

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

On July 12, 1999, the United States lodged a proposed consent decree in the case of *United States v. Tomkins Industries, Inc., and Lasco Bathware, Inc.*, Civil Action No. CV-S-99-0865-JBR-LRL (D. Nevada), with the United States District Court for the District of Nevada.

The proposed consent decree resolves claims that the United States asserted against Tomkins Industries, Inc. and Lasco Bathware, Inc. in a civil lawsuit filed concurrently with the lodging of the consent decree on July 12, 1999. The complaint in this case alleges that defendants constructed and then operated two production lines at their Lasco Bathware facility located in the Hidden Valley Industrial Park in Moapa, Nevada, without complying with the Clean Air Act, the State Implementation Plan, or permits issued by the Clark County Board of Health, Air Pollution Control Division. Resins containing styrene used in the manufacture of bathtubs and shower stalls emit Volatile Organic Compounds ("VOCs") into the atmosphere, which create ground level ozone and smog. Among other things, the United States' lawsuit alleges that defendants operated without valid permits, failed to limit VOC emissions with Best Available Control Technology ("BACT"), and failed to comply with permit requirements.

The proposed Consent Decree requires defendants to pay a civil penalty of \$575,000. In addition, Defendants are required to install a Regenerative Thermal Oxidizer on Line 1 at the Lasco Bathware facility, and to cease operating any equipment on Line 2 at the Lasco Bathware facility that would cause the emission of air contaminants within eight months of the effective date of the Consent Decree.

The Department of Justice will accept comments relating to this Consent Decree for a period of thirty (30) days from the date of this publication. See 28 CFR 50.7. Address your comments to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and send a copy to the Environmental Enforcement Section, U.S. Department of Justice, 301 Howard Street, Suite 870, San Francisco, CA 94105. Your comments should refer to *United States v. Tomkins Industries, Inc., and Lasco Bathware, Inc.*, Civil Action No. CV-S-99-0865-JBR-LRL (D. Nevada), and DOJ No. 90-5-2-1-2128.

You may examine the proposed consent decree at the office of the United States Attorney, District of Nevada, 701 East Bridger Avenue, Suite 600, Las Vegas, Nevada 89101; or at the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005. You may also obtain a copy of the consent decree in person or by mail from the Consent Decree Library. Your request for a copy of the consent decree should refer to *United States v. Tomkins Industries, Inc., and Lasco Bathware, Inc.*, Civil No. CV-S-99-0865-JBR-LRL (D. Nevada), and DOJ No. 90-5-2-1-2128, and must include a check for \$9.50 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Joel Gross,

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

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DEPARTMENT OF JUSTICE

Notice of Extension of Public Comment Period Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act

Notice is hereby given that the Department of Justice, in response to a request from citizens, has decided to extend the public comment period on the proposed consent decree in *United States v. Tucson Airport Authority, et al.*, Civil No. CIV-99-313-TUC-WDB, which was lodged on June 17, 1999, with the United States District Court for the District of Arizona ("Airport Property Decree"). Notice of the initiation of a 30-day comment period was published in the **Federal Register** on June 23, 1999. See 64 FR 33515-33516 (June 23, 1999). The Department of Justice will receive, for a period of 90 days from the June 23, 1999, date of publication of notice, comments relating to the proposed Airport Property 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 versus Tucson Airport Authority, et al.*, D. Ariz., Civil No. CIV-99-313-TUC-WDB, DOJ Ref. #90-11-3-369/2.

Joel Gross,

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

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 99-8]

Mark L. Beck, D.D.S.; Revocation of Registration

On November 17, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Mark L. Beck, D.D.S. (Respondent) of Washington, DC. The Order to Show Cause notified Dr. Beck of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BB3603114 pursuant to 21 U.S.C. 824(a)(3), for reason that he is not currently authorized to handle controlled substances in the District of Columbia.

On December 3, 1998, Respondent, through counsel, filed a request for a hearing and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On December 8, 1998, Judge Bittner issued an Order for Prehearing Statements. In lieu of filing a prehearing statement, the Government filed a Motion for Summary Disposition on December 14, 1998, alleging that Respondent is currently registered with DEA to handle controlled substances in the District of Columbia, however he is currently without state authority to handle controlled substances in the District of Columbia. Although given an opportunity to file a response to the Government's motion, Respondent did not do so.

On January 15, 1999, Judge Bittner issued her Opinion and Recommended Ruling, finding that Respondent lacks authorization to handle controlled substances in the District of Columbia; 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 17, 1999, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The 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 Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Deputy Administrator finds that in its Motion for Summary Disposition, the Government asserted that Respondent's District of Columbia controlled substances registration