North Carolina, at U.S. EPA Region IV, 61 Forsythe St., N.E., Atlanta, GA 30303, and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the partial 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. When requesting a copy, please enclose a check in the amount of $9.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel Gross,

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

[FR Doc. 97–30540 Filed 11–19–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response Compensation, and Liability Act

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed Settlement Agreement in *In re: The Railway Reorganization Estate, Inc. F/K/A The Delaware and Hudson Railway Co.,* Case No. 88–342, was lodged on October 27, 1997 in the United States Bankruptcy Court for the District of Delaware.

The Settlement Agreement resolves the United States' claim, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9607, for response costs incurred and to be incurred by EPA at the Quanta Resources Syracuse Superfund Site (''the Site'') in Syracuse, New York. Under the Settlement Agreement, which remains subject to Bankruptcy Court approval, the United States will receive $15,000 in reimbursement of response costs incurred and to be incurred by EPA at 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 Settlement Agreement. 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 *In re: The Railway Reorganization Estate, Inc., F/K/A The Delaware and Hudson Railway Co., DOJ Ref.* #90–11–3–848E.

The proposed Settlement Agreement may be examined at the Office of the United States Attorney in Wilmington, Delaware, the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York; 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. In requesting a copy please refer to the referenced case and enclose a check made payable to the Consent Decree Library in the amount of $2.25 (25 cents per page reproduction costs).

Bruce S. Gelber,

Deputy Section Chief, Environmental Enforcement Section, Environmental and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 97–30541 Filed 11–19–97; 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; Advanced Lead-Acid Battery Consortium

Notice is hereby given that, on October 16, 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''), the Advanced Lead-Acid Battery Consortium (''ALABC''), a program of International Lead Zinc Research Organization, Inc., filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Amara Raja Batteries, Ltd., Tiiupati AP, INDIA, has made a commitment to the Consortium. C&D Charter Power Systems, Inc., Conshohocken, PA, has changed its name to C&D Technologies.

No other changes have been made in either the membership or planned activity of the Consortium. Membership in the Consortium remains open and ALABC intends to file additional written notification disclosing any future changes in membership.

On June 15, 1992, the ALABC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 29, 1992, 57 FR 33522. The last notification was filed with the Department on July 24, 1997. A notice was published in the **Federal Register** on September 10, 1997, 62 FR 47689.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97–30535 Filed 11–19–97; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 97–13]

Vincent A. Piccone, M.D.; Revocation of Registration

On February 25, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Vincent A. Piccone, M.D., (Respondent), of Staten Island, New York, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration AP3110765, 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), for reason that he is not currently authorized to handle controlled substances in the State of New York.

By letter dated March 14, 1997, Respondent, through counsel, timely filed a request for a hearing, and the matter was docketed before Administrative Law Judge Gail A. Randall. On March 25, 1997, the Government filed a Motion for Summary Disposition, alleging that effective September 18, 1995, the Administrative Review Board of the State of New York, Department of Health, State Board for Professional Medical Conduct (Board), sustained the decision of the Board's Hearing Committee to revoke Respondent's license to practice medicine in the State of New York, and therefore, Respondent is not currently authorized to handle controlled substances in the State of New York.

On March 25, 1997, Judge Randall issued a Memorandum and Order providing Respondent with an opportunity to respond to the Government's motion and ordering that the filing of prehearing statements be held in abeyance until there is a resolution of the Government's motion. Respondent's counsel submitted a letter dated April 25, 1997, requesting a stay of the proceedings, ''until I have had the opportunity to inspect the record in this case pursuant to 21 CFR 1301.46.'' Respondent's counsel further asserted

that, ''[i]n preparing my response to the pending motion, it has become evident to me that I do not have certain documents.'' On April 30, 1997, the Government submitted its Response to Respondent's Request for a Stay, arguing that Respondent already has copies of all of the documents that make up the record in this proceeding, and that ''neither the Administrative Procedures Act nor DEA regulations provide for Respondent's prehearing discovery or examination of DEA investigative materials.'' The Government requested that Respondent's request for a stay be denied. Thereafter, on May 1, 1997, Judge Randall issued her Memorandum and Order agreeing with the Government's position and denying Respondent's request for a stay of the proceedings. Respondent was given until May 9, 1997, to respond to the Government's Motion for Summary Disposition.

Subsequently, Respondent submitted its Opposition to Government's Motion for Summary Disposition dated May 10, 1997, arguing that ''the issue of fact remains that the Respondent's licenses were NOT revoked in the States of Pennsylvania and New Jersey after recent hearings resulting from the New York revocation.'' Respondent contended that ''[t]he government bears the burden of proof to address the status of the Respondent's medical licensure nationally and then apply the applicable DEA regulations and has failed to do so.'' Accordingly, Respondent requested that the Government's motion be denied.

On May 13, 1997, Judge Randall issued her Memorandum and Order denying the Government's Motion for Summary Disposition. Judge Randall found that there is no dispute that Respondent is not currently authorized to handle controlled substances in the State of New York. The Administrative Law Judge concluded that DEA does not have the statutory authority to maintain a registration, if the registrant is without authorization to handle controlled substances in the state in which he practices. However, Respondent does maintain state licensure in Pennsylvania and New Jersey, and there was nothing before the Administrative Law Judge that asserted the location on the DEA Certificate of Registration in dispute. Consequently, Judge Randall found that ''there is a genuine issue of material fact, and this matter currently is not appropriate for summary disposition.''

Judge Randall then issued an Order for Prehearing Statements, and on May 14, 1997, the Government filed its prehearing statement. Respondent was given until June 25, 1997, to file his prehearing statement. In her Order for Prehearing Statements, the Administrative Law Judge cautioned Respondent ''that failure to file timely a prehearing statement as directed above may be considered a waiver of hearing and an implied withdrawal of a request for hearing.'' On August 4, 1997, Judge Randall issued an Order indicating that she had not yet received a prehearing statement from Respondent; reminding Respondent that failure to timely file a prehearing statement from Respondent; reminding Respondent that failure to timely file a prehearing statement may be deemed a waiver of hearing; and giving Respondent until August 20, 1997, to file such a statement along with a motion for late acceptance.

On August 27, 1997, the Administrative Law Judge issued an Order Terminating Proceedings, finding that Respondent has failed to file a prehearing statement, and therefore concluding that Respondent has waived his right to a hearing. Judge Randall noted that the record would be transmitted to the Acting Deputy Administrator for entry of a final order based upon the investigative file. Therefore, the Acting Deputy Administrator, finding that Respondent has waived his right to a hearing, hereby enters his final order without a hearing and based upon the investigative file, pursuant to 21 CFR 1301.43(e) and 1301.46.

The Acting Deputy Administrator finds that Respondent currently possesses DEA Certificate of Registration AP3110765 in Schedules II through V issued to him at an address in Staten Island, New York. One June 7, 1995, the Hearing Committee on the Board ordered the revocation of Respondent's license to practice medicine in the State of New York based upon a finding that Respondent practiced the medical profession while impaired by mental disability from approximately 1986 through 1994, and a finding that Respondent has a psychiatric condition which impairs his ability to practice the medical profession. In a Decision and Order effective September 18, 1995, the Board's Administrative Review Board sustained the Hearing Committee's findings and revocation of Respondent's New York medical license.

The Acting Deputy Administrator finds that in light of the fact that Respondent is not currently licensed to practice medicine in the State of New York, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state. Respondent does not dispute that he is not currently authorized to practice medicine or handle controlled substances in the State of New York.

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 Fed. Reg. 16,193 (1997); Demetris A. Green, M.D., 61 Fed. Reg. 60,728 (1996); Dominick A. Ricci, M.D., 58 Fed. Reg. 51,104 (1993).

Here it is clear that Respondent is not currently authorized to handle controlled substances in the State of New York, the state where he is registered with DEA. Therefore, Respondent is not entitled to a DEA registration in that state.

Respondent has argued that he is licensed to practice medicine in Pennsylvania and New Jersey. However, the Acting Deputy Administrator concludes that the fact that Respondent is licensed to practice medicine in states other than New York is irrelevant since he is not authorized to practice in the state where he is registered with DEA and he has not sought to modify his current registration to another 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 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AP3110765, previously issued to Vincent A. Piccone, M.D., 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 December 22, 1997.

Dated: November 13, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–30592 Filed 11–19–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs, U.S. National Administrative Office: North American Agreement on Labor Cooperation; Notice of Determination Regarding Review of Submission #9702

AGENCY: Office of the Secretary, Labor.

ACTION: Notice.