Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $27.25 (25 cents per page reproduction costs), for a copy of the consent decree only or $107.25, for a copy of the consent decree with appendices, payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section.

[FR Doc. 96–26283 Filed 10–11–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed consent decree in *United States* v. *Eveready Battery Company, Inc.*, Civil Action No. 1–96CV–10041, was lodged on September 27, 1996 with the United States District Court for the Southern District of Iowa, Western Division. In a complaint filed contemporaneously with the lodging of the proposed consent decree, the United States alleged that Defendants R. John Swanson and Blanche Kinnison, Co-executors of the Estate of Lowell G. Kinnison, and Blanche I. Kinnison are liable as owners of the Red Oak Landfill Superfund Site located in Montgomery County, Iowa (''Site'') pursuant to Section 107(a)(1) of CERCLA, 42 U.S.C. 9607(a)(1). The complaint alleges that defendant City of Red Oak is liable as a former owner and operator of the Site pursuant to Section 107(a)(2) of CERCLA, 42 U.S.C. 9607(a)(2). The complaint also alleges that Defendants Douglas & Lomason Co. and Uniroyal, Inc. by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances at the Site and are liable pursuant to Section 107(a)(3) of CERCLA, 42 U.S.C. 9607(a)(3). The complaint also alleges that Defendants Eveready Battery Company, Inc., Ralston Purina Company, Bangor Punta Diversified Holdings Corp., Uniroyal Holdings, Inc., and Universal Cooperatives, Inc., are successors to and assumed liability for persons who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances at the Site and are liable pursuant to Section 107(a)(3) of CERCLA, 42 U.S.C. 9607(a)(3). The complaint further alleges that the Environmental Protection Agency (''EPA'') and the Department of Justice incurred and continue to incur costs for response actions at and in connection with the Site.

The proposed consent decree provides that the Defendants will pay $769,385 to the United States for the past costs incurred and paid by EPA and the Department of Justice prior to March 21, 1996, pay $200,000 for future response costs to be incurred by the U.S. and perform the Remedial Action as set forth in the March 31, 1993 Record of Decision, as modified by the January 30, 1996 Explanation of Significant Difference (''ROD''). The proposed Consent Decree also provides that the United States covenants not to sue the defendants under both Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and Section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973.

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. The Department will also schedule a public meeting in the affected area, if requested, in accordance with Section 7003(d) of RCRA. Comments and/or a request for a RCRA public meeting 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. *Eveready Battery Company, Inc.*, DOJ Ref. #90–11–2–927.

The proposed consent decree may be examined at the Office of the United States Attorney, U.S. Courthouse Annex, 110 East Court Avenue, Suite 286, Des Moines, Iowa 50309–2053; the Region VI 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 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 enclose a check in the amount of $26.00 (25 cents per page reproduction costs), for a copy of the consent decree only or $36.75, for a copy of the consent decree with appendices, payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section.

[FR Doc. 96–26282 Filed 10–11–96; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated July 25, 1996, and published in the Federal Register on July 31, 1996, (61 FR 39986), Bridgeway Trading Corporation, 7401 Metro Blvd., Suite 480, Minneapolis, Minnesota 55439, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of marihuana (7360), a basic class of controlled substance listed in Schedule I, as seed which will be rendered non-viable and used as bird food.

No comment or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Bridgeway Trading Corporation to import marihuana is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: September 19, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–26319 Filed 10–11–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated June 27, 1996, and published in the Federal Register on July 5, 1996, (61 FR 35265), Dupont Pharmaceuticals, The Dupont Merck Pharmaceutical Company, 1000 Stewart Avenue, Garden City, New York 11530, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Oxycodone (9143)	II
Hydrocodone (9193)	II
Oxymorphone (9652)	II

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Dupont Pharmaceuticals to manufacture the listed controlled substances is consistent with the public interest at this time. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: September 25, 1996.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–26320 Filed 10–11–96; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 954–15]

Michael J. Septer, D.O., Grant of Request To Modify Continuation of Registration With Restrictions

On November 4, 1993, the then-Director, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Michael James Septer, D.O. (Respondent) at two locations in Tucson, Arizona and one location in Sierra Vista, Arizona, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificates of Registration (BS0321454, BS0321430 and BS0321442) under 21 U.S.C. 824(a)(4), and deny any request to modify such registrations by changing the registered address, and deny any pending applications for renewal of such registrations as a practitioner under 21 U.S.C. 823(f), as being inconsistent with the public interest.

By letter dated December 2, 1993, the Respondent filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Grand Rapids, Michigan on February 28, 1995, before Administrative Law Judge Paul A. Tenney. At the hearing, the parties agreed that two of the DEA registrations that were the subject of the proceedings (BS0321454 and BS0321442) had terminated as a matter of law pursuant to 21 CFR 1301.62. Consequently, the scope of the proceedings was narrowed to determine whether the Respondent's DEA Certificate of Registration (BS0321430) should be modified or transferred from Arizona to Michigan, or whether such action should be denied for reasons that the Respondent's continued registration with DEA as a practitioner is inconsistent with the public interest as determined pursuant to 21 U.S.C. 823(f) and 825(a)(4). Both parties called witnesses to testify and introduced documentary evidence. After the hearing, both sides submitted proposed findings of fact, conclusions of law and argument. On May 30, 1995, Judge Tenney issued his Findings of Fact, Conclusions of Law, and Recommended Ruling, recommending that the Deputy Administrator grant the Respondent's request to modify his DEA Certificate of Registration (BS0321430) so that it may be transferred from Arizona to Michigan, and to impose certain conditions on the registration. Judge Tenney's recommended conditions for the registration contemplated that the Respondent would continue to be employed at Hackley Occupational Health Clinic (HOHC), his place of employment at the time of the hearing, or at another facility approved by DEA that would provide a structured environment similar to HOHC. Neither party filed exceptions to the Administrative Law Judge's decision, and on June 29, 1995, Judge Tenney transmitted the record of these proceedings to the Deputy Administrator.

By letter dated October 23, 1995, an attorney representing HOHC notified the Deputy Administrator that the HOHC Vice President, who testified at the hearing on behalf of the Respondent and who was in charge of monitoring the Respondent at HOHC, was no longer employed by HOHC. In addition, the letter indicated that Respondent and HOHC have voluntarily terminated their employment agreement. On November 1, 1995, the Deputy Administrator returned the record to the Administrative Law Judge, along with a copy of the October 23, 1995 letter from the HOHC attorney, and requested that Judge Tenney reopen the record to add this letter and to take whatever other actions he deemed necessary to consider the information contained in the letter. By order dated November 1, 1995, Judge Tenney included the letter in the record and allowed the parties to notify him of their recommendations on how to proceed in light of the HOHC's letter. Respondent was the only party to file a response and submitted a letter requesting that he be allowed to continue his DEA registration until the necessary monitors are available at his new employment. On December 6, 1995, the Administrative Law Judge issued an Addendum to his Recommended Ruling dated May 30, 1995, recommending that Respondent be allowed to continue his DEA registration provided that the nearest DEA office approve the monitoring conditions at any new place of employment. No exceptions were filed to the Addendum and the record was again transmitted to the Deputy Administrator on May 16, 1996.

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, with noted exceptions, the opinion and recommended ruling of the Administrative Law Judge, 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 Acting Deputy Administrator finds that on November 25, 1980, a ten-count indictment was filed against the Respondent in the United States District Court for the District of Arizona. Six of the ten counts alleged mail fraud in violation of 18 U.S.C. 1341 with respect to certain Medicare claims filed by the Respondent. The remaining counts alleged insurance fraud in violation of 42 U.S.C. § 1395nn, in that Respondent attempted to secure payment for ''medical services never performed and medical supplies never placed, rented or purchased . . . .'' On May 4, 1981, following a jury trial, the Respondent was convicted of the six mail fraud counts. The court suspended imposition of sentence for a period of three years, placed the Respondent on probation during that time, and ordered that he spend one day per week for one year furnishing community service without compensation. There is little evidence in the record as to the underlying facts that led to Respondent's convictions. The Respondent however, testified at the hearing that the convictions were the result of his making up permanent placement dates for transcutaneous electrical nerve stimulators (TENS) to assure prospectively that he was reimbursed when the TENS were actually placed on his patients.

As a result of his mail fraud convictions, on October 21, 1981, the Board of Osteopathic Examiners of the State of Arizona placed the Respondent's license to practice osteopathic medicine on probation for three years to run concurrently with the criminal probation. Also as a result of