

19103. Copies of the proposed decrees may be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, fax number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting copies of the two consent decrees exclusive of exhibits, please enclose a check in the amount of \$18.00 (.25 cents per page production costs), payable to the U.S. Treasury.

**Robert D. Brook,**

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

[FR Doc. 02-30155 Filed 11-26-02; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on October 31, 2002, a proposed amendment to a consent decree entered on April 28, 1992 in *United States and State of Arizona v. Motorola, Inc., Siemens Corporation, Salt River Valley Water Users' Association and GlaxoSmithKline*, Civil Action No. CV-91-1835-PHX-WPC, was lodged with the United States District Court for the District of Arizona.

In this action the United States sought the performance of response actions and the recovery of response costs incurred and to be incurred by the United States with respect to releases of hazardous substances at the Indian Bend Wash, North, Superfund Site in Scottsdale, Arizona ("Site"). The consent decree entered by the Court on April 28, 1992 required the performance of certain work by the Defendants Motorola, Inc., Siemens Corporation, the Salt River Valley Water Users' Association and GlaxoSmithKline (collectively "Defendants"), with participation by the City of Scottsdale pursuant to Rule 19 of the Federal Rules of Civil Procedure.

One provision of the April 28, 1992 consent decree specified that, if EPA determined that additional work was necessary to remediate contamination at the Site, the parties would negotiate informally to incorporate a requirement for the performance of that work into the April 28, 1992 consent decree. The Amended Consent Decree would incorporate certain additional work to be performed at the Site by the Defendants and the City that EPA has

deemed necessary. This work includes, but is not limited to, the continued operation and maintenance of three groundwater treatment facilities and related extraction and monitoring well systems.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Amended Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States and State of Arizona v. Motorola, Inc., Siemens Corporation, Salt River Valley Water Users' Association and GlaxoSmithKline*, D.J. Ref. 90-11-2-413.

Commenters may request an opportunity for a public meeting in the affected area, in accordance with section 7003 (d) of RCRA, 42 U.S.C. 6973(d).

The Amended Consent Decree may be examined at the Office of the United States Attorney, Two Renaissance Square, 40 N. Central Avenue, Suite 1200, Phoenix, Arizona 85004-4408, and at U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105. A copy of the Amended Consent Decree may also be obtained by mail from the Consent Decree Library, PO 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 number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$69.25 (25 cents per page reproduction cost) payable to the U.S. Treasury. In requesting a copy exclusive of exhibits, please enclose a check in the amount of \$23.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

[FR Doc. 02-30154 Filed 11-26-02; 8:45 am]

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## DEPARTMENT OF JUSTICE

[AAG/A Order No. 298-2002]

### Privacy Act of 1974: System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Department of Justice, Office of Professional Responsibility (OPR), proposes to modify the following system of records previously published in full text in the **Federal Register** on December 10, 1998 (63 FR 68299

(1998)): Office of Professional Responsibility Record Index, JUSTICE/OPR-001.

OPR is adding three new routine uses to this system of records. The first routine use allows the disclosure of information to contractors and others working on behalf of OPR when necessary to accomplish an OPR function related to this system of records. The second routine use allows the disclosure of information to former employees of the Department for the purpose of responding to official inquiries by government entities or professional licensing authorities in accordance with applicable Department regulations. This routine use also allows disclosure to former employees where the Department requires information and consultation assistance from the former employee that is necessary for personnel-related or other official purposes. The third routine use will allow the disclosure of information to members of the judicial branch of the Federal government in response to a written request where disclosures are relevant to the authorized function of the recipient judicial office or court system.

Title 5 U.S.C. 552a(e)(4)(11) provides that the public be given a 30-day period in which to comment on the proposed new routine use disclosures. The Office of Management and Budget (OMB), which has oversight responsibilities under the Privacy Act, requires a 40-day period in which to conclude its review of any proposal to add new routine use disclosures or make other major modifications.

You may submit any comments by December 27, 2002. The public, OMB and the Congress are invited to send comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Room 1400 National Place Building, Washington, DC 20530. If no comments are received, the proposal will be implemented without further notice in the **Federal Register**.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress on the proposed new routine uses.

Dated: November 15, 2002.

**Robert F. Diegelman,**

*Acting Assistant Attorney General for Administration.*

**JUSTICE/OPR-001**

#### SYSTEM NAME:

Office of Professional Responsibility Record Index.

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**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

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\* \* \* (10) information may be furnished to professional organizations or associations with which individuals covered by this system of records may be affiliated, such as state bar disciplinary authorities, to meet their responsibilities in connection with the administration and maintenance of standards of conduct and discipline.

[Following this sentence insert the three paragraphs below.]

(11) Relevant information contained in this system of records may be disclosed to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

(12) Relevant and necessary information may be disclosed to former employees of the Department of Justice for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating Department communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(13) Relevant information contained in this system of records may be disclosed to a member of the judicial branch of Federal Government in response to a written request where disclosures are relevant to the authorized function of the recipient judicial office or court system.

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[FR Doc. 02-29879 Filed 11-26-02; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### James F. Graves, M.D.; Revocation of Registration

On April 8, 2002, the Administrator of the Drug Enforcement Administration (DEA), issued an Order to Show Cause, Immediate Suspension of Registration, to James F. Graves, M.D. (Dr. Graves) of Milton, Florida, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA

Certificate of Registration, AG3101235 under 21 U.S.C. 824(a), and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Graves is not currently authorized to handle controlled substances in Florida, the state in which he practices, and had been convicted of a felony involving controlled substances. The order also notified Dr. Graves that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

By letter dated April 16, 2002, Dr. Graves requested an administrative hearing. On May 7, 2002, DEA filed Government's Motion for Summary Disposition and Request for Stay of the Filings of Prehearing Statement. The Motion was based upon the argument that no facts were at issue: DEA cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts business. Dr. Graves did not respond to the Motion. On July 10, 2002, Administrative Law Judge Mary Ellen Bittner certified and transmitted the record in the matter to the Deputy Administrator along with her Opinion and Recommended Decision. In her Decision, the Administrative Law Judge granted DEA's Motion for Summary Disposition and recommended that Dr. Graves' DEA registration be revoked.

The Deputy Administrator has carefully reviewed the entire record in this matter, as defined above, and hereby issues this final order as prescribed by 1301.46, based upon the following findings and conclusions. The Deputy Administrator adopts the Opinion and Recommended Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law. 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. Graves possesses DEA Certificate of Registration AG3101235. On January 29, 2002, the Florida Department of Health ordered an emergency suspension of Dr. Graves' medical license. Loss of state authority to engage in the practice of medicine is an independent ground to revoke a practitioner's registration under 21 U.S.C. 824(a)(3). This agency has consistently held that a person may not maintain a DEA registration if he is without appropriate authority under the laws of the State in which he does

business. *See* Anne Lazar Thorn, M.D., 62 FR 12847 (DEA 1997); Bobby Watts, M.D., 53 FR 11919 (DEA 1988).

Dr. Graves has not denied that he is currently not licensed to practice medicine in Florida, the jurisdiction in which he is registered. Accordingly, he is not entitled to a DEA registration. As the Administrative Law Judge stated, it is well-settled that when no question of fact is involved, or when the material facts are agreed upon, a plenary, adversarial administrative proceedings is not required. *See* Jesus R. Juarez, M.D., 62 FR 14945 (DEA 1997).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, grants the agency's Motion for Summary Disposition and hereby orders that DEA Certificate of Registration AG3101235 issued to James F. Graves, M.D. be, and hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective December 27, 2002.

Dated: November 4, 2002.

**John B. Brown, III,**

*Deputy Administrator.*

[FR Doc. 02-30022 Filed 11-26-02; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### K.V.M. Enterprises; Denial of Registration

On February 25, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to K.V.M. Enterprises (KVM) of Detroit, Michigan, notifying it of an opportunity to show cause as to why DEA should not deny its application for DEA registration as a distributor of list 1 chemicals. As a basis for the denial, the Order to Show Cause alleged that KVM's registration would not be in the public interest. The order also notified KVM that should not a request for a hearing be filed within 30 days, its hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to KVM to the address included on the application for registration. DEA received a signed receipt indicating that the Order to Show Cause was received on KVM's behalf on March 4, 2002. DEA has not received a request for hearing or any