

permits at its East Liverpool facility; (4) certify that it does not currently process nonmetallic minerals at its East Liverpool facility, and in the event that it resumes such processing, comply with applicable provisions of NSPS; and, implement two Supplemental Environmental Projects valued at \$386,592, consisting of a Truck Loadout Shed and Road Paving Projects at its East Liverpool facility.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to United States Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should refer to *United States v. S.H. Bell Co.*, Civil No. 4:08-cv-96 (N.D. Ohio), and DOJ Reference No. 90-5-2-1-07823.

The proposed Consent Decree may be examined at: (1) The Office of the United States Attorney for the Northern District of Ohio, 801 West Superior Avenue, Suite 400, Cleveland, OH, 44113 (216-622-3600); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Blvd., Chicago, IL 60604-3507 (contact: John C. Matson (312-886-2243)).

During the public comment period, the proposed Consent Decree may also be examined on the following U.S. 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 proposed 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 no. (202) 514-1547. In requesting a copy from the Consent Decree Library, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of \$10 for the Consent Decree only (40 pages, at 25 cents per page reproduction costs), or \$19.25 for the Consent Decree and Appendix A (77 pages), made 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.

**William D. Brighton,**

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

[FR Doc. 08-271 Filed 1-24-08; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging Consent Decree Pursuant to the Clean Air Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Emergency Planning and Community Right-To-Know Act**

In accordance with 28 CFR 50.7, notice is hereby given that on January 15, 2008, a proposed consent decree in *United States v. Sinclair Wyoming Refining Co., et al.*, Case No. 08cv020-D, was lodged with the United States Court for the District of Wyoming. The proposed consent decree would resolve the United States' claims against Sinclair Wyoming Refining Company, Sinclair Casper Refining Company, and Sinclair Tulsa Refining Company (collectively the "Sinclair Refineries") brought pursuant to Section 113(b) of the CAA, 42 U.S.C. 7413(b); Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9603(a); and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. 11004. Under the terms of the consent decree, the Sinclair Refineries will pay civil penalties totaling \$2,450,000 to the United States and the states of Oklahoma and Wyoming, undertake supplemental environmental projects valued at \$150,000, and complete extensive injunctive relief.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should 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 may be submitted electronic mail to the following address: [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov). Comments should refer to *United States v. Sinclair Wyoming Refining Co., et al.*, Case No. 08cv020-D, and Department of Justice Reference No. 90-5-2-1-07793.

The consent decree may 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, 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 \$36.50 (\$.25 per page) payable to the U.S. Treasury.

**Robert D. Brook,**

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

[FR Doc. 08-265 Filed 1-24-08; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**Nasim F. Khan, M.D.; Denial of Application**

On June 8, 2007, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Nasim F. Khan, M.D. (Respondent), of Houston, Texas. The Show Cause Order proposed the denial of Respondent's pending application for a DEA Certificate of Registration as a practitioner on two grounds: (1) That she lacked authority under state law to handle controlled substances, and (2) that her "registration would be inconsistent with the public interest." Show Cause Order at 1; *see also* 21 U.S.C. 823(f).

The Show Cause Order specifically alleged that "[o]n June 26, 2006, [Respondent's] Texas Controlled Substance Registration was terminated," and that she was therefore "not currently authorized by the State of Texas to prescribe, dispense, or otherwise handle controlled substances." Show Cause Order at 1. The Show Cause Order further alleged that Respondent had committed acts inconsistent with the public interest because she had "allowed [her] DEA registration to be used to dispense controlled substances for other than legitimate medical purposes" and had "engage[d] in self-prescribing of controlled substances, in violation of the Texas Controlled Substances Act." *Id.*

On June 15, 2007, the Show Cause Order, which also notified Respondent of her right to request a hearing on the allegations, was served on Respondent by Federal Express delivered to her residence. Because: (1) More than thirty days have passed since service of the Show Cause Order, and (2) neither Respondent, nor anyone purporting to represent her, has requested a hearing, I conclude that Respondent has waived her right to a hearing. *See* 21 CFR 1301.43(d). I therefore enter this Final Order without a hearing based on relevant material contained in the