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

William D. Brighton,

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

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BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability ACT

In accordance with Department of Justice policy, notice is hereby given that on June 26, 2006, a proposed consent decree (''Consent Decree'') in *United States* v. *Glidden Company, et al.*, Civil Action No. 06–C–0718, was lodged with the United States District Court for the Eastern District of Wisconsin.

The Consent Decree would resolve claims for (i) unreimbursed past response costs incurred by the United States related to the removal action at the Marina Cliffs/Northwestern Barrel Superfund Site (''Site'') in South Milwaukee, Wisconsin; and (ii) penalties for failure to comply with Environmental Protection Agency orders related to the Site. Under the Consent Decree, the three defendants named in the United States' complaint would pay a total of $612,000 in past costs and penalties. The Glidden Company agreed to reimburse the United States $135,000 for past response costs and pay a $15,000 penalty. Chemcentral Corporation agreed to reimburse the United States $220,000 for past response costs and pay a $25,000 civil penalty. Sequa Corporation agreed to reimburse the United States $197,000 for past response costs and pay a $20,000 civil penalty.

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 of the Environment and Natural Resources Division, Department of Justice, P.O. Box No. 7611 Washington, DC 20044–7611, and should refer to *United States* v. *Glidden Company, et al.*, Civil Action No. 06–C–0718, D.J. Ref. 90–11–3–1485/3.

The Consent Decree may be examined at the Office of the United States, Attorney, 530 Federal Building, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, and at U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604–4590. 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*), 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 $30.25 (121 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury. For a copy of the Consent Decree alone, without appendices, please enclose a check in the amount of $5.25 (21 pages at 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. 06–6157 Filed 7–11–06; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—AAF Association, Inc.

Notice is hereby given that, on June 21, 2006, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), AAF Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ITSSP, Seoul, REPUBLIC OF KOREA; Grizzly Systems LLC, Bellevue, CO; and JW Hannay Co. Ltd., Glasgow, Scotland, UNITED KINGDOM have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AAF Association, Inc. intends to file additional written notification disclosing all changes in membership.

On March 28, 2000, AAF Association, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on March 27, 2006. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 17, 2006 (71 FR 19750).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

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BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Water Heater Industry Joint Research and Development Consortium

Notice is hereby given that, on June 2, 2006, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Water Heater Industry Joint Research and Development Consortium (''the Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership, nature and objective. the notifications were filed for the purpose of extending the Act's provisions limiting the recovery antitrust plaintiffs to actual damages under specified circumstances. Specifically, A.O. Smith Corporation, Irving, TX has purchased GSW Inc. Also, the term of the Consortium has been changed from eleven years beginning February 27, 1995, to a period of twelve years beginning February 27, 1995. Thus, the Consortium will be in operation no longer than February 27, 2007.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Consortium intends to file additional written notification disclosing all changes in membership.

On February 28, 1995, the Consortium filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 27, 1995 (60 FR 15789).

The last notification was filed with the Department on February 14, 2005. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 14, 2005 (70 FR 12501).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 06–6134 Filed 7–11–06; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

John Vanags Denial of Application

On October 8, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to John Vanags (Respondent), d/b/a Distribution General. The Show Cause Order proposed to deny Respondent's application for a DEA Certificate of Registration as a distributor of List I chemicals on the grounds that Respondent's registration would be inconsistent with the public interest. See 21 U.S.C. 823(h).

The Show Cause Order specifically alleged that Respondent was proposing to sell List I chemical products containing ephedrine, pseudoephedrine, and phenylpropanolamine to gas stations and convenience stores in the Chicago, Illinois area, and that these retail outlets constitute the non-traditional or ''gray market'' for these products. See Show Cause Order at 2. The Show Cause Order further alleged that many of these retailers ''purchase inordinate amounts of these products and become conduits for the diversion of listed chemicals into illicit drug manufacturing.'' Id. The Show Cause Order also alleged that Respondent admitted that he had no prior experience in the distribution of List I chemicals, see id., that Respondent was ''unfamiliar with his customers,'' id. at 4, and that Respondent has ''little familiarity with his potential suppliers.'' Id. Finally, the Show Cause Order alleged that granting Respondent's application for registration ''would likely lead to increased diversion of List I chemicals.'' *Id.*

On October 8, 2004, DEA attempted to serve the Show Cause Order by certified mail to Respondent's business address as given in his application. The Order was, however, returned unclaimed. Thereafter, on March 24, 2005, a DEA Diversion Investigator (DI) personally served Respondent with the Show Cause Order.

Since the effectuation of service, neither Respondent, nor anyone purporting to represent him, has responded. Because (1) more than thirty days have passed since Respondent received the Show Cause Order, and (2) no request for a hearing has been received, I conclude that Respondent has waived his right to a hearing. See 21 CFR 1309.53(c). I therefore enter this final order without a hearing based on relevant material in the investigative file and make the following findings.

Findings

Ephedrine and pseudoephedrine are List I chemicals that, while having therapeutic uses, are easily extracted from lawful products and used in the illicit manufacture of methamphetamine, a schedule II controlled substance. See 21 U.S.C. § 802(34); 21 CFR 1308.12(d). Phenylpropanolamine (PPA) is also a List I chemical, which can be used to manufacture methamphetamine. In November 2000, the FDA issued a public health advisory regarding PPA based on a study that found that use of PPA increases the risk of hemorrhagic stroke.[1]

Methamphetamine is an extremely potent central nervous system stimulant. A–1 Distribution Wholesale, 70 FR 28573 (2005). Methamphetamine abuse has destroyed lives and families, ravaged communities, and created serious environmental harms.

Respondent is the owner of Distribution General, a sole proprietorship. The firm sells novelty items, sunglasses, lighters and collectibles to gas stations and convenience stores in the Chicago area.

On April 3, 2002, Respondent applied for a DEA Certificate of Registration as a distributor of the List I chemicals ephedrine, pseudoephedrine, and PPA. On May 23, 2002, two Diversion Investigators (DIs) visited Respondent at the address of his proposed registered location, which at the time was a high crime area located in Maywood, Illinois.[2] While the proposed location had a dead bolt lock, a pad lock, a magnetic contact switch on the back door, and bars on the windows, the building had been burglarized numerous times.[3]

Respondent told the DIs that he had handled over-the-counter medicine while serving in the U.S. Army Medical Corps, but that he had no experience in the distribution of List 1 chemicals. Respondent informed the DIs that he intended to sell List I chemical products to convenience stores and gas stations in the Chicago area.

Respondent told the DIs that he had four suppliers: Biotek Pharmaceuticals, McNeil Consumer & Specialty Pharmaceuticals, Bayer Consumer Care Division, and Novartis Consumer Health, Inc. He also told the DIs that he intended to sell Alka Seltzer Plus Cold & Sinus, Theraflu, Efedrin and Tylenol PM.

The DIs subsequently found various discrepancies in the information Respondent provided about his suppliers. For example, Respondent provided a phone number for McNeil, but the number was for the company's consumer hotline and not for its distribution center. Respondent provided an address for Bayer, but Bayer did not have a DEA registration at the address. Finally, the DIs noted that Respondent had only provided a phone number for Novartis and no address. The DIs thus concluded that Respondent lacked essential knowledge about his suppliers.

The DIs also conducted verification visits at three entities that Respondent claimed to have done business with. The person working at the first entity—a convenience store—had not done business with Respondent's firm. The second entity was no longer in business. Finally, persons working at the third entity—a gas station—were not familiar with Respondent's firm.

Subsequently, and without notifying DEA of this development for months, Respondent moved his business to a warehouse in a low crime area in Steger, Illinois. Respondent told the DIs that he did not have a complete security system but that he intended to add cameras, motion detectors and a surveillance system, which would allow him to monitor the warehouse from home. Respondent, however, has not submitted documentation that he ever upgraded his security system.

Discussion

Under 21 U.S.C. 823(h), an applicant to distribute List I chemicals is entitled to be registered unless I determine that

[1] More recently, on December 22, 2005, the FDA issued a notice of proposed rulemaking, which proposed to reclassify over-the-counter PPA products as ''not generally recognized as safe and effective.'' U.S. FDA, Center for Drug Evaluation and Research, Phenylpropanolamine (PPA) Information Page *http://www.fda.gov/cder/drug/infopage/ppa/* (visited June 15, 2006).

[2] At the time of the pre-registration investigation, Respondent's business was located at 17 North 5th Ave., Maywood, Illinois. At some point thereafter, Respondent moved his business to 3129 Louis Sherman Drive, Steger, Illinois. Respondent, however, did not notify DEA of this fact until March 2005.

[3] The DIs also conducted a criminal background check on Respondent; the check revealed no adverse information.