

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. 20005. In requesting a copy of the proposed Consent Decree, please enclose a check in the amount of \$18.50 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 97-12718 Filed 5-14-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree in Northwest Pipe & Casing Co. v. United States Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a Consent Decree in *United States v. Oregon Department of Transportation*, No. 97-682RE (D. Ore.), entered into by the United States on behalf of U.S. EPA and the Oregon Department of Transportation. The proposed Consent Decree resolves certain claims of the United States against Wayne C. Hall, Jr. relating to the Northwest Pipe & Casing Site in Clackamas County, Oregon. Under the Decree, the Oregon Department of Transportation will, *inter alia*, pay the United States \$50,000.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Oregon Department of Transportation*, D.J. Ref. No. 90-11-3-1557B. Commenters may request an opportunity for public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Oregon, 888 S.W. 5th Ave., Suite 1000, Portland, OR 97204-2024; the Region 10 Office of the United States Environmental Protection Agency, 1200 Sixth Ave., Seattle, WA 98101; 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. 20005. In requesting a copy of the proposed Consent Decree, please enclose a check in the amount of \$5.00 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 97-12719 Filed 5-14-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to 28 CFR 50.7

Notice is hereby given that a proposed consent decree in the consolidated cases *PIRGIM V. Hew Haven Foundry, Inc.*, Civil Action No. 94-71951-DT, and *United States v. New Haven Foundry, Inc.*, Civil Action No. 96-70961-DT, and a proposed consent decree in *United States v. New Haven Foundry, Inc.*, Civil Action No. 97-71842, were lodged on April 23, 1997 with the United States District Court for the Eastern District of Michigan. The proposed consent decrees resolve the plaintiffs' claims against New Haven Foundry, Inc. for violations under the Clean Water Act, the Clean Air Act and the Resource Conservation and Recovery Act at its cast iron foundry facility located in New Haven, Michigan.

In the proposed settlements, New Haven Foundry, Inc. agrees to: achieve full compliance with the requirements of its National Pollution Discharge Elimination System (NPDES) permit as required by the Clean Water Act; achieve continuous compliance with the visible emissions (opacity) limitations in the Michigan State Implementation Plan (SIP) as required by the Clean Air Act; implement and complete specific corrective actions as required by the Resource Conservation and Recovery Act; pay a civil penalty for air and water violations in the amount of \$460,000; and pay citizen plaintiff PIRGIM's costs of litigation in the amount of \$46,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. 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 the *PIRGIM and United*

States v. New Haven Foundry, Inc., Nos. 94-71951 and 96-70961 (Air and Water Consent Decree), or *United States v. New Haven Foundry, Inc.*, No 97-71842 (RCRA Consent Decree), DOJ Ref. #90-5-1-1-4279.

The proposed consent decrees maybe examined at the office of the United States Attorney, 211 W. Fort St., Suite 2300, Detroit, Michigan 48226; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.E., 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. 20005. In requesting a copy please refer to the referenced case and decree and enclose a check in the amount of \$33.50 (25 cents per page reproduction costs) for both consent decrees, \$17.00 for the Air and Water Consent Decree or \$16.50 for the RCRA Consent Decree. Checks should be made payable to the Consent Decree Library.

Bruce S. Gelber,

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

[FR Doc. 97-12720 Filed 5-14-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree in Northwest Pipe & Casing Co. v. United States Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a Consent Decree in *Northwest Pipe & Casing Co. v. United States*, Adv. Pro No. 95-3509 (Bankr. D. Ore.), entered into by the United States on behalf of U.S. EPA, the State of Oregon on behalf of the Oregon Department of Environmental Quality, and Northwest Pipe Company ("NWP") was lodged on April 29, 1997 with the United States Bankruptcy Court for the District of Oregon. The proposed Consent Decree resolves certain claims of the United States against NWP relating to the Northwest Pipe & Casing Site in Clackamas County, Oregon. Under the Decree, NWP will, *inter alia*, pay the United States \$1,000,000 plus interest as well as interest payments from \$2.3 million deposited into an escrow account.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following

the publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *Northwest Pipe & Casing Co. v. United States*, D.J. Ref. No. 90-11-3-1557. Commenters may request an opportunity for public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Oregon, 888 S.W. 5th Ave., Suite 1000, Portland, OR 97204-2024; the Region 10 Office of the United States Environmental Protection Agency, 1200 Sixth Ave., Seattle, WA 98101; 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. 20005. In requesting a copy of the proposed Consent Decree, please enclose a check in the amount of \$24.75 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 97-12717 Filed 5-14-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 96-28]

Robert G. Hallermeier, M.D. Continuation of Registration With Restrictions

On March 27, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Robert G. Hallermeier, M.D., (Respondent) of Boothwyn, Pennsylvania, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certification of Registration, AH6871049, and deny any pending applications for registration as a practitioner under 21 U.S.C. 823(f), for reason that pursuant to 21 U.S.C. 824(a)(4), his continued registration would be inconsistent with the public interest.

By letter dated April 29, 1996, Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Philadelphia, Pennsylvania on October 23 and 24, 1996, before Administrative Law Judge Gail A. Randall. At the hearing, both parties called witnesses to testify and introduced documentary evidence. After the hearing, counsel for both parties submitted proposed findings of fact, conclusions of law and argument. On February 27, 1997, Judge Randall issued her Opinion and Recommended Ruling, recommending that Respondent's registration be continued subject to several temporary conditions. No exceptions were filed to her Opinion and Recommended Ruling, and on March 27, 1997, Judge Randall transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting 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 Acting Deputy Administrator adopts, in full, the opinion of the Administrative Law Judge, and adopts, with several modifications, the recommended ruling of the Administrative Law Judge. 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 Acting Deputy Administrator finds that Respondent received his medical degree from Temple University. While in medical school, Respondent observed a physician assistant write orders and prescriptions for medications without direct supervision of a physician. In 1977, Respondent joined an internal medicine group where there was a nurse practitioner who saw patients, and wrote orders and prescriptions for medication also without direct supervision of a physician.

In October 1988, Respondent began working, on a trial basis, for Joseph Kurtz, a physician assistant who operated three medical facilities, and in January 1989, Respondent was hired by Mr. Kurtz as an independent contracting physician. There was a written agreement between the Respondent and Mr. Kurtz, stating that one of Respondent's responsibilities was to act as a supervisor for the physician assistant, however there were no details provided as to the nature and extent of the supervision, and the agreement was not submitted for approval to the State Board of Medicine, Commonwealth of

Pennsylvania as required by state law. In addition, Respondent was not registered with the Pennsylvania Board of Medicine to use the services of a physician assistant as required by state law.

When he first began working for Mr. Kurtz, Respondent was concerned about the number of controlled substance prescriptions that were issued at the facilities and that a number of the patients appeared to be drug seekers. Respondent began reducing the number of controlled substance prescriptions issued and patients indicated that they felt safer coming to the facilities. After he was hired in 1989 and pursuant to Mr. Kurtz' request, Respondent provided three copies of his signature for the purpose of making a rubber stamp of his signature to be used for billing purposes and for writing prescriptions. Respondent and Mr. Kurtz had very little contact since they alternated working at the various facilities and would never work at the same facility at the same time. Respondent was told by another physician who had worked for Mr. Kurtz that the level of physician supervision used with Mr. Kurtz, including Mr. Kurtz working at a different facility, was permitted. Respondent testified at the hearing in this matter that pursuant to his agreement with Mr. Kurtz, Mr. Kurtz could only issue prescriptions for refills of earlier prescriptions and could not issue any new prescriptions. However, during previous interviews, Respondent did not mention this restriction on Mr. Kurtz' prescribing.

In 1990, the Pennsylvania Office of the Attorney General, Medicaid Fraud Section initiated an investigation of Respondent. As a result of this investigation, it was determined that Mr. Kurtz had been billing the medical assistance program using the provider identification number of Respondent, who was an approved provider under the program. Pursuant to the medical assistance program regulations, services by a physician assistant are permissible, providing that there is direct supervision of the physician assistant by the supervising physician and that the supervising physician is registered as such with the Board. Since the prescriptions discovered during the investigation were written by Mr. Kurtz, and not Respondent, they were not legitimately billed to the medical assistance program. As a result, criminal charges were filed against Mr. Kurtz and Maureen Clark, his wife, who owned Clark Family Pharmacy where the prescriptions were filled, which is located adjacent to one of the medical