

licensing reveals that the granting or denial of a manufacturer's registration is a licensing action, not a rulemaking. Courts have frequently distinguished between agency licensing actions and rulemaking proceedings. *See, e.g. Gateway Transp. Co. v. United States*, 173 F. Supp. 822, 828 (D.C. Wis. 1959); *Underwater Exotics, Ltd. v. Secretary of the Interior*, 1994 U.S. Dist. LEXIS 2262 (1994). Courts have interpreted agency action relating to licensing as not falling within the APA's rulemaking provisions.

The objector argues that Nycomed cannot prove its registration as a bulk manufacturer of methylphenidate is in the public interest, that Nycomed's registration is not required to produce an adequate and uninterrupted supply of methylphenidate, that there is sufficient competition with the present bulk manufacturers and that by there would be a public interest impact on reported trends of over-prescribing, abuse and diversion of methylphenidate.

The arguments of the objector were considered, however, DEA has reviewed the firm's safeguards to prevent the theft and diversion of methylphenidate and found that the firm has met the regulatory requirements and public interest factors of the Controlled Substances Act.

Nycomed has been and is currently registered with DEA as a manufacturer of other Schedule II controlled substances. Nycomed's application is based on the firm's request to add methylphenidate to its existing registration as a bulk manufacturer. The firm has been investigated by DEA on a regular basis to determine if the firm maintains effective controls against diversion and if its continued registration is consistent with the public interest. These investigations have included, in part, inspection and testing of the firm's physical security, audits of the firm's records, verification of compliance with state and local law and a review of the firm's background and history. These investigations have found Nycomed to be in compliance with the Controlled Substances Act (C.S.A.) and its implementing regulations in recent years.

Under Title 21, Code of Federal Regulations, Section 1301.43(b), DEA is not required to limit the number of manufacturers solely because a smaller number is capable of producing an adequate supply provided effective controls against diversion are maintained. DEA has determined that effective controls against diversion will be maintained by Nycomed.

Additionally, Nycomed has applied for registration as a bulk manufacturer in order to perform a chemical isolation process on methylphenidate which had been manufactured by another manufacturer currently registered to bulk manufacture methylphenidate.

After reviewing all the evidence, DEA has determined, pursuant to 21 U.S.C., Section 823(a) that it is consistent with the public interest to grant Nycomed's application to manufacture methylphenidate at this time. Therefore, pursuant to 21 U.S.C. Section 823 and 28 CFR Section 0.100 and 0.104, 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 class of controlled substance listed above is granted.

Dated: July 29, 1998.

**John H. King,**

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

[FR Doc. 98-20977 Filed 8-5-98; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importer of Controlled Substances; Notice of Registration

By Notice dated May 7, 1998, and published in the **Federal Register** on May 19, 1998 (63 FR 27590), Roche Diagnostic Systems, Inc., 1080 U.S. Highway 202, Somerville, New Jersey 08876-3771, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of tetrahydrocannabinols (7370), a basic class of controlled substance listed in Schedule I.

The tetrahydrocannabinols will be utilized exclusively for non-human consumption in drug of abuse detection kits.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Roche Diagnostic Systems to import tetrahydrocannabinols is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as

an importer of the basic class of controlled substance listed above.

Dated: July 17, 1998.

**John H. King,**

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

[FR Doc. 98-20974 Filed 8-5-98; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importer of Controlled Substances; Notice of Registration

By Notice dated May 4, 1998, and published in the **Federal Register** on May 19, 1998, (63 FR 27591), Sigma Chemical Company, Subsidiary of Sigma-Aldrich Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235) .....	I
Methcathinone (1237) .....	I
Methaqualone (2565) .....	I
Ibogaine (7260) .....	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370) .....	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxy-methamphetamine (7405).	I
4-Methoxyamphetamine (7411) ....	I
Psilocyn (7438) .....	I
Normorphine (9313) .....	I
Amphetamine (1100) .....	II
Methamphetamine (1105) .....	II
Methylphenidate (1724) .....	II
Amobarbital (2125) .....	II
Pentobarbital (2270) .....	II
Secobarbital (2315) .....	II
Phencyclidine (7471) .....	II
Cocaine (9041) .....	II
Codeine (9050) .....	II
Oxycodone (9143) .....	II
Hydromorphone (9150) .....	II
Benzoyllecgonine (9180) .....	II
Ethylmorphine (9190) .....	II
Hydrocodone (9193) .....	II
Levorphanol (9220) .....	II
Meperidine (9230) .....	II
Methadone (9250) .....	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300) .....	II
Thebaine (9333) .....	II
Opium powdered (9639) .....	II
Oxymorphone (9652) .....	II
Fentanyl (9801) .....	II

The firm plans to repackage and offer as pure standards controlled substances in small milligram quantities for drug testing and analysis.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Sigma Chemical Company to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: July 17, 1998.

**John H. King,**

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

[FR Doc. 98-20975 Filed 8-5-98; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importer of Controlled Substances; Notice of Registration

By Notice dated May 5, 1998, and published in the **Federal Register** on May 19, 1998, (63 FR 27591), Stepan Company, Natural Products Department, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of coca leaves (9040), a basic class of controlled substance listed in Schedule II.

The firm plans to import coca leaves to manufacture bulk controlled substances.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Stepan Company to import coca leaves is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic

class of controlled substance listed above.

Dated: July 17, 1998.

**John H. King,**

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

[FR Doc. 98-20976 Filed 8-5-98; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Submitted for Public Comment; Employment Services Reporting System

**AGENCY:** Employment and Training Administration, DOL.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance 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 (ETA) is soliciting comments concerning the proposed ten month extension of the Employment Service Program Reporting System from the current end date of August 31, 1999 to a new end date of June 30, 2000.

A copy of the previously approved 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 October 5, 1998.

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.

**ADDRESSES:** John R. Beverly, III, United States Employment Service, U.S. Department of Labor, 200 Constitution Avenue NW., Room N4470, Washington, DC 20210, Tel. 202-219-5257, Fax 202-219-6643, E-mail jbeverly@doleta.gov.

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

Information on basic labor exchange services is necessary to assure that the States are complying with legal requirements of the Wagner-Peyser Act as amended by the Job Training Partnership Act (JTPA). Program data items are required from States reporting to the Department of Labor as part of other information in order to determine if the States are complying with the basic labor exchange requirements.

Information regarding employment and training services provided to veterans by State public employment services agencies must be collected by the Department of Labor to satisfy legislative requirements, as follows: (a) to report annually to Congress on specific services (38 U.S.C. 2007(c) and 2012(c)); (b) to establish administrative controls (38 U.S.C. 2007 (b)); and (c) for administrative purposes. These data are reported on the VETS 200 A and B, the VETS 300, and Manager's reports.

#### II. Current Action

The Department is requesting an extension of the Employment Service Program Reporting System without changes to data elements, definitions, reporting instructions and/or reporting requirements from the current end date of August 31, 1999 to a new end date of June 30, 2000.

In response to the requirements of the Government Performance and Results Act (GPRA) of 1993, the national call for government programs to be more accountable and results oriented, the Department of Labor (DOL), Employment and Training