[WY980–1320–01; WYW 136069]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; WY

AGENCY: BLM, Interior.

ACTION: Notice.

SUMMARY: The BLM proposes to withdraw 4,326.51 acres of public land in Sweetwater and Uinta Counties, to protect the habitat of the Uinta greenthread, *Thelesperma pubescens.* This notice closes the land for up to 2 years from surface entry and mining. The land will remain open to mineral leasing.

DATE: Comments and requests for meeting should be received on or before August 29, 1996.

ADDRESS: Comments and meeting requests should be sent to the BLM Wyoming State Director, P.O. Box 1828, Cheyenne, Wyoming 82003–1828.

FOR FURTHER INFORMATION CONTACT: Jim Paugh, BLM Wyoming State Officer, 307–775–6306.

SUPPLEMENTARY INFORMATION: On April 30, 1996, a petition/application was approved by the Assistant Secretary for Land and Minerals Management. The approval of the petition/application results in a proposal to withdraw the following described public land from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Sixth Principal Meridian

T. 13 N., R. 111 W.,
Sec. 5, lot 8 and NW¼SW¼NW¼;
Sec. 6, SE¼NE¼, S½NE¼SW¼, SE¼SW¼ and N½SE¼;
Sec. 7, N½NE¼NW¼;
Sec. 9, NW¼NE¼ (reserved Federal minerals);
Sec. 17, SW¼SW¼;
Sec. 18, S½S½SE¼;
Sec. 19, lot 6 and E½NW¼;
Sec. 19, N½NW¼NE¼ (reserved Federal minerals).
T. 14 N., R. 111 W.,
Sec. 19, E½SE¼;
Sec. 30, SE¼NW¼ and NE¼SW¼;
Sec. 32, S½NE¼SW¼, E½SW¼SW¼ and SE¼SW¼;
Sec. 33, S½NE¼ and N½SE¼.
T. 13 N., R. 112 W.,
Sec. 2, SW¼NW¼ and NW¼SW¼;
Sec. 3, E½SE¼;
Sec. 10,
Sec. 15, NW¼NE¼, E½NW¼, N½SW¼ and SW ¼SW¼;
Sec. 16, NW¼SE¼;
Sec. 22, W½NW¼, NW¼SW¼ and SE¼;
Sec. 23, W½SW¼;
Sec. 23, E½SW¼, W½SE¼, and NE¼SE¼ (reserved Federal minerals).

The areas described aggregate 2,149.85 acres in Sweetwater County.

Sixth Principal Meridian, Wyoming

T. 13 N, R. 112 W.,
Sec. 16, NE¼SW¼ and S½SW¼;
Sec. 17, SE¼SW¼ and SW¼SE¼;
Sec. 20, N½, SW¼ and W½SE¼;
Sec. 21, NW¼.
T. 13 N., R. 113 W.,
Sec. 3, lots 6 and 7, W½SW¼NE¼, E½SE¼NW¼, E½E½SW¼ and W½W½SE¼.
T. 14 N., R. 113 W.,
Sec. 34, SE¼NE¼ and W½SE¼;
Sec. 35, W½SW¼ (reserved Federal minerals).
T. 13 N., R. 114 W.,
Sec. 13, SW¼NE¼, E½SW¼ and W½SE¼;
Sec. 13, SE¼SW¼SW¼ (reserved Federal minerals);
Sec. 23, SE¼SE¼;
Sec. 23, SE¼NE¼ and NE¼SE¼ (reserved Federal minerals);
Sec. 24, E½W½ and SW¼SW¼;
Sec. 24, W½NW¼ and NW¼SW¼ (reserved Federal minerals);
Sec. 28, SE¼SE¼ (reserved Federal minerals);
Sec. 33, E½NE¼.

The area described aggregate 2,086.66 acres in Uinta County. Total area of proposed withdrawal is 4,236.51 acres.

The purpose of the proposed withdrawal is to protect the habitat of *Thelesperma pubescens,* a Category 2, Candidate species considered for listing under the Endangered Species Act. This plant species is found in only three populations in Wyoming, occurring on the summit edges of three mesa-like mountains. It's entire range is estimated to be less than 100 square miles with the total population size estimated at less than 10,000 individuals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the BLM.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the BLM Wyoming State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the Federal Register at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the Federal Register, the land will be segregated as specified above unless the proposal is denied or cancelled or the withdrawal is approved prior to that date. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature which would not impact the plant habitat may be allowed with the approval of an authorized officer of the BLM during the segregative period.

Melvin Schlagel,

Realty Officer.

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DEPARTMENT OF JUSTICE

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

Pursuant to Section 122(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9622(d)(2), and Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Allied Signal, Inc., et al.,* Civil Action No. 95–617P, was lodged on November 28, 1995 with the United States District Court for the District of Rhode Island. Additional parties were allowed to join the Consent Decree, and thirty-six additional defendants join the Decree in a filing with the court on May 7, 1996. Defendants Allied Signal, Inc.; American Cyanamid Company; Ashland Chemical Company; Elf Atochem North America, Inc. (M & T Chemical, Inc.); GAF Corporation; General Electric Company; Hydron Laboratories Inc.; Mallinckrodt & Baker, Inc. (J.T. Baker, Inc.); Monsanto Company; Morton International, Inc., Allied Signal, Inc.; American Cyanamid Company; Ashland Chemical Company; Elf Atochem North America, Inc.; GAF Corporation; General Electric Company; Hydron Laboratories, Inc.; Mallinckrodt Baker, Inc.; Monsanto Company; Morton International, Inc.; Air Products and Chemical, Inc.; American Standard, Inc.; Armstrong World Industries, Inc.; Bayer Corporation (fka Miles Inc.); Ber Mar Manufacturing Corp.; Borden, Inc.; Branson Ultrasonics Corp.; Burndy Corporation (currently, Framatone Connectors USA Inc.); Ciba-Geigy Corporation; Connecticut Hard Rubber Co./Chr Industries, Inc.; Eaton Corporation; Ganes Chemicals Inc.; Grumman Corp. & Grumman Aerospace Company, Inc.; Hoechst Celanese Corporation; King Industries, Inc.; Kraft Foods, Inc. (On behalf of General Foods

USA); Kraft Foods, Inc. (On behalf of Ware Chemical); the Mennen Company, Inc.; Merck & Co., Inc.; Mine Safety Appliances Company; Minnesota Mining & Manufacturing Company; NL Industries, Inc.; National Starch and Chemical Company; Occidental Chemical Corporation (as successor to Diamond Shamrock Chemicals Inc.); The Perkin-Elmer Corporation; Pfizer Inc; Pitney Bowes, Inc.; Reichold Chemicals, Inc.; Revlon Consumer Products Corporation; Schenectady International, Inc.; E.R. Squibb & Sons, Inc.; Textron, Inc. (Patterson-Sargent); Union Carbide Corporation; The Upjohn Company; R.T. Vanderbilt Company, Inc.; and Wyeth Laboratories, Inc., are all generators of wastes containing hazardous substances which were disposed of at the Picillo Farm Superfund Site in Coventry, Rhode Island.

Under the terms of the proposed decree, defendants will perform and/or pay for certain remedial design/remedial action work involving soil source control and management of groundwater mitigation. The work to be undertaken and/or paid for by defendants is valued by the United States Environmental Protection Agency at $15.9 million. The proposed decree includes a covenant not to sue by the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9601 *et seq.*, and under Section 7003 of the Resources Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973.

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 for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Allied Signal, Inc., et al.*, D.J. reference #90–11–2–985. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed consent decree may be examined at the Office of the United States Attorney for the District of Rhode Island, Westminster Square Building, 10 Dorrance Street, 10th Floor, Providence, Rhode Island; the Region I Office of the Environmental Protection Agency, 290 Canal Street, Boston, Massachusetts; 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. In requesting a copy, please enclose a check in the amount of $2.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

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BILLING CODE 4410–01–M

Drug Enforcement Administration

Maxicare Pharmacy, Revocation of Registration

On November 1, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Maxicare Pharmacy, (Respondent) of Houston, Texas, notifying it of an opportunity to show cause as to why DA should not revoke its DEA Certificate of Registration, BM3971644, under U.S.C. 824(a) (2) and (4), and deny any pending application under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged, among other things, that (1) on September 26, 1994, the Respondent's pharmacist and owner (Owner) provided falsified controlled substance records to DEA, allegedly documenting receipt of controlled substances from a local distributor, when subsequently it was determined that an employee of the distributor was unlawfully supplying controlled substances to the Respondent; (2) on January 12, 1995, the Owner and her husband were indicated on numerous counts of violating the Texas Health and Safety code related to the handling of controlled substances; (3) on July 25, 1995, the Owner was found guilty on nine counts of engaging in organized criminal activity related to theft of controlled substances by a public servant, and she was found guilty of fraud, theft and commercial violations of the controlled substances act, for which she was sentenced to ten years imprisonment and was ordered to pay a $3,000.00 fine; and (4) the Owner's husband was found guilty of two counts of engaging in organized criminal activity related to theft of controlled substances, and he was sentenced to seven years imprisonment.

The Order was mailed in the U.S. Mail, and a signed receipt dated November 6, 1995, was returned to DEA. However, neither the Respondent nor anyone purporting to represent it has replied to the Order to Show Cause. More than thirty days have passed since the Order was served upon the Respondent. Therefore, pursuant to 21 CFR 1301.54(d), the Deputy Administrator finds that the Respondent has waived its opportunity for a hearing on the issues raised by the Order to Show Cause, and, after considering the investigative file, enters his final order in this matter without a hearing pursuant to 21 CFR 1301.54(e) and 1301.57.

The Deputy Administrator finds that the Respondent was issued DEA Certificate of Registration BM3971644 on April 22, 1994, as a retail pharmacy, owned by the Owner and her husband (Co-owner). A DEA investigation revealed that, as a result of a DEA audit, the Respondent had significant overages of clonazepam and alprazolam, both Schedule IV controlled substances pursuant to 21 C.F.R. 1308.14. Specifically, on September 20, 1994, pursuant to a federal administrative inspection warrant executed at the Respondent pharmacy, a DEA Diversion Investigator (Investigator) conducted an audit of four different controlled substances, to include clonazepam and alprazolam. The Investigator and the Owner, who was also the pharmacist-in-charge, counted the existing inventory of these substances, to include trade names and generic equivalents, and compared the number on hand with documents which noted the amounts purchased, dispensed, or loaned by the Respondent to other pharmacies. As a result of this audit, it was determined that on September 20, 1994, there were 1,000 more clonazepam tablets than could be accounted for by the Respondent's records, to include purchase invoices and filled prescriptions. Also, on that date, there were 1,400 more alprazolam tablets than could be accounted for by the Respondent's records, and a total variance for all four substances of 3,438 tablets.

During the inspection, the Investigator asked the Owner to provide the Respondent pharmacy's records for alprazolam and clonazepam. The Owner told the Investigator that some of her acquisition invoices were at home, but she agreed to deliver these documents to the Investigator. On September 26, 1994, the Owner delivered to the Investigator several invoices from Abbey Pharmaceutical which were dated between July 1, 1994, and September 2, 1994. The Owner also told the Investigator that a named employee (Employee) of Abbey Pharmaceutical had agreed to loan the Respondent pharmacy these controlled substances for up to one year, and at the end of that year, the Owner was either to replace the substances or to pay for them. However, when the Investigator