

public hearing should submit a written request to the above address no later than Friday, March 14, 1997. Since it is expected that only a limited number of requests can be granted, the request should set forth reasons why an oral presentation in addition to written comments would be helpful to consideration of these issues. The request should identify the persons who wish to testify, the subjects to be addressed, the estimated amount of time desired (the maximum is 15 minutes), and the organization represented, phone number, and fax number. If possible, advance copies of testimony should be submitted.

Any questions about this notice may be directed to Joan Countryman at (202) 273-1543.

Dated: February 12, 1997.

Leonidas Ralph Mecham,

Director, Administrative Office of the U.S. Courts.

[FR Doc. 97-4230 Filed 2-20-97; 8:45 am]

BILLING CODE 2210-01-P

DEPARTMENT OF JUSTICE

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

Consistent with the policy set forth in Section 122(d)(2)(B) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as amended ("CERCLA"), 42 U.S.C. 9622(d)(2)(B), and the Department of Justice regulations at 28 CFR 50.7, notice is hereby given that on January 21, 1997, a proposed Consent Decree was lodged with the United States District Court for the Southern District of Indiana in *United States v. Jonathan W. Bankert, Jr., et al.*, Cause No. IP-91-1181C-M/S. This Consent Decree settles claims asserted by the United States pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, for partial reimbursement of response costs incurred by the U.S. Environmental Protection Agency in connection with response actions at the Northside Sanitary Landfill Site in Zionsville, Indiana.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be directed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should

refer to *United States v. Jonathan W. Bankert, Jr., et al.*, DOJ Reference # 90-11-2-48H.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Southern District of Indiana, U.S. Courthouse, 5th Floor, 46 East Ohio Street, Indianapolis, Indiana 46204, at the Region V offices of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and at the Consent Decree Library, 1120 G Street, NW., 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. In requesting a copy, please enclose a check in the amount of \$2.75, (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. 97-4278 Filed 2-20-97; 8:45 am]

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Drug Enforcement Administration

[Docket No. 95-29]

Roger D. McAlpin, D.M.D., Grant of Restricted Registration

On March 7, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Roger McAlpin, D.M.D. (Respondent) of Louisville, Kentucky, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f), for reason that such registration would be inconsistent with the public interest.

By letter dated March 29, 1995, the Respondent, acting *pro se*, timely filed a request for a hearing, and following prehearing procedures, a hearing was held in Louisville, Kentucky on February 21, 1996, before Administrative Law Judge Mary Ellen Bittner. At the hearing, both parties called witnesses to testify and the Government introduced documentary evidence. After the hearing, the Government submitted proposed findings of fact, conclusions of law and argument. On July 3, 1996, Judge Bittner issued her Opinion and Recommended Ruling. Findings of Fact, Conclusions of Law and Decision, recommending that Respondent's application for a DEA Certificate of Registration should be granted in Schedules III non-narcotic, IV and V subject to various restrictions. On

July 22, 1996, the Government filed exceptions to the Recommended Ruling of the Administrative Law Judge, and on August 6, 1996, Judge Bittner transmitted the record of these proceedings, including the Government's exceptions to the 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, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge. The Acting Deputy Administrator's 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 Respondent received his D.M.D. degree from the University of Kentucky in 1979. Following graduation, Respondent worked for a non-profit dental clinic in California for approximately two years. Over the ensuing years, Respondent practiced dentistry at various times in Kentucky, Illinois and Tennessee.

According to Respondent, he began using cocaine recreationally while in dental school. He testified that he quit using cocaine after graduation, but then resumed using cocaine and other controlled substances in 1981. Respondent quit abusing drugs again after approximately two years and then recommenced his abuse in the late 1980's. According to Respondent, in April 1988 he entered into a 30-day inpatient rehabilitation treatment facility. Following his discharge from the facility, he continued to attend Narcotics Anonymous and Alcoholics Anonymous meetings three to four nights a week. Subsequently, Respondent concluded that he was cured of his addiction, stopped attending support meetings, and broke off all contact with his sponsor.

In 1989, Respondent was working for a dental clinic in Tennessee which was owned by an individual who was not a dentist. In November 1989, the Tennessee Department of Health and Environment, Health Related Boards initiated an investigation of Respondent after receiving a complaint from a local pharmacist that Respondent was possibly overprescribing and distributing controlled substances. A review of Respondent's prescriptions revealed that several of Respondent's patients had received Schedule II