Del Sur, Inc., which decree was entered by the Court in October, 1987 (''Original Consent Decree''). The proposed amended consent decree also resolves the United States' claims with respect to the United States' Motion to Enforce the Consent Decree and United States' Motion to Amend and Supplement the Complaint.

The proposed amended consent decree requires Proteco to close the hazardous waste units at the facility Proteco operates at Penuelas, Puerto Rico (''Facility'') pursaunt to closure plans approved by the Environmental Protection Agency. In addition, the proposed amended consent decree requires Proteco to deposit $40,000 per month in an escrow account, which monies shall be spent to close the hazardous waste units; Proteco is required to continue to make deposits into the escrow account until it has paid into the account an amount equal to the estimated cost of closure. Further, Proteco's civil penalty obligations under the Original Consent Decree will be modified to provide that the United States will forgive $225,671 of the civil penalty amount that Proteco owed. The United States has already received at least $283,750 in civil penalties under the Original Consent Decree and the United States will receive at least an additional $690,000 after entry of the amended consent decree. Further, if Proteco sells its assets or over 50% of its stock within one year of the public notice of the proposed closure plan for the Facility, Proteco will pay an additional civil penalty in the amount of $225,671.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed amended consent decree. Any comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Proteccion Tecnica Ecologica, Inc., et al.,* D.J. Ref. 90–7–1–345a.

The proposed amended consent decree may be examined at the Office of the United States Attorney, Federal Office Building, Carlos E. Chardon Ave., Hato Rey, Puerto Rico 00918, and at the Region II office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866, 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 amended 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 enclose a check (there is a 25 cent per page reproduction cost) in the amount of $9.00 payable to the Consent Decree Library.

Bruce S. Gelber,

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

[FR Doc. 97–20842 Filed 8–6–97; 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—MOST, Inc.

Notice is hereby given that, on June 17, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), Toyota Tsusho America, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to and (2) the nature and objectives of a production venture known as MOST, Inc. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: Toyota Tsusho America, Inc., New York, NY (owned by Toyota Tsusho Corporation, Nagoya, Japan); Daiki International Trading Corporation, Torrance, CA (owned by Daiki Alumni Industry Co., Ltd., Osaka, Japan); and Toyota Tsusho Corporation. The general area of planned activity is the buying, selling, smelting and refining of secondary aluminum metals.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–20841 Filed 8–6–97; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

David Golden, M.D.; Suspension of Registration

On August 21, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to David L. Golden, M.D., of New Orleans, Louisiana, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificates of Registration, BG3086306 and BG3039218, under 21 U.S.C. 824(a)(3), and deny any pending applications for 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 Louisiana. The order also notified Dr. Golden that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was sent to both of Dr. Golden's registered locations, as well as to an address where he had applied for a DEA registration. All of these orders were returned to DEA unclaimed. DEA investigators then attempted to personally serve Dr. Golden with the Order to Show Cause. Both of Dr. Golden's registered locations were abandoned buildings. The address indicated on Dr. Golden's application for registration was the location of someone else's office. The investigators went to the address listed on the driver's license of a woman believed to be Dr. Golden's wife and were told that the Goldens had moved the week before. The investigators then went to the address listed on Dr. Golden's driver's license, which is also the last home address that the Louisiana State Board of Medical Examiners had for Dr. Golden. This location appeared to be abandoned. The mailman confirmed that no one was currently living at the address, but that mail was still delivered there and picked up about once a month. The investigators then left a copy of the Order to Show Cause in the mailbox at that location.

DEA ultimately received a letter from Dr. Golden dated June 25, 1997, indicating that he had received the Order to Show Cause, and asking that all correspondence be mailed to a post office box. Dr. Golden did not request a hearing on the issues raised by the Order to Show Cause.

The Acting Deputy Administrator finds that based upon Dr. Golden's June 25, 1997 letter, it is clear that Dr. Golden received the Order to Show Cause, however, he did not request a hearing. Therefore, Dr. Golden is deemed to have waived his right to a hearing. After considering the 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 by a Decision dated August 25, 1995, the Louisiana State Board of Medical Examiners suspended Dr. Golden's license to practice medicine for two years beginning on September 1,

1995, based upon a finding of medical incompetency and a finding of continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in the State of Louisiana. The Acting Deputy Administrator finds that in light of the fact that Dr. Golden is not currently licensed to practice medicine in the State of Louisiana, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state.

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 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 16193 (1997); *Demetris A. Green, M.D.*, 61 FR 60728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51104 (1993).

Dr. Golden did not dispute that he is not authorized to handle controlled substances in Louisiana. Therefore, in light of his lack of authorization in Louisiana, Dr. Golden is not entitled to a DEA registration in that state. However, the Acting Deputy Administrator finds that revocation of Dr. Golden's registrations is not appropriate. The suspension of Dr. Golden's state privileges expires on September 1, 1997, and presumably at that time he will be authorized to handle controlled substances in the State of Louisiana. Given that his state suspension was not based upon his handling of controlled substances and that his privileges will be reinstated in approximately one month, the Acting Deputy Administrator concludes that Dr. Golden's DEA registrations should be suspended until such time as his state privileges are reinstated.

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 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificates of Registration, BG3086306 and BG3039218, previously issued to David Golden, M.D., be, and they hereby are, suspended until his state license to practice medicine in Louisiana is reinstated and he is thereby authorized to handle controlled substances in that state. The suspension shall remain in effect until the DEA office in New Orleans receives notification from Dr. Golden that his state privileges have been reinstated. Regarding any pending applications for registration submitted by David Golden, M.D., the Acting Deputy Administrator orders that these applications shall be granted upon DEA's receipt of notification from Dr. Golden that his state privileges have been reinstated and that he still desires to be registered at the address listed on the application. This order is effective August 7, 1997.

Dated: August 1, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–20786 Filed 8–6–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 96–45]

Rick's Pharmacy, Inc., Continuation of Registration With Restrictions

On August 29, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Rick's Pharmacy, Inc., (Respondent) of Clayton, New Mexico, notifying it of an opportunity to show cause as to why DEA should not revoke its DEA Certificate of Registration, BR0924440, under 21 U.S.C. 824 (a)(2) and (a)(4), and deny any pending applications for registration as a retail pharmacy under 21 U.S.C. 823(f), for reason that its owner/pharmacist has been convicted of a controlled substance related felony offense and that its continued registration would be inconsistent with the public interest.

By letter dated September 5, 1996, Respondent, through counsel, filed a timely request for a hearing. In the midst of prehearing proceedings, Respondent's counsel filed a motion to withdraw as counsel, which was granted. Thereafter, Respondent was represented by Rick Balzano, the principal shareholder and pharmacist of Respondent. A hearing was held in Santa Fe, New Mexico on February 5, 1997, before Administrative Law Judge Gail A. Randall. At the hearing, both parties called witnesses and introduced documentary evidence. After the hearing, Government counsel submitted proposed findings of fact, conclusions of law and argument, and Respondent submitted a letter setting forth its position. On May 16, 1997, Judge Randall issued her Opinion and Recommended Ruling, recommending that Respondent's registration be continued subject to certain conditions. On June 6, 1997, Government counsel filed exceptions to the Opinion and Recommended Ruling of the Administrative Law Judge, and on June 18, 1997, Judge Randall transmitted the record of these proceedings, including the Government's exceptions 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, except as specifically noted below, the Opinion and Recommended Ruling of the Administrative Law Judge. 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 Rick Balzano purchased Respondent pharmacy with his parents in 1987. Mr. Balzano is the president and pharmacist-in-charge of Respondent, his father is the vice president and his mother is the secretary and treasurer. In addition to Respondent pharmacy, there is only one other retail pharmacy and one hospital pharmacy in Clayton, New Mexico, with the next closest pharmacy approximately 82 miles from Clayton. Mr. Balzano is one of only two pharmacists practicing in Clayton.

On October 6 and 7, 1992, New Mexico Board of Pharmacy inspectors went to Respondent pharmacy to conduct a routine inspection and audit of controlled substances. According to Mr. Balzano, by the time the inspectors arrived at the pharmacy at 4:00 p.m. on the first day, he had already consumed approximately 50 controlled substance pills.

The audit covered the period from January 6, 1991 to October 6, 1992, and revealed overages and shortages for all of the audited substances. Significantly, Respondent could not account for 19,394 dosage units of Lortab 7.5 mg.; 8,201 dosage units of phentermine 30 mg.; 2,100 dosage units of ''Darvon Compound-65 generic''; 1,430 dosage units of Halcion 0.25 mg.; 1,121 dosage units of temazepam 30 mg.; 1,546 dosage units of clorazepate 7.5 mg.; 1,244 dosage units of diazepam 10 mg.; 2,800 dosage units of Roxicet; and 1,397 dosage units of Tylox. Significant overages, where Respondent could account for more of a drug than it was accountable for include, 1,521 dosage units of Darvon-N-100; 1,606 Wygesic generic; and 1,994 Tranxene 3.75 mg.

On October 28, 1992, the inspectors went to Respondent pharmacy to return the records used in conducting the audit and to discuss the audit with Mr. Balzano. At that time, Mr. Balzano