The complaint, as supplemented, alleged violations of section 337 in the importation into the United States and the sale within the United States after importation of certain tool handles, tool holders, tool sets, and components therefor by reason of infringement of claims 1, 2, 11, 12, 23, 24, 28, 29, and 30 of U.S. Patent No. 5,911,799 (''the '799 patent'') and claims 1, 14, 18, 19, 34, 37, 40, and 41 of U.S. Patent No. 6,311,587 (''the '587 patent''). Id. The Commission named two respondents, Danaher Corporation of Washington, DC, and Danaher Tool Group of Hunt Valley, Maryland (collectively, ''Danaher'').

On April 22, 2003, the ALJ issued an ID (Order No. 7) terminating the investigation with respect to claims 2, 28, 29, and 30 of the '799 patent and with respect to claim 18 of the '587 patent. On April 24, 2003, the ALJ issued an ID (Order No. 8) amending the complaint and notice of investigation to add as respondents Hi-Five Products Developing Company of Taichung, Taiwan (''Hi-Five''), and Bobby Hu, of Taichung, Taiwan. Those IDs were not reviewed by the Commission.

On May 27, 2003, the Commission investigative attorney (''IA'') moved, pursuant to Commission rule 210.15(a), for a summary determination of no violation based upon non-infringement of asserted claims 1, 11, 12, 23, and 24 of the '799 patent and asserted claims 1, 14, 19, 34, 37, 40, and 41 of the '587 patent, the only claims remaining in issue, by the accused tool handles, tool holders, and tool sets imported into and sold in the United States by Danaher. The IA noted that these are the same products that respondents Hi-Five and Hu are accused of selling.

On June 10, 2003, complainant and Danaher filed a joint motion pursuant to Commission rule 210.21(a) and (b) to terminate Danaher as a respondent on the basis of a settlement agreement. On June 11, 2003, Danaher filed a response stating that it would not submit a substantive response to the IA's motion for summary determination in light of the pending joint motion for termination of the investigation based on a settlement agreement. On June 11, 2003, complainant filed its opposition to the IA's motion for summary determination. On June 13, 2003, the IA filed a motion for leave to reply to complainant's opposition with attached reply. On June 18, 2003, complainant filed a reply opposition.

On June 20, 2003, the ALJ issued an ID (Order No. 14) granting the IA's motion for summary determination and terminating the investigation. The ID found no violation of section 337 by reason of no infringement by any respondent of any of the 12 patent claims remaining in issue in the investigation. The ALJ noted that the June 10, 2003, joint motion for termination was pending before him. ID at 1 n.2. On June 26, 2003, complainant filed a motion for extension of time to file a petition for review of the ID. On June 27, 2003, the Chairman granted the motion and extended complainant's deadline for filing a petition for review until July 3, 2003. On July 2, 2003, the Commission extended the deadline for determining whether to review the ID until Wednesday, August 13, 2003. No petitions for review of the ID were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's rules of practice and Procedure (19 CFR 210.42).

Issued: July 28, 2003.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03–19611 Filed 7–31–03; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (''CERCLA'')

Notice is hereby given that on July 11, 2003, a proposed Consent Decree in *United States* v. *BNZ Materials, Inc. et al.,* Civil Action No. 00–527–M (''Consent Decree''), was lodged with the United States District Court for the District of New Hampshire.

The proposed Consent Decree resolves the United States' claims against four defendants for the recovery of costs incurred by the United States in response to releases and threatened releases of friable asbestos, a hazardous substance at the Site pursuant to sections 107(a) and 113 of the Comprehensive Environmental Response, Compensation, and Recovery Act, as amended (''CERCLA''), 42 U.S.C. § 9607(a) and 9613 pertaining to the Johns Manville Manufacturing Plant Superfund Site, located in Nashus, New Hampshire (the ''Site''). The United States incurred approximately $4,600,000 in past response costs, including enforcement costs and interest, relating to the Site. Under this Consent Decree, the defendants will pay $2,500,000 plus interest within 30 days of entry of the Consent Decree, to resolve their liability for past costs at the Site.

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, P.O. Box 7611, U.S. Department of Justice Washington, DC 20044–7611, and should refer to *United States* v. *BNZ Materials, Inc. et al.,* D.J. Ref. 90–11–2–07309.

The Consent Decree may be examined at the Office of the United States Attorney, 55 Pleasant Street, Concord, New Hampshire 03301–3904 (contact Civil Chief, Assistant U.S. Attorney Gretchen Witt), and at the U.S. EPA Region I, One Congress Street, Boston, Massachusetts, 02114 (contact Assistant Regional Attorney Steven Schlang). 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/open.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*), 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 $7.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ron Kluck,

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

[FR Doc. 03–19440 Filed 7–31–03; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

George Minor Meredith, II, M.D. Revocation of Registration

On April 22, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to George Minor Meredith, M.D. (Respondent) of Great Bend, Kansas, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AM8703995 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 on December 8, 2001, the Board of Healing Arts of the State of Kansas (Board) revoked Respondent's medical license. Accordingly, the Respondent is not currently authorized to handle controlled substances in Kansas, the state in which he practices. The order also notified Respondent that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Respondent at his registered location in Grand Bend, Kansas. DEA received a signed receipt indicating that the Order to Show Cause was received by Respondent on or around May 2, 2002. The receipt noted that Respondent has changed his address to Virginia Beach, VA.

Respondent requested a hearing. On July 31, 2002, DEA filed a Motion for Summary Disposition and Request for Stay of the Filing of Prehearing Statement. In its Motion, the Government alleged that Respondent lacks authority to handle controlled substances in Kansas, the state in which he currently maintains his DEA registration. The Government further stated that Respondent's state medical license had been revoked by the Board on December 10, 2001, and appended a copy of the Board's Final Order to the Motion. The Final Order indicated that Respondent's license had been suspended on June 11, 2001, and remained suspended up to the time the Final Order was executed.

The Administrative Law Judge Gail A. Randall (ALJ) assigned to this case issued an Order on August 2, 2002, affording Respondent an opportunity to file his opposition to the Government's motion by August 16, 2002. Respondent filed a ''Prehearing Statement,'' on August 23, 2002, apparently in response to the ALJ's Order. Even though the filing was received past the deadline set forth in the ALJ's order, the ALJ accepted the document into the record. In his filing, Respondent presented no evidence in opposition to the Government's contention that he lacked state authority to practice medicine or to handle controlled substances in Kansas.

On September 16, 2002, the ALJ certified and transmitted the record in this matter to the Acting Administrator, along with her Opinion and Recommended Decision. In her Decision, the ALJ granted DEA's Motion for Summary Disposition and recommended that Dr. Meredith's DEA registration be revoked.

The Acting Administrator has carefully reviewed the entire record in this matter, as defined above, and hereby issues this final order as prescribed by 21 CFR 1301.43 and 21 CFR 1301.46 based upon the following findings and conclusions. The Acting Administrator adopts the Opinion and Recommended Decision of the ALJ, 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 Acting Administrator finds that Respondent possessed DEA Certificate of Registration AM8703995. The Acting Administrator further finds that an investigation by DEA revealed that on December 8, 2001, the Kansas Board of Healing Arts issued a Final Order revoking Respondent's license to practice medicine in Kansas.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See* Muttaiya Darmarajeh, M.D., 66 FR 52936 (2001); Damonick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts, M.D., 53 FR 11919 (1988).

Here, it is clear that Respondent is not licensed to handle controlled substances in the State of Kansas where he is registered with DEA. Therefore, he is not entitled to a DEA registration in that state.

Accordingly, the Acting 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, hereby orders that DEA Certificate of Registration AM8703995, issued to George Minor Meredith, M.D. be, and it hereby is, revoked. The Acting Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective September 2, 2003.

William B. Simpkins,

Acting Administrator.

[FR Doc. 03–19631 Filed 7–31–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29