

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Clean Air Act**

Notice is hereby given that on May 24, 2010, a proposed Consent Decree in *United States, and South Coast Air Quality Management District v. Lifoam Industries, LLC*, Civil Action No. 10-CV-03825-AHM-FFM was lodged with the United States District Court for the Central District of California.

The United States, on behalf of the Environmental Protection Agency ("EPA"), and the South Coast Air Quality Management District ("SCAQMD") brought an action against Lifoam Industries, LLC, ("Lifoam"), alleging violations of the Clean Air Act ("ACT"), 42 U.S.C. 7401 *et seq.* at Lifoam's expanded polystyrene foam ("EPS") manufacturing facility located in Vernon, California. The Complaint seeks civil penalties for violations of SCAQMD Rule 1175, which has been approved into the federally enforceable California State Implementation Plan ("SIP"), as well as for violations of a permit issued by SCAQMD to Defendant. The Complaint also seeks injunctive relief requiring that Lifoam comply with Rule 1175 and the conditions of its permit. Under the terms of the Consent Decree, Lifoam will pay a civil penalty of \$450,000 to be divided between the United States and SCAQMD and will perform injunctive relief to ensure that emissions from its facility comply with the ACT and Lifoam's permit issued under the ACT. The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to this Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either E-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 and should refer to *United States et al. v. Lifoam Industries, LLC*, D.J. Ref. #90-5-2-1-08675.

The Consent Decree may be examined at U.S. EPA Region IX, Office of Regional Counsel, 75 Hawthorne Street, San Francisco, CA 94105. 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/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained via U.S. mail by sending a request to 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 of the Decree from the Consent Decree Library, please enclose a check in the amount of \$7.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by E-mail or fax, please forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen Katz,**

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

[FR Doc. 2010-13127 Filed 6-1-10; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that on May 25, 2010, a proposed Consent Decree ("Decree") in *United States v. Sensient Colors Inc.*, Civil Action No. 07cv1275, was lodged with the United States District Court for the District of New Jersey.

The Decree resolves claims of the United States against Sensient Colors Inc. ("Sensient") under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601-9675, for recovery of costs incurred by the United States Environmental Protection Agency ("EPA") in connection with Sensient's ownership and operation of a pigment and dye manufacturing facility known as the General Color Site ("Site"), located in Camden, New Jersey. The Decree requires Sensient to pay \$7,100,000 to the United States in reimbursement of costs 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 Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Sensient Colors Inc.*, Civil Action No. 07cv1275 D.N.J.), D.J. Ref. 90-11-3-08690.

The Decree may be examined at the Office of the United States Attorney, District of New Jersey, Camden Office, 401 Market Street, 4th Floor, Camden,

New Jersey 08101, and at U.S. EPA Region II, U.S. Environmental Protection Agency, 290 Broadway, New York, New York 10007. During the public comment period, the Decree may also be examined on the following Department of Justice Web site [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the 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 \$23.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen Katz,**

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

[FR Doc. 2010-13128 Filed 6-1-10; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF JUSTICE****Office of Justice Programs**

[OJP (BJA) Docket No. 1522]

**Meeting of the Public Safety Officer Medal of Valor Review Board**

**AGENCY:** Office of Justice Programs (OJP), Justice.

**ACTION:** Notice of meeting.

**SUMMARY:** This is an announcement of a meeting via conference call of the Public Safety Officer Medal of Valor Review Board to vote on the position of Board Chairperson, review issues relevant to the nomination review process, discuss pending ceremonies and upcoming activities and other relevant Board issues related thereto. The meeting/conference call date and time is listed below.

**DATES:** June 30, 2010, 2 p.m. to 3 p.m. EDT.

**ADDRESSES:** This meeting will take place in the form of a conference call.

**FOR FURTHER INFORMATION CONTACT:** Gregory Joy, Policy Advisor, Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street, NW., Washington, DC 20531, by telephone at (202) 514-1369, toll free (866) 859-2687, or by e-mail at [gregory.joy@usdoj.gov](mailto:gregory.joy@usdoj.gov).

**SUPPLEMENTARY INFORMATION:** The Public Safety Officer Medal of Valor Review Board carries out those advisory functions specified in 42 U.S.C. 15202. Pursuant to 42 U.S.C. 15201, the President of the United States is authorized to award the Public Safety Officer Medal of Valor, the highest national award for valor by a public safety officer.

The purpose of this meeting/conference call is vote on the position of Board Chairperson, review issues relevant to the nomination review process, pending ceremonies and upcoming activities and other relevant Board issues related thereto.

This meeting/conference call is open to the public at the offices of the Bureau of Justice Assistance. For security purposes, members of the public who wish to participate must register at least seven (7) days in advance of the meeting/conference call by contacting Mr. Joy. All interested participants will be required to meet at the Bureau of Justice Assistance, Office of Justice Programs; 810 7th Street, NW., Washington, DC and will be required to sign in at the front desk. **Note:** Photo identification will be required for admission. Additional identification documents may be required.

Access to the meeting/conference call will not be allowed without prior registration. Anyone requiring special accommodations should contact Mr. Joy at least seven (7) days in advance of the meeting. Please submit any comments or written statements for consideration by the Review Board in writing at least seven (7) days in advance of the meeting date.

**James H. Burch, II,**

*Acting Director, Bureau of Justice Assistance.*

[FR Doc. 2010-13162 Filed 6-1-10; 8:45 am]

**BILLING CODE 4410-18-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 10-14]

#### Shepard Ginandes, M.D.; Revocation of Registration

On September 28, 2009, I, the Deputy Administrator of the Drug Enforcement Administration, issued an Order to Show Cause and Immediate Suspension of Registration to Shepard Ginandes, M.D. (Respondent), of Honolulu, Hawaii. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration, BG0241024, and the denial of any pending applications to renew or

modify his registration, on the ground that his "continued registrations is inconsistent with the public interest." Show Cause Order at 1 (citing 21 U.S.C. 824(a)(4) & 823(f)).

The Show Cause Order specifically alleged that on twenty-four different occasions between March 2007 and January 2009, Respondent had given prescriptions to law enforcement personnel for schedule II controlled substances including methadone, morphine, oxycodone, and hydromorphone, the schedule III controlled substance hydrocodone, and the schedule IV controlled substances alprazolam and diazepam. *Id.* at 1-2. The Order further alleged that Respondent's office did not have any exam rooms and medical equipment; that he did not take a medical history or require the officers to fill out any paperwork; did not conduct a physical examination; and that the officers would simply write their name, address and the drug they were seeking on a piece of paper which Respondent would take and then use to prepare a prescription. *Id.* at 2. The Order thus alleged that these prescriptions lacked a legitimate medical purpose and were issued in violation of 21 CFR 1306.04. *Id.* The Order further alleged that Respondent was continuing to prescribe controlled substances without a legitimate medical purpose. *Id.*

Based on the above, I further found that there was a substantial likelihood that Respondent "will continue to write controlled substance prescriptions for other than a legitimate medical purpose." *Id.* I therefore concluded that Respondent's continued registration during the pendency of the proceeding "would constitute an imminent danger to the public health and safety" and ordered that his registration be immediately suspended. *Id.*<sup>1</sup>

On September 30, 2009, the Order was served on Respondent. On November 3, 2009, Respondent, through his counsel, filed a letter requesting a hearing. ALJ Dec. at 2. Therein, Respondent also sought "a reversal of the proposed suspension." *Id.* The matter was then placed on the docket of the Agency's Administrative Law Judges.

<sup>1</sup> The Order also informed Respondent of his right to request a hearing on the allegations and the procedure for doing so, including that he must file a written request for a hearing "[w]ithin 30 days after the date of receipt of" the Order, Show Cause Order at 2, that "[m]atters are deemed filed upon receipt by the Hearing Clerk," *id.* at 3 (citing 21 CFR 1316.45), and that should he "decline to file a request for a hearing" he "shall be deemed to have waived the right to a hearing." *Id.* (citing 21 CFR 1301.43(d) & (e)).

The next day, the Government moved for summary disposition on the ground that on September 30, 2009, the State of Hawaii had "suspended/revoked" Respondent's state controlled substances registration and that "Respondent is no longer authorized to administer, prescribe, dispense or possess controlled substances." Gov. Mot. for Summ. Disp. at 1. Based on long-standing precedent which holds that "possessing authority under state law to handle controlled substance is an essential condition for holding a DEA registration," the Government requested that the ALJ grant its motion, cancel the pending proceeding and forward the matter to me with the recommendation that I revoke Respondent's registration and deny any pending applications. *Id.* at 2-3. Noting that Respondent's hearing request was not received until November 3, 2009, and was therefore untimely, the Government also argued that Respondent had waived his right to a hearing. *Id.* n.1.

Thereafter, the ALJ ordered that Respondent file a Response to the Government's Motion no later than November 12, 2009. ALJ Dec. at 3. The ALJ also stayed the proceeding. *Id.*

Respondent did not, however, file a Response. *Id.* Thereafter, the ALJ found that "Respondent's lacks authority to handle controlled substance in the State of Hawaii," the State in which he is licensed to practice medicine. *Id.* Because holding authority under state law to handle controlled substances is an essential condition for holding a DEA registration, the ALJ granted the Government's Motion for Summary Disposition and recommended that his registration be revoked and his pending application be denied. *Id.* at 4-6.

The ALJ then forwarded the matter to me for final agency action. Having considered the record as a whole, I find that under the Agency's regulation, Respondent's request for a hearing was untimely and that he has not offered good cause for his failure to file a timely request. 21 CFR 1301.43(d). I therefore find that Respondent waived his right to contest the proceeding. *Id.* (1301.43(e)).

I further find that on September 4, 2009, Respondent applied to renew his registration, which was to expire on September 30, 2009. I therefore find that Respondent's registration has remained in effect, albeit in suspended status, pending the issuance of this Decision and Final Order. *See* 5 U.S.C. 557(c).

I further find that on September 30, 2009, the Administrator of the Narcotics Enforcement Division, Department of Public Safety, State of Hawaii, "suspended/revoked" Respondent's State of Hawaii Controlled Substance