

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-11843 Filed 5-27-08; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Two Amendments to Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA")

Consistent with Section 122(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(d), and 28 CFR 50.7, notice is hereby given that on May 20, 2008, the United States lodged two amendments to the Consent Decree approved by the Court on February 23, 2001 in *United States of America v. Abex Aerospace Division, et al*, Civil No. 00-cv-012471 TJH(JWJx) (USDC C.D. Cal.). The original Consent Decree resolved the liability of certain defendants for the "Phase 1a Area" of the Site under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9606 and 9607, as amended, and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, as alleged in the Complaint filed in this matter.

The First Amendment primarily amends the Statement of Work under the original Consent Decree to add certain response activities necessary to address indoor air contamination observed at an indoor roller skating rink located adjacent to the Omega Chemical Corporation Superfund Site, listed on the National Priorities List on January 19, 1999, 64 FR 2950 ("Site"). The Second Amendment adds additional Settling Work Defendants, and Settling Cash Defendants to those covered by the original Consent Decree, as amended. The Second Amendment also incorporates additional volume and related payments of certain original Settling Cash Defendants, and corrects certain omissions and typographical errors in the caption. 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 Amendments. 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 20044-06529.

The Consent Decree Amendments may be examined at U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105 (contact Stephen Berninger, Esq. (415) 972-3909). During the public comment period, the Consent Decree Amendments 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 by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, 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 refer to *United States of America v. Abex Aerospace Division, et al*, Civil No. 00-cv-012471 TJH(JWJx) (USDC C.D. Cal.) (DOJ Ref. No. 90-11-3-06529), and enclose a check in the amount of \$57.25 (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.

**Henry S. Friedman,**

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[No. 06-45]

#### Paul H. Volkman; Denial of Application

On February 10, 2006, I, the Deputy Administrator of the Drug Enforcement Administration, issued an Order to Show Cause and Immediate Suspension of Registration to Paul H. Volkman, M.D. (Respondent), of Chillicothe, Ohio. The Order immediately suspended Respondent's DEA Certificate of Registration, AV6952837, as a practitioner, on the grounds that his continued registration during the pendency of the proceeding "would constitute an imminent danger to public health and safety because of the substantial likelihood that [he] will continue to divert controlled substances to persons who will abuse these products." *Id.* at 12.

More specifically, the Show Cause Order alleged that in twelve instances, Respondent had prescribed multiple

controlled substances to persons who, within days, died of overdoses of the drugs. *Id.* at 9-11. The Show Cause Order further alleged that Respondent had issued prescriptions to these persons for multiple controlled substances including opiates in schedule II (oxycodone) and/or schedule III (hydrocodone); schedule IV benzodiazepines such as diazepam and valium; and carisoprodol, a non-controlled drug which is nonetheless highly abused. *Id.*; see also *id.* at 3. Relatedly, the Order alleged that in July 2005, the assistant coroner for the county in which Respondent was practicing, had notified DEA "that his staff [had] observed an increase in emergency room overdoses and believed that several recent drug-related deaths involving young [and] otherwise healthy individuals could be attributed to the consumption of large amounts of oxycodone, hydrocodone and alprazolam," which Respondent had dispensed. *Id.* at 8.

The Show Cause Order also alleged that DEA had received information from various distributors that Respondent was ordering excessive quantities of controlled substances. *Id.* Relatedly, the Show Cause Order alleged that during 2004, Respondent was the largest practitioner-purchaser of oxycodone in the country having purchased 438,000 dosage units, when the average amount of this drug purchased by other physicians "was only 4,792 dosage units." *Id.* at 2.

The Show Cause Order further alleged that DEA investigators interviewed several of Respondent's patients who informed them that Respondent had prescribed controlled substances without performing physical examinations, that the clinic charged between \$160 and \$200 for an office visit, and that the clinic required that the patients pay cash and would not accept third-party payments from insurers, Medicare, Medicaid or worker's compensation. *Id.* at 4.

The Show Cause Order also alleged that on various dates, confidential sources had visited the clinic, and that Respondent had issued these persons prescriptions for controlled substances without performing physical examinations and other medical tests. *Id.* at 5. The Show Cause Order specifically alleged that on two occasions, the confidential sources had told the clinic's employees that their pain levels were "one or two" and "zero" on a scale of one-to-ten (with the latter being the most severe); that upon Respondent's asking them how they felt, the sources had told him "fair" and "pretty good"; and that Respondent,