

remains and the Cayuga Nation of New York.

This notice has been sent to officials of the Cayuga Nation of New York, the Seneca-Cayuga Tribe of Oklahoma, the St. Regis Band of Mohawk Indians of New York, the Oneida Nation of New York, the Oneida Tribe of Wisconsin, the Onondaga Nation of New York, the Seneca Nation of New York, the Tonawanda Band of Seneca Indians of New York, and the Tuscarora Nation of New York. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Jonathan Haas, MacArthur Curator of North American Anthropology, Field Museum of Natural History, Roosevelt Road at Lake Shore Dr., Chicago, IL 60605; telephone: (312) 922-9410, ext. 641, before April 9, 1998. Repatriation of the human remains to the Cayuga Nation of New York may begin after that date if no additional claimants come forward.

The National Park Service is not responsible for the determinations within this notice.

Dated: March 4, 1998.

**Francis P. McManamon,**

*Departmental Consulting Archeologist,  
Manager, Archeology and Ethnography  
Program.*

[FR Doc. 98-6138 Filed 3-9-98; 8:45 am]

BILLING CODE 4310-70-F

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Stipulation and Joint Motion to Amend Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on February 25, 1998, a proposed Stipulation and Joint Motion to Amend Consent Decree ("Joint Motion To Amend Consent Decree") in *United States v. Environmental Conservation and Chemical Co., et al.*, Cause Number IP 83-1419-C-M/S, was lodged with the United States District Court for the Southern District of Indiana.

On September 10, 1991, the U.S. District Court for the Southern District of Indiana entered a Consent Decree that resolved the United States' claim for injunctive relief and for reimbursement of response costs, brought pursuant to Sections 104, 106, and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9604, 9606, and 9607(a). The 1991 Consent Decree required the settling defendants to implement the remedy selected by U.S. Environmental Protection Agency in a September 25,

1987, Record of Decision ("ROD") and a June 7, 1991, ROD Amendment. In 1997, the U.S. Environmental Protection Agency issued an Explanation of Significant Differences that modified the ROD, as amended, in several respects. The Joint Motion To Amend Consent Decree would amend the 1991 Consent Decree to make it consistent with the modified remedy set forth in the 1997 Explanation of Significant Differences.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Joint Motion To Amend Consent Decree. 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. Environmental Conservation and Chemical Co., et al.* and D.J. Ref. Number 90-11-2-48.

The Joint Motion To Amend Consent Decree may be examined at the Office of the United States Attorney, Southern District of Indiana, at U.S. EPA Region 5, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC. 20005, (202) 624-0892. A copy of the Joint Motion To Amend Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC. 20005. In requesting a copy, please enclose a check in the amount of \$31.50 (25 cents per page reproduction cost) payable to the Consent Decree Library. To request a copy exclusive of exhibits, please enclose a check in the amount of \$4.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Joel M. Gross,**

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

[FR Doc. 98-6108 Filed 3-9-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on February 27, 1998, a proposed consent decree in *United States v. St. Julian Corp., et al.*, Civil Action No. 2:96CV1161 was lodged with the United States District Court for the Eastern District of Virginia.

In this action the United States sought to recover from defendants Fine Petroleum Company, Inc., Milton Fine,

and St. Julian Corporation past response costs from two prior removal actions at the Fine Petroleum Company, Inc., Superfund Site, in Norfolk, Virginia. The proposed settlement provides reimbursement of approximately \$1,640,000 of the United States' past response costs, of which the private defendants will pay \$400,000 based on their ability to pay, and the Defense Reutilization and Marketing Service, a component of the Department of Defense, against whom the defendants filed counter-claims, will pay \$1,239,327.58.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed decree. 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. St. Julian Corp., et al.*, DOJ Ref. 90-11-2-1188.

The consent decree may be examined at the Office of the United States Attorney, Eastern District of Virginia, 8000 World Trade Center, 101 W. Main Street, Norfolk, VA; at U.S. EPA Region III, 841 Chestnut Street, Philadelphia, PA 19107; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$7.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Joel M. Gross,**

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

[FR Doc. 98-6109 Filed 3-9-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Gerald W. Anderson, D.D.S.; Revocation of Registration

On July 31, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Gerald Anderson, M.D.,<sup>1</sup> of Bend, Oregon, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA

<sup>1</sup> While the Order to Show Cause was issued to Gerald Anderson, M.D., the DEA Certificate of Registration at issue was issued to Gerald W. Anderson, D.D.S.

Certificate of Registration AA9568215, under 21 U.S.C. 824(a)(3), and deny any pending applications of registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that he is not currently authorized to handle controlled substances in the State of Oregon. The order also notified Dr. Anderson that should no request for a hearing be filed within 30 days of receipt, his hearing right would be deemed waived.

The DEA received a signed receipt indicating that the order was received on August 18, 1997. No request for a hearing or any other reply was received by the DEA from Dr. Anderson or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have past since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Anderson is deemed to have waived his hearing right. After considering relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on May 20, 1994, the Oregon Board of Dentistry entered into a Consent Order with Dr. Anderson, whereby Dr. Anderson agreed to resign his license to practice dentistry in Oregon and to permanently prohibited from ever applying for license in that state. As a result, the Acting Deputy Administrator finds that Dr. Anderson is not currently authorized to practice dentistry in the State of Oregon. The Acting Deputy Administrator further finds it reasonable to infer that Dr. Anderson is also not authorized to handle controlled substances in the State of Oregon, where he is currently registered with DEA to handle controlled substances.

The DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here it is clear that Dr. Anderson is not currently authorized to practice dentistry or handle controlled substances in the State of Oregon. Therefore, Dr. Anderson is not entitled to DEA registration in that state.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AA9568215, previously issued to Gerald W. Anderson, D.D.S., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective April 9, 1998.

Dated: March 3, 1998.

**Donnie R. Marshall,**

*Acting Deputy Administrator.*

[FR Doc. 98-6102 Filed 3-9-98; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 98-3]

#### **Dong HA Chung, M.D.; Revocation of Registration**

On October 8, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Dong Ha Chung, M.D. (Respondent), of Anderson, South Carolina. The Order to Show Cause notified him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BC0373465, and deny any pending applications for renewal of such registration as a practitioner pursuant to 21 U.S.C. 823(f) and 824(a)(3) and (a)(5). The Order to Show Cause alleged that Respondent is not currently authorized to handle controlled substances in the State of South Carolina, and he has been excluded by the United States Department of Health and Human Services from participating in the Medicare, Medicaid and any state health care programs for a period of ten years.

On November 5, 1997, Respondent, through counsel, filed a request for a hearing, and the matter was docketed before Administrative Law Judge Gail A. Randall. On November 6, 1997, Judge Randall issued an Order for Prehearing Statements. On December 1, 1997, the Government filed a Motion for Summary Disposition and Motion to Stay Proceedings, alleging that Respondent is currently registered with DEA to handle controlled substances in South Carolina, however he is currently without state authority to handle controlled substances in South Carolina.

On December 16, 1997, Respondent filed a Memorandum in Opposition of Government's Motion for Summary Disposition arguing that Respondent's state controlled substances license was canceled based upon the suspension of his medical license, which has since been reinstated. Respondent asserts that he is currently seeking reinstatement of his controlled substances privileges in South Carolina, but "a scheduled hearing (on the reinstatement) was postponed and for a reason not yet known, it has not been rescheduled." Respondent does not deny that he is not currently authorized to handle controlled substances in South Carolina.

On January 7, 1998, Judge Randall issued her Opinion and Recommended Ruling, finding that Respondent lacks authorization to handle controlled substances in the State of South Carolina; granting the Government's Motion for Summary Disposition; and recommending that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her opinion, and on February 9, 1998, Judge Randall transmitted the record of these proceedings to the Acting Deputy Administrator.

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, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Acting Deputy Administrator finds that on July 12, 1996, the South Carolina Department of Health and Environmental Control issued a Notice of Cancellation of Controlled Substances Registration, canceling Respondent's controlled substances registration in South Carolina. Respondent argues that the cancellation of his state controlled substances privileges was based upon the suspension of his medical license in South Carolina, and that his state medical license has since been reinstated. However, Respondent does not dispute that he is not currently authorized to handle controlled substances in the State of South Carolina. Therefore, the Acting Deputy Administrator finds that Respondent is not currently authorized to handle controlled substances in South Carolina, the state in which he is registered with DEA.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle