

States Attorney, 6th and Rogers, Room 216, Ft. Smith, Arkansas; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; 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 \$12.25 (25 cents per page reproduction costs), for the Consent Decree or \$19.25 for the Consent Decree with attachments, payable to the Consent Decree Library.

Bruce Gelber,

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

[FR Doc. 96-17496 Filed 7-9-96; 8:45 am]

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

Notice is hereby given that a proposed Consent Decree in *United States v. Noreen Greenberg, Marvin Greenberg, and The Property Addressed at 120 Osage Avenue, located in Kansas City, Kansas*, Civil Action No. 96-2289-JWL, was lodged on June 17, 1996, with the United States District Court for the District of Kansas.

The complaint alleges that Noreen and Marvin Greenberg are jointly and severally liable for the United States' approximately \$1.1 million in response costs at the Osage Metals Superfund Site, located in Kansas City, Kansas, pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). The complaint also includes an *in rem* action to recover these costs, which are secured by a CERCLA lien against the Site, pursuant to Section 107(l) of CERCLA, 42 U.S.C. 9607(l).

The proposed agreement concerns the 1.7-acre Osage Metals Superfund Site ("Site"), located at 120 Osage Avenue in Kansas City, Kansas. The Site was the location of metals salvage and reclamation facilities between 1948 and 1993. The United States Environmental Protection Agency ("EPA") conducted a removal action at the Site in 1995. As of October 31, 1995, EPA had incurred costs in excess of \$1.1 million exclusive of interest. On June 26, 1995, EPA perfected a CERCLA lien on the Site to secure its \$1.1 million in response costs.

Under the proposed consent decree, the owners will transfer ownership of the Site to a developer who will, in turn, pay the United States \$80,000 in reimbursement of the United States' past response costs. The W.W. Land Company, which had no part in the activities that gave rise to the United States' response costs of the Site, plans to build and operate a commercial warehouse on the Site.

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 for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Noreen Greenberg, Marvin Greenberg, and The Property Addressed at 120 Osage Avenue, located in Kansas City, Kansas*, DOJ Ref. #90-11-3-1617.

The proposed consent decree may be examined at the office of the United States Attorney, District of Kansas, 500 State Avenue, Suite 360, Kansas City, Kansas, 66101, (913) 551-6730; the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, KS 66101 (913) 551-7010; 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 \$6.00 for the consent decree only, or \$10.25 for the consent decree and attachments (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

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Notice of Lodging of Consent Decrees Relating to the Lemberger Superfund Sites in Manitowoc County, WI, Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that three proposed consent decrees in *United States v. Invincible Metal Furniture Company, Inc.*, Civil Action No. 96-C-740, *United States v. A & P (Whitehouse Division)*, et al., Civil Action No. 96-C-738, and *United States v. A.C.E.*

Building Service, Inc., et al., Civil Action No. 96-C-739 (and related cases—*Lemberger Sites Remediation Group v. Amoco Corp., et al.*, Civil Action No. 95-C-1064 and *Lemberger Sites Remediation Group v. A.M. Richter & Sons, Co., et al.*, Civil Action No. 95-C-1065) were lodged with the United States District Court for the Eastern District of Wisconsin, on June 21, 1996. All of these actions were commenced pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601, et seq. in connection with the Lemberger Landfill Superfund Site (#5-3E), and the Lemberger Transport & Recycling Superfund Site (#5-J4) (See the National Priorities List in 40 CFR Part 300, Appendix B) which are located near the intersection of Hempton Lake and Sunnyslope Roads, near the town of Whitelaw, in Manitowoc County, Wisconsin.

The Operable Unit 1 and Operable Unit 2 remedial and removal actions at the two Lemberger Sites are being performed by a group of potentially responsible parties (the Lemberger Sites Remediation Group or the "LSRG") who signed a Consent Decree in 1992 and an Administrative Order in 1993 with the United States. In the first proposed consent decree with Invincible Metal Furniture Company, Invincible, which following the signing of the 1993 Administrative Order joined the LSRG, is now committing to the United States to perform the Operable Units 1 and 2 remedial and removal actions for the two Lemberger Sites, to pay the United States' and the State of Wisconsin's future response costs for the Sites, and to pay \$600,000 towards the United States' past response costs incurred and paid in connection with the two Lemberger Sites.

The United States is also lodging two proposed consent decrees with parties who contributed "de minimis" amounts of waste to the Lemberger Sites: a "global decree" which is a settlement among the signatories, the LSRG and the United States, and a "partial decree" which is a settlement between the signatories and the United States only. Under the proposed "Global De Minimis Consent Decree" with A.C.E. Building Services, Inc., et al., if all signatories to the consent decree meet their commitments, the LSRG will be paid approximately \$1,183,000 toward the costs it has incurred and will continue to incur in remediating the Lemberger Sites, and the United States will be paid approximately \$287,000 towards the costs it has incurred and paid in connection with the Lemberger Sites. Under the proposed "partial" consent

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.

[FR Doc. 96-17494 Filed 7-9-96; 8:45 am]

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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