

States Attorney, 55 Pleasant St., Rm. 312, Concord, New Hampshire 03301 and at the Region I office of the Environmental Protection Agency, One Congress St., Boston, Massachusetts 02203. The proposed consent decree may also be examined at the Consent Decree Library, 1120 G St. NW., 4th Floor, Washington, DC 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 St., NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$13.00 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

**Bruce S. Gelber,**

*Acting Chief Environmental Enforcement Section Environment & Natural Resources Division.*

[FR Doc. 95-17842 Filed 7-19-95; 8:45 am]

BILLING CODE 4410-01-M

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

Notice is hereby given that on July 11, 1995, a proposed settlement agreement was lodged with the United States Bankruptcy Court for the Northern District of Ohio at Canton in *In re SIMETCO, Inc.*, Case No. 93-61772. The proposed settlement agreement settles an amended proof of claim filed by the United States on behalf of the United States Environmental Protection Agency (EPA) relating to costs incurred and to be incurred by the United States pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607, at the Hylebos Waterway Problem Areas of the Commencement Bay Nearshore/Tideflats Superfund Site ("CB N/T Site") in Pierce County, Washington.

SIMETCO filed a voluntary petition for reorganization under chapter 11 of the Bankruptcy Code on September 17, 1993 in the United States District Court for the Northern District of Ohio. The United States filed an amended proof of claim on behalf of EPA in the Simetco bankruptcy on July 13, 1994, for unreimbursed environmental responses costs which have been and which will be incurred in the future by the United States under Section 107 of CERCLA, 42 U.S.C. § 9607. The claims relate to costs incurred and to be incurred by the United States at the Hylebos Waterway Problem Areas of the CB N/T Site.

Under the proposed settlement agreement, EPA's claim shall be allowed as an Unsecured Claim in the amount of \$510,000, and paid in accordance with the Debtor's Plan of Reorganization that was confirmed on December 7, 1994. In consideration of the payments made by the Debtor under the settlement agreement, the United States covenants not to sue the Debtor pursuant to Sections 106 and 107 of CERCLA for response actions or response costs relating to the Hylebos Waterway Problem Areas of the CB N/T Site.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *In re SIMETCO, Inc.* D.J. Ref. No. 90-11-2-726A.

The proposed settlement agreement may be examined at the Region 10 Office of EPA, 7th Floor Records Center, 1200 Sixth Avenue, Seattle, WA 98101. A copy of the settlement agreement may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624-0892. In requesting copies, please enclose a check in the amount of \$2.25 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

**Bruce Gelber,**

*Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 95-17843 Filed 7-19-95; 8:45 am]

BILLING CODE 4410-01-M

**Drug Enforcement Administration**

**Manufacturer of Controlled Substances; Registration**

By Notice dated May 18, 1995, and published in the **Federal Register** on May 25, 1995, (60 FR 27790), Roche Diagnostic Systems, Inc., 1080 U.S. Highway 202, Somerville, New Jersey 08876, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Lysergic acid diethylamide (7315) .....	I
Tetrahydrocannabinols (7370) ..	I
Phencyclidine (7471) .....	II

Drug	Schedule
Methadone (9250) .....	II
Morphine (9300) .....	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: July 14, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95-17889 Filed 7-19-95; 8:45 am]

BILLING CODE 4410-09-M

**Barney Rubenstein, M.D.; Revocation of Registration**

On December 28, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Barney Rubenstein, M.D. of San Antonio, Texas (Respondent), proposing to revoke his DEA Certificate of Registration, BR0775291, and deny any pending applications for registration as a practitioner. The statutory basis for the Order to Show Cause was that Respondent was no longer authorized to handle controlled substances in the State of Texas. 21 U.S.C. 823(f) and 824(a)(3).

By letter dated January 26, 1995, Respondent waived a hearing in this matter and, in the alternative, submitted a written statement regarding his position as to the facts and law involved in this matter pursuant to 21 CFR 1301.54. The Deputy Administrator hereby enters his final order based upon the investigative file and Respondent's written statement in accordance with 21 CFR 1301.57.

Review of the investigative file indicates that Respondent's DEA Certificate of Registration and Texas Controlled Substances Registration were surrendered on January 23, 1982, in accordance with a stipulated agreement between Respondent and the Texas State Board of Medical Examiners (the Board), because of questionable prescribing practices. On October 28, 1986, after a hearing, the Board removed all sanctions against Respondent and recommended that he reapply for a

Texas Controlled Substances Registration and DEA registration. Respondent's application for DEA registration was approved on January 26, 1987.

In April of 1992, DEA investigators in San Antonio received information that Respondent was authorizing prescriptions for hydrocodone (Schedule III), Tussionex (Schedule III) and other non-controlled medications for himself and members of his family in violation of Texas law. DEA informed the Board of Respondent's prescribing practices.

On September 27, 1993, Respondent entered into an Agreed Order, effective October 10, 1993, with the Board whereby Respondent's medical license was suspended, with such suspension stayed for a seven year probationary period. As a condition of probation, Respondent cannot "possess, administer, dispense or prescribe any controlled substances, except that Respondent may possess and self-administer those controlled substances prescribed to him by another physician for a legitimate and therapeutic purpose." Pursuant to this restriction, Respondent is no longer authorized to handle controlled substances within the State of Texas.

Respondent's written statement argues that his DEA Certificate of Registration should not be revoked because the Agreed Order did not require him to surrender either his DEA registration number or his Texas controlled substances registration number. However, despite the fact that the Agreed Order did not require Respondent to surrender his DEA registration, the terms of the order specifically prohibit Respondent from handling controlled substances. DEA has consistently held that it does not have statutory authority under the Controlled Substances Act to register a practitioner unless that practitioner is authorized to dispense controlled substances by the state in which he proposes to practice. See *Lawrence R. Alexander, M.D.*, 57 FR 22256 (1992); *Bobby Watts, M.D.*, 53 FR 11919 (1988); *Robert F. Witek, D.D.S.*, 52 FR 4770 (1987). Therefore, because Respondent is no longer authorized to handle controlled substances in the State of Texas, the Deputy Administrator cannot permit him to maintain a DEA Certificate of Registration in that state.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BR0775291, previously issued to Barney Rubenstein,

M.D., be, and it is hereby, revoked, and that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective August 21, 1995.

Dated: July 14, 1995.

**Stephen H. Greene,**

*Deputy Administrator.*

[FR Doc. 95-17784 Filed 7-19-95; 8:45 am]

BILLING CODE 4410-09-M

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (95-057)]

### Agency Report Forms Under OMB Review

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of agency report forms under OMB review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made submission.

Copies of the proposed forms, the requests for clearance (OMB 83-1), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Paperwork Reduction Project.

**DATES:** Comments are requested by August 21, 1995. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Paperwork Reduction Project and the Agency Clearance Officer of your intent as early as possible.

**ADDRESSES:** Donald J. Andreotta, NASA Agency Clearance Officer, Code JT, NASA Headquarters, Washington, DC 20546; Office of Management and Budget, Paperwork Reduction Project (2700-0082), Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Bessie B. Berry, NASA Reports Officer, (202) 358-1368.

### Reports

*Title:* Cost of Contractor Facilities.  
*OMB Number:* 2700-0082.  
*Type of Request:* Extension.  
*Frequency of Report:* As required.

*Type of Respondent:* Business or other for profit, Not-for-profit institutions, State, Local or Tribal Government.

*Number of Respondents:* 300.

*Total Annual Responses:* 300.

*Hours Per Request:* 1.

*Total Annual Burden Hours:* 300.

*Abstract-Need/Uses:* For contracts over \$1,000,000, offerors are required to provide additional information on the costs of facilities and the alternatives (lease or purchases) considered.

Dated: July 13, 1995.

**Donald J. Andreotta,**

*Deputy Director, IRM Division.*

[FR Doc. 95-17845 Filed 7-19-95; 8:45 am]

BILLING CODE 7510-01-M

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[Notice (95-058)]

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**ADDRESSES:** Donald J. Andreotta, NASA Agency Clearance Officer, Code JT, NASA Headquarters, Washington, DC 20546; Office of Management and Budget, Paperwork Reduction Project (2700-0080), Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Bessie B. Berry, NASA Reports Officer, (202) 358-1368.

### Reports

*Title:* Uncompensated Overtime.  
*OMB Number:* 2700-0080.