

Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

Issued: May 2, 2003.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 03-11423 Filed 5-7-03; 8:45 am]

**BILLING CODE 7020-02-P**

---

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Safe Drinking Water Act

Notice is hereby given that on April 22, 2003, a proposed Consent Decree in *United States v. Syd H. Levine, et al.*, Civil No. 4:97CV-169-M, was lodged with the United States District Court for the Western District of Kentucky.

In this action the United States sought civil penalties and injunctive relief for numerous violations of Section 1423(b) of the Safe Drinking Water Act, 42 U.S.C. 300h-2(b), and its implementing Underground Injection Control regulations for Kentucky, 40 CFR part 144. The alleged violations include [violations of an Administration Order on Consent entered into in] August 1990 by EPA and defendant Doofus Oil, doing business as Syd H. Levine and Associates, as the operator of underground injection wells owned by Hel-leva, Poor Boy, and Levine Development. In settlement of these allegations, the defendants will conduct mechanical integrity tests on their 52 underground injection wells that are the subject of this action under a compliance schedule set forth in the Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments

relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Syd H. Levine, et al.*, D.J. Ref. 90-5-1-1-4391.

The Consent Decree may be examined at the office of the United States Attorney, 510 W. Broadway, 10th Floor, Louisville, Kentucky, and at U.S. EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$10.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

[FR Doc. 03-11401 Filed 5-7-03; 8:45 am]

**BILLING CODE 4410-15-M**

---

## DEPARTMENT OF JUSTICE

### Notice Lodging of Consent Decree Under the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act

Under 28 CFR § 50.7, notice is hereby given that on April 23, 2003, a proposed Consent Decree in *United States v. Metal Management Midwest, Inc.*, Civil Action No. 01C-4551 was lodged with the United States District Court for the Northern District of Illinois.

In this action the United States sought civil penalties and injunctive relief relating to violations of the National Recycling and Emissions Reduction Program provisions of the Clean Air Act, as well as violations of the Clean Water Act and the Resource Conservation and Recovery Act ("RCRA") at three scrap yards located in Chicago, Illinois. The Consent Decree requires that Metal Management Midwest come into compliance with the applicable environmental laws and regulations, produce and distribute educational materials relating to proper recycling

and disposal of chlorofluorocarbons, conduct environmental compliance audits at four additional Illinois facilities, and pay a civil penalty in the form of a \$2,275,500 allowed claim in Metal Management's chapter 11 bankruptcy action (*In re: Metal Management, Inc.*, Case No. 00-4303 (Bankr. D. Del.)).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Metal Management Midwest, Inc.*, D.J. Ref. #90-5-2-1-07207.

The Consent Decree may be examined at the Office of the United States Attorney, 219 South Dearborn Street, Chicago, IL 60604, and at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604. During the public comment period, the consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$23.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

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

[FR Doc. 03-11399 Filed 5-7-03; 8:45 am]

**BILLING CODE 4410-15-M**

---

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on April 25, 2003, a proposed Consent Decree in *United States v. Morgantown Engineering and Construction, Inc.* (N.D.W.Va.), C.A. No. 1: 03CV56, was lodged with the United States District Court for the Northern District of West Virginia.