and Macronix International Co., Ltd. and Macronix America, Inc. (collectively ''Macronix'') had violated section 337 of the Tariff Act of 1930 in the sale for importation, the importation, and the sale within the United States after importation of certain erasable programmable read only memory (''EPROM ''), electrically erasable programmable read only memory (''EEPROM''), flash memory, and flash microcontroller semiconductor devices, by reason of infringement of one or more claims of U.S. Letters Patent 4,511,811 (''the '811 patent''), U.S. Letters Patent 4,673,829 (''the '829 patent''), and U.S. Letters Patent 4,451,903 (''the '903 patent'') assigned to Atmel. 62 FR 13706 (March 21, 1997). Silicon Storage Technology, Inc. (''SST'') was permitted to intervene in the investigation.

On October 16, 2000, the Commission determined that there is a violation of section 337 by Sanyo and Winbond with respect to the '903 patent, but no violation with respect to the '811 and '829 patents, and issued a limited exclusion order prohibiting the importation of EPROMs, EEPROMs, flash memories, and flash microcontroller semiconductor devices, and circuit boards containing such devices, that infringe claims 1 or 9 of the '903 patent, manufactured by or on behalf of Sanyo and Winbond. In reaching its determination, the Commission rejected respondents' arguments that the '903 patent is unenforceable due to waiver and implied license, or to incorrect inventorship, or to inequitable conduct by Atmel in obtaining the certificate of correction from the PTO.

Winbond appealed these findings as well as the Commission's claim construction and infringement findings to the U.S. Court of Appeals for the Federal Circuit. *Winbond Electonics Corp.* v. *U.S. International Trade Commission,* Case Nos. 01–1031–1032–1034 (the Winbond appeal). Atmel appealed the Commission's finding that respondent Macronix did not infringe the asserted claims of the '903 patent and the Commission's findings of no violation with respect to the '811 and '829 patents. Atmel also appealed the temporal scope of the Commission's order finding that Atmel waived its attorney client privilege and work product protections. *Atmel Corp.* v. *U.S. International Trade Commission,* Case No. 01–1128 (the Atmel appeal)

On December 21, 2000, the Court ordered an expedited briefing and oral argument schedule for the Winbond appeal and the Atmel appeal. On December 28, 2000, the Court, responding to a motion for clarification filed by Atmel, ordered that the appeals on the '811 and '829 are not expedited. Oral arguments for both the Winbond appeal and the remaining portions of the Atmel appeal were held at the Federal Circuit on January 16, 2001.

In an order issued on January 30, 2001, the Federal Circuit upheld the following determinations of the Commission: (1) That respondents have not shown that the '903 patent is unenforceable due to inequitable conduct; (2) that respondents have not shown that the '903 patent is unenforceable due to improper joinder in the inventorship of the '903 patent; (3) that respondents have not shown that the '903 patent is unenforceable due to waiver and implied license; (4) that Atmel waived its attorney-client privilege and work product protections dating back to January 1997.

In the Atmel appeal, the Court disagreed with some of the Commission's claim constructions, and vacated the Commission's finding that Macronix did not infringe the asserted claims of the '903 patent. The Court remanded the matter to the Commission to determine whether Macronix infringes under the claim construction found by the Court to be correct. Specifially, the Court stated that on remand that—

> The Commission must make findings to determine whether the accused Macronix devices have the same or equivalent structures to: (1) A high voltage detection circuit and a decoder for the ''access means''; and (2) an output buffer and output pins for the ''output means.''

2001 WL 80412 at *9; slip op. at 18–19.

On March 29, 2001, the Commission ordered Atmel, Macronix, and the Commission investigative attorney to brief the issues on remand from the Federal Circuit. The parties filed initial briefs on April 4, 2001, and reply briefs on April 11, 2001.

The authority for the Commission's determinations is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and the mandate from the Federal Circuit issued March 23, 2001, remanding this matter to the Commission for further findings on whether the Macronix devices infringe claims 1 or 9 of the '903 patent under the Federal Circuit's claim construction.

Copies of the Commission Order, the Commission Opinion in support thereof, and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

Issued: June 1, 2001.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01–14302 Filed 6–6–01; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Rick Joe Nelson, M.D.; Revocation of Registration

On April 6, 2000, the Administrator of the Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC) by certified mail to Rick Joe Nelson, M.D., notifying him of a preliminary finding that, pursuant to evidence set forth therein, he was responsible for the diversion of large quantities of controlled substances into other than legitimate medical channels, and additionally no longer possessed authority to either handle controlled substances or to practice medicine in Oklahoma, the State in which he held a DEA registration. Based on these preliminary findings, and pursuant to 21 U.S.C. 824(d) and 28 CFR 0.100 and 0.104, the OTSC suspended Dr. Nelson's DEA Certificate of Registration, effective immediately, with such suspension to remain in effect until a final determination in these proceedings is reached. The OTSC informed Dr. Nelson of an opportunity to request a hearing to show cause as to why the DEA should not revoke his DEA Certificate of Registration, BN1075224, and deny any pending applications for renewal or modification of such registration, for reason that such registration is inconsistent with the public interest, as determined by 21 U.S.C. 823(f). The OTSC also notified Dr. Nelson that, should no request for hearing be filed

within 30 days, his right to a hearing would be considered waived.

On April 6, 2001, a copy of the OTSC was personally served by two DEA Diversion Investigators upon Dr. Nelson's attorney. No request for a hearing or any other response was received by DEA from Dr. Nelson or anyone purporting to represent him in this matter, however. Therefore, the Administrator of the DEA, finding that (1) thirty days have passed since receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes Dr. Nelson is deemed to have waived his right to a hearing. After considering relevant material from the investigative file in this matter, the Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46 (1999).

The Administrator finds that based on an investigation by the Oklahoma and State Board of Medical Licensure and Supervisor, by use of a pharmacy internet web site, Dr. Nelson issued prescriptions for controlled substances without personally seeing or physically examining patients. During the single week of October 25, 2000, to November 2, 2000, Dr. Nelson authorized 1,684 prescriptions, of which 1,651 were for controlled substances. These prescriptions were not issued in the usual course of medical practice, in violation of 21 CFR 1306.04.

On December 14, 2000, Dr. Nelson agreed with the Oklahoma State Board of License and Supervision (Board) to refrain from issuance of further prescriptions to internet customers. Despite this agreement, at least eight refills and new prescriptions for controlled substances attributed to Dr. Nelson continued to be filled. The Board also learned that Dr. Nelson had prescribed drugs for three separate internet web sites.

On February 12, 2001, the Oklahoma Bureau of Narcotics and Dangerous Drug Control (Bureau) suspended Dr. Nelson's State narcotic registration, in part on the grounds that his registered address was in actuality a postal mail box facility, not a place of professional practice. The Bureau also learned that Dr. Nelson had provided a false social security number and date of birth in the application that he made with the Bureau.

On March 1, 2001, the Oklahoma State Board of Medical License and Supervisions issued an Order of Emergency Suspension suspending Dr. Nelson's medical license, in part based on a finding that he could not practice medicine with a reasonable degree of safety, competency, and skill sufficient to protect the public health, safety, and welfare.

On the basis of this evidence, by the OTSC dated April 6, 2001, the Administrator of the DEA made the preliminary findings that Dr. Nelson was responsible for the diversion of large quantities of controlled substances into other than legitimate channels, and further that Dr. Nelson's violation of the December 14, 2000, agreement with the Board demonstrated that Dr. Nelson will continue to assist in the diversion of controlled substances. Therefore, pursuant to 21 U.S.C. 824(d), the Administrator of the DEA issued an immediate suspension of Dr. Nelson's DEA Certificate of Registration.

While the above-cited evidence provides ample grounds for an immediate suspension pursuant to section 824(d), these grounds also provide the basis for the revocation of Dr. Nelson's DEA Certificate of Registration. There is no evidence in the investigative file that Dr. Nelson's medical license has been reinstated since the March 1, 2001, Emergency Suspension by the Board. Therefore, the Administrator finds that Dr. Nelson is not currently authorized to practice medicine in the State of Oklahoma. Additionally, since there is no evidence that the suspension of Dr. Nelson's State narcotics registration has been lifted, the Administrator finds that Dr. Nelson also is not authorized to handle controlled substances in that State.

The DEA does not have the statutory authority pursuant to the Controlled Substances Act to issue or to maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. See 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld in prior DEA cases. *See* Frank R. Pennington, M.D., 66 FR 15,762 (DEA 2001); Romeo J. Perez, M.D., 62 FR 16,193 (DEA 1997); Demetris A. Green, M.D., 61 FR 60,728 (DEA 1996); Dominick A. Ricci, M.D., 58 FR 51,104 (DEA 1993). Here it is clear that Dr. Nelson is not currently authorized to handle controlled substances in the State of Oklahoma. As a result, he is not entitled to a DEA registration in that State.

Accordingly, the 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 BN1075224, previously issued to Rick Joe Nelson, M.D., be, and it hereby is, revoked. This order is effective July 6, 2001.

Dated: May 31, 2001.

**Donnie R. Marshall,**

*Administrator.*

[FR Doc. 01–14292 Filed 6–6–01; 8:45 am]

BILLING CODE 4410–09–M

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### Agency Information Collection Activities: Comments Request

**ACTION:** Notice of information collection under review; Employment eligibility verification

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until August 6, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection: Extension of currently approved collection.*

(2) *Title of the Form/Collection:* Employment Eligibility Verification.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–9. Programs Division, Immigration and Naturalization Service.