

decree with A & P (Whitehouse Division), et al., if all signatories to that decree meet their commitments, the United States will be paid approximately \$126,000 towards the costs it has incurred and paid in connection with the Sites.

The Department of Justice will receive comments relating to the proposed consent decrees for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530 (attention: Lisa Cherup). All comments should refer to "*United States v. Invincible Metal Furniture Company, Inc., United States v. A.C.E. Building Service, Inc., et al., and United States v. A & P (Whitehouse Division), et al.* (Lemberger Superfund Sites) DJ # 90-11-2-712B & E."

The proposed consent decrees may be examined at the Office of the United States Attorney for the Eastern District of Wisconsin, 517 E. Wisconsin Ave., Room 530, Milwaukee, WI 53202 (c/o William Lipscomb); the Region V Office of the U.S. Environmental Protection Agency, 77 West Jackson Street, Seventh Floor, Chicago, Illinois 60604; at the Department of Justice Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005 (202) 624-0892 or at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, Wisconsin (414) 683-4862. A copy of any one or more of the proposed consent decrees may be obtained in person or by mail from the Department of Justice Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the above-referenced DJ numbers, and enclose a check in the amount of \$25.50 (twenty-five cents per page reproduction costs) for the entire Global De Minimis Consent Decree *with all signature pages* (102 pages total), \$10.00 for the Global De Minimis Consent Decree *without all signature pages* (40 pages), \$8.00 for the Partial De Minimis Consent Decree (32 pages), and \$5.00 for the Invincible Consent Decree (20 pages), payable to the Consent Decree Library.

Bruce S. Gelber,

*Deputy Chief, Environmental Enforcement Section, Environment & Natural Resources Division.*

[FR Doc. 96-17494 Filed 7-9-96; 8:45 am]

BILLING CODE 4410-01-M

### Notice of Lodging of Stipulation of Settlement Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Stipulation of Settlement in *United States v. Clark Equipment Company, d/b/a Melroe Company*, Civil Action No. A3-94-51, was lodged on June 17, 1996, with the United States District Court for the District of North Dakota Southeastern Division. The Stipulation resolves the United States' claims for civil penalties against Clark Equipment Company, for violations of Section 307(d) of the Clean Water Act, 33 U.S.C. 1317(d), and the pretreatment regulations promulgated thereunder as a result of discharges from its facility in Gwinner, North Dakota. Under the terms of this Stipulation Clark must pay a civil penalty in the amount of \$250,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Stipulation of Settlement. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Clark Equipment Company, d/b/a Melroe Company*, Civil Action No. A3-94-51, DOJ Ref. #90-5-1-1-4054.

The proposed Stipulation of Settlement may be examined at the office of the United States Attorney, 219 Federal Building & U.S. Courthouse, Fargo, North Dakota, the Region VIII Office of the Environmental Protection Agency, 999 18th St., Suite 500, Denver Colorado; 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 Stipulation of Settlement 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 refer to the referenced case and enclose a check in the amount of \$2.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

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

[FR Doc. 96-17495 Filed 7-9-96; 8:45 am]

BILLING CODE 4410-01-M

### Drug Enforcement Administration

#### Jeffrey Rutgard, M.D., Revocation of Registration

On November 21, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Jeffrey Rutgard, M.D., (Respondent), of La Jolla, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AR9688194, under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of his registration as a practitioner under 21 U.S.C. 823(f), for the reason that, effective June 24, 1994, the California Medical Board (Medical Board) ordered the revocation of his state license to practice medicine. Further, the Show Cause Order noted that, lacking a medical license, the Respondent was no longer authorized to handle controlled substances in the State of California. The order also notified the Respondent that, should no request for a hearing be filed within 30 days, the hearing right would be deemed waived.

The DEA mailed the show cause order to the Respondent at two locations of record with the DEA in La Jolla, California, and also mailed a copy to an attorney known by DEA to have represented the Respondent in a criminal matter. Subsequently, the DEA received three signed receipts from the United States Postal Service, showing that the orders had been delivered. The attorney also wrote a letter, stating that she did not represent the Respondent in this matter, but that she would forward the show cause order to the Respondent at the Federal Correctional Institution at Fort Dix, New Jersey. However, no request for a hearing or any other substantive reply was received by the DEA from the Respondent or anyone purporting to represent him in this matter.

Therefore, the Deputy Administrator, finding that (1) thirty days have passed since the issuance of the Order to Show Cause, and (2) no request for a hearing was received, concludes that the Respondent is deemed to have waived his hearing right. After considering relevant material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.54(e) and 1301.57.

The Deputy Administrator finds that, on May 18, 1994, the Medical Board revoked the Respondent's license to practice medicine in the State of California, effective June 24, 1994. From

this fact, the Deputy Administrator infers that, since the Respondent is not authorized to practice medicine in California, he also lacks authorization to handle controlled substances in that state.

The DEA does not have 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. 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld. See Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992); Myong S. Yi, M.D., 54 FR 30,618 (1989); Bobby Watts, M.D., 53 FR 11,919 (1988). Here, it is clear that the Respondent is neither currently authorized to practice medicine nor to dispense controlled substances in the State of California. Therefore, the Respondent currently is not entitled to a DEA registration.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 C.F.R. 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AR9688194 previously issued to Jeffrey Rutgard, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for the renewal of such registration be, and they hereby are, denied. This order is effective August 9, 1996.

Dated: July 3, 1996.  
Stephen H. Greene,  
*Deputy Administrator.*  
[FR Doc. 96-17476 Filed 7-9-96; 8:45 am]  
BILLING CODE 4410-09-M

#### **Mukesh H. Shah, M.D.; Revocation of Registration**

On May 23, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Mukesh H. Shah, M.D., (Respondent), of Cerritos, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BS0619885, under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of his registration as a practitioner under 21 U.S.C. 823(f), for the reason that, by order dated April 5, 1994, the Medical Board of California (Medical Board) ordered the revocation of his state

license to practice medicine, effective May 5, 1994. Further, the Show Cause Order noted that, lacking a medical license, the Respondent was no longer authorized to handle controlled substances in the State of California. The order also notified the Respondent that, should no request for a hearing be filed within 30 days, the hearing right would be deemed waived.

The DEA mailed the show cause order to the Respondent at two locations of record with the DEA, one in Cerritos, California, and a second in Brea, California. Subsequently, the DEA received two signed receipts from the United States Postal Service, showing that the orders had been delivered. However, no request for a hearing or any other reply was received by the DEA from the Respondent or anyone purporting to represent him in this matter.

Therefore, the Deputy Administrator, finding that (1) thirty days have passed since the issuance of the Order to Show Cause, and (2) no request for a hearing was received, concludes that the Respondent is deemed to have waived his hearing right. After considering relevant material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.54(e) and 1301.57.

The Deputy Administrator finds that, on April 5, 1994, the Medical Board revoked the Respondent's license to practice medicine in the State of California, effective May 4, 1994. This order was upheld by the Los Angeles County Superior Court. From these facts, the Deputy Administrator infers that, since the Respondent is not authorized to practice medicine in California, he also lacks authorization to handle controlled substances in that state.

The DEA does not have 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. 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld. See Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992); Myong S. Yi, M.D., 54 FR 30,618 (1989); Bobby Watts, M.D., 53 FR 11,919 (1988). Here, it is clear that the Respondent is neither currently authorized to practice medicine nor to dispense controlled substances in the State of California. Therefore, the Respondent currently is not entitled to a DEA registration.

Accordingly, the Deputy Administrator of the Drug 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 DEA Certificate of Registration, BS0619885, previously issued to Mukesh H. Shah, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for the renewal of such registration be, and they hereby are, denied. This order is effective August 9, 1996.

Dated: July 3, 1996.  
Stephen H. Greene,  
*Deputy Administrator.*  
[FR Doc. 96-17475 Filed 7-9-96; 8:45 am]  
BILLING CODE 4410-09-M

#### **Federal Bureau of Investigation**

##### **Agency Information Collection Activities: Proposed Collection; Comment Request**

**ACTION:** Notice of information collection under review; application for employment/Federal Bureau of Investigation. 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 and allowed 60 days for public comment.

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 Code of Federal Regulation, 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 Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20503. 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: