30-96; 1:16pm]

BILLING CODE 7020-02-U

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, and Section 122 of CERCLA, 42 U.S.C. § 9622, notice is hereby given that on August 26, 1996, a proposed Partial Consent Decree in *United States v. Metallics, Inc.*, Civil Action No. 96-C-0275-S, was lodged, with the United States District Court for the Western District of Wisconsin. This consent decree represents a settlement of claims of the United States and the State of Wisconsin against the Town of Onalaska, Wisconsin for reimbursement of response costs and injunctive relief in connection with the Onalaska Municipal Landfill site ("Site") pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 *et seq.*

Under this settlement between the United States, the State of Wisconsin, and the Town of Onalaska, the Town will pay the United States \$482,550 in partial reimbursement of response costs incurred by the Environmental Protection Agency at the Site, perform operation and maintenance activities at the site throughout the contemplated thirty-year remedial action, provide access to the site and to properties adjacent to the site, and impose conservation easements on such properties consistent with their location adjacent to a wildlife refuge, and institute appropriate institutional controls.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Metallics, Inc.*, D.J. Ref. 90-11-3-605B.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Western District of Wisconsin, 120 North Henry Street, Room 420, Madison, Wisconsin 53703, at the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604-3590, and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$11.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Walker Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96-22467 Filed 9-3-96; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 95-41]

Johnson Matthey, Inc.; Termination of Proceedings

On May 8, 1995, the Deputy Administrator of the Drug Enforcement Administration (DEA) issued a final order granting the September 14, 1992, application of Johnson Matthey, Inc. (Johnson Matthey) to register as a bulk manufacturer of methylphenidate, subject to certain conditions. (Johnson Matthey I) 60 FR 26050 (May 16, 1995). On January 2, 1996, the United States Court of Appeals for the District of Columbia Circuit denied a petition for review of that final order. *MD Pharmaceutical, Inc. v. Drug Enforcement Administration*, Docket No. 95-1267, 1996 U.S. App. Lexis 1229 (D.C. Cir. 1996).

In the meantime, on February 24, 1995, Johnson Matthey filed an application for calendar year 1995 for registration as a bulk manufacturer of various Schedule I and II controlled substances, including methylphenidate, notice of which was filed in the Federal

Register. 60 FR 20751 (April 27, 1995). However, on July 27, 1995, Johnson Matthey withdrew its application, except as to methylphenidate. See 60 FR 53804 (October 17, 1995). Therefore, the only aspects of Johnson Matthey's February 1995 application pending is the request to manufacture methylphenidate. By letter dated May 10, 1995, MD Pharmaceutical, Inc. (MD) filed comments, objecting to Johnson Matthey's application with respect to methylphenidate, and by letter dated May 26, 1995, Ciba-Geigy Corporation (Ciba) requested a hearing, giving rise to the instant case.

Also by letter dated May 26, 1995, Mallinckrodt Chemical, Inc. (Mallinckrodt), stated that it took no position on Johnson Matthey's application to manufacture methylphenidate, but that it "wish[ed] to participate fully in a hearing if one is scheduled." The matter was docketed and assigned to Administrative Law Judge Mary Ellen Bittner. Extensive prehearing communications followed, with the Government filing its prehearing memorandum on July 28, 1995, and Johnson Matthey, Ciba, Mallinckrodt, and MD filing their prehearing memoranda on July 31, 1995. Again, the parties engaged in extensive prehearing filings surrounding the issue of whether to hold in abeyance a hearing in this matter pending the decision of the Court of Appeals in Johnson Matthey I.

Subsequently, on October 17, 1995, the DEA published a notice in the Federal Register, stating, among other things, that "[d]ue to the pending administrative proceeding concerning methylphenidate, Johnson Matthey will continue on a day-to-day registration to bulk manufacture methylphenidate pending resolution of Docket No. 95-41." 60 FR 53804 (1995). On November 13, 1995, Johnson Matthey filed an application to be registered as a bulk manufacturer of various controlled substances, including methylphenidate, for calendar year 1996. See Notice of Application, 61 FR 8303 (March 4, 1996).

Following the circuit court's decision in Johnson Matthey I, on February 23, 1996, Johnson Matthey filed a motion to dismiss, or in the alternative to terminate, the current proceeding. On March 14, 1996, the Government filed a Motion for Summary Disposition, seeking dismissal of this proceeding on various grounds. On March 18, 1996, MD filed an Objection to Johnson Matthey's Motion to Dismiss, and Ciba filed a Memorandum in Response to Motion of Johnson Matthey, Inc., to Dismiss and Government's Motion for

Summary Disposition. Also, on March 19, 1996, Mallinckrodt filed a Response to Johnson Matthey's Motion to Dismiss, and on April 8, 1996, MD filed an Opposition to the Government's Motion for Summary Disposition.

By order dated May 15, 1996, Judge Bittner (1) denied the Government's motion for summary disposition, (2) denied Johnson Matthey's motion to dismiss, (3) found, however, that there was no longer a basis for holding a hearing in this proceeding, and (4) terminated the proceeding. She afforded the parties an opportunity to file an appeal from her ruling, and on June 3, 1996, the Government filed exceptions to her ruling, but agreed with her termination of the proceedings. No other appeals were filed.

The Deputy Administrator finds that as of May 8, 1995, Johnson Matthey had a Certificate of Registration as a bulk manufacturer of methylphenidate. See Johnson Matthey I. As noted by Judge Bittner, both the Administrative Procedure Act and DEA's regulations provide that a timely application for reregistration operates to continue an existing registration until there is a determination on that application. 5 U.S.C. § 558(c)¹ and 21 C.F.R. 1301.47.² Therefore, the Deputy Administrator agrees with Judge Bittner's findings that (1) the November 1995 application for reregistration operates to continue Johnson Matthey's registration granted by final order on May 8, 1995, with respect to methylphenidate, (2) Johnson Matthey's reregistration cannot be denied until DEA takes further action,³ and (3) the November 1995 application is not before Judge Bittner (nor the Deputy Administrator) as a result of Ciba's hearing request relevant to the February 1995 application. See 60 FR 32099 (June 30, 1995) (amending 21

C.F.R. 1301.43, effective July 20, 1995, by eliminating third-party manufacturers' hearing opportunities, pursuant to their own request). The Deputy Administrator also finds that the termination of these proceedings will not impact upon the continuation of Johnson Matthey's day-to-day registration to manufacture methylphenidate, given the lack of a resolution of its pending November 1995 application.

The Deputy Administrator agrees with Judge Bittner's termination of the hearing procedure raised by Ciba's request in response to Johnson Matthey's registration application of February 1995. As Judge Bittner noted, "if a hearing were held in this proceeding, whatever recommendation [she] would make with respect to Johnson Matthey's [February] 1995 application would be of no consequence." If Judge Bittner recommended granting the February 1995 application, she would be recommending Johnson Matthey be given a right already flowing from the May 1995 final order and the November 1995 reregistration application. If, however, Judge Bittner recommended the application be denied, and if the Deputy Administrator concurred with that recommendation, a show cause proceeding would need to be instigated. See 21 U.S.C. § 824(c), quoted at footnote 3 *supra*. Therefore, since the hearing will have no impact upon Johnson Matthey's registration at this point in the registration process, the Deputy Administrator concurs with Judge Bittner's decision to terminate this proceeding. See, e.g., National Classification Comm. & Natl. Motor Freight Traffic Assn., Inc. v. United States, 779 F.2d 687, 693 (D.C. Cir. 1985) (noting that "a hearing is required only when it would serve some purpose").

Judge Bittner made findings necessary to resolve the Government's Motion for Summary Disposition and Johnson Matthey's Motion to Dismiss. The Deputy Administrator has reviewed those findings, Judge Bittner's resolution of the two motions, and the Government's exceptions thereto. However, the Deputy Administrator concludes that it is unnecessary to address those matters here, since they do not impact upon the propriety of the termination decision. Therefore, the Deputy Administrator makes no findings concerning those issues.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823, and 28 C.F.R. 0.100(b) and 0.104,

¹ 5 U.S.C. § 558(c) states: "When 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."

² 21 C.F.R. 1301.47 provides: "In the event that an applicant for reregistration (who is doing business under a registration previously granted and not revoked or suspended) has applied for reregistration at least 45 days before the date on which the existing registration is due to expire, and the Administrator has issued no order on the application on the date on which the existing registration is due to expire, the existing registration of the applicant shall automatically be extended and continue in effect until the date on which the Administrator so issues his order."

³ 21 U.S.C. § 824(c) provides, in relevant part, that "[b]efore taking action pursuant * * * to a denial of registration under section 823 of this title, the Attorney General shall serve upon the applicant or registrant an order to show cause why registration should not be denied. * * *"

hereby orders that the request for a hearing concerning Johnson Matthey's February 1995 registration application, and the proceedings following and relevant to that request be, and they hereby are, terminated.

This order is effective October 4, 1996.

Dated: August 27, 1996.

Stephen H. Greene,

Deputy Administrator

[FR Doc. 96-22496 Filed 9-3-96; 8:45 am]

BILLING CODE 4410-09-M

Immigration and Naturalization Service

Agency Information Collection Activities: Extension of Existing Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Nonimmigrant Checkout Letter.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register on May 29, 1996, at 61 FR 26932-26933, allowing for a 60-day public comment period. No comments were received by the Immigration and Naturalization Service.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the Federal Register. This process is conducted in accordance with 5 CFR Part 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20530. Additionally, comments may be submitted to OMB via facsimile to 202-395-7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC, 20530. Additionally, comments may be submitted to DOJ via facsimile to 202-514-1534.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component,

including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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 submission of responses. The proposed collection is listed below:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection.* Nonimmigrant Checkout Letter.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form G-146. Detention and Deportation, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This collection of information is used in making inquiries of persons in the United States or abroad concerning the whereabouts of aliens, and also requests departure information by the Immigration and Naturalization Service, when initial investigation to locate the alien or verify his or her departure is unsuccessful.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 20,000 respondents at 10 minutes (.166) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,320 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: August 28, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96-22468 Filed 9-3-96; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Unemployment Compensation for Ex-Servicemembers (UCX) Handbook; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, 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. 3506(c)(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 Employment and Training Administration is soliciting comments concerning the proposed revision and extension of the Unemployment Compensation for Ex-Servicemembers (UCX) Handbook.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office 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 November 4, 1996.

The Department of Labor is particularly interested in comments which:

- * 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.