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. *Kennecott Holdings Corp. et al.,* D.J. Ref. 90–11–2–07195/1.

The Decree may be examined at the Office of the United States Attorney, 185 South State Street, Suite 400, Salt Lake City, Utah 84111, and at U.S. EPA Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202. 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 a request to Tonia Fleetwood, fax no. (202) 514–0097, phone confirmation no. (202) 514–1457. In requesting a complete copy of the decree with exhibits, please enclose a check in the amount of $17.00 (68 pages at 25 cents per page reproduction cost) or for a copy of the decree only, please enclose a check in the amount of $7.00 (28 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Brook,

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

[FR Doc. 02–31246 Filed 12–10–02; 8:45 am]

BILLING CODE 4416–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

In accordance with the Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Trident Seafoods Corporation*, Civil Action No. A02–281 CV (RRB), was lodged with the United States District Court for the District of Alaska on November 13, 2002.

This Consent Decree resolves claims brought by the United States against Trident Seafoods Corporation (''Trident'') for its unauthorized and illegal discharges of pollutants into Tongass Narrows and Akutan Harbor from its seafood processing facilities in Ketchikan and Akutan, Alaska, in violation of section 301(a) of the Clean Water Act (''CWA''), 33 U.S.C. 1311(a), and for violations of certain effluent limitations and other conditions established in a general National Pollutant Discharge Elimination System (''NPDES'') permit issued by the EPA under section 402(a) of the CWA, 33 U.S.C. 1342(a).

The proposed Consent Decree requires Trident to (1) remediate its underwater waste piles, which result from Trident's discharges of seafood processing wastes from its Ketchikan Facility and cover more than three acres of the sea floor; (2) eliminate all of its discharges of seafood processing wastes into the Tongass Narrows for a period of three years; (3) implement improved operation and maintenance measures at its Ketchikan Facility to ensure compliance with numerous effluent limitations; (4) pay a civil penalty in the amount of $96,000.00; and (5) conduct a supplemental environmental project (''SEP'') involving an economic study evaluating treatment alternatives for its seafood processing wastes.

The Department of Justice will receive written comments on the proposed Consent Decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Trident Seafoods Corporation*, D.J. Ref. 90–5–1–1–2002/1.

The Consent Decree may be examined at the Office of the United States Attorney, District of Alaska, Federal Building & United States Courthouse, 222 West 7th Avenue, Room 253, Anchorage, Alaska, 99513–7567, and at U.S. Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101. 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. When requesting a copy, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the ''U.S. Treasury'' in the amount of $8.25, and please reference *United States* v. *Trident Seafoods Corporation*, D.J. Ref. 90–5–1–1–2002/1.

Robert Maher,

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

[FR Doc. 02–31244 Filed 12–10–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Minakshi B. Deshmukh, M.D., Revocation of Registration, Denial of Application

On July 11, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Minakshi B. Deshmukh, M.D. (Dr. Deshmukh) of Midland, Michigan, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, BD4361692 pursuant to 21 U.S.C. 824(a)(3), and deny any pending applications for registration pursuant to 21 U.S.C. 823(f). The Order to Show cause alleged that Dr. Deshmukh was not authorized to handle controlled substances in the States of Michigan (where she has applied for a new DEA registration) or Ohio (the state in which she is currently registered). The Order to Show Cause also notified Dr. Deshmukh that should no request for a hearing be filed within 30 days, her hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Deshmukh at a location in Midland, Michigan, and DEA received a signed receipt indicating that it was received on July 17, 2002. DEA has not received a request for hearing or any other reply from Dr. Deshmukh or anyone purporting to represent her in this matter.

Therefore, the Deputy Administrator, finding that (1) 30 days have passed since receipt of the Order to Show Cause, and (2) no request for a hearing have been received, concludes that Dr. Deshmukh is deemed to have waived her hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Dr. Deshmukh currently holds DEA Certificate of Registration BD4361692, as a practitioner. Her current registered location is in Oregon, Ohio and that registration expires on June 30, 2004. Only June 5, 2001, Dr. Deshmukh submitted an application for a new DEA Certificate of Registration as a practitioner at a location in Midland, Michigan.

A review of the investigative file reveals that on June 5, 2001, the Michigan Board of Medicine (Michigan Board) entered an Order of Summary Suspension of Dr. Deshmukh's license to practice medicine in that state. Following the issuance of the above Order, and effective March 20, 2002, Mr. Deshmukh and the Michigan Board entered into a Consent Order. The terms of the Consent Order included the six-month suspension of Dr. Deshmukh's license to practice medicine, and as a condition of reinstatement, her agreement to submit to a psychological and psychiatric examination, as well as a neurological evaluation.

The investigative file also reveals that in response to the Michigan Board's June 2001 Order of Summary Suspension, and effective August 8, 2001, Dr. Deshmukh and the Ohio Medical Board entered into a Consent Agreement. Among the terms agreed to by the parties was the indefinite suspension of Dr. Deshmukh's medical license in that state.

There is no evidence in the record that Dr. Deshmukh's licenses to practice medicine in Michigan and Ohio have been reinstated. Therefore, the Deputy Administrator finds that since Dr. Deshmukh is not currently authorized to practice medicine in either jurisdiction, it is reasonable to infer that she is not authorized to handle controlled substances in those states.

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 he conducts business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See* Joseph Thomas Allevi M.D., 67 FR 35581 (2002); Carla Johnson, M.D., 66 FR 52939 (2001); Graham Travers Schuler, M.D., 65 FR 50570 (2000); Dominick A. Ricci, M.D., 58 FR 51104 (1993), Bobby Watts, M.D., 53 FR 11919 (1988).

Here, it is clear that Dr. Deshmukh is not licensed to handle controlled substances in Michigan and Ohio, the states in which she seeks registration and is currently registered with DEA, respectively. Therefore, she is not entitled to a DEA registration in those states.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, BD4361692, issued to Minakshi B. Deshumukh, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that Dr. Deshmukh's pending application for DEA registration dated June 5, 2001, is denied. This order is effective January 23.

Dated: November 20, 2002.

John B. Brown, III

Deputy Administrator.

[FR Doc. 02–31208 Filed 12–10–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

K-Nine Detectives; Denial of Application

On July 16, 2001, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to K-Nine Detectives (Respondent), proposing to deny its application, executed on February 14, 2000, for DEA Certificate of Registration as a researcher. The application was submitted on behalf the Respondent by its owner, Shane Kessler (Mr. Kessler). The Order to Show Cause alleged that granting the Respondent's application would be inconsistent with the public interest as that term is used in 21 U.S.C 823(f).

The Order to Show Cause was delivered by certified mail on July 23, 2001, and the Respondent timely requested a hearing. However, after the matter was docketed before Administrative Law Judge Mary Ellen Bittner, and the Government submitted its prehearing statement, the Respondent withdrew its request for hearing. Accordingly, Judge Bittner terminated all proceedings before her and the matter was subsequently transmitted to the Deputy Administrator for Final Agency Decision.

In light of the withdrawal of its request for hearing, the Deputy Administrator finds that the Respondent has waived its hearing right. After considering material from the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that Mr. Kessler submitted a DEA registration application seeking to register K-Nine Detectives at his home address in Tigard, Oregon. The Respondent sought authorization to handle controlled substances in Schedules I through V as a researcher. Included among the Schedule I controlled substances the Respondent sought to handle were heroin and marijuana. The Respondent also requested authorization to handle Schedule II controlled substances, cocaine, opium, powdered opium and methamphetamine.

Upon submission of Respondent's application, Mr. Kessler informed the DEA field office in Portland, Oregon that he planned to hire himself and his dogs to perform drug searches as schools, factories, and other private premises. DEA learned that Mr. Kessler had no previous experience with training dogs for purposes of drug detection.

In light of his lack of experience in drug-detection, a DEA diversion investigator urged Mr. Kessler to contact local law enforcement authorities to discuss his planned business activities. The investigator also requested that Mr. Kessler determine whether there was a need for such services in his community as well as in other parts of Oregon. DEA subsequently learned from the Tigard Chief of Police and the Sheriff of Washington County (of which the city of Tigard is a part) that both sought to dissuade Mr. Kessler from his planned business venture because there was adequate coverage by law enforcement canine drug teams in the area.

Mr. Kessler also submitted with his registration application the first of three research protocols. In the original protocol, Mr. Kessler reported that he would have on hand up to five lbs. each of heroin, marijuana, cocaine, opium, methamphetamine, and crack cocaine. In a subsequent revised protocol sent to DEA, Mr. Kessler then reduced the drug quantities to ½ lb. of marijuana and ¼ lb. of the remaining substances. In the third protocol, Mr. Kessler again revised the quantities of controlled substances that he would have on hand. On all three protocols, Mr. Kessler stated that his canines would search for drugs and explosives, even though he previously reported that his dogs were trained to detect only drugs and not explosives. In addition, while the Respondent's DEA registration application sought authorization to handle controlled substances in Schedule I through V, the research protocols provided by the Respondent only made mention of drugs in Schedules I and II.

DEA obtained additional information from the Washington County Sheriff's Department and the Drugs and Vice Division of the Portland Police Bureau (which both handle drug-detecting dogs) regarding the need for certifications for drug detecting dogs. DEA was informed that for purposes of court testimony, the handler of a drug-detecting dog would have to show that the dog had passed, at minimum, an annual certification. However, the Oregon Police Canine Association, the primary certifying organization for drug-detecting dogs, does not provide certifications for non-law enforcement dog handlers. The Deputy Administrator finds that the Respondent is not affiliated with any law enforcement entities.

During a regulatory inspection of its proposed registered location on April 24, 2001, DEA learned that the