

DEPARTMENT OF JUSTICE

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

Notice is hereby given that on January 7, 2008, a proposed Consent Decree in *United States v. Summit Equipment & Supplies, Inc., and Benjamin J. Hirsch*, related Civil Action Nos. 5:90CV1704 and 5:05CV2031, was lodged with the United States District Court for the Northern District of Ohio, Eastern Division.

In Civil Action No. 5:90CV1704, the United States, on behalf of the United States Defense Logistics Agency, sought to recover response costs that it had incurred at or in connection with the Summit Equipment & Supplies, Inc. Superfund Site (the "Site") in Akron, Ohio pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607(a), against Summit Equipment & Supplies, Inc., ("SES") and Benjamin J. Hirsch, the former operators of the Site and current owner of the Site. In Civil Action No. 5:05CV2031, the United States, on behalf of the United States Environmental Protection Agency ("EPA"), sought to recover civil penalties under section 104(e) of CERCLA, 42 U.S.C. 9604(e), against SES and Mr. Hirsch for their failure to respond to requests for information issued by EPA in connection with the Site.

The Consent Decree would resolve the United States' cost recovery claims with regard to the Site against SES and Mr. Hirsch under section 107(a) of CERCLA, 42 U.S.C. 9607(a), through a sum-certain reimbursement of \$236,624.27 into the United States Defense Environmental Restoration Account. In addition, Mr. Hirsch would reimburse the United States Defense Environmental Restoration Account forty percent (40%) of the assets of SES upon his death or upon any transfer of SES assets outside the normal course of business, whichever is earlier. The Consent Decree would resolve the United States' claims against SES and Mr. Hirsch under section 104(e), 42 U.S.C. 9604(e), through payment of a civil penalty of \$15,000. The reimbursements and penalties to be paid to the United States under the settlement are based upon a documented limited ability to pay.

As a condition of settlement, Mr. Hirsch, as owner of the Site, would implement institutional controls at the Site through the recording of restrictive covenants, which are required under the

Record of Decision to complete the remedy at the Site. Additionally, SES and Mr. Hirsch would relinquish all claims or causes of action with respect to the Site against the United States. In return, SES and Mr. Hirsch would receive contribution protection and a covenant not to sue from the United States under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), with regard to the Site, subject to certain reservations of rights.

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, and either e-mailed to 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. Summit Equipment & Supplies, Inc., and Benjamin J. Hirsch*, Civil Action Nos. 5:90CV1704 and 5:05CV2031, D.J. Refs. 90-11-3-633 and 633/3.

The Consent Decree may be examined at the Office of the United States Attorney for Northern District of Ohio, Carl B. Stokes United States Court House, 801 West Superior Avenue, Suite 400, Cleveland, Ohio, and at U.S. EPA Region 5, 77 West Jackson Boulevard, 14th Floor, Chicago, Illinois. 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. Copies 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), fax number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting copies from the Consent Decree Library, please enclose a check, payable to the U.S. Treasury, in the amount of \$16.50 (25 cents per page reproduction cost), or, if by e-mail or fax, forward a check in the amount of \$16.50 to the Consent Decree Library at the stated address.

William D. Brighton,

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated October 19, 2007 and published in the **Federal Register** on October 25, 2007, (72 FR 60693-60695), Research Triangle Institute, Kenneth H. Davis Jr., Hermann Building East Institute Drive, P.O. Box 12194, Research Triangle Park, North Carolina 27709, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
1-(1-Phenylcyclohexyl)pyrrolidine (7458)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (7473)	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661)	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine (9663)	I
2,5-Dimethoxy-4-(n-propylthiophenethylamine (7348) ..	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
2,5-Dimethoxyamphetamine (7396)	I
3,4,5-Trimethoxyamphetamine (7390)	I
3,4-Methylenedioxyamphetamine (7400)	I
3,4-Methylenedioxyamphetamine (7405)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3-Methylfentanyl (9813)	I
3-Methylthiofentanyl (9833)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
4-Methylaminorex (cis isomer) (1590)	I
4-Methoxyamphetamine (7411)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
Acetorphine (9319)	I
Acetyl-alpha-methylfentanyl (9815) ..	I
Acetyldihydrocodeine (9051)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603)	I
Alpha-ethyltryptamine (7249)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Alpha-methylfentanyl (9814)	I

Drug	Schedule	Drug	Schedule	Drug	Schedule
Alpha-methylthiofentanyl (9832)	I	Nicomorphine (9312)	I	Opium tincture (9630)	II
Alpha-methyltryptamine (7432)	I	N-Methyl-3-piperidyl benzilate (7484)	I	Opium, granulated (9640)	II
Aminorex (1585)	I	Noracymethadol (9633)	I	Oxycodone (9143)	II
Benzethidine (9606)	I	Norlevorphanol (9634)	I	Oxymorphone (9652)	II
Benzylmorphine (9052)	I	Normethadone (9635)	I	Pentobarbital (2270)	II
Betacetylmethadol (9607)	I	Normorphine (9313)	I	Phenazocine (9715)	II
Beta-hydroxy-3-methylfentanyl (9831)	I	Norpipanone (9636)	I	Phencyclidine (7471)	II
Beta-hydroxyfentanyl (9830)	I	Para-Fluorofentanyl (9812)	I	Phenmetrazine (1631)	II
Betameprodine (9608)	I	Parahexyl (7374)	I	Phenylacetone (8501)	II
Betamethadol (9609)	I	Peyote (7415)	I	Piminodine (9730)	II
Betaprodine (9611)	I	Phenadoxone (9637)	I	Powdered opium (9639)	II
Bufotenine (7433)	I	Phenampromide (9638)	I	Racemethorphan (9732)	II
Cathinone (1235)	I	Phenomorphane (9647)	I	Racemorphan (9733)	II
Clonitazene (9612)	I	Phenoperidine (9641)	I	Remifentanyl (9739)	II
Codeine methylbromide (9070)	I	Pholcodine (9314)	I	Secobarbital (2315)	II
Codeine-N-Oxide (9053)	I	Piritramide (9642)	I	Sufentanil (9740)	II
Cyprenorphine (9054)	I	Proheptazine (9643)	I	Thebaine (9333)	II
Desomorphine (9055)	I	Propiridone (9644)	I		
Dextromoramide (9613)	I	Propiram (9649)	I		
Diampromide (9615)	I	Psilocybin (7437)	I		
Diethylthiambutene (9616)	I	Psilocyn (7438)	I		
Diethyltryptamine (7434)	I	Racemoramide (9645)	I		
Difenoxin (9168)	I	Tetrahydrocannabinols (7370)	I		
Dihydromorphine (9145)	I	Thebacon (9315)	I		
Dimenoxadol (9617)	I	Thiofentanyl (9835)	I		
Dimpheptanol (9618)	I	Thiophene analog of phencyclidine (7470)	I		
Dimethylthiambutene (9619)	I	Tilidine (9750)	I		
Dimethyltryptamine (7435)	I	Trimeperidine (9646)	I		
Dioxaphetyl butyrate (9621)	I	1-Phenylcyclohexylamine (7460)	II		
Dipipanone (9622)	I	1-Piperidinocyclohexanecarbonitrile (8603)	II		
Drotabanol (9335)	I	Alfentanil (9737)	II		
Ethylmethylthiambutene (9623)	I	Alphaprodine (9010)	II		
Etonitazene (9624)	I	Amobarbital (2125)	II		
Etorphine except HCl (9056)	I	Amphetamine (1100)	II		
Etoxadine (9625)	I	Anileridine (9020)	II		
Fenethylamine (1503)	I	Bezitramide (9800)	II		
Furethidine (9626)	I	Carfentanil (9743)	II		
Gamma Hydroxybutyric Acid (2010)	I	Codeine (9050)	II		
Heroin (9200)	I	Dextropropoxyphene, bulk (non-dosage forms) (9273)	II		
Hydromorphanol (9301)	I	Dihydrocodeine (9120)	II		
Hydroxypethidine (9627)	I	Dihydroetorphine (9334)	II		
Ibogaine (7260)	I	Diphenoxylate (9170)	II		
Ketobemidone (9628)	I	Ethylmorphine (9190)	II		
Levomoramide (9629)	I	Etorphine Hcl (9059)	II		
Levophenacetylmorphan (9631)	I	Fentanyl (9801)	II		
Lysergic acid diethylamide (7315)	I	Glutethimide (2550)	II		
Marihuana (7360)	I	Hydrocodone (9193)	II		
Mecloqualone (2572)	I	Hydromorphone (9150)	II		
Mescaline (7381)	I	Isomethadone (9226)	II		
Methaqualone (2565)	I	Levo-alphaacetylmethadol (9648)	II		
Methcathinone (1237)	I	Levomethorphan (9210)	II		
Methyldesorphine (9302)	I	Levorphanol (9220)	II		
Methyldihydromorphine (9304)	I	Lisdexamfetamine (1205)	II		
Morpheridine (9632)	I	Meperidine (9230)	II		
Morphine methylbromide (9305)	I	Meperidine intermediate—A (9232)	II		
Morphine methylsulfonate (9306)	I	Meperidine intermediate—B (9233)	II		
Morphine-N-Oxide (9307)	I	Meperidine intermediate—C (9234)	II		
Myrophine (9308)	I	Metazocine (9240)	II		
N,N-Dimethylamphetamine (1480)	I	Methadone (9250)	II		
N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (9834)	I	Methadone intermediate (9254)	II		
N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (9818)	I	Methamphetamine (1105)	II		
N-Benzylpiperazine (7493)	I	Methylphenidate (1724)	II		
N-Ethyl-3-piperidyl benzilate (7482)	I	Metopon (9260)	II		
N-Ethylamphetamine (1475)	I	Moramide intermediate (9802)	II		
N-Ethyl-1-phenylcyclohexylamine (7455)	I	Morphine (9300)	II		
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I	Nabilone (7379)	II		
Nicocodeine (9309)	I	Opium, raw (9600)	II		
		Opium extracts (9610)	II		
		Opium fluid extract (9620)	II		

The company plans to import small quantities of the listed controlled substances for the National Institute of Drug Abuse (NIDA) for research activities.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Research Triangle Institute to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Research Triangle Institute to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: January 10, 2008.

Joseph T. Rannazzisi,
Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

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