

Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

Issued: May 2, 2003.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 03-11423 Filed 5-7-03; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Safe Drinking Water Act

Notice is hereby given that on April 22, 2003, a proposed Consent Decree in *United States v. Syd H. Levine, et al.*, Civil No. 4:97CV-169-M, was lodged with the United States District Court for the Western District of Kentucky.

In this action the United States sought civil penalties and injunctive relief for numerous violations of Section 1423(b) of the Safe Drinking Water Act, 42 U.S.C. 300h-2(b), and its implementing Underground Injection Control regulations for Kentucky, 40 CFR part 144. The alleged violations include [violations of an Administration Order on Consent entered into in] August 1990 by EPA and defendant Doofus Oil, doing business as Syd H. Levine and Associates, as the operator of underground injection wells owned by Hel-lewa, Poor Boy, and Levine Development. In settlement of these allegations, the defendants will conduct mechanical integrity tests on their 52 underground injection wells that are the subject of this action under a compliance schedule set forth in the Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments

relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Syd H. Levine, et al.*, D.J. Ref. 90-5-1-1-4391.

The Consent Decree may be examined at the office of the United States Attorney, 510 W. Broadway, 10th Floor, Louisville, Kentucky, and at U.S. EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$10.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

[FR Doc. 03-11401 Filed 5-7-03; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice Lodging of Consent Decree Under the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act

Under 28 CFR § 50.7, notice is hereby given that on April 23, 2003, a proposed Consent Decree in *United States v. Metal Management Midwest, Inc.*, Civil Action No. 01C-4551 was lodged with the United States District Court for the Northern District of Illinois.

In this action the United States sought civil penalties and injunctive relief relating to violations of the National Recycling and Emissions Reduction Program provisions of the Clean Air Act, as well as violations of the Clean Water Act and the Resource Conservation and Recovery Act ("RCRA") at three scrap yards located in Chicago, Illinois. The Consent Decree requires that Metal Management Midwest come into compliance with the applicable environmental laws and regulations, produce and distribute educational materials relating to proper recycling

and disposal of chlorofluorocarbons, conduct environmental compliance audits at four additional Illinois facilities, and pay a civil penalty in the form of a \$2,275,500 allowed claim in Metal Management's chapter 11 bankruptcy action (*In re: Metal Management, Inc.*, Case No. 00-4303 (Bankr. D. Del.)).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Metal Management Midwest, Inc.*, D.J. Ref. #90-5-2-1-07207.

The Consent Decree may be examined at the Office of the United States Attorney, 219 South Dearborn Street, Chicago, IL 60604, and at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604. During the public comment period, the consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$23.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

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

[FR Doc. 03-11399 Filed 5-7-03; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on April 25, 2003, a proposed Consent Decree in *United States v. Morgantown Engineering and Construction, Inc.* (N.D.W.Va.), C.A. No. 1: 03CV56, was lodged with the United States District Court for the Northern District of West Virginia.

In this action, the United States sought response costs incurred by the Environmental Protection Agency ("EPA"), pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9607, in connection with the clean-up of the Beaumont Glass Site, located in Morgantown, West Virginia. EPA incurred \$7.3 million in response costs. The Consent Decree represents an ability-to-pay settlement with Morgantown Engineering and Construction, Inc. ("MEC"), the owner of the Site. Under the Consent Decree, MEC will pay EPA \$250,000 in three installments over a period of two years. MEC will pay \$25,000 within 30 days after entry of the Consent Decree by the court and will pay \$112,500, plus interest as provided in the Consent Decree, one year later, and a third payment of \$112,500, plus interest, two years after the entry date.

The Department of Justice will receive, for a period of 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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Morgantown Engineering and Construction, Inc.*, DOJ Ref. No. 90-11-3-07651.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 1100 Main Street, Suite 200, Wheeling, West Virginia 26003; and U.S. EPA Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$6.00 (.25 cents per page reproduction costs), payable to the U.S. Treasury.

**Robert D. Brook,**

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

[FR Doc. 03-11400 Filed 5-7-03; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to Comprehensive Environment Response, Compensation, and Liability Act

Notice is hereby given that on April 17, 2003, a proposed consent decree in *United States v. Wyeth, et al*, Civil Action No. 03-1758, was lodged with the United States District Court for the District of New Jersey.

In this action, the United States alleges under, *inter alia*, Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607, that Wyeth, f/k/a American Home Products, Corporation, and Wyeth Holdings Corporation, f/k/a American Cyanamid Company, are liable for the federal government's costs in responding to the release or threatened release of hazardous substances at the American Cyanamid Superfund Site in Bridgewater Township, Somerset County, New Jersey (the Site). Under the terms of the proposed consent decree, the settling defendants will pay the United States the sum of \$220,000 with respect to the United States' claims.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Wyeth, et al.*, Civil Action No. 03-1758, D.J. Ref. 90-11-3-07250.

The proposed consent decree may be examined at the Office of the United States Attorney, District of New Jersey, 970 Broad Street, Newark, New Jersey 07102, and at U.S. Environmental Protection Agency Region II, 290 Broadway, New York, New York 10007-1866. During the public comment period, the proposed consent decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. If requesting a copy of the proposed consent decree, please so note and enclose a check in the amount of \$4.50 (25 cent per page

reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

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

[FR Doc. 03-11402 Filed 5-7-03; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Michael J. Clair, D.D.S.; Revocation of Registration

On March 12, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Michael Jerome Clair, D.D.S. (Dr. Clair) at his registered location in Orlando, Florida. The Order to Show Cause notified Dr. Clair of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BC1867172 under 21 U.S.C. 824(a), and deny any pending applications for renewal or modification of that registration. Specifically, the Order to Show Cause alleged that Dr. Clair was without state license to handle controlled substances in the State of Florida. The Order to Show Cause also notified Dr. Clair that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

As alluded to above, the Order to Show Cause was sent by certified mail to Dr. Clair at his registered address, however, the order was returned to DEA unclaimed. On April 19, 2002, DEA investigators hand delivered the Order to Show Cause to the aforementioned registered address where investigators left the order with Dr. Clair's wife. DEA has not received a request for hearing or any other reply from Dr. Clair or anyone purporting to represent him in this matter.

Therefore, the Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Clair is deemed to have waived his hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Dr. Clair is currently registered with DEA as a practitioner authorized to handle controlled substances in Schedules II through V. In or around