communications devices, including mobile phones and components thereof, by reason of infringement of certain claims of U.S. Patent No. 6,035,189 (''the '189 patent''); U.S. Patent No. 6,373,345 (''the '345 patent''); U.S. Patent 6,711,211 (''the '211 patent''); U.S. Patent No. 7,187,945 (''the '945 patent''); U.S. Patent No. 8,140,650 (''the '650 patent''); and U.S. Patent No. 8,363,824 (''the '824 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2013).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 20, 2013, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain portable electronic communications devices, including mobile phones and components thereof, by reason of infringement of one or more of claims 8, 10, and 11 of the '189 patent; claims 1–12 of the '345 patent; claims 26–27, 29–31, 50–53, and 56–57 of the '211 patent; claims 1–7, 12–14, 19, 27, and 31 of the '945 patent; claims 1–8, 10–15, and 17–18 of the '650 patent; and claims 1–4, 7, 11–12, and 17–19 of the '824 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Nokia Corporation, Keilalahdentie 2–4, FIN–00045 Nokia Group, Espoo, Finland;

Nokia Inc., 200 South Mathilda Avenue, Sunnyvale, CA 94086.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

HTC Corporation, 23 Xinghua Road, Taoyuan City, Taoyuan County 330, Taiwan;

HTC America, Inc., 13920 SE Eastgate Way, Suite 400, Bellevue, WA 98005.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: June 21, 2013.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2013–15236 Filed 6–25–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Modification to Consent Decree Under the Clean Air Act

On June 11, 2013, the Department of Justice lodged a proposed Modification to the Consent Decree with the United States District Court for the District of Maryland in the lawsuit entitled *United States* v. *American Sugar Refining, Inc.* Civil Action No. JKB–12–1408.

The Consent Decree in this Clean Air Act enforcement action against American Sugar Refining, Inc. (''ASR'') resolves allegations by the Environmental Protection Agency, asserted in a complaint filed together with the Consent Decree, under section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for alleged environmental violations at ASR's sugar refinery in Baltimore, Maryland. In addition to the payment of a $200,000 civil penalty, the settlement required ASR to perform injunctive relief to reduce emission of nitrogen oxides (NO_X), including installing ultra low-NO_X burners and meeting certain emission rate limits.

The proposed Modification to the Consent Decree provides additional time for ASR to install one of the ultra low-NO_X burners and requires that ASR collect and submit certain data regarding NO_X emissions. Further, the proposed Modification to the Consent Decree requires an additional reduction in annual NO_X emissions.

The publication of this notice opens a period for public comment on the proposed Modification to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *American Sugar Refining, Inc.,* D.J. Ref. 90–5–2–1–09801.

All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email ...	pubcomment-ees.enrd@usdoj.gov.
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Modification to the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the proposed Modification to the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $0.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert Brook,

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

[FR Doc. 2013–15243 Filed 6–25–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 11–39]

David A. Ruben, M.D.; Decision and Order

On February 7, 2011, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to David A. Ruben, M.D. (hereinafter, Respondent), of Tucson, Arizona. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration, which authorizes him to dispense controlled substances as a practitioner, and the denial of any pending applications to renew or modify his registration, on the ground that his ''continued registration is inconsistent with the public interest.'' ALJ Ex. 1, at 1 (citing 21 U.S.C. 823(f) and 824(a)(4)).

More specifically, the Show Cause Order alleged that between April 9 and June 6, 2008, two cooperating sources (CS), who posed as patients, made four visits to Respondent's office seeking controlled substances. *Id.* The Order further alleged that at each visit, Respondent issued the CSs prescriptions for schedule II controlled substances without performing a physical examination, without taking a medical history, without reviewing or obtaining any medical records or test results, and without providing a diagnosis. *Id.* at 1–2. The Order thus alleged that Respondent lacked ''a legitimate medical purpose'' and acted ''outside of the usual course of professional practice'' in issuing the prescriptions and thus violated both federal and state law. *Id.* at 1 (citing 21 CFR 1306.04(a); Ariz. Rev. Stat. § 32–1401(27)(ss)).

The Show Cause Order further alleged that on June 10, 2010, the Arizona Medical Board (AMB or Board) issued an order which found that Respondent had ''deviated from the standard of care in [his] treatment of multiple patients from 2006 to early 2009.'' *Id.* at 2. The Show Cause Order alleged that the AMB found that Respondent ''[f]ail[ed] to perform adequate examinations/evaluations prior to prescribing controlled substances''; that he ''[f]ailed to develop an adequate treatment plan prior to prescribing controlled substances''; that he ''[f]ailed to perform tests and assessments to confirm diagnoses and the necessity of treatment with controlled substances''; that he ''[f]ailed to obtain or review patients' medical records''; that he ''[f]ailed to offer patients adjunct treatments that included non-controlled substances and/or physical therapy''; that he ''[f]ailed to address patients' aberrant drug seeking behaviors''; and that he ''[f]ailed to address or investigate patients' abnormal urinalysis results.'' *Id.* The Show Cause Order further alleged that based on these findings, the AMB had barred Respondent ''from prescribing, administering or dispensing any opioids for a period of one year.'' *Id.*

On March 28, 2011, Respondent requested an extension of time to respond to the Show Cause Order, which was unopposed by the Government. ALJ Ex. 2. The matter was then placed on the docket of the Office of Administrative Law Judges (ALJ) and assigned to ALJ Wing. While the ALJ initially denied Respondent's request because neither party had established the date of service, on March 30, 2011, Respondent filed a Request for Reconsideration, which was also unopposed by the Government, and which showed that Respondent had not been served until February 25, 2008.[1] ALJ Exs. 3 & 4. While Respondent sought an additional thirty days to respond to the Order to Show Cause, on April 1, 2011, the ALJ granted Respondent one additional week to do so. ALJ Ex. 5.

On April 7, 2011, Respondent requested a hearing on the allegations. ALJ Ex. 6. Following pre-hearing procedures, the ALJ conducted a hearing in Phoenix, Arizona on January 10–12, 2012, at which both parties elicited the testimony of multiple witnesses and introduced various exhibits into the record. Following the hearing, both parties submitted briefs containing their proposed findings of fact, conclusions of law, and argument.

Thereafter, the ALJ issued his Recommended Decision (hereinafter, cited at R.D.). Therein, the ALJ found that the Government had ''established by substantial evidence a *prima facie* case that Respondent has committed acts inconsistent with the public interest between 2006 and 2009.'' R.D. at 65. However, the ALJ further found that ''Respondent has fully accepted responsibility for his past misconduct and credibly demonstrated that he will not engage in future misconduct.'' *Id.*

With respect to factor one—the recommendation of the state licensing board—the ALJ found that while Respondent currently has a valid Arizona medical license, he has twice been the subject of disciplinary action by the AMB, which found that he had engaged in '' 'unprofessional conduct,' '' as well as '' 'any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.' '' R.D. at 47 (quoting Ariz. Rev. Stat. § 32–1401(27)(q)). In addition, the ALJ found that Respondent had also committed unprofessional conduct by '' 'failing or refusing to maintain adequate records on a patient.' '' *Id.* (quoting Ariz. Rev. Stat. § 32–1401(27)(e)). However, because in August 2011, the AMB had fully restored Respondent's prescribing privileges, the ALJ concluded that while not dispositive, the Board's action ''weigh[s] against a finding that Respondent's continued registration subject to conditions would be inconsistent with the public interest.'' *Id.* at 48.

With respect to factor three—Respondent's conviction record under federal and state laws relating to the manufacture, distribution, or dispensing of controlled substances—the ALJ noted

[1] Notwithstanding of the date of the Show Cause Order, Respondent's request was timely because the Order was not served until February 25, 2008, and the thirtieth day period for filing his request fell on a Sunday.