advise the Commissioner of the Immigration and Naturalization Service on issues related to the performance of airport and seaport immigration inspectional services. This advice should include, but need not be limited to, the time period during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. These responsibilities are related to the assessment of an immigration user fee pursuant to section 286(d) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1356(d). The Committee focuses attention on those areas of most concern and benefit to the travel industry, the traveling public, and the Federal government.

Agenda

1. Introduction of the Committee members.
2. Discussion of administrative issues.
3. Discussion of activities since last meeting.
4. Discussion of specific concerns and questions of Committee members.
5. Discussion of future traffic trends.
6. Discussion of relevant written statements submitted in advance by members of the public.
7. Scheduling of next meeting.

Public Participation

The meeting is open to the public, but advance notice of attendance is requested to ensure adequate seating. Persons planning to attend should notify the contact person at least two (2) days prior to the meeting. Members of the public may submit written statements at any time before or after the meeting to the contact person for consideration by this Advisory Committee. Only written statements received at least five (5) days prior to the meeting by the contact person will be considered for discussion at the meeting.

Contact Person

Elaine Schaming, Office of the Assistant Commissioner, Inspections, Immigration and Naturalization Service, room 7223, 425 I Street, NW., Washington, DC 20536, telephone number (202) 514–9587 or fax number 202–514–8345.

Dated: May 10, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95–11969 Filed 5–15–95; 8:45 am]

BILLING CODE 4410–10–M

Drug Enforcement Administration

[Docket No. 93–18]

Johnson Matthey, Inc.; Approval of Registration

On September 14, 1992, Johnson Matthey, Inc. of West Deptford, New Jersey (Johnson Matthey) applied for registration under 21 U.S.C. 823(a) with the Drug Enforcement Administration (DEA) as a bulk manufacturer of methylphenidate, a Schedule II controlled substance. Notice of Johnson Matthey's application was published in the **Federal Register** on November 13, 1992 (57 FR 53935). On December 11, 1992, MD Pharmaceutical, Inc. of Santa Ana, California (MD), a registered bulk manufacturer of methylphenidate, objected to the proposed registration and filed a request for a hearing on Johnson Matthey's application pursuant to 21 CFR 1301.43(a).

The matter was docketed before Administrative Law Judge Mary Ellen Bittner. On July 27, 1993, Judge Bittner issued a memorandum, ruling and protective order designating as ''confidential and protected'' certain exhibits, as well as the identification of certain witnesses. Following extensive prehearing proceedings, a hearing was held in Arlington, Virginia on August 10, 11, 12, and 20 and September 28, 1993. Johnson Matthey, MD, the Government and a third party research partner of Johnson Matthey introduced testimony and documentary evidence. During opening statements, the Government stated the DEA, at that time, had no information upon which to base a decision that the application of Johnson Matthey for registration as a bulk manufacturer of methylphnidate should not be approved.

On September 29, 1994 the administrative law judge issued her opinion and recommended ruling, findings of fact, conclusions of law and decision, as well as an order allowing all parties to submit motions to redact confidential and protected information from the opinion pursuant to the terms of the July 27, 1993 protective order. A redacted opinion was issued on November 1, 1994. Exceptions to the opinion were filed by MD, Johnson Matthey and the Government.

The administrative law judge transmitted the record of the proceedings to the Deputy Administrator on November 30, 1994. Portions of the transcript and certain exhibits were designated confidential and protected pursuant to the protective order. Additionally, the Deputy Administrator received redacted versions of the opinion and such motions, briefs, exceptions and other pleadings subject to the protective order. On January 10, 1995, MD filled with the Deputy Administrator a response to the Government's exceptions to the opinion of the administrative law judge.

The Deputy Administrator has carefully considered the record in this matter in its entirety, as well as all exceptions thereto. Pursuant to 21 CFR 1301.57, the Deputy Administrator hereby issues his final order in this matter based upon findings of fact and conclusions of law as set forth herein.

The administrative law judge made the following findings of fact as background for her opinion. Methylphenidate, a central nervous system stimulant, is a Schedule II controlled substance. There currently are two DEA registered bulk manufacturers of methylphenidate: CIBA Pharmaceutical Company (CIBA), which manufactures methylphenidate under its brand name ''Ritalin''; and MD, which manufactures a generic form of methylphenidate. Johnson Matthey produces some bulk pharmaceuticals and is a major manufacturer of platinum-based anti-cancer drugs. The principal controlled substance manufactured by Johnson Matthey is fentanyl, a Schedule II controlled substance.

The administrative law judge found that Johnson Matthey applied for registration as a researcher and bulk manufacturer of methylphenidate in 1989. The researcher registration was issued by DEA on January 26, 1990. Johnson Matthey withdrew its application for registration as a bulk manufacturer of methylphenidate following the filing of an objection by CIBA.

The administrative law judge referred to testimony that, in the fall of 1990, Johnson Matthey began initial studies on methylphenidate. In November of 1990, Johnson Matthey applied for a researcher registration for methylphenidate, but did not apply for a registration to manufacture it. Judge Bitter noted testimony by Johnson Matthey's compliance and regulatory manager that he was advised by DEA that Johnson Matthey's application for registration as a researcher had been processed and that drug codes did not have to be reported on the application unless Johnson Matthey intended to import or manufacture Schedule II controlled substances as a coincident activity of its researcher registration. The administrative law judge noted evidence that Johnson Matthey responded, by letter dated January 30, 1991, advising DEA that Johnson Matthey does manufacture on a research basis and therefore must be registered. She further noted that the letter did not indicate how much methylphenidate Johnson Matthey had manufactured or intended to manufacture in the future.

The administrative law judge noted testimony that, in 1991, Johnson Matthey discussed with a third party research partner the possibility of Johnson Matthey manufacturing bulk methylphenidate for the third party to market and, if Johnson Matthey

obtained the requisite approvals to manufacture methylphenidate, the third party would purchase Johnson Matthey's output. She further noted that, in August 1991, DEA, in response to Johnson Matthey's request to manufacture methylphenidate coincidental to its researcher registration, authorized Johnson Matthey to produce 0.1 kg of methylphenidate for use by the third party in its product development. At this time, DEA also authorized the third party to procure methylphenidate from Johnson Matthey, although DEA did not know at the time if Johnson Matthey had, in fact, produced and methylphenidate yet.

Judge Bittner found that, in November 1991, Johnson Matthey applied for both re-registration as a researcher and additionally applied for registration as a bulk manufacturer of methylphenidate. She further noted testimony by Johnson Matthey that DEA, again, notified Johnson Matthey that there was no need to report drug codes unless manufacturing would be a coincident activity to its research activities.

The administrative law judge found that, in April 1992, Johnson Matthey made its first scale-up lot of methylphenidate. Judge Bittner also noted that Johnson Matthey shipped methylphenidate to the third party pursuant to DEA order forms. In May 1992, when Johnson Matthey received the first order form from the third party, Johnson Matthey realized that the third party had put Johnson Matthey's fentanyl manufacturer registration number on the form. Judge Bittner found that it was uncontroverted that the third party listing of that number was improper both because the supplier, rather than the purchaser, is required to fill in the supplier's registration number and because, in any event, the form should have shown Johnson Matthey's researcher registration number instead of its fentanyl manufacturer number.

Johnson Matthey's compliance and regulatory affairs manager testified that Johnson Matthey assumed that its 1992 application for registration as a manufacturer for methylphenidate had been approved because they had not heard anything to the contrary. Consequently, the compliance and regulatory affairs manager wrote to DEA requesting 1993 manufacturing quotas for Johnson Matthey's production of fentanyl and methylphenidate. In August 1992, Johnson Matthey received a 1993 quota for fentanyl, but did not receive any DEA quota for methylphenidate. Following inquiries by Johnson Matthey, DEA advised Johnson Matthey that there was no record of Johnson Matthey being registered to manufacture methylphenidate.

Judge Bittner noted testimony by DEA maintaining that it had not been advised, either orally or in writing, that Johnson Matthey had manufactured 3.5 kg of methylphenidate under its researcher registration in April 1992, nor was it aware that Johnson Matthey had been producing the quantity of methylphenidate that it had actually manufactured.

The administrative law judge also noted that, on December 12, 1992, the third party ordered another 500 grams of methylphenidate from Johnson Matthey who subsequently shipped 325 grams on December 16, 1992. On December 30, 1992, Johnson Matthey shipped approximately 7.8 kilograms to the third party pursuant to its December 23, 1992 order for 8.0 kilograms. The administrative law judge found that there was no dispute that the third party compensated Johnson Matthey for costs incurred in the manufacturing of these amounts of methylphenidate.

The administrative law judge referred to 21 CFR 1301.22(b)(5) which allows a researcher to manufacture controlled substances for which it is registered to conduct research ''if and to the extent that such manufacture is set forth in a statement filed with the application for registration . . .'' Judge Bittner held that it is undisputed that Johnson Matthey did not file such a statement with DEA for any of the applications for registration as a researcher for methylphenidate discussed throughout the course of this proceeding.

As a threshold matter, the administrative law judge first addressed the complicated issue of allocation of the burden of proof. Title 21 U.S.C. 823(a) provides that the Deputy Administrator shall register an applicant to manufacture controlled substances in Schedules I and II upon a determination that such registration is consistent with the public interest. Before taking action to deny any such application for registration, the Deputy Administrator, in accordance with 21 U.S.C. 824(c), shall provide the applicant the opportunity to be heard pursuant to an order to show cause. Pursuant to 21 CFR 1301.43(a), a hearing on a proposed application for registration as a manufacturer also may be requested by bulk manufacturers who are registered, or have applied for registration, to manufacture Schedule I or II controlled substances. Title 21 CFR 1301.55(a) specifically provides:

> At any hearing on an application to manufacture any controlled substance listed in Schedule I or II, the applicant shall have the burden of proving that the requirements for such registration pursuant to * * * [21 U.S.C. 823(a)] are satisfied. Any other person participating in the hearing pursuant to 1301.43 shall have the burden of proving any propositions of fact or law asserted by him in the hearing.

In keeping with the plain language of 21 CFR 1301.55(a), the administrative law judge assigned the initial burden of proof to Johnson Matthey, as the applicant, to demonstrate by a preponderance of credible evidence, that its application for registration as a bulk manufacturer of methylphenidate met the statutory criteria. She also found that MD and the Government had the burden to show that the registration of Johnson Matthey as a bulk manufacturer nonetheless is not in the public interest.

The administrative law judge further asked the Deputy Administrator to overrule the standard for allocating burdens of proof elicited by Administrative Law Judge Young in a series of decisions starting with McNeilab, Inc., 46 FR 22089 (1981). Although not explicitly decided by the then-Administrator, Judge Young's opinion in McNeilab was adopted by the then-Administrator. In McNeilab and its progeny, Judge Young construed 21 CFR 1301.55(a) as assigning the burden of proof to the applicant seeking registration as a Schedule II bulk manufacturer only if an order to show cause had been issued. In all other situations, the applicant had the initial burden to make a preliminary showing to the agency that registration met the public interest criteria, but had no obligation at the hearing except to rebut adverse evidence presented by third parties.

In the present case, Judge Bittner's opinion noted that Judge Young's interpretation did not comport with the plain language of 21 CFR 1301.55(a) which specifically assigns the burden of proof to the applicant at any hearing concerning registration of a manufacturer of Schedule I and Schedule II controlled substances. Judge Bittner also expressed concern that McNeilab did not address the potential problem where the Government does not initially oppose the application but nonetheless participates in the hearing. In such a situation, if the Government later concludes that the application should be denied, a literal reading of 21 U.S.C. 824(c) would require the subsequent issuance of a show cause order and a second hearing pursuant to that order. Beyond the hardship this would impose on the applicant, an issuance is raised as to whether the

Government should be estopped from introducing evidence at the second hearing that it knew or should have known existed at the time of the first hearing.

In assigning the burden of proof in this matter, Judge Bittner noted that such assignment would promote judicial economy by avoiding multiple hearings. She stated that, although the regulations provide that a hearing may be requested either by an applicant in response to an order to show cause, or by a third party pursuant to 21 CFR 1301.43(a), the issue of the applicant's compliance with the statutory criteria for registration as a manufacturer, as well as any third party objections, should be raised in a single hearing with the applicant bearing the burden of proof as to his or her compliance with the statutory requirements. She concluded that the language contained in 21 U.S.C. 824(c) should be interpreted as a notice provision rather than a condition precedent to the denial or revocation of a registration.

Judge Bittner concluded that the burden is on Johnson Matthey to prove, by a preponderance of the credible evidence, that its application for registration as a bulk manufacturer of methylphenidate meets the public interest criteria of 21 U.S.C. 823(a), and, if so, whether any other party has demonstrated, by a preponderance of the credible evidence, that Johnson Matthey's registration, nonetheless, would not be in the public interest.

In accordance with the provisions of 21 U.S.C. 823)a) the Deputy Administrator shall register an applicant to manufacture controlled substances in Schedules I and II upon a determination that such registration is consistent with the public interest. The following factors are to be considered in determining whether registration is consistent with the public interest:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply to these substances under adequately competitive conditions for legitimate medical, scientific, research and industrial purpose;

(2) Compliance with applicable State and local law;

(3) Promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) Prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution, or dispensing of such substances;

(5) Past experience in the manufacture of controlled substances, and the existence in the establishment of effective control against diversion; and

(6) Such other factors as may be relevant to and consistent with the public health and safety. 21 U.S.C. 823(a).

It is well established that the Deputy Administrator is not required to make findings with respect to each of the above-listed factors, but has discretion to give each factor the weight he deems appropriate, depending upon the facts and circumstances in each case. See Michael J. Schnitzer, M.D., 56 FR 67331 (1991).

The administrative law judge stated in her opinion that Johnson Matthey and MD had agreed that competition in the methylphenidate market is not an issue in this proceeding. Further, Judge Bittner found that there is no dispute concerning Johnson Matthey's physical security, nor whether Johnson Matthey has complied with applicable state and local law, that registration of Johnson Matthey as a bulk manufacturer of methylphenidate would promote technical advances in manufacturing controlled substances, nor whether Johnson Matthey has any prior convictions relating to the manufacture, distribution or dispensing of controlled substances. Therefore, the only public interest factors which remain to be considered in this matter are 21 U.S.C. 823(a) (1) and (5).

The administrative law judge found that there is insufficient evidence in the record to make any findings as to 21 U.S.C. 823(a)(1). Judge Bittner, referring to the legislative history of the Controlled Substances Act, concluded that 21 U.S.C. 823(a)(1) contemplates that the concern for diversion of controlled substances would determine the maximum number of manufacturers to be registered and, similarly, that concern for insuring an adequate and uninterrupted supply of the same substances would determine the minimum number. However, in the instant case, the administrative law judge found that there is no evidence that registering an additional bulk manufacturer would increase the risk of diversion, nor is there evidence that the two bulk manufacturers currently registered to manufacture methylphenidate are incapable of assuring an adequate supply of the drug.

With respect to 21 U.S.C. 823(a)(5), the administrative law judge found that there is no evidence of diversion of any of the controlled substances, such as fentanyl, that Johnson Matthey has manufactured pursuant to its existing manufacturer registration. Judge Bittner specifically found that Johnson Matthey's successful past experience in manufacturing fentanyl weighed in favor of granting its application to manufacture methylphenidate.

With respect to Johnson Matthey's experience producing methylphenidate, the administrative law judge found that Johnson Matthey's history with regard to compliance with DEA regulations is much less satisfactory. On a number of occasions, Johnson Matthey failed to file a statement with DEA specifying how much methylphenidate the company intended to manufacture coincident to its researcher registration, as required by 21 CFR 1301.32(e). Additionally, order forms used to transfer methylphenidate from Johnson Matthey to the third party were altered to reflect Johnson Matthey's researcher registration number instead of a manufacturer registration number.

Judge Bittner further found that Johnson Matthey's principal witness with respect to the company's handling of methylphenidate, its compliance and regulatory affairs manager, was unfamiliar with DEA regulations and procedures and concluded that he was not a particularly credible witness. She additionally found that the record does not establish that Johnson Matthey advised any DEA official how much methylphenidate it had manufactured or that it intended to manufacture coincidental to its researcher registration.

The administrative law judge found that the record did not provide support for Johnson Matthey's argument that these incidents were merely technical violations of DEA regulations and, therefore, do not indicate that Johnson Matthey's registration as a bulk manufacturer would be inconsistent with the public interest. Johnson Matthey further argued that DEA officials were aware of its handling of methylphenidate at all times and approved of it.

Judge Bittner found that Johnson Matthey's refusal to acknowledge that it had engaged in substantial misconduct indicates that the responsible officials of the company lacked not only understanding of DEA's regulatory scheme, but respect for it. Further, by not filing the requisite statement with DEA and not otherwise advising DEA of its intentions, Johnson Matthey was able to manufacture significant quantities of

methylphenidate while avoiding, not only the regulatory restrictions on bulk manufacturers, but also the scrutiny of potential competitors. The administrative law judge concluded that sufficient grounds exist to deny Johnson Matthey's application.

Notwithstanding this finding, Judge Bittner recommended that the Deputy Administrator grant Johnson Matthey's application, subject to certain requirements, because Johnson Matthey has demonstrated that it had no relevant prior convictions or history of noncompliance with state and local law, that its security systems are adequate to handle methylphenidate, and that it has a satisfactory history of handling other controlled substances. Judge Bittner additionally relied on her finding that DEA's own actions served to complicate the issue by granting Johnson Matthey's application for a researcher registration even though Johnson Matthey's yearly applications for researcher registration clearly expressed the company's intent to manufacture methylphenidate but were not accompanied by statements of the quantity of methylphenidate the company intended to manufacture. Further, DEA had not published any clarification of the permissible scope of manufacturing under a researcher registration, and that Johnson Matthey's conduct may already have resulted in adverse consequences to that company in view of the lengthy hearing and consequent delay in achieving the registration. Finally, Johnson Matthey's most recent application for renewal of registration as a researcher, lists the quantity of methylphenidate that the company intends to manufacture, indicating that Johnson Matthey may have learned from the experience.

The administrative law judge recommended that Johnson Matthey's application be granted subject to the requirements that: (1) within 120 days following issuance of its registration to manufacture bulk methylphenidate, Johnson Matthey provide, at its own expense, training for its regulatory and compliance affairs staff about DEA regulations (the curriculum and number of hours of such training to be approved by the Deputy Assistant Administrator of the Office of Diversion Control or his designee); (2) until such time as Johnson Matthey receives an individual manufacturing quota to manufacture methylphenidate pursuant to 21 CFR 1303.21, Johnson Matthey receive permission from DEA's office of Drug and Chemical Evaluation in advance of undertaking any manufacture of methylphenidate; and (3) Johnson Matthey limit such manufacture to a quantity authorized in writing by the Office of Drug and Chemical Evaluation of DEA.

Johnson Matthey took exception to the administrative law judge's conclusion that there is no evidence that the two currently registered bulk manufacturers of methylphenidate were incapable of assuring an adequate supply of methylphenidate. Johnson Matthey argued that these two producers cannot produce an adequate and uninterrupted supply of methylphenidate and, therefore, that the market situation is not competitive. Johnson Matthey also took exception to Judge Bittner's statements that the record does not support Johnson Matthey's contention that DEA knew that it was manufacturing methylphenidate, arguing that the record provides ample evidence of DEA's knowledge. Additionally, Johnson Matthey took exception to the administrative law judge's conclusions that Johnson Matthey's record with regard to methylphenidate presented a ''history of evasion and/or outright violations of DEA regulations,'' arguing that Johnson Matthey never deliberately misled DEA and DEA has no written public policy defining research and quantities permitted to be manufactured under a researcher registration. Johnson Matthey also noted that it had hired a new DEA coordinator who had already attended training, that Johnson Matthey's training plan is broader in scope than that recommended by the administrative law judge, and that Johnson Matthey already had presented its curriculum to DEA for approval.

MD, while concurring with the majority of the administrative law judge's findings of fact and conclusions of law, took exception to Judge Bittner's recommendation to grant Johnson Matthey's registration subject to certain restrictions. MD argued that Johnson Matthey's conduct and its part experience in manufacturing controlled substances, particularly methylphenidate, are bases to deny Johnson Matthey's application. MD argued that the administrative law judge's proposed restrictions are inadequate and improperly reward Johnson Matthey's illegal activities. Additionally, MD argued that the instant proceeding is similar in many respects to that of Alra Laboratories, Inc., 59 FR 50620 (1994) wherein the application for registration as a manufacturer was denied by the Deputy Administrator after the administrative law judge recommended approval. MD submitted that DEA registration of Johnson Matthey would not be in the public interest.

The Government took exception to the administrative law judge's finding that ''once [a] hearing is requested [on an application to manufacture controlled substances under Schedule I or II], the issue of the applicant's compliance with the statutory requirements and any other issued raised by a third party should be litigated in a single hearing.'' The Government further objected to the administrative law judge's conclusion that 21 U.S.C. 824(c), requiring that a show cause proceeding be initiated prior to the denial of such application, is simply a ''notice provision'', stating that the Government was not ware of any situation in which the DEA did not require the issuance of a show cause order prior to denying an application for registration. The Government concurred with Judge Young's conclusion in McNeilab, that separate hearings could be required for a third party request under 21 CFR 1301.43, or under a show cause order pursuant to 21 U.S.C. 824(c) and 21 CFR 1301.44.

With regard to the allocation of burdens of proof, the Deputy Administrator concurs with, and hereby adopts, Judge Bittner's reliance on the plain language of 21 CFR 1301.55(a) which clearly assigns to the applicant the burden to the applicant to prove the statutory requirements for registration as a manufacturers

The Deputy Administrator gave favorable consideration to the exceptions filed by Johnson Matthey, but concurs with the administrative law judge's recommended restrictions concerning the granting of Johnson Matthey's registration to manufacture bulk methylphenidate.

The Deputy Administrator finds that the exceptions filed by MD were fully considered by the administrative law judge. The Deputy administrator rejects MD's argument that the decision rendered in *Alra* is applicable to the present case because the facts at issue in *Alra* are markedly different from those in the present case. In *Alra*, the denial of its application as a manufacturer of controlled substances followed findings of numerous recordkeeping violations, a failure to ensure proper security, failure to ensure proper DEA registration as a manufacturer, illegal possession and distribution of controlled substances and a lengthy history of Food, Drug & Cosmetic Act violations with respect to the manufacture and distribution of prescription drugs. Further, Alra twice had been the subject of seizure of its product, and its president consistently demonstrated that he had not taken his responsibilities concerning controlled substances seriously. Contrary to *Alra*, Johnson Matthey has an history of

responsible manufacture of controlled substances in accordance with its previous manufacturing registration. Additionally, Johnson Matthey has addressed and corrected prior regulatory discrepancies in a timely manner, demonstrating the commitment required of a DEA registrant.

Finally, concerning the administrative law judge's recommendation with respect to duplicative mandated hearing provisions, the Deputy Administrator disagrees with Judge Bittner's conclusion in this proceeding that the requirement of an order to show cause, pursuant to 21 U.S.C. 824(c), comprises simply a ''notice provision.'' Rather, the Deputy Administrator finds that, as currently written, the statute mandates that the Government issue an order to show cause whenever it seeks to deny or revoke a DEA Certificate of Registration. The Deputy Administrator acknowledges that, in some cases, this may subject an applicant to multiple hearings. however, whether the Government would be estopped from raising issues at a show cause hearing subsequent to a ''third-party hearing'' would depend on whether the issues were actually litigated and determined. In any event, this decision could only be determined on a case-by-case basis. The Deputy Administrator also notes, as provided in the regulations, that hearings conducted pursuant to an order to show cause may be consolidated with a hearing requested by a third-party. 21 CFR 1301.43(a). The Deputy Administrator encourages that parties to these type of proceedings consolidate these hearings whenever possible.

The Deputy Administrator hereby adopts the administrative law judge's findings of fact and conclusions of law, except as previously noted. Accordingly, the Deputy Administrator of the Drugs Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the application of Johnson Matthey, Inc. for registration as a bulk manufacturer of methylphenidate, be, and it hereby is, approved subject to the requirements enumerated by the administrative law judge.

Dated: May 8, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95–11934 Filed 5–15–95; 8:45 am]

BILLING CODE 4410–09–M

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

Meeting

AGENCY: Martin Luther King, Jr. Federal Holiday Commission.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Act, Public Law 92–463, as amended, the Martin Luther King, Jr. Federal Holiday Commission announces a forthcoming meeting of the Commission.

DATE: May 23, 1995.

TIME: 12:30 p.m.–3:30 p.m.

LOCATION: U.S. House of Representatives, O'Neill Building, House Annex 1, Room 116, Washington, D.C. The public is invited.

FOR FURTHER INFORMATION CONTACT: Valerie Pinkney, Executive Officer, Washington Office (202) 708–1005.

Dated: May 10, 1995.

Valerie Pinkney,

Executive Officer.

[FR Doc. 94–12021 Filed 5–15–94; 8:45 am]

BILLING CODE 4210–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum Services

Information Collection Submitted to OMB for Review

AGENCY: Institute of Museum Services.

ACTION: Notice of information submitted to OMB for review.

SUMMARY: The Institute of Museum Services (IMS) is submitting an information collection for review by the Office of Management and Budget under the Paperwork Reduction Act. The collection is entitled ''US. Museums on the Internet 1995—A Survey for the Institute of Museum Services.'' IMS has requested that review be completed by May 19, 1995.

IMS recently established a connection to the Internet. We would like to enhance our service to the museum community by providing IMS information through the Internet. Currently, no body of data exists to determine how many museums have Internet connections or, if they do, what level of service museums have. Therefore, we propose to survey the museum community on a voluntary-response basis with a brief questionnaire to ask museums to give us the information we need to know to be able to provide information most efficiently. IMS distribution plan for the survey will assure a broad collection of data. A statistical analysis is not warranted due to the cost of such analysis and the limited usefulness of this data collect which, due to the rapidly changing use of the Internet, will become obsolete.

For this collection, the estimated average burden hours is .05 and the frequency of response is once. The number of respondents is 1000.

ADDRESSES: Submit comments to Mr. Dan Chenok, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3002 NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Submit requests for more information, including copies of the proposed collection of information and supporting documentation, to IMS Internet Policy Committee, Institute of Museum Services, Room 609, 1100 Pennsylvania Ave., NW., Washington, DC 20506.

Diane Frankel,

Director, Institute of Museum Services.

[FR Doc. 95–11953 Filed 5–15–95; 8:45 am]

BILLING CODE 7036–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 999–90004 Texas License No. L04153 EA 95–007]

IHS Geotech & CMT, Inc., San Antonio, Texas; Order Imposing Civil Monetary Penalty

I

IHS Geotech & CMT, Inc., (Licensee) is the holder of Texas Radioactive Material License L04153 issued by the Texas Bureau of Radiation Control. The license authorizes the Licensee to possess and use sealed sources of various radioisotopes in moisture/density gauges at temporary job sites throughout Texas, except in areas under exclusive federal jurisdiction. In areas of exclusive federal jurisdiction, these activities can only be conducted pursuant to an NRC specific or general license.

II

An inspection of the Licensee's activities in areas under exclusive federal jurisdiction, i.e., certain military installations located in Texas, was conducted December 16, 1994 to January 12, 1995. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and