(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Countries that currently export or have exported Subject Merchandise to the United States or other countries since the years the petitions were filed. The Subject Merchandise, the Subject Countries, and the years the petitions were filed are listed below:

| Subject merchandise/subject countries | Years |
|---|---|
| Silicon metal/Argentina, Brazil, and China | 1990 |
| Silicomanganese/Brazil, China, and Ukraine | 1993 |

(7) If you are a U.S. producer of a Domestic Like Product, provide the following information separately on your firm's operations on each product during calendar year 1998 (report quantity data for silicon metal in gross tons; quantity data for silicomanganese in short tons; and value data in thousands of U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of each Domestic Like Product accounted for by your firm's(s') production;

(b) The quantity and value of U.S. commercial shipments of each Domestic Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 1998 (report quantity data for silicon metal in gross tons; quantity data for silicomanganese in short tons; and value data in thousands of U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from the Subject Countries accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of Subject Merchandise imported from the Subject Countries; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from the Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 1998 (report quantity data for silicon metal in gross tons; quantity data for silicomanganese in short tons; and value data in thousands of U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Countries accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Countries accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for each Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Countries since the Order Dates, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Countries, and such merchandise from other countries.

(11) (Optional) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: October 25, 1999.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 99–28531 Filed 11–1–99; 8:45 am]

BILLING CODE 7020–02–P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with 28 CFR 50.7, the Department of Justice gives notice that a proposed consent decree in *United States* v. *Chemetco, Inc.*, Civ. No. 93–482–WDS (S.D. Ill.), was lodged with the United States District Court for the Southern District of Illinois on October 18, 1999, pertaining to the Chemetco's secondary cooper smelting facility, located in Hartford, Illinois. The proposed consent decree would resolve the United States' civil claims against Chemetco brought under the Clear Air Act, 42 U.S.C. 7401 to 7671q.

Under the proposed consent decree, Chemetco will pay a civil penalty of $305,267 and undertake a number of injunctive measures at the Facility, including installation of a Continuous Particulate Mass Monitor System.

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 pertaining to the proposed consent decree should refer to *United States* v. *Chemetco, Inc.*, Civ. No. 93–482–WDS (S.D. Ill.), and DOJ Reference No. 90–5–2–1–1845.

The proposed consent decree may be examined at: (1) The Office of the United States Attorney for the Southern District of Illinois, 9 Executive Drive, Suite 300, Fairview Heights, Illinois 62208, (618) 628–3700; and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson

Boulevard, Chicago, Illinois 60604–3590 (contact Jeffery Trevino (312–886–6729)). A copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of $10.25 for the consent decree only (41 pages at 25 cents per page reproduction costs), or $17.50 for the consent decree and its appendices (70 pages), made payable to the Consent Decree Library.

**Joel Gross,**

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

[FR Doc. 99–28558 Filed 11–1–99; 8:45 am]

**BILLING CODE 4410–15–M**

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. 98–20]**

### City Drug Co.; Denial of Application

On February 24, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to City Drug Company (Respondent) of Opp, Alabama, notifying it of an opportunity to show cause as to why DEA should not deny its application for registration as a retail pharmacy under 21 U.S.C. 823(f), for reason that such registration would be inconsistent with the public interest.

By letter received by DEA on March 30, 1998, Respondent requested a hearing on the issues raised by the Order to Show Cause. Following prehearing procedures, a hearing was held in Mobile, Alabama on October 28, 1998, before Administrative Law Judge Mary Ellen Bittner. At the hearing, both parties called witnesses to testify and introduced documentary evidence. After the hearing, both parties submitted proposed findings of fact, conclusions of law, and argument. On June 30, 1999, Judge Bittner issued her Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision, recommending that Respondent's application for a DEA Certificate of Registration be denied. Neither party filed exceptions to Judge Bittner's opinion and on August 10, 1999, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge. 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 finds that Respondent is a pharmacy that is located in Opp, Alabama. Joseph Grimes was Respondent's owner and pharmacist in charge until November 12, 1997. Respondent previously possessed DEA Certificate of Registration AC5430450, which was revoked, following a hearing, by the then-Acting Deputy Administrator in a final order dated October 7, *1997,* and effective November 13, 1997. See 62 FR 53338 (October 14, 1997).

In revoking Respondent's previous DEA registration, the then-Acting Deputy Administrator concluded that a 1992 investigation revealed that between January 1990 and January 1992, Respondent violated 21 U.S.C. 829 and 21 CFR 1306.04 by dispensing over 25,000 dosage units of controlled substances without a physician's authorization. The then-Acting Deputy Administrator based this conclusion on affidavits submitted by 11 physicians who reviewed prescriptions found at Respondent that were attributed to them, compared these prescriptions to their patient charts, and then swore that they had not authorized the prescriptions. The then-Acting Deputy Administrator found unpersuasive Respondent's argument that the physicians had forgotten to note the issuance of the prescriptions in the patient charts, stating that it was ''highly unlikely that eleven different physicians forgot to note numerous prescriptions in the patient charts which accounted for the dispensing of over 25,000 dosage units of controlled substances.'' The then-Acting Deputy Administrator also found that the patients' affidavits submitted by Respondent were less reliable than the physicians' affidavits since the physicians' affidavits were ''based upon a review of [their] patient records which were prepared and maintained during the relevant time period, whereas the patients' affidavits [were] based upon their recollection more than six years after the event.''

The then-Acting Deputy Administrator further concluded that Respondent violated 21 U.S.C. 827, by failing to maintain complete and accurate records of controlled substances, as evidenced by Respondent's inability to account for more than 80,000 dosage units of Schedule III and IV substances, and to explain an overage of 859 dosage units of oxycodone 5 mg., the only Schedule II controlled substance that was audited.

In revoking Respondent's previous DEA Certificate of Registration, the then-Acting Deputy Administrator states that:

> (Joseph) Grimes has failed to acknowledge that he and his pharmacy have done anything improper. An unexplained shortage of 80,000 dosage units and the unauthorized dispensation of over 25,000 dosage units of controlled substances are not merely minor technical violations. The egregious nature of the violations in this matter demonstrate that Respondent has failed miserably in its responsibility as a DEA registrant to protect against the diversion of controlled substances from the legitimate chain of distribution.

*Id.* at 53343.

On November 12, 1997, the day before the effective date of the revocation of Respondent's previous DEA Certificate of Registration, Joseph Grimes executed a Bill of Sale that transferred, ''in consideration of *ten dollars and other good and valuable consideration,*'' a life estate in Respondent to Louie Grimes. Louie Grimes is Joseph Grimes' nephew and is also a pharmacist. The ''other good and valuable consideration'' noted in the Bill of Sale was an oral agreement that Joseph Grimes would continue to work at Respondent two days per week in return for $1,500 per month, and that he would also receive rent of $1,500 per month on the building in which the pharmacy is located. According to the attorney who drafted and notarized the Bill of Sale, Louie Grimes may transfer his life estate in Respondent but that the pharmacy would revert back to Joseph Grimes upon his nephew's death.

Louie Grimes testified that when he took over operation of Respondent he withdrew the funds from the pharmacy's bank account and used those funds to open a new account in a different bank in Respondent's name. The utilities and business license fees are paid from this account, and Joseph Grimes is not authorized to sign any business check for Respondent. However, Louie Grimes was unaware that the utilities for the property where Respondent is located are listed in Joseph Grimes' name.

On November 13, 1997, Louie Grimes executed the application that is the subject of these proceedings on behalf of Repondent. On the application, Louie Grimes answered ''No'' to a question which asked whether ''the applicant ever surrendered or had a Federal controlled substance registration revoked.''