

decree with A & P (Whitehouse Division), et al., if all signatories to that decree meet their commitments, the United States will be paid approximately \$126,000 towards the costs it has incurred and paid in connection with the Sites.

The Department of Justice will receive comments relating to the proposed consent decrees for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530 (attention: Lisa Cherup). All comments should refer to "*United States v. Invincible Metal Furniture Company, Inc., United States v. A.C.E. Building Service, Inc., et al., and United States v. A & P (Whitehouse Division), et al.* (Lemberger Superfund Sites) DJ # # 90-11-2-712B & E."

The proposed consent decrees may be examined at the Office of the United States Attorney for the Eastern District of Wisconsin, 517 E. Wisconsin Ave., Room 530, Milwaukee, WI 53202 (c/o William Lipscomb); the Region V Office of the U.S. Environmental Protection Agency, 77 West Jackson Street, Seventh Floor, Chicago, Illinois 60604; at the Department of Justice Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005 (202) 624-0892 or at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, Wisconsin (414) 683-4862. A copy of any one or more of the proposed consent decrees may be obtained in person or by mail from the Department of Justice Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the above-referenced DJ numbers, and enclose a check in the amount of \$25.50 (twenty-five cents per page reproduction costs) for the entire Global De Minimis Consent Decree *with all signature pages* (102 pages total), \$10.00 for the Global De Minimis Consent Decree *without all signature pages* (40 pages), \$8.00 for the Partial De Minimis Consent Decree (32 pages), and \$5.00 for the Invincible Consent Decree (20 pages), payable to the Consent Decree Library.

Bruce S. Gelber,

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

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BILLING CODE 4410-01-M

Notice of Lodging of Stipulation of Settlement Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Stipulation of Settlement in *United States v. Clark Equipment Company, d/b/a Melroe Company*, Civil Action No. A3-94-51, was lodged on June 17, 1996, with the United States District Court for the District of North Dakota Southeastern Division. The Stipulation resolves the United States' claims for civil penalties against Clark Equipment Company, for violations of Section 307(d) of the Clean Water Act, 33 U.S.C. 1317(d), and the pretreatment regulations promulgated thereunder as a result of discharges from its facility in Gwinner, North Dakota. Under the terms of this Stipulation Clark must pay a civil penalty in the amount of \$250,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Stipulation of Settlement. 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. Clark Equipment Company, d/b/a Melroe Company*, Civil Action No. A3-94-51, DOJ Ref. #90-5-1-1-4054.

The proposed Stipulation of Settlement may be examined at the office of the United States Attorney, 219 Federal Building & U.S. Courthouse, Fargo, North Dakota, the Region VIII Office of the Environmental Protection Agency, 999 18th St., Suite 500, Denver Colorado; 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 Stipulation of Settlement 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 \$2.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

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

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Drug Enforcement Administration

Jeffrey Rutgard, M.D., Revocation of Registration

On November 21, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Jeffrey Rutgard, M.D., (Respondent), of La Jolla, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AR9688194, under 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of his registration as a practitioner under 21 U.S.C. 823(f), for the reason that, effective June 24, 1994, the California Medical Board (Medical Board) ordered the revocation of his state license to practice medicine. Further, the Show Cause Order noted that, lacking a medical license, the Respondent was no longer authorized to handle controlled substances in the State of California. The order also notified the Respondent that, should no request for a hearing be filed within 30 days, the hearing right would be deemed waived.

The DEA mailed the show cause order to the Respondent at two locations of record with the DEA in La Jolla, California, and also mailed a copy to an attorney known by DEA to have represented the Respondent in a criminal matter. Subsequently, the DEA received three signed receipts from the United States Postal Service, showing that the orders had been delivered. The attorney also wrote a letter, stating that she did not represent the Respondent in this matter, but that she would forward the show cause order to the Respondent at the Federal Correctional Institution at Fort Dix, New Jersey. However, no request for a hearing or any other substantive reply was received by the DEA from the Respondent or anyone purporting to represent him in this matter.

Therefore, the Deputy Administrator, finding that (1) thirty days have passed since the issuance of the Order to Show Cause, and (2) no request for a hearing was received, concludes that the Respondent is deemed to have waived his hearing right. After considering relevant material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.54(e) and 1301.57.

The Deputy Administrator finds that, on May 18, 1994, the Medical Board revoked the Respondent's license to practice medicine in the State of California, effective June 24, 1994. From