

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: January 30, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-02276 Filed 2-2-17; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1306 (Final)]

Large Residential Washers From China

Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission ("Commission") determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) ("the Act"), that an industry in the United States is materially injured by reason of imports of large residential washers from China, provided for in subheading 8450.20.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce ("Commerce") to be sold in the United States at less than fair value ("LTFV").

Background

The Commission instituted this investigation effective December 16, 2015, following receipt of a petition filed with the Commission and Commerce by Whirlpool Corporation, Benton Harbor, Michigan. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of large residential washers from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 18, 2016 (81 FR 55231). The hearing was held in Washington, DC, on December 7, 2016,

and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on January 30, 2017. The views of the Commission are contained in USITC Publication 4666 (January 2017), entitled *Large Residential Washers from China: Investigation No. 731-TA-1306 (Final)*.

By order of the Commission.

Issued: January 30, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-02245 Filed 2-2-17; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-718 (Fourth Review)]

Glycine From China; Determination

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that revocation of the antidumping duty order on glycine from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted this review on August 1, 2016 (81 FR 50547) and determined on November 4, 2016 that it would conduct an expedited review (81 FR 87589, December 5, 2016).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on January 31, 2017. The views of the Commission are contained in USITC Publication 4667 (January 2017), entitled *Glycine From China: Investigation No. 731-TA-718 (Fourth Review)*.

By order of the Commission.

Issued: January 31, 2017.

Katherine M. Hiner,

Acting Supervisory Attorney.

[FR Doc. 2017-02340 Filed 2-2-17; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Richard W. Walker, Jr., M.D.; Decision and Order

On October 3, 2016, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Richard W. Walker, M.D. (Registrant), of League City, Texas. The Show Cause Order proposed the revocation of his DEA Certificate of Registration No. AW2558750, on the ground that he does not have authority to dispense controlled substances in Texas, the State in which he is registered with the Agency. Order to Show Cause, at 1 (citing 21 U.S.C. 823(f) and 824(a)(3)).

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is the holder of Registration No. AW2558750, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner, at the registered address of 4604 Hispania View Drive, League City, Texas. *Id.* The Order also alleges that Registrant's registration does not expire until May 31, 2017. *Id.*

As ground for the proposed action, the Show Cause Order alleged that "[t]he Texas Medical Board issued an order, effective June 10, 2016, which accepted [the] surrender of [his] authority to practice medicine." *Id.* The Order thus asserted that as a consequence of the Board's action, Registrant is without authority to dispense controlled substances in Texas, the State in which he is registered, and thus, "DEA must revoke" his Registration. *Id.* at 1 (citing 21 U.S.C. 802(21), 823(f)(1) and 824(a)(3)).

The Show Cause Order 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 of failing to elect either option. *Id.* at 2 (citing 21 CFR 1301.43).

The Show Cause Order also notified Registrant of his right to submit a corrective action plan. *Id.* at 2-3 (citing 21 U.S.C. 824(c)(2)(C)).

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

On or about October 3, 2016, a Diversion Investigator (DI) from the Houston Division Office sent the Order to Show Cause by Certified Mail to Registrant at the address of his registered location. Appendix 4, at 2 (Declaration of DI). According to the DI, on or about October 11, 2016 she received back the signed return-receipt card showing that the Show Cause Order had been received at Registrant's registered address. *Id.* at 2. The DI further averred that while the date of receipt was not marked on the card, the Postal Service's Web site shows that the mailing "was signed for on October 7, 2016." *Id.*

On December 12, 2016, the Government submitted a Request for Final Agency Action (RFFA) and an evidentiary record to my Office. Therein, the Government represents that more than 30 days have passed since the Order to Show Cause was served on Registrant and that it "has not received a request for hearing or any other reply from" Registrant. RFFA at 2.

Based on the Government's representation and the record, I find that more than 30 days have passed since the date of service of the Show Cause Order, and that neither Registrant, nor anyone purporting to represent him, has requested a hearing or submitted a written statement in lieu of a hearing. I therefore find that Registrant has waived his right to a hearing or to submit a written statement in lieu of a hearing, and issue this Decision and Order based on relevant evidence contained in the record submitted by the Government. 21 CFR 1301.43(d) & (e). I make the following findings of fact.

Findings

Registrant is the holder of Certificate of Registration No. AW2558750, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner, at the registered address of 4604 Hispania View Drive, League City, Texas; his registration does not expire until May 31, 2017. Appendix 2 (Certificate of Registration).

On June 10, 2016, Registrant entered into an Agreed Order of Revocation with the Texas Medical Board (the Board) "to avoid further investigation, hearings, and the expense and inconvenience of litigation." Appendix 3, at 4 (Agreed Order of Revocation). The Board specifically found that Registrant "failed to adequately supervise his prescriptive delegate . . . who non[-]therapeutically prescribed controlled substances and who operated an unregistered pain management clinic." *Id.* at 3. While "[n]one of the patients involved in the

allegations were [his] personal patients" and Registrant "denied the allegation," he "surrender[ed] his license because of his inability to practice due to health reasons." *Id.* He further "accept[ed] that the revocation of his Texas medical license will be accepted in lieu of further disciplinary proceedings and that it [was] effective on the date of the entry of th[e] Agreed Order." *Id.* See also *id.* at 4 (citing Tex. Occ. Code Ann. §§ 164.053(a)(8) and 164.057; 22 Tex. Admin. Code 196.2). The Board thus ordered that Registrant's medical license be revoked and that he "immediately cease practice in Texas." *Id.*

Based on the Board's Order, and Registrant's failure to submit any evidence to show that his medical license has been reinstated, I find that Registrant is no longer currently authorized to dispense controlled substances in Texas, the State in which he is registered with the Agency.

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 of Title 21, "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." With respect to a practitioner, DEA has repeatedly held that the possession of authority to dispense controlled substances under the laws of the State in which he engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. See, e.g., *James L. Hooper*, 76 FR 71371 (2011), *pet. for rev. denied*, 481 Fed. Appx. 826 (4th Cir. 2012); see also *Frederick Marsh Blanton*, 43 FR 27616 (1978) ("State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.").

This rule derives from the text of two provisions of the CSA. First, Congress defined "the term 'practitioner' [to] mean[] 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." 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 practices medicine. See, e.g., *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); *Blanton*, 43 FR at 27616.

As found above, by virtue of the Agreed Order of Revocation, Registrant currently lacks authority to practice medicine and dispense controlled substances in Texas, the State in which he holds his DEA registration. Accordingly, I will order that his registration be revoked.

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 DEA Certificate of Registration AW2558750, issued to Richard W. Walker, Jr., M.D., be, and it hereby is, revoked. Pursuant to the authority vested in me by 21 U.S.C. 823(f), I further order that any pending application of Richard W. Walker, Jr., M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective March 6, 2017.

Dated: January 27th, 2017.

Chuck Rosenberg,
Acting Administrator.

[FR Doc. 2017-02320 Filed 2-2-17; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Janet Carol Dean, M.D.; Decision and Order

On September 22, 2016, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Janet Carol Dean, M.D. (Registrant), of Denver, Colorado. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration No. BD2298621, the denial of any applications to renew or modify her registration, and the denial of any applications for any other DEA registration, on the ground that she does not have authority to handle controlled