

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. Conoco Pipe Line Company*, DOJ Ref #90-5-1-4208.

The proposed consent decree may be examined at the Office of the United States Attorney, 1200 Epic Center, 301 North Main, Wichita, Kansas 67202; the Region VII Office of the Environmental Protection Agency, Office of Regional Counsel, Air, Water, Toxics and General Law Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and 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 (25 cents per page reproduction costs), for a copy of the consent decree, payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
[FR Doc. 97-1318 Filed 1-17-97; 8:45 am]

BILLING CODE 4410-15-M

Notice of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Yaffe Iron and Metal Company, Inc.*, Civil Action No. 95-308-B, was lodged on December 30, 1996 with the United States District Court for the Eastern District of Oklahoma.

The proposed consent decree relates to Yaffe's twenty-acre metal reclamation facility located in Muskogee, Oklahoma. This facility is used to recover aluminum and copper from scrap metal. The complaint in this civil action alleges that Yaffe discharges process waste water to an unnamed, intermittent creek, ("UI Creek") which is connected to Coody Creek, a tributary of the Arkansas River.

The proposed consent decree requires Yaffe to pay a civil penalty of \$150,000.00, complete its application for a NPDES permit, and have performed, by an independent company, an environmental audit and correct all violations of environmental statutes disclosed by such audit.

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. Yaffe Iron and Metal Company, Inc.*, DOJ Ref. #90-5-1-5019.

The proposed consent decree may be examined at the office of the United States Attorney, 33 U.S. Courthouse, 5th & Okmulgee Streets, Muskogee, Oklahoma 74401; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733; 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 DOJ Reference Number and enclose a check in the amount of \$26.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Environmental Enforcement Section,
Environment and Natural Resources Division,
[FR Doc. 97-1319 Filed 1-17-97; 8:45 am]

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Drug Enforcement Administration

[Docket No. 94-54]

Rocco's Pharmacy; Revocation of Registration

On May 23, 1994, the then-Director, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Rocco's Pharmacy (Respondent) of Bristol, Pennsylvania, notifying the pharmacy of an opportunity to show cause as to why DEA should not revoke its DEA Certificate of Registration, AR8587125, and deny any pending applications for registration as a retail pharmacy under 21 U.S.C. 823(f), for reason that the pharmacy's continued registration would be inconsistent with the public interest pursuant to 21 U.S.C. 824(a)(4).

On July 5, 1994, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Philadelphia, Pennsylvania on March 22, 1995, before Administrative Law Judge Mary Ellen Bittner. At the

hearing, both parties called witnesses to testify, and introduced documentary evidence.

Following the hearing, but before post-hearing briefs were filed, on April 10, 1995, Respondent filed a Motion to Reopen the Record to Permit Testimony Regarding the Accuracy of the Pill Count (Motion to Reopen the Record), a Motion to Permit Oral Argument at the Conclusion of the Briefing Schedule (Motion for Oral Argument), and a Motion to Admit Character Reference Testimony into the Record. On April 19, 1995, the Government filed a Motion in Opposition to Respondent's Motion to Reopen the Record to Permit Testimony Regarding the Accuracy of the Pill Count, and on April 24, 1995, the Government filed a Motion in Opposition to Respondent's Motion to Permit Oral Argument. On May 10, 1995, the Administrative Law Judge issued a Memorandum to Counsel and Ruling on Motions granting Respondent's Motion to Admit Character Reference Testimony into the Record, and denying Respondent's Motion to Reopen the Record and Motion for Oral Argument.

Subsequently, both parties filed proposed findings of fact, conclusions of law and argument. Then on June 20, 1995, Respondent filed a Motion for Disqualification of Chief Administrative Law Judge Mary Ellen Bittner and Memorandum of Law in Support of Motion (Motion for Disqualification). On March 26, 1996, Judge Bittner issued her Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision, denying Respondent's Motion for Disqualification and recommending that Respondent's DEA Certificate of Registration be revoked. Thereafter, on April 18, 1996, Respondent filed its Exceptions to Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge, and on April 30, 1996, the record of these proceedings was transmitted to the Deputy Administrator.

Subsequently, on May 9, 1996, Respondent submitted a Motion for Leave to File Supplemental Exceptions as well as Supplemental Exceptions to Opinion and Recommended Rulings, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge. Judge Bittner forwarded these filings to the Deputy Administrator on May 9, 1996. By letter dated May 10, 1996, the then-Deputy Administrator accepted for consideration Respondent's Supplemental Exceptions and provided the Government an opportunity to file a response to these exceptions. The Government filed its Response to