

primary stated purpose the provision of services to Native Hawaiians; and has expertise in Native Hawaiian affairs. "Native Hawaiian organization" includes the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai'i Nei. "Traditional religious leader" is not defined in statute, but is defined in regulation at 43 CFR 10.2(d)(3).

Dated: April 1, 2014.

Alma Ripps,

Chief, Office of Policy.

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INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-394-A and 399-A (Third Review)]

Ball Bearings and Parts Thereof From Japan and the United Kingdom; Termination of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The subject five-year reviews were initiated in January 2014 to determine whether revocation of the antidumping duty orders on ball bearings and parts thereof from Japan and the United Kingdom would be likely to lead to continuation or recurrence of material injury. On March 26, 2014, the Department of Commerce published notice that it was revoking the orders effective September 15, 2011 (the fifth anniversary of the most recent notice of continuation of the antidumping duty orders), because "no domestic interested party filed a notice of intent to participate" (79 FR 16771). Accordingly, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), the subject reviews are terminated.

DATES: Effective Date: March 27, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth Haines (202-205-3200), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. 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 (<http://www.usitc.gov>).

Authority: These reviews are being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.69 of the Commission's rules (19 CFR 207.69).

By order of the Commission.

Issued: April 2, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014-07770 Filed 4-7-14; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 12-2]

Howard N. Robinson, M.D.; Decision and Order

On March 1, 2012, Chief Administrative Law Judge (ALJ) John J. Mulrooney, II, issued the attached Recommended Decision.¹ The Government filed Exceptions to the ALJ's Decision. Thereafter, Respondent moved to file a Response to the Exceptions, and upon the ALJ's granting of his motion, filed a Response.

Having considered the entire record, including the Government's Exceptions and Respondent's Response to them, I have decided to adopt the ALJ's findings of fact and conclusions of law with the exception of his conclusion that Respondent violated 21 CFR 1307.21(a)(1). *See Jeffery J. Becker, D.D.S., 77 FR 72387, 72387-88 (2012); see also R.D. at 36, 41.* Moreover, while I agree with the ALJ's conclusion that Respondent "has successfully shown cause why his [registration] should not be revoked," R.D. at 44, and reject the Government's contention that Respondent has not put forward sufficient evidence to establish that he can be entrusted with a registration, I conclude that additional requirements should be imposed on his registration to protect the public interest. A discussion of the Government's Exceptions follows.

Exception One—Respondent Has Not Provided "Sufficient Mitigating Evidence" To Demonstrate That He Can Be Entrusted With a Registration

The Government contends that Respondent has not provided sufficient evidence of the remedial measures he has undertaken to prevent the recurrence of some of the violations he committed and "to prevent future diversion." Exceptions at 3. With

¹For purposes of citation, the ALJ's Recommended Decision is abbreviated as R.D. All citations to the ALJ's Recommended Decision are to the slip opinion as issued by him.

respect to the former, the Government points to Respondent's failure to complete the order forms for schedule II controlled substances (DEA Form 222s) by noting the number of commercial or bulk containers received and the date of receipt. Exceptions at 2-3; *see also* 21 CFR 1305.13(d). In the Government's view, while Respondent produced evidence that he is now keeping the forms in a separate folder and apart from other records, "[t]he record evidence does not support that [he] is properly completing" them. *Id.* at 3. The Government also contends that "Respondent has not demonstrated that he has a system in place to prevent future diversion of controlled substances" because he acknowledged that he is not in the office every day and controlled substances deliveries may occur on day when he is not present. *Id.* at 4. Finally, the Government contends that the ALJ misapplied Agency precedent when he concluded that the record as a whole does not support revocation. *Id.* at 6-8.

With regard to the completion of the Form 222s, the Government completely ignores the testimony and report of Respondent's Expert, who reviewed his recordkeeping and procedures. As the Expert testified, while Respondent "was not aware of his obligations and requirements . . . once he was informed, he took every action possible to correct them [the violations] and [did so] as quickly as possible." Tr. 397. Respondent's Expert further testified that with the exception of one suggestion, on which Respondent immediately took action, he "found total compliance at the clinic" and that "everything else was in complete compliance." *Id.*

Moreover, in his second report, Respondent's Expert found that Respondent "now properly completes the check in procedures by listing the amount received and the date received on both the filled 222 forms and the perpetual narcotic inventory log book." RX 18, at 2. *See also* RX 17 (expert's report) (noting that while Respondent "may not have fully complied with certain record keep[ing] obligations prior to the DEA investigation, . . . [w]hen the oversights were identified, he took immediate action to correct all problematic issues pointed out to him, in a timely fashion"); *id.* ("My review of the current procedures and operations of the clinic confirm that all corrective action has taken place and *all regulations are being followed.*") (emphasis added). While the ALJ was not impressed by the Expert's various attempts to excuse Respondent's