

(v) Explain how the exclusion order and cease and desist order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on June 15, 2012.

Persons filing written submissions must file the original document electronically on or before the deadline stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-772") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

Issued: June 1, 2012.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012-13718 Filed 6-6-12; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

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

Notice is hereby given that on May 31, 2012, two proposed consent decrees in *U.S. v. Jacob Goldberg & Son, Inc., et al.*, Civil Action No. 10 Civ. 3237, were

lodged with the United States District Court for the Southern District of New York.

In this action the United States sought recovery, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, of response costs regarding the Port Refinery Superfund Site in the Village of Rye Brook, N.Y. ("Site"). One of the settlements, referred to as the "Second Partial Consent Decree," provides for PSC Metals, Inc. and PSC Metals-New York, LLC to pay \$225,000, and resolves the United States' claims against these defendants regarding the Site. The other settlement, referred to as the "Third Partial Consent Decree," provides for Vincent A. Pace Scrap Metals, Inc. to pay \$20,000 and also resolves the United States' claims against this defendant regarding the Site.

The Department of Justice will receive for a period of 30 days from the date of this publication comments relating to the two consent decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to pubcommentees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *U.S. v. Jacob Goldberg & Son, Inc., et al.*, D.J. Ref. 90-11-3-1142/1.

During the public comment period, the two consent decrees may also be examined on the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. Copies of the two consent decrees 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 emailing a request to "Consent Decree Copy" (eescdcopy.enrd@usdoj.gov), fax number (202) 514-0097, phone confirmation number (202) 514-5271. If requesting copies of the two settlements from the Consent Decree Library by mail, please enclose a check in the amount of \$8.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by email or fax, forward a check in that amount to the Consent Decree Library at the address given above.

Ronald G. Gluck,

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

[FR Doc. 2012-13761 Filed 6-6-12; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Second Amendment to First Amended Consent Decree Under the Clean Water Act

Notice is hereby given that on May 31, 2012, a proposed Second Amendment to First Amended Consent Decree ("Amendment") in *United States and State of Georgia v. City of Atlanta*, Civil Action No. 1:98-CV-1956-TWT, was lodged with the United States District Court for the Northern District of Georgia.

In this action the United States, on behalf of the U.S. Environmental Protection Agency ("U.S. EPA"), and the State of Georgia, at the request of Environmental Protection Division ("EPD") sought penalties and injunctive relief under the Clean Water Act ("CWA") against the City of Atlanta ("Defendant") relating to Defendant's wastewater treatment facilities and the Defendant's wastewater collection and transmission system. The complaint alleged that Defendant violated the CWA, 33 U.S.C. 1251 *et seq.*, and the Georgia Water Quality Control Act, O.C.G.A. § 12-5-21 *et seq.* ("GWQCA"). On December 22, 1999, the Court entered the First Amended Consent Decree ("Decree"), resolving the allegations in the complaint regarding the Defendant's wastewater treatment facilities and Defendant's collection and transmission system. On April 28, 2003, the Court entered Amendments to the Decree to allow the substitution of certain projects required under the Decree.

Defendant satisfied obligations under the Section VII Decree and the Court terminated the Decree on March 31, 2004 as to those obligations. Defendant has completed the majority of the work requirements of the Decree and has made substantial reductions in the total volume of sewage overflows. In order to comply with the requirements of the Decree, the Defendant has raised water and sewer rates by 252% over the past ten years. In addition, a 1% municipal option sales tax within the boundaries of the City of Atlanta has been imposed to contribute to the financing of the City's obligations under the Decree.

Despite the Defendant's efforts and the increase in financing to support those efforts, the Defendant requested a thirteen year extension of the schedule set forth in the Decree to complete the remaining work, due to the financial circumstances the Defendant is facing. The Plaintiffs evaluated the Defendant's financial information and model and the financial condition the Defendant is facing and determined that, based on all

of the circumstances, the Defendant's request for an extension was reasonable.

Documents relative to the Decree, including the proposed Amendment, can be accessed at www.cleanwateratlanta.org.

See, specifically, City of Atlanta, First Amended Consent Decree, 1:98-CV-1956-TWT, Financial Capability-Based Amendment & Schedule Extension Request. Further information pertaining to the Defendant's water system can be accessed at www.atlantawatershed.org.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Amendment. 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 either emailed 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 and State of Georgia v. City of Atlanta*, D.J. Ref. 90-5-1-1-4430. During the public comment period, the Amendment may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Amendment 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 emailing a request to "Second Amendment to First Amended Consent Decree Copy" (EEESCDCopy.ENRD@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$4.750 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Henry Friedman,

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

[FR Doc. 2012-13827 Filed 6-6-12; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Pharmboy Ventures Unlimited, Inc., Decision and Order

On August 26, 2011, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to

Show Cause to Pharmboy Ventures Unlimited, Inc., d/b/a Brent's Pharmacy and Diabetes Care (Applicant), of St. George, Utah. The Show Cause Order proposed the denial of Applicant's application for a DEA Certificate of Registration as a retail pharmacy, on the ground that its "registration would be inconsistent with the public interest." Show Cause Order, at 1 (citing 21 U.S.C. 823(f)).

The Show Cause Order alleged that on February 28, 2011, Applicant submitted an application for a DEA Registration as a retail pharmacy and that while applicant is owned by Caroline McFadden, her husband Brent McFadden is Applicant's pharmacist-in-charge and sole pharmacist. The Show Cause Order then alleged that in 2010, Brent McFadden, while working as a pharmacist at Lin's Pharmacy, had unlawfully taken phentermine, a schedule IV controlled substance, from the pharmacy's stock and ingested it; the Order also alleged that Brent McFadden had failed to document the disposition of the phentermine he had taken. *Id.* at 1-2 (citing 21 U.S.C. 844; 827; 21 CFR 1304.22(c); 1306.06; 1306.21). The Order also alleged that while working as a pharmacist at Lin Pharmacy, Mr. McFadden had, on four or more occasions when it was open to the public, left the pharmacy unattended by a pharmacist, in violation of Utah Admin. Code R156-1-102a. *Id.* at 2.

Next, the Show Cause Order alleged that based on the various acts set forth above, on October 27, 2010, the Utah Division of Occupational and Professional Licensing (DOPL) issued a consent order to Mr. McFadden placing his pharmacist's license on probation for three years. *Id.* The Order also alleged that on January 20, 2011, Mr. McFadden had pled no contest to seven state law counts of making or altering a false prescription based on his conduct in taking phentermine from Lin's Pharmacy, and that he had been sentenced to eighteen-months' probation, fined, and ordered to undergo a substance abuse evaluation. *Id.* (citing Utah Code Ch. 58, § 37(3)(a)(iii)). Finally, the Order alleged that Mr. McFadden had engaged in such other conduct which may threaten public health and safety because he "took and consumed legend drugs and food items" from his former employer without paying for them, and that because of the aforementioned acts, he was terminated from his employment. *Id.* (citing 21 U.S.C. 823(f)(5)).

The Show Cause Order, which also notified Applicant of its right to request a hearing on the allegations or to submit

a written statement in lieu of a hearing, the procedures for electing either option, and the consequences for failing to do either, *id.* at 2-3 (citing 21 CFR 1301.43); was served on Applicant by certified mail, return receipt requested, addressed to it at the address of its proposed registered location. GX C. As evidenced by the signed return receipt card, service was accomplished on September 2, 2011. Since that date, more than thirty days have now passed, and neither Applicant, nor anyone purporting to represent it, has either requested a hearing or submitted a written statement in lieu of a hearing. Accordingly, I find that Applicant has waived its right to a hearing and issue this Decision and Order based on relevant evidence contained in the investigative record submitted by the Government. I make the following findings of fact.

Findings

On February 28, 2011, Applicant filed an application for a DEA Certificate of Registration as a retail pharmacy. GX A. Applicant's application was signed by Ms. Caroline McFadden. *Id.* In response to one of the application's liability questions, Applicant noted that "Brent McFadden, corporate owner, charges of unprofessional conduct and unlawful conduct for leaving the pharmacy unattended for thirty minutes and for taking 7 phentermine tablets from pharmacy stock and injecting [sic] them." GX A.

Upon reviewing the application, a DEA Diversion Investigator (DI) noticed Applicant's statement regarding the action taken by the State of Utah against Brent McFadden. GX D, at 1. The DI learned that Applicant has a state pharmacy license and that Caroline McFadden was listed as the applicant and owner of the pharmacy. *Id.* at 1-2. The DI also obtained a report by a DOPL Investigator regarding an August 17, 2010 interview she did of Mr. McFadden, who had previously worked at the pharmacy in Lin's Supermarket, a grocery store located in St. George, Utah. *Id.*; GX F, at 1.

During the interview, Mr. McFadden admitted that he had taken both phentermine, a schedule IV stimulant, and Maxzide (Triamterene-HCTZ), a non-controlled legend drug used as a diuretic, from the store's pharmacy, where he had been employed for sixteen years. GX D, at 2. With respect to his use of phentermine, Mr. McFadden initially claimed that the drug had been prescribed to him by J.R.M., a physician's assistant and neighbor of his. *Id.* However, Mr. McFadden later admitted that J.R.M. had not treated him