

refrigerator model. Responses should rely on evidence of record.

8. Specifically, with respect to infringement, respond to the following: Does the closure member have to be the closure member to the access to the freezer compartment? If so, can a self-contained ice maker within a fresh-food compartment qualify as a freezer for which there is a closure member within the meaning of claim 1? Does it matter if both the ice maker and the storage unit are in the closure member?

Opening submissions must be filed no later than close of business on May 8, 2009. Reply submissions must be filed no later than the close of business on May 15, 2009. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All non-confidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42–46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46).

By order of the Commission.

Marilyn R. Abbott,  
Secretary to the Commission.

Issued: April 27, 2009.

William R. Bishop,  
Acting Secretary to the Commission.

[FR Doc. E9–9997 Filed 4–30–09; 8:45 am]

BILLING CODE 7020–02–P

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 09–15]

#### Roy Chi Lung, M.D.; Revocation of Registration

On October 22, 2008, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Roy C. Lung, M.D. (Respondent), of Fountain Valley, California. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration, BL4971051, as a practitioner, and the denial of any pending applications to renew or modify his registration, on the grounds that Respondent is "not authorized to handle controlled substances in the state of California," and that he falsified his most recent application for renewal of his DEA registration. Show Cause Order at 1.

More specifically, the Show Cause Order alleged that effective January 30, 2008, the Medical Board of California suspended Respondent's license to practice medicine. *Id.* The Show Cause Order thus alleged that Respondent is "currently without authority to handle controlled substances in the State of California, the State in which" Respondent is registered with DEA. *Id.* The Show Cause Order also alleged that on April 1, 2008, Respondent falsified his application for renewal of his DEA registration when he answered "no" to the question of whether he had ever had a state license suspended. *Id.* at 2.

Respondent requested a hearing on the allegations, and the matter was assigned to an Administrative Law Judge (ALJ), who proceeded to conduct pre-hearing procedures. Thereafter, the Government moved for summary disposition on the ground that under the terms of an order of the Medical Board of California, Respondent's state medical license was suspended. Gov. Mot. at 1. The motion noted that the Medical Board's Order of Interim Suspension not only suspended Respondent's license, it expressly "prohibited Respondent from handling controlled substances and ordered Respondent to deliver to the Board his DEA registration." *Id.* at 3. The Government argued that there was no dispute that Respondent's license had been suspended in California, the State in which he maintains his DEA registration, and that under Federal Law, DEA "cannot register a practitioner to handle controlled substances who is without authority to handle controlled

substances in the State in which he practices." *Id.* at 2 (citing 21 U.S.C. 823(f)). *Id.* at 2.

In support of its motion, the Government attached a copy of the Order of Interim Suspension. The Order specifically stated that Respondent "shall not \* \* \* [p]ractice or attempt to practice any aspect of medicine in the State of California \* \* \* [n]or [p]ossess, order, purchase, receive, prescribe, furnish, administer, or otherwise distribute controlled substances or dangerous drugs as defined by federal or state law." *Johnston, Ex. Dir., v. Chi Wing Lung, M.D.*, OAH No. L2008010755, Order on Ex Parte Petition for Order of Interim Suspension, January 30, 2008, at 7. The Order also required that Respondent "immediately deliver to the Division of Medical Quality \* \* \* all Drug Enforcement Administration forms, and all Drug Enforcement Administration permits." *Id.*

The ALJ ordered the Respondent to respond to the Government's motion by December 9, 2008; Respondent filed his response on December 5, 2008. Respondent requested that the ALJ "delay ruling on the Government's motion until April 1, 2009," as Respondent anticipated that the State Board would issue a final decision regarding his medical license by then. R. Resp. at 1–2.

On December 12, 2008, the ALJ issued her Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision. The ALJ noted that "Respondent himself states that his 'Medical license was suspended on an interim basis pending the recommendation of a California Administrative Law Judge.'" ALJ at 3. The ALJ thus concluded that "[t]hrough the Respondent's own admission, \* \* \* Respondent lacks the authority to practice medicine in the State of California," and "[c]onsequently, \* \* \* lacks the ability to prescribe controlled substances in that State." *Id.*

Because no material fact was in dispute, the ALJ determined that there was no need for a "plenary, administrative hearing." *Id.* at 5. Applying the Agency's settled rule that it lacks authority under the Controlled Substances Act to maintain a registration if the registrant is without state authority to handle controlled substances in the State in which he practices medicine, the ALJ concluded that "the DEA lacks authority to continue the Respondent's DEA registration." *Id.* at 5; see 21 U.S.C. 823(f), 824(a)(3). The ALJ thus granted the Government's motion for summary disposition and recommended that the

Respondent's DEA Certificate of Registration be revoked and that any pending renewal applications be denied. ALJ at 5–6. The ALJ then forwarded the record to me for final agency action.

Having considered the record as a whole, I adopt the ALJ's decision in its entirety. I find that Respondent holds a current registration which does not expire until March 31, 2011. I also take official notice of the records of the Medical Board of California. See 5 U.S.C. 556(e). According to those records, effective March 30, 2009, the Medical Board of California adopted the Proposed Decision of a state ALJ to revoke Respondent's medical license. Thus, since the issuance of the State's Order of Interim Suspension, Respondent has lacked authority to handle controlled substances in California, the State in which he practices his profession. Respondent is therefore not entitled to maintain his DEA registration.<sup>1</sup> See 21 U.S.C. 823(f), 802(21), and 824(a)(3). See also *Michael Chait*, 73 FR 40382, 40383 (2008); *Dominick A. Ricci*, 58 FR 51104 (1993). Accordingly, Respondent's registration will be revoked.

#### Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) & 824(a), as well as by 28 CFR 0.100(b) & 0.104, I hereby order that DEA Certificate of Registration, BL4971051, issued to Roy Chi Lung, M.D., be, and it hereby is, revoked. I further order that any pending application of Roy Chi Lung, M.D., for renewal or modification of his registration be, and it hereby is, denied. This order is effective June 1, 2009.

Dated: April 24, 2009.

**Michele M. Leonhart,**

*Deputy Administrator.*

[FR Doc. E9–10029 Filed 4–30–09; 8:45 am]

**BILLING CODE 4410–09–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that 20 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference from the Nancy Hanks

<sup>1</sup> I note there is no evidence presented whether Respondent complied with the Order of Immediate Suspension and did in fact deliver his DEA registration to the California Board.

Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. These are closed meetings to review applications for funding under the American Recovery and Reinvestment Act of 2009 as follows (ending times are approximate):

*Local Arts Agencies (direct grants):* May 18, 2009, from 3 p.m. to 4:30 p.m.

*Literature:* May 19, 2009, from 4 p.m. to 4:45 p.m.

*Literature:* May 19, 2009, from 4:45 p.m. to 5:30 p.m.

*Visual Arts:* May 19, 2009, from 1 p.m. to 2 p.m.

*Visual Arts:* May 19, 2009, from 3 p.m. to 4 p.m.

*Design:* May 20, 2009, from 1 p.m. to 2 p.m.

*Folk and Traditional Arts:* May 20, 2009, from 1 p.m. to 1:45 p.m.

*Folk and Traditional Arts:* May 20, 2009, from 1:45 p.m. to 2:30 p.m.

*Museums:* May 20, 2009, from 1 p.m. to 2 p.m.

*Museums:* May 20, 2009, from 3 p.m. to 4 p.m.

*Musical Theater:* May 20, 2009, from 1 p.m. to 2 p.m.

*Dance:* May 20, 2009, from 3 p.m. to 4 p.m.

*Dance:* May 20, 2009, from 4 p.m. to 5 p.m.

*Media Arts:* May 21, 2009, from 11 a.m. to 12 p.m.

*Media Arts:* May 21, 2009, from 2 p.m. to 3 p.m.

*Presenting/Artist Communities:* May 21, 2009, from 4 p.m. to 5 p.m.

*Theater:* May 21, 2009, from 2 p.m. to 3 p.m.

*Theater:* May 22, 2009, from 2 p.m. to 3 p.m.

*Arts Education:* May 22, 2009, from 2 p.m. to 4:20 p.m.

*Presenting/Artist Communities:* May 27, 2009, from 4 p.m. to 5 p.m.

Additionally, one meeting will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, as follows (ending time is approximate):

*Local Arts Agencies (subgranting):* May 19–20, 2009. This meeting, from 9 a.m. to 5:30 p.m. on May 19th and from 9 a.m. to 3 p.m. on May 20th, will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 28, 2008, these sessions will be closed to the public pursuant to

subsection (c)(6) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202–682–5532, TDY–TDD 202–682–5496, at least seven (7) days prior to the meeting.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202–682–5691.

Dated: April 28, 2009.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Panel Operations, National Endowment for the Arts.*

[FR Doc. E9–10067 Filed 4–30–09; 8:45 am]

**BILLING CODE 7537–01–P**

## NATIONAL SCIENCE FOUNDATION

### Proposal Review Panel for Chemistry; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

*Name:* Proposal Review Panel for Chemistry, NMFCL CHE Site Visit, #1191.

*Dates:* May 26, 2009, 7 a.m.–5:30 p.m.; May 27, 2009, 7:30 a.m.–10 a.m.

*Place:* National High Magnetic Field Laboratory, Tallahassee, FL, 1800 E. Paul Dirac Drive, Tallahassee, FL.

*Type of Meeting:* Partly open.

*Contact Person:* Dr. Colby A. Foss, Jr., Program Director, Division of Chemistry, Chemical Instrumentation Program, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, (703) 292–8404.

Dr. Guebre X. Tessema, Program Director, Division of Materials Research, National Facilities Program National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, (703) 292–4935.

*Purpose of Meeting:* To provide advice and recommendations regarding a proposal to develop and construct an advanced high magnetic field mass spectrometer.

*Agenda:*

#### Tuesday May 26, 2009

7 a.m.–9 a.m. Closed—Working Breakfast and Executive Session.

9 a.m.–12:30 p.m. Open—NMFCL Overview and Presentations, Tour of Facilities.

12:30 p.m.–1:30 p.m. Open—Lunch with graduate students.