

rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on September 1, 2015, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to William.bishop@usitc.gov and Sharon.bellamy@usitc.gov (DO NOT FILE ON EDIS) on or before August 28, 2015. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before September 4, 2015, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please consult the Commission's rules, as amended, 76 FR 61937 (October 6, 2011) and the Commission's Handbook on Filing Procedures, 76 FR 62092 (October 6, 2011), available on the Commission's Web site at <http://edis.usitc.gov>.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: August 12, 2015.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–20266 Filed 8–17–15; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Victor B. Williams, M.D.; Decision and Order

On January 21, 2015, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Victor B. Williams, M.D. (Respondent), of Little Rock, Arkansas. GX 1. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration BW6686464, and the denial of any pending application to renew or modify his registration, on the ground that he lacks authority to handle controlled substances in Arkansas, the State in which he is registered with DEA. Show Cause Order, at 1 (*citing* 21 U.S.C. 823(f) & 824(a) (3)). *Id.*

Specifically, the Show Cause Order alleged that on April 10, 2014, the Arkansas State Medical Board issued to Respondent an "Order and Notice of Hearing," which revoked his medical license. *Id.* The Order then alleged that as a result of the revocation, Respondent is without authority to handle controlled substances in Arkansas, the State in which he is registered, and therefore, his registration is subject to revocation.¹ *Id.* at 1 (citations omitted).

As evidenced by the signed return receipt card, on January 27, 2015, the Show Cause Order was served on Respondent. GX 3. On February 3, 2015, Respondent, through his counsel, sent a letter acknowledging receipt of the Show Cause Order to the Office of Administrative Law Judges. GX 4. However, Respondent's counsel did not request a hearing on the allegations. *See id.* Thereafter, on February 19, 2015, the Government submitted a Request for Final Agency Action seeking a final order revoking Respondent's

¹ The Show Cause Order also notified Respondent of his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence of failing to elect either option. *Id.* at 2 (*citing* 21 CFR 1301.43).

registration. *See* Government Request for Final Agency Action, at 5 (*citing* 21 CFR 1301.43(e)).

On June 2, 2015, the Government represented to this office that Respondent's registration had expired on May 31, 2015 because he did not submit a renewal application at least 45 days before his registration's expiration date, as required by the Agency's regulation which is applicable to a registrant who has been served with an Order to Show Cause. *See* 21 CFR 1301.36(i). Moreover, according to the registration records of the Agency (of which I take official notice, 5 U.S.C. 556(e)), Respondent has not submitted a renewal application, whether timely or not, and his registration has been retired by the Agency. Accordingly, I find that Respondent's registration expired on May 31, 2015 and that there is no application pending before the Agency.

It is well settled that "[i]f a registrant has not submitted a timely renewal application prior to the expiration date, then the registration expires and there is nothing to revoke." *Ronald J. Riegel*, 63 FR 67132, 67133 (1998); *see also William W. Nucklos*, 73 FR 34330 (2008). Furthermore, because Respondent did not file a renewal application, there is no application to act upon. *See Nucklos*, 73 FR at 34330. Accordingly, because there is neither a registration, nor an application, to act upon, I hold that this case is now moot.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that the Order to Show Cause issued to Victor B. Williams, M.D., be, and it hereby is, dismissed.

Dated: August 10, 2015.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2015–20351 Filed 8–17–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

John R. Kregenow, D.D.S.; Decision and Order

On October 29, 2014, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to John R. Kregenow, D.D.S. (Registrant), of Milwaukee, Wisconsin. GX 1, at 1. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration AK8212348, and the denial of any pending applications for renewal

or modification of the registration, on the ground that he lacks authority to handle controlled substances in Wisconsin, the State in which he is registered with DEA. *Id.* (citing 21 U.S.C. 823(f) & 824(a)(3)).

The Show Cause Order specifically alleged that on September 3, 2014, the Wisconsin Dentistry Examining Board (hereinafter, the Board) issued an Order of Summary Suspension, suspending Registrant's dental license and that the Order "is still in effect." *Id.* The Show Cause Order thus asserted that "DEA must revoke [Registrant's] registration based upon [his] lack of authority to handle controlled substances in the State of Wisconsin." ¹ *Id.* at 1–2 (citing 21 U.S.C. 802(21), 823(f) and 824(a) (3)).

On November 6, 2014, a Diversion Investigator (DI) attempted to serve the Show Cause Order on Registrant by travelling to his residence but no one was home. GX 6, at 2. (Declaration of Diversion Investigator). The DI then left at Registrant's residence an envelope which contained a copy of the Show Cause Order, a Voluntary Surrender Form, and written "instructions regarding [Registrant's] options regarding his . . . registration." *Id.*

The next day, the DI mailed a copy of the Show Cause Order by certified mail, return receipt requested, addressed to Registrant at his residence. *Id.* The same day, the DI also emailed an electronic copy of the Order to the two previous email addresses associated with his registration.² *Id.*

On December 8, 2014, the DI received a return receipt card for the mailing which was signed by Registrant. *Id.* The card was dated December 3, 2014. *Id.*, see also GX 5, at 2. Based on the signed return receipt card, I find that the Government accomplished service on December 3, 2014.

Based on the Government's representation that since the date of service, neither Registrant, nor any person purporting to represent him, "has requested a hearing or otherwise corresponded with DEA" regarding the Show Cause Order, and finding that more than 30 days have now passed since the date of service, I find that Registrant has waived his right to either request a hearing on the allegations of the Show Cause Order or to submit a written statement in lieu of a hearing. See 21 CFR 1301.43(c) & (d). I therefore issue this Decision and Final Order based on the record submitted by the

Government. See 21 CFR 1301.43(e). I make the following findings.

Findings of Fact

Registrant is the holder of DEA Certificate of Registration AK8212348, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner, at the registered address of 6015 West Forest Home Ave., Unit 1, Old Grove Shopping Center, Milwaukee, Wisconsin. GX 2. His registration does not expire until December 31, 2015. *Id.*

On September 3, 2014, the Board summarily suspended Registrant's dental license, finding "probable cause to believe [he] violated the provisions of Wis. Stat. Ch. 447" and that "the public health, safety or welfare imperatively requires emergency action." GX 3, at 10–11. While Registrant was entitled to a hearing to challenge the summary suspension, *id.* at 11, on March 11, 2015, Registrant waived his right to a hearing on the allegations and consented to the entry by the Board of a Final Decision and Order revoking his medical license. Stipulation, at 1, *In re John R. Kregenow, D.D.S.* (Wis. Dent. Exam'g Bd. 2015).

On May 6, 2015, the Board issued its Final Decision and Order, revoking Registrant's license to practice dentistry.³ Final Decision and Order, at 2, *In re Kregenow*. The Board found that Registrant had engaged in unprofessional conduct, which included, *inter alia*, "[a]dministering, dispensing, prescribing, supplying or obtaining controlled substances . . . other than in the course of legitimate practice, or as otherwise prohibited by law." Wis. Admin. Code § DE 5.02(6) (cited in Final Decision and Order, at 2). The Board further found that Registrant had "elected to retire from the practice of dentistry" and revoked his license to "ensure protection of the public, rehabilitation of Respondent and general deterrence." *Id.*

Based on the Board's order, I find that Registrant no longer possesses authority to dispense controlled substances in Wisconsin, the State in which he is registered under the Controlled Substances Act.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to

suspend or revoke a registration issued under section 823, "upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances." Moreover, the Agency has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. See *James L. Hooper*, 76 FR 71371 (2011), *pet. for rev. denied*, *Hooper v. Holder*, 481 Fed. App'x. 826 (4th Cir. 2012).

This rule derives from the text of two provisions of the CSA. First, Congress defined "[t]he term 'practitioner' [to] mean[] a . . . dentist . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice." 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that "[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices." 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he engages in professional practice. See, e.g., *Sharad C. Patel*, 80 FR 28693, 28695 (2015); *Calvin Ramsey*, 76 FR 20034, 20036 (2011); *Sheran Arden Yeates, M.D.*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci*, 58 FR 51104, 51105 (1993); *Bobby Watts*, 53 FR 11919, 11920 (1988).

Thus, because Registrant no longer possesses lawful authority to practice dentistry in the Wisconsin, see Wis. Stat. §§ 447.03(1) & 961.01(a), the State where he is currently registered, I will order that Registrant's DEA registration be revoked.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a) and 28 CFR 0.100(b) I order that DEA Certificate of Registration AK8212348 issued to John R. Kregenow, D.D.S., be, and it hereby is, revoked. I further order that any

¹ The Show Cause Order also notified Registrant of his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence for failing to elect either option. *Id.* at 2 (citing 21 CFR 1301.43).

³ This Order was obtained through an online search of the Board of Dentistry's Web site. Under the Administrative Procedure Act (APA), an agency "may take official notice of facts at any stage in a proceeding—even in the final decision." U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979); see also 5 U.S.C. 556(e); 21 CFR 1316.59(e).

application of John R. Kregenow, D.D.S., to renew or modify this registration, be, and it hereby is, denied. This Order is effective immediately.⁴

Dated: August 10, 2015.

Chuck Rosenberg,

Acting Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Ronald A. Green, M.D.; Decision and Order

On February 6, 2015, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Ronald A. Green, M.D. (Registrant), of Houston, Texas. GX 1. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration FG1729699, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner, as well as the denial of any pending applications to renew or modify his registration, on the ground that he does not "have authority to handle controlled substances in" Texas, "the State in which [he is] registered with the DEA." *Id.*

The Show Cause Order specifically alleged that on December 10, 2014, the Disciplinary Panel of the Texas Medical Board (TMB) issued an Order of Temporary Suspension, which suspended his medical license the same day. *Id.* The Show Cause Order further alleged that as a consequence of the Board's order, Registrant is currently without authority to handle controlled substances in Texas, the State in which he holds his DEA registration.¹ *Id.*

On February 11, 2015, a DEA Diversion Investigator (DI) initially attempted to personally serve Registrant by travelling to his registered location. GX 4, at 1. However, the DI found that his practice was closed and was told by employees of a bank located across the hall that no one had seen Registrant recently. *Id.* Thereafter, the DI obtained

the address of Registrant's residence from the Texas Department of Public Safety and on February 17, went to his residence. *Id.* at 2. The DI rang the doorbell and knocked on the door several times but received no response. *Id.* The DI then slid a copy of the Show Cause Order under the front door. *Id.*

Three months later (on May 20, 2015), the Office of Administrative Law Judges received a fax from Registrant which included a document entitled "Response to First Amended Complaint and Motion to Dismiss," which he apparently filed in the proceeding brought against him by the Texas Medical Board. Registrant did not, however, request a hearing on the Show Cause Order. *See* 21 CFR 1301.43(a) & (d). Moreover, to the extent Registrant submitted this document as his statement of position, *see id.* § 1301.43(c), his filing does not contain any explanation for why good cause exists to excuse its untimeliness. *Id.* §§ 1301.43(d), 1316.47(b).

In the meantime, on April 7, 2015, the Government submitted a Request for Final Agency Action along with the investigative record, which it subsequently supplemented by providing a copy of Registrant's filing with the Office of Administrative Law Judges. In its Request, the Government asserts that Registrant has waived his right to a hearing. Request for Final Agency Action, at 4.

Based on my review of the record, I find that Registrant was properly served with the Show Cause Order. I further find that Registrant has waived his right to a hearing, as well as his right to submit a statement of position on the allegations of the Show Cause Order. *Id.* § 1301.44(d). I make the following findings.

Findings

Registrant is the holder of DEA Certificate of Registration FG1729699, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner, at the registered address of: Paradigm Center for Integrative Medicine, 7505 Fannin, Suite 120, Houston, TX 77054. GX 2. This registration is due to expire on September 30, 2015. *Id.*

On December 10, 2014, a Disciplinary Panel of the TMB issued an Order of Temporary Suspension, which suspended Registrant's medical license, based upon its finding that Registrant's "continuation in the practice of medicine would constitute a continuing threat to public welfare." GX 3, at 3, 5.²

² The TMB's Order contains numerous conclusions of law based on Registrant's violations

of the Texas Medical Practice Act, including that he prescribed, administered, or dispensed controlled substance for non-therapeutic purposes and "in a manner inconsistent" with the Controlled Substances Act and Texas law, that he failed to comply with the Board's regulations regarding the operation of pain management clinics, that he failed to adhere to guidelines and requirements for the treatment of pain, and that he wrote prescriptions for known abusers of narcotics. GX 3, at 3-5.

Discussion

The Controlled Substances Act (CSA) grants the Attorney General authority to revoke a registration "upon a finding that the registrant . . . has had his State license or registration suspended [or] revoked . . . and is no longer authorized by State law to engage in the . . . distribution [or] dispensing of controlled substances." 21 U.S.C. 824(a)(3). Based on the CSA's provisions which define the term "practitioner" and set forth the requirement for obtaining a registration as such, DEA has long held that a practitioner must be currently authorized to handle controlled substances in the "jurisdiction in which he practices" in order to maintain a DEA registration. *See* 21 U.S.C. 802(21) ("The term 'practitioner' means a physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice."); *see also id.* § 823(f) ("The Attorney General shall register practitioners . . . to dispense . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.").

As these provisions make plain, possessing authority under state law to dispense controlled substances is an essential condition for holding a DEA registration. *See David W. Wang*, 72 FR 54297, 54298 (2007); *Sheran Arden Yeates*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci*, 58 FR 51104, 51105 (1993); *Bobby Watts*, 53 FR 11919, 11920 (1988). And based on these provisions, the Agency has also "held that revocation is warranted even where a practitioner's state authority has been summarily suspended and the State has yet to provide the practitioner with a hearing to challenge the State's action at which he . . . may ultimately prevail."

of the Texas Medical Practice Act, including that he prescribed, administered, or dispensed controlled substance for non-therapeutic purposes and "in a manner inconsistent" with the Controlled Substances Act and Texas law, that he failed to comply with the Board's regulations regarding the operation of pain management clinics, that he failed to adhere to guidelines and requirements for the treatment of pain, and that he wrote prescriptions for known abusers of narcotics. GX 3, at 3-5.

⁴ For the same reasons that the Wisconsin Board summarily suspended Registrant's dental license, I conclude that the public interest requires that this Order be effective immediately. *See* 21 CFR 1316.67.

¹ The Show Cause Order also informed Registrant of his right to request a hearing on the allegations or to submit a written statement of position on the matters alleged in the Order while waiving his right to a hearing, the procedure for electing either option, and the consequence of failing to elect either option. GX 1, at 1-2 (citing 21 CFR 1301.43).