

the United States Courts, Washington, D.C. 20544, telephone (202) 273-1820.

Dated: February 14, 1996.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 96-3737 Filed 2-20-96; 8:45 am]

BILLING CODE 2210-01-M

**Meeting of the Judicial Conference
Advisory Committee on Rules of Civil
Procedure**

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Civil Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Civil Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation and will be held each day from 8:30 a.m. to 5:00 p.m.

DATES: April 18-19, 1996.

ADDRESSES: Thurgood Marshall Federal Judiciary Building, Judicial Conference Center, One Columbus Circle, N.E., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, D.C. 20544, telephone (202) 273-1820.

Dated: February 14, 1996.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 96-3736 Filed 2-20-96; 8:45 am]

BILLING CODE 2210-01-M

**Meeting of the Judicial Conference
Advisory Committee on Rules of
Criminal Procedure**

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Criminal Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Criminal Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation and will be held each day from 8:30 a.m. to 5:00 p.m.

DATES: April 29-30, 1996.

ADDRESSES: Thurgood Marshall Federal Judiciary Building, Judicial Conference Center, One Columbus Circle, N.E., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 273-1820.

Dated: February 14, 1996.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 96-3738 Filed 2-20-96; 8:45 am]

BILLING CODE 2210-01-M

**Meeting of the Judicial Conference
Advisory Committee on Rules of
Bankruptcy Procedure**

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Bankruptcy Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Bankruptcy Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation and will be held each day from 8:30 a.m. to 5:00 p.m.

DATES: March 21-22, 1996.

ADDRESSES: U.S. Bankruptcy Court Office Building, One Memphis Place, Suite 945, 200 Jefferson Avenue, Memphis, Tennessee.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 273-1820.

Dated: February 14, 1996.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 96-3735 Filed 2-20-96; 8:45 am]

BILLING CODE 2210-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No 95-30]

**Philip G. Marais, D.D.S., Denial of
Application**

On January 25, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Philip G. Marais, D.D.S., (Respondent) of Long Beach, California, notifying him of an opportunity to show cause as to why the DEA should not deny his pending application for a DEA Certificate of Registration as a practitioner, under 21 U.S.C. 823(f), as being inconsistent with the public interest.

On May 19, 1995, the Respondent filed a request for a hearing, and on June 8, 1995, the Government filed a Motion for Summary Disposition, alleging that the Respondent was no longer authorized to handle controlled substances in the State of California. The motion was supported by copies of

the July 15, 1994, Decision After Nonadoption by the State of California Board of Dental Examiners (Dental Board), and a March 10, 1995, Default Decision in which the Dental Board reimposed a seven-year revocation of the Respondent's license, effective April 10, 1995.

On June 9, 1995, Administrative Law Judge Mary Ellen Bittner sent the Respondent, via certified, return receipt mail, an Order affording him until June 30, 1995, to file a response to the Government's motion. That Order was returned to the Office of the Administrative Law Judge by the U.S. Postal Service on June 19, 1995, and re-sent to the Respondent via certified, return receipt mail on June 22, 1995, extending the response date to July 10, 1995. The Respondent did not file a response or make any other attempt to deny that his state license had been revoked.

On July 20, 1995, Judge Bittner issued her Opinion and Recommended Decision, granting the Government's motion for summary disposition, and recommending that the Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her decision, and on August 28, 1995, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts the Opinion and Recommended Decision of the Administrator Law Judge, with one noted exception, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that on July 29, 1992, the Respondent voluntarily surrendered DEA Certificate of Registration AM8093875, based on his alleged failure to comply with Federal requirements pertaining to controlled substances. On August 27, 1992, the Respondent applied for a new DEA Certificate of Registration as a practitioner. On July 15, 1994, the Dental board issued a Decision After Nonadoption, ordering the suspension of the Respondent's license to practice dentistry (license) for sixty (60) days, effective August 15, 1994. In addition, the Dental board revoked the Respondent's license, but stayed the revocation and placed the Respondent on probation for seven (7) years. However, on March 10, 1995, the Dental

Board issued a Default Decision, in which it revoked the Respondent's license, effective April 10, 1995.

The DEA does not have statutory authority under the Controlled Substances Act to register a practitioner unless that practitioner is authorized by the state in which he conducts business to dispense controlled substances. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). The DEA has consistently so held. 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 47770 (1987).

Here it is clear that the Respondent is not currently authorized to practice dentistry in the State of California. From this fact, Judge Bittner inferred that since the Respondent was not authorized to practice dentistry, he also was not authorized to handle controlled substances. The Deputy Administrator agrees with Judge Bittner's inference, and he notes that the Respondent has not filed an exception to this portion of her decision. Therefore, because the Respondent lacks state authority to handle controlled substances, he currently is not entitled to a DEA registration.

The Deputy Administrator also finds that Judge Bittner properly granted the Government's motion for summary disposition. It is well-settled that when no question of fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. See Dominick A. Ricci, M.D., 58 FR 51104 (1993) (finding that "Congress did not intend administrative agencies to perform meaningless tasks."); see also Phillip E. Kirk, M.D., 48 FR 32887 (1983), *aff'd sub nom* Kirk v. Mullen, 749 F.2d 297 (6th Cir. 1984); Alfred Tennyson Smurthwaite, M.D., 43 FR 11873 (1978); *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977).

Judge Bittner recommended that the Respondent's registration be revoked. However, the Deputy administrator finds that, per the record, the Respondent does not currently hold a DEA registration, since he voluntarily surrendered it in July 1992. Therefore, the only matter pending is the Respondent's application for a new Certificate of Registration filed in August 1992. 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 the Respondent's application for a DEA Certificate of

Registration be, and it hereby is, denied. This order is effective March 22, 1996.

Dated February 14, 1996.
Stephen H. Greene,
Deputy Administrator.
[FR Doc. 96-3831 Filed 2-20-96; 8:45 am]
BILLING CODE 4410-09-M

Immigration and Naturalization Service

[INS No. 1726-96]

Notice of Final Environmental Impact Statement

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: *Decision.* The United States Department of Justice, Immigration and Naturalization Service (INS), has decided to proceed with the construction of the Federal Detention Center in Buffalo, New York.

The INS, in conjunction with the United States Marshals Service (SMS), proposes to construct and oversee operation of a 454-bed Federal Detention Center (FDC) on a site of approximately 22.5 acres located in Genesee County, the Town of Batavia, Buffalo, New York. The FDC will be designed to provide detention facilities for individuals within the jurisdiction of INS and/or USMS while awaiting trial, awaiting sentencing, facing deportation proceedings, or who may have been charged with immigration violations and may have been found guilty of additional crimes, or having other business before the Federal courts for which sentences have been served at correctional facilities. The initial construction stage of the FDC will provide 254 beds. The facility may be expanded to provide a total of 454 beds. More detailed information describing programs, operations, and architectural and site development features of the FDC is included in a Final Environmental Impact Statement (FEIS) dated December 22, 1995.

ADDRESSES: Questions concerning the Decision or requests for copies of the Environmental Impact Statement for the Federal Detention for the Federal Detention Center at Buffalo, New York, may be directed to:

John W. Clarke, Director—Facilities and Space Management, U.S. Immigration and Naturalization Service, Administrative Center Burlington, 70 Kimball Avenue, South Burlington, Vermont 05403-6813, Telephone: (802) 660-1154

or

Ramon Garcia, Project Manager—Planning Branch, U.S. Immigration and Naturalization Service, Facilities and Engineering Division, 425 I Street, NW., Room 2060, Washington, DC 20536, Telephone: (202) 616-2588.

Dated: February 13, 1996.
Doris Meissner,
Commissioner, Immigration and Naturalization Service.
[FR Doc. 96-3802 Filed 2-20-96; 8:45 am]
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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-31,385]

Johnon Controls Battery Group, Inc. Louisville, KY; Notice of Negative Determination on Reconsideration

On November 30, 1995, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the subject firm. The notice was published in the Federal Register on December 12, 1995 (60 FR 63733).

The Department's initial denial was based on the fact that criterion (3) of the group eligibility requirements of the Trade Act was not met. The investigation revealed the production at the subject plant was being transferred domestically. Other findings showed there were no sales, production or employment declines at the firm prior to the implementation of the transfer.

The petitioner alleges layoffs were attributable to a shift in production of automobile batteries from the subject firm to a foreign owned facility where they produce both new and aftermarket batteries. The petitioner claims that the batteries are being returned to the United States in new cars. However, the Department must examine the impact of imports of products like and directly competitive with the product produced at the subject firm, which in this case is automobile batteries.

Findings on reconsideration show that the "contributed importantly" test of the increased import criterion of the Group Eligibility Requirements of the Trade Act was not met. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department surveyed the customers of the subject firm's Louisville, Kentucky location. Customers report that they did not increase their imports