

on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the proposed 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 \$8.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. Exhibits to the consent decree may be obtained for an additional charge.

**Robert Brook,**

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

[FR Doc. 04-2320 Filed 2-4-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of a Consent Decree Under the Clean Air Act

Under 28 C.F.R. 50.7, notice is hereby given that on January 22, 2004, a proposed Consent Decree in *United States v. Wal-Mart Stores, Inc., Sam's West, Inc. and Sam's East, Inc.*, Civil Action No. 04-0086-CV-SOW was lodged with the United States District Court for the Western District of Missouri.

The complaint alleges twenty instances where Sam's Club violated the regulations promulgated under sections 608 and 609 of the Clean Air Act by selling class I or class II refrigerant to people who are not certified technicians to maintain, service, repair, or dispose of appliances that use refrigerant. The Consent Decree settles these claims in exchange for payment of a civil penalty of \$400,000 in addition to injunctive relief under which Sam's Club and Wal-Mart have agreed to cease all sales of refrigerants containing class I and class II substances.

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 National Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *U.S. v. Wal-Mart, Inc. et al.* Consent Decree, D.J. Ref. 90-5-2-1-06456.

The Consent Decree may be examined at the Office of the United States

Attorney, Western District of Missouri Charles Evans Whittaker Courthouse, 400 East 9th Street, Fifth Floor Kansas City, Missouri 64106, Telephone: (816) 426-3122 and at U.S. EPA Region VII, 901 N. 5th Street, Kansas City, KS 66101, (913) 551-7471. 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 \$6 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert Maher,**

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

[FR Doc. 04-2319 Filed 2-4-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

#### Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-Day notice of information collection under review: Application to register as an importer of U.S. munitions import list Articles.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until April 5, 2004. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Debbie Lee, Firearms and

Explosives Import Branch, Room 5100, 650 Massachusetts Avenue, NW., Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information

collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application to Register as an Importer of U.S. Munitions Import List Articles.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 4587 (5330.04). Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. The purpose of this information collection is to allow ATF to determine if the registrant qualifies to engage in the business of importing a firearm or firearms, ammunition, and the implements of war, and to facilitate the collection of registration fees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 300 respondents will complete a 30-minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total burden associated with this information collection is 150 hours annually.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy Clearance Officer, Information Management and Security Staff, Justice Management Division, Department of Justice, Patrick Henry Building Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: January 30, 2004.

**Brenda E. Dyer,**

*Deputy Clearance Officer, Department of Justice.*

[FR Doc. 04-2322 Filed 2-4-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 03-36]

#### **Annette Antonsson, M.D., Denial of Application**

On June 4, 2003, the Deputy Assistant Administrator, Office of Division Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Annette Antonsson, M.D. (Respondent) of San Francisco, California, notifying her of an opportunity to show cause as to why DEA should not deny her application for a DEA certificate of registration as a practitioner pursuant to 21 U.S.C. 824(a) and deny any pending applications for renewal or modification of Respondent's expired DEA registration BA2457097. As a basis for revocation, the Order to Show Cause alleged that Respondent voluntarily surrendered her State license to practice medicine to the Medical Board of California effective May 24, 1999, and that, accordingly, she is not authorized to handle controlled substances in California, the State in which she applied to be registered.

On July 5, 2003, Respondent, acting *pro se*, timely requested a hearing in this matter. In her request for a hearing, Respondent admitted she had surrendered her license and was "currently not licensed in California." On July 24, 2003, the Presiding Administrative Law Judge Mary Ellen Bittner (Judge Bittner) issued the Government, as well as Respondent, an Order for Prehearing Statements.

In lieu of filing a prehearing statement, the Government filed Government's request for Stay of Proceedings and Motion for Summary Disposition. The Government argued that the Respondent is without authorization to handle controlled substances in the State of California, and as a result, further proceedings in the matter were not required. Attached

to the Government's motion was a copy of the Medical Board of California's Decision and Order, dated June 28, 1999, adopting the Stipulation for Surrender of License which Respondent agreed to and signed on May 24, 1999.

On July 31, 2003, Judge Bittner issued a Memorandum to Counsel providing Respondent until August 31, 2003, to respond to the Government's motion. Respondent did not file any response.

On September 23, 2003, Judge Bittner issued her Opinion and Recommended Decision of the Administrative Law Judge (Opinion and Recommended Decision). As part of her recommended ruling, Judge Bittner granted the Government's Motion for Summary Disposition and found that the Respondent lacked authorization to handle controlled substances in California, the jurisdiction in which she was applying to be registered. Judge Bittner also recommended that the Respondent's application for a DEA certificate of registration be denied. No exceptions were filed by either party to Judge Bittner's Opinion and Recommended Decision and on November 13, 2003, the record of these proceedings was transmitted to the Office of the Acting DEA Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues her final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Acting Deputy Administrator finds that Respondent was previously issued DEA certificate of registration BA 2457097, which expired in June 2002. Subsequently, Respondent filed an application for renewal on October 31, 2002, which was appropriately treated by DEA as a request for a new registration. The Acting Deputy Administrator further finds that, effective May 24, 1999, Respondent voluntarily surrendered her State license to practice medicine to the California Medical Board and has also admitted that she is currently not licensed to practice in California. Therefore, the Acting Deputy Administrator finds Respondent is currently not licensed to practice medicine in California and as a result, it is reasonable to infer she is also without authorization to handle controlled substances in that State.

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 she conducts business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Karen Joe Smiley, M.D.*, 68 FR 48944 (2003); *Dominick A. Ricci, M.D.*, 58 FR 51104 (1993); *Bobby Watts, M.D.*, 53 FR 11919 (1988).

Here, it is clear that Respondent is not currently licensed to handle controlled substances in California, the jurisdiction in which she has applied for registration. Therefore, she is not entitled to a DEA registration in that State.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for a DEA certificate of registration submitted by Annette Antonsson, M.D., be, and it hereby is, denied. This order is effective March 8, 2004.

Dated: January 7, 2004.

**Michele M. Leonhart**

*Acting Deputy Administrator.*

[FR Doc. 04-2341 Filed 2-4-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### **Thomas G. Easter II, M.D.; Denial of Registration**

On August 29, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Thomas G. Easter II, M.D. (Dr. Easter) notifying him of an opportunity to show cause as to why DEA should not deny his pending application for a DEA Certificate of Registration pursuant to 21 U.S.C. 823(f). The order alleged in relevant part that: Dr. Easter had been convicted in Texas State court of eight felony counts of Possession of Controlled Substances by Fraud; that the court terms of his probation prohibited him from prescribing controlled substances and he was thus not authorized to handle controlled substances in the State in which he practices; and that his registration was inconsistent with the public interest based on Dr. Easter's material false statements in his DEA Application for Registration and a false statement on his application for renewal of State registration under the Texas Controlled Substances Act. The order also notified Dr. Easter that should no