

States Program created by Public Law 110-246, which amended the Act.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, please be advised that your entire comment—including your personal identifying information—may be made publicly available at anytime. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: September 19, 2014.

Brent Rhees,

Acting Regional Director, Upper Colorado Region.

[FR Doc. 2014-23595 Filed 10-10-14; 8:45 am]

BILLING CODE 4332-90-P

DEPARTMENT OF JUSTICE

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

On October 7, 2014, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Massachusetts in *United States v. Boston and Maine Corporation and Massachusetts Bay Transportation Authority*, Civil Action No. 1:14-cv-13804.

The proposed consent decree would resolve the claims of the United States for injunctive relief and recovery of response costs against the defendants under section 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") relating to Operable Unit 4 of the Iron Horse Park Superfund Site in North Billerica, Massachusetts.

The consent decree requires the defendants to pay \$1,560,570 to the United States. The consent decree also requires the defendants to perform the remedial action described in the Environmental Protection Agency's Record of Decision for Operable Unit 4, dated July 25, 2011, and further described in EPA's Explanation of Significant Differences, dated July 22, 2014. In return, the United States agrees to resolve the defendants' liability under Sections 106 and 107(a) of CERCLA for defined matters related to Operable Unit 4.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney

General, Environment and Natural Resources Division, and should refer to *United States v. Boston and Maine Corporation and Massachusetts Bay Transportation Authority*, D.J. Ref. No. 90-11-3-90/4. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By e-mail	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$98.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a copy without the exhibits, the cost is \$13.75.

Maureen Katz,

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

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 14-3]

Fiaz Afzal, M.D.; Decision And Order

On November 4, 2013, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Fiaz Afzal, M.D. (Respondent), of Kenner, Louisiana. ALJ Ex. 1. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration BA5142308, which authorizes him to dispense controlled substances as a practitioner, as well as the denial of any pending application to renew or modify the registration, on the ground that his "registration is inconsistent with the public interest." *Id.* at 1 (citing 21 U.S.C. 823(f) & 824(a)(4)).

As the basis for the proceeding, the Show Cause Order specifically alleged that "[f]rom in or about 2006 through in or about March of 2012, [Respondent] issued prescriptions for controlled substances to fifteen patients outside the usual course of professional practice and for other than a legitimate medical purpose in violation of 21 CFR 1306.04(a)." *Id.* The Order also alleged that the prescriptions Respondent "issued to these patients also violated Louisiana . . . law pertaining to controlled substances." *Id.* at 1-2 (citing La. Rev. Sta. § 37:1285A(6) & (14); La. Rev. Stat. § 46:6921).

The Show Cause Order further alleged that a medical expert had reviewed the medical records of the fifteen patients and found that Respondent "did not take a sufficient, or, in some cases, any objective medical history about the patient, that there was often a lack of diagnosis to support the continu[ed] prescribing of controlled substances, and that there was often no individual treatment plan." *Id.* at 2. The Order also alleged that the expert had found that Respondent "failed to commence treatment with alternative treatments . . . rather than commenc[e] immediately with controlled substance prescriptions." *Id.*

On November 14, 2013, Respondent requested a hearing on the allegations. ALJ Ex. 2. The matter was placed on the docket of the Office of Administrative Law Judges, and assigned to ALJ Christopher McNeil, who conducted an evidentiary hearing on February 25, 2014 in New Orleans, Louisiana.

At the hearing, the Government submitted various exhibits including patient files for the record; it also presented the testimony of an expert. Respondent submitted no exhibits and presented no testimony. Both parties submitted post-hearing briefs.

Thereafter, the ALJ issued his Recommended Decision (R.D.). Therein, the ALJ found, *inter alia*, that the Government had proved that Respondent had issued controlled-substance prescriptions to fifteen patients "in a manner that was not in the ordinary course of professional medical practice and was not based upon a legitimate medical justification." R.D. at 66-67. Based on this finding, the ALJ further concluded that the Government had demonstrated "that Respondent's continued . . . registration would be inconsistent with the public interest." *Id.* at 67. The ALJ further found that Respondent "ha[d] not provided substantial evidence that he has acknowledged any noncompliance with controlled substance laws, nor that he has