

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

Notice is hereby given that on December 10, 2003, a proposed Consent Decree in *United States v. Ralph L. Lowe, et al.*, Civil Action No. H-91-830 was lodged with United States District Court for the Southern District of Texas.

In this action the United States sought all costs incurred by the United States for responding to releases or threatened releases of hazardous substances at the Dixie Oil Processors, Inc. Superfund Site near Friendswood in Harris County, Texas. The Consent Decree resolves the United States claim against Pharmacia Corporation (formerly known as Monsanto Company), the Dow Chemical Company, Merichem Company, Lyondell Chemical Company (as successor to ARCO Chemical Company), and Rohn and Haas Company for past response costs that have been incurred and for future response costs that will be incurred by the United States at the Site. These Defendants have agreed to pay \$873,949.80.

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. Ralph L. Lowe, et al.*, D.J. Ref. 90-11-2-0323.

The Consent Decree may be examined at the Office of the United States Attorney, 910 Travis Street, Suite 1500, Houston, Texas and at U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas. 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

\$7.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Thomas Mariani,**  
*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 Judgment Pursuant to Clean Air Act**

Notice is hereby given that on December 1, 2003, a proposed Consent Judgment in *United States v. The New York City Transit Authority*, Civil Action No. CV-97-7521, was lodged with the United States District Court for the Eastern District of New York.

The proposed Consent Judgment will resolve the United States' claims under section 113 of the Clean Air Act, 42 U.S.C. 7413, on behalf of the U.S. Environmental Protection Agency against defendant New York City Transit Authority ("TA") in connection with the TA's renovation of six subway stations in Brooklyn and Queens, New York. According to the complaint, asbestos-containing material was improperly removed during the renovation of six subway stations in Brooklyn and Queens, New York. The Consent Judgment requires the TA to pay \$300,000 in civil penalties and enjoins the TA from committing violations of the Clean Air Act and the National Emission Standards for Hazardous Air Pollutants for Asbestos, 40 CFR part 61, subpart M.

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 Judgment. 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. The New York City Transit Authority*, Civil Action No. CV-97-7521, D.J. Ref. 90-5-2-1-2135.

The proposed Consent Judgment may be examined at the Office of the United States Attorney, Eastern District of New York, One Pierrepont Plaza, 14th Fl., Brooklyn, New York 11201, and at the United States Environmental Protection Agency, Region, II, 290 Broadway, New York, New York 10007-1866. During the public comment period, the proposed Consent Judgment 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 Judgment 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 Judgment, please so note and enclose a check in the amount of \$3.00 (25 cent per page reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

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

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**DEPARTMENT OF JUSTICE****Drug Enforcement Administration****Larry E. Davenport, M.D.: Denial of Application for DEA Registration****I. Background**

On September 21, 2001, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause (OTSC) to Larry E. Davenport, M.D., (Respondent), proposing to deny his application for a DEA Certificate of Registration. The basis for the Order to Show Cause was that Respondent's registration would be inconsistent with the public interest as that term is used 21 U.S.C. 823(f). More specifically, the OTSC alleged that the Tennessee Department of Health found that in 1998 and 1999, Respondent obtained Schedule II and III controlled substances for the personal use of Respondent and his wife. Respondent obtained the drugs by telephoning in prescriptions using the DEA registration numbers of several different physicians. Sometimes he had his employees do the calling. The OTSC also alleged that Respondent removed controlled substances from the clinic where he was employed, including Emerol, a Schedule II controlled substance.

By letter dated December 10, 2001, Respondent, through his legal counsel, requested a hearing on the issues raised in the OTSC. The matter was placed on the docket of Administrative Law Judge Gail A. Randall. (The ALJ).

The following prehearing procedures, testimony was presented before the ALJ on June 5 and 6, 2002, in Knoxville, Tennessee. The Government presented testimony from three witnesses and had admitted into evidence several exhibits.