

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****Notice of Proposed Information Collection**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request for the Procedures and Criteria for Approval or Disapproval of State Program Submissions at 30 CFR Part 732 described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost.

**DATES:** OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, public comments should be submitted to OMB by August 17, 1998, in order to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease at (202) 208-2783, or electronically to [jtrelease@osmre.gov](mailto:jtrelease@osmre.gov).

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSM has submitted a request to OMB to renew its approval of the collection of information contained in the Procedures and Criteria for Approval or Disapproval of State Program Submissions at 30 CFR Part 732. OSM is requesting a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is listed in 30 CFR Part 732, which is 1029-0024.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting

comments on these collections of information was published on April 27, 1998 (63 FR 20649). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

**Title:** Procedures and Criteria for Approval or Disapproval of State Program Submissions, 30 CFR Part 732.

**OMB Control Number:** 1029-0024.

**Summary:** Part 732 establishes the procedures and criteria for approval and disapproval of State program submissions. The information submitted is used to evaluate whether State regulatory authorities are meeting the provisions of their approved programs.

**Bureau Form Number:** None.

**Frequency of Collection:** On occasion and annually.

**Description of Respondents:** 24 State regulatory authorities.

**Total Annual Responses:** 65.

**Total Annual Burden Hours:** 8,965.

Send comments on the need for the collections of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the following addresses. Please refer to the appropriate OMB control number in all correspondence.

**ADDRESSES:** Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, 725 17th Street, NW, Washington, DC 20503. Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Room 210—SIB, Washington, DC 20240, or electronically to [jtrelease@osmre.gov](mailto:jtrelease@osmre.gov).

Dated: July 14, 1998.

**Richard G. Bryson,**

*Chief, Division of Regulatory Support.*

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action was filed on July 25, 1997 under Section 107 of CERCLA, 42 U.S.C. 9607, to recover response costs incurred or to be incurred by the United States associated with Findett/Hayford Bridge Road Site in St. Charles, Missouri.

Under the terms of the proposed Decree, General Motors, Mallinckrodt Chemical, and Monsanto will pay a total of \$1,712,076 to the Superfund, exclusively for past United States response costs. The first Partial Consent Decree pending before the Court provides for the payment of an additional \$455,000. The United States' outstanding past costs were estimated at approximately \$3.2 million as of March 31, 1998.

The Second Partial Consent Decree may be examined by the Office of the United States Attorney, U.S. Court & Custom House, 1114 Market Street, Room 401, St. Louis, MO 63101; the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy 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 enclose a check in the amount of \$4.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication comments relating to the proposed Partial Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530, and should refer to *United States v. Findett Corporation, et al.*, DOJ Ref. #90-11-2-417A.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section.*

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**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree**

Notice is hereby given that on July 6, 1998, a proposed Second Partial Consent Decree in *United States v. Findett Corporation, et al.* No. 4:97CV01557CDP (E.D. Mo.) was filed with the United States District Court for the Eastern District of Missouri. The

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

Notice is hereby given that on July 6, 1998, a proposed consent decree in *United States v. W.R. Grace & Co.—Conn.*, Civil Action No. 97-CV-12583-NG, was lodged with the United States

District Court for the District of Massachusetts.

In this action against defendant W.R. Grace & Co.—Conn. ("Grace"), the United States seeks reimbursement of certain response costs and a declaratory judgment for future response costs regarding the W.R. Grace Superfund Site (the "Site"), located in Action, Massachusetts. Grace has owned and operated a facility at the Site since 1954. The consent decree provides that Grace will reimburse the United States \$1,525,000 for Past Response Costs out of about \$4.2 million (including interest) and reimburse the United States for all Future Oversight Costs at the Site. Grace is performing cleanup activities at the Site pursuant to a 1980 settlement of claims under the Resource Conservation and Recovery Act.

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, D.C. 20530, and should refer to *United States v. W.R. Grace & Co.—Conn.*, Civil Action No. 97-CV-12583-NG, D.J. Ref. 90-11-2-1241.

The proposed consent decree may be examined at the at the Region I Office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts, 02203 (contact Gretchen Muench, 617-565-4904) 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, please enclose a check in the amount of \$8.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Joel M. Gross,**

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

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Robert M. Golden, M.D.; Denial of Application

On January 9, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Robert M. Golden,

M.D., of Alpharetta, Georgia, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f), for reason for such registration would be inconsistent with the public interest. The order also notified Dr. Golden that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The DEA received a signed receipt indicating that the order was received on January 16, 1998. No request for a hearing or any other reply was received by the DEA from Dr. Golden or anyone purporting to represent him in this matter. Therefore, the Acting 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. Golden is deemed to have waived his hearing right. After considering material from the investigative file in this matter, the Acting Deputy Administrator now enters order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that Dr. Golden previously possessed DEA Certificate of Registration, AG6243125. On May 25, 1994, an Order to Show Cause was issued proposing to revoke that Certificate of Registration, alleging that Dr. Golden's continued registration would be inconsistent with the public interest. Following a hearing before Administrative Law Judge Paul A. Tenney, the then-Deputy Administrator revoked Dr. Golden's DEA registration effective June 17, 1996. See Robert M. Golden, M.D., 61 FR 24808 (May 16, 1996).

In the prior proceeding, the then-Deputy Administrator found that in April 1987, Dr. Golden entered into a Consent Order with the Georgia State Board of Medical Examiners based upon allegations of recordkeeping violations, the prescribing or dispensing of controlled substances while not acting in the usual course of professional practice, and the prescribing or ordering of controlled substances for an illegitimate medical purpose. In addition, the then-Deputy Administrator found that in 1992, a confidential informant received prescriptions for Xanax, a Schedule IV controlled substance, from Dr. Golden who issued the prescriptions using names other than that of the informant. Also, on two occasions in 1992, Dr. Golden issued prescriptions for Xanax to an undercover police officer for no legitimate medical purpose. In his final

order the then-Deputy Administrator found that Dr. Golden's conduct "demonstrate[s] a cavalier behavior regarding controlled substances" and that "[Dr. Golden] did not acknowledge any possibility of questionable conduct in his prescribing practices." The then-Deputy Administrator found that he "was provided no basis to conclude that [Dr. Golden] would lawfully handle controlled substances in the future," and therefore revoked Dr. Golden's previous registration.

On June 15, 1997, Dr. Golden submitted an application for a new DEA registration. That application is the subject of these proceedings. The Acting Deputy Administrator concludes that the then-Deputy Administrator's May 16, 1996 decision regarding Dr. Golden is *res judicata* for purposes of this proceeding. See Stanley Alan Azen, M.D., 61 FR 57893 (1996) (where the findings in a previous revocation proceeding were held to be *res judicata* in a subsequent administrative proceeding.) The then-Deputy Administrator's determination of the facts relating to the previous revocation of Dr. Golden's DEA registration is conclusive. Accordingly, the Acting Deputy Administrator concludes that the critical consideration in this proceeding is whether the circumstances, which existed at the time of the prior proceeding, have changed sufficiently to support a conclusion that Dr. Golden's registration would be in the public interest.

The Acting Deputy Administrator finds that documentation in the investigative file reveals that since the prior proceeding, Dr. Golden's state medical license was placed on probation on April 4, 1996, for at least four years, pursuant to a Consent Order with the Composite State Board of Medical Examiners for the State of Georgia (Board). As a result of this Consent Order, Dr. Golden is prohibited from handling Schedule I through III controlled substances, and other specifically named substances. In addition, Dr. Golden must use triplicate prescriptions, maintain a log of his handling of controlled substances, and attend continuing medical education courses.

The Acting Deputy Administrator finds that there is a letter with attachments from Dr. Golden dated October 8, 1997, in the investigative file. This documentation reveals that Dr. Golden now practices cosmetic surgery; that he would like to be able to prescribe Valium and Versed, both Schedule IV controlled substances; that he has been in compliance with the Board's April 1996 Consent Order; and