

Inc., Marshall, TX; Textronics, Inc., Wilmington, DE; Tiburon Associates, Inc., Arlington, VA; TPL Inc., Albuquerque, NM; Ultralife Corporation, Newark, NY; University of Rhode Island, Kingston, RI; and UXB International Inc., Blacksburg, VA.

The general area of CEED's planned activity is (a) to enter into a Section 845 Other Transactions Agreement (The OT Agreement) with the U.S. Army (the Government) for the funding of certain research and development to be conducted, in partnership with the Government, the consortium and other Consortium Members, to enhance the capabilities of the U.S. government and its departments and agencies in the fields of energy, environment and demilitarization; (b) participate in establishment of sound technical and programmatic performance goals based on the needs and requirements of the Government's Technology Objectives and create programs and secure funding for the Technology Objectives; (c) provide a unified voice to effectively articulate the strategically important role that renewable energy, the environment and demilitarization technologies play in current and future weapon systems; and (d) maximize the utilization of the Government and member capabilities to effectively develop critical energy, environment and demilitarization technologies that can be transitioned and commercialized.

Additional information concerning the CEED can be obtained from Mr. Darold L. Griffin, Executive Director, CEED, in care of Engineering and Management Executives, Inc., (EME), 101 South Whiting Street, Suite 204, Alexandria, VA 22304-3416, telephone (703) 212-8030, ext. 224, fax (703) 212-8035, e-mail: [eme1bmt@aol.com](mailto:eme1bmt@aol.com); Mr. Charles McBride, President, CEED, 1140 Connecticut Avenue, NW., Suite 1050, Washington, DC 20036, telephone (202) 466-4210, fax (202) 466-4213, e-mail: [mcbride@mcbride.com](mailto:mcbride@mcbride.com); Mr. James W. Frankovic, Chief DEMIL and Environmental Technology Division, U.S. Army Research Development and Engineering Center, Picatinny Arsenal, NJ, 07806-5000, telephone (973) 724-6239, fax (973) 724-4308, e-mail: [james.w.frankovic@us.army.mil](mailto:james.w.frankovic@us.army.mil).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2011-6921 Filed 3-24-11; 8:45 am]

**BILLING CODE 4410-11-M**

**DEPARTMENT OF JUSTICE**

**Antitrust Division**

**Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc.**

Notice is hereby given that, on February 24, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Interchangeable Virtual Instruments Foundation, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Kikusui Electronics Corp., Yokohama City, Kanagawa, Japan, has been added as a party to this venture. Also, ICS Electronics, Pleasanton, CA; and BAE Systems, San Diego, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Interchangeable Virtual Instruments Foundation, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 29, 2001, Interchangeable Virtual Instruments Foundation, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on July 8, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act September 8, 2010 (75 FR 54652).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2011-6917 Filed 3-24-11; 8:45 am]

**BILLING CODE 4410-11-M**

**DEPARTMENT OF JUSTICE**

**Antitrust Division**

**Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Warheads and Energetics Consortium**

Notice is hereby given that, on February 25, 2011, pursuant to Section

6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), National Warheads and Energetics Consortium ("NWECC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Directed Energy Technologies, Inc., Sumerduck, VA; MaxPower, Inc., Harleysville, PA; Omnitek Partners, LLC, Ronkonkoma, NY; and Universal Propulsion Company, Inc., Fairfield, CA, have been added as parties to this venture. Also, NIC Industries, White City, OR; and The University of Southern Mississippi, Hattiesburg, MS, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NWECC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NWECC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on November 30, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 22, 2010 (75 FR 80536).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2011-6916 Filed 3-24-11; 8:45 am]

**BILLING CODE 4410-11-M**

**DEPARTMENT OF JUSTICE**

**Antitrust Division**

**Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.**

Notice is hereby given that, on February 24, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), PXI Systems Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its

membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Strategic Test AB, Woburn, MA; Integrated Device Technology, Inc. (IDT), San Jose, CA; DGE Inc., Rochester Hills, MI; Tundra Semiconductor Corp., Fremont, CA; Tyco Electronics, Middletown, PA; and Crystek Corporation, Fort Myers, FL, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On November 22, 2010, PXI Systems Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 8, 2011 (66 FR 13971).

The last notification was filed with the Department on September 22, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act October 25, 2010 (75 FR 65511).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2011-6915 Filed 3-24-11; 8:45 am]

BILLING CODE 4410-11-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 11-2]

#### Gregory F. Saric, M.D.; Decision and Order

On November 2, 2010, Administrative Law Judge (ALJ) Timothy D. Wing issued the attached recommended decision. Thereafter, Respondent filed exceptions to the decision.

Having reviewed the record in its entirety including the ALJ's recommended decision, I have decided to adopt the ALJ's rulings, findings of fact, conclusions of law, and recommended Order.

In his Exceptions, Respondent argues that "the ALJ's Recommended Decision fails to take into account certain exceptions where a suspension or stay of revocation has been granted in circumstances similar to that of Respondent's." Exceptions at 1 (citing *Stuart A. Bergman, M.D.*, 70 FR 33193 (2005)). Respondent notes that "[i]n

*Bergman*[], the ALJ delayed issuing her ruling on the Government's Motion for Summary Disposition for over two months to allow for a pending state board hearing." *Id.* Respondent states that "he is currently receiving treatment in [an] approved rehabilitation program and will likely complete his treatment next month," that "[h]e is in full compliance with the Florida Department of Health and the Florida Professionals Resource Network and will appear before the Florida Board of Medicine to have his license reinstated in early 2011." *Id.* at 1-2.

Respondent contends that a stay of this Final Order "will allow him time to complete his rehabilitation and have the state suspension of his medical license lifted" and that "such a stay \* \* \* is within the Deputy Assistant Administrator's authority and would not disserve the public interest." *Id.* Respondent thus requests that the issuance of this Final Order be stayed for ninety (90) days<sup>1</sup> in order to allow him "time to have the temporary suspension of his Florida medical license lifted." *Id.*

However, more than ninety days have already passed since Respondent filed his Exceptions, and yet Respondent has submitted no evidence to this Office establishing that the Florida Board of Medicine has re-instated his medical license. Nor has Respondent even submitted evidence as to when he is scheduled to appear before the Florida Board.

Moreover, in circumstances similar to those raised by Respondent, DEA has repeatedly denied requests to stay the issuance of a final order of revocation, noting that "[u]nder the Controlled Substances Act, 'a practitioner must be currently authorized to handle controlled substances in "the jurisdiction in which [he] practices" in order to maintain [his] DEA registration.'" *Newcare Home Health Servs.*, 72 FR 42126 (2007) (quoting *Bourne Pharmacy, Inc.*, 72 FR 18273, 18274 (2007) (quoting 21 U.S.C. 802(21)). *See also* 21 U.S.C. 802(21) ("[t]he term 'practitioner' means a physician \* \* \* licensed, registered, or otherwise permitted, by \* \* \* the jurisdiction in which he practices \* \* \* to \* \* \* dispense \* \* \* a controlled substance in the course of professional practice"); *id.* § 823(f) ("The Attorney General shall register practitioners \* \* \* if the applicant is authorized to

dispense \* \* \* controlled substances under the laws of the State in which he practices."); *Bourne Pharmacy*, 72 FR at 18274 (revoking registration; "Under the CSA, it does not matter whether the suspension is for a fixed term or for a duration which has yet to be determined because it is continuing pending the outcome of a state proceeding. Rather, what matters—as DEA has repeatedly held—is whether Respondent is without authority under [state] law to dispense a controlled substance.").

Thus, Respondent's reliance on *Bergman* is misplaced.<sup>2</sup> As I further explained in *Newcare*, "[i]t is not DEA's policy to stay proceedings under section 304 while registrants litigate in other forums." 72 FR at 42127 (citing *Bourne Pharmacy*, 72 FR at 18273; *Oakland Medical Pharmacy*, 71 FR 50100 (2006); *Kennard Kobrin, M.D.*, 70 FR 33199 (2005)). This is so, because in addition to the CSA's requirement that a practitioner hold state authority in order to be registered, whether Respondent's state license will be re-instated is entirely speculative. Nor is there any evidence in the record as to when such action may occur.

Therefore, I adopt the ALJ's recommendation that Respondent's registration be revoked.

#### Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b) and 0.104, I order that DEA Certificate of Registration, BS5109889, issued to Gregory F. Saric, M.D., be, and it hereby is, revoked. I further order that any pending application of Gregory F. Saric, M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective April 25, 2011.

Dated: March 10, 2011.

**Michele M. Leonhart,**  
*Administrator.*

*Larry P. Cote, Esq., for the Government.*  
*George F. Indest, III, Esq., for Respondent.*

#### Recommended Ruling, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge

Administrative Law Judge Timothy D. Wing. On September 9, 2010, the Deputy Assistant Administrator, DEA, issued an Order to Show Cause (OSC) of

<sup>2</sup> While in *Bergman*, the ALJ stayed the proceeding until after the registrant's state board hearing, the decision of the Agency, which revoked his registration, did not endorse this practice. Moreover, the decision expressly noted that "[d]enial or revocation is also appropriate when a state license has been suspended, but with the possibility of future reinstatement." 70 FR at 33193 (collecting cases).

<sup>1</sup> While Respondent requested that the Deputy Assistant Administrator stay the issuance of the Final Order, given that the Deputy Assistant Administrator has no authority to issue the Agency's Final Order, I address the request as if it was directed to this Office.