days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on April 11, 2017, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Tuesday, April 25, 2017, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 19, 2017. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on April 24, 2017, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is April 18, 2017. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is May 1, 2017. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before May 1, 2017. On May 16, 2017, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before May 18, 2017, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's 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 207.21 of the Commission's rules.

By order of the Commission.

Issued: February 13, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–03150 Filed 2–16–17; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Lee B. Drake, M.D. Decision and Order

On December 5, 2016, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Lee B. Drake, M.D. (Registrant), of Hattiesburg, Mississippi. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration, on the ground that he does not hold authority to dispense controlled substances in Mississippi, the State in which he is registered with the Agency. Show Cause Order, at 1 (citing 21 U.S.C. 824(a)(3)).

As to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is registered with DEA as a practitioner with authority to dispense controlled substances in schedules II through V under Registration No. BD3577965, at the registered address of 6524 U.S. Highway 98, Hattiesburg, Mississippi. *Id.* The Order also alleged that Registrant's registration does not expire until June 30, 2017. *Id.*

The Show Cause Order then alleged that on July 8, 2016, Registrant surrendered his authority ''to prescribe and administer controlled substances in . . . Mississippi'' and that he is ''without authority to [dispense] controlled substances in'' the State. *Id.* The Order asserted that as a consequence of the loss of his state authority, ''DEA must revoke'' his registration. *Id.* (citing 21 U.S.C. 802(21), 823(f) 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 for failing to do either. *Id.* at 2 (citing 21 CFR 1301.43). The 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)).

On December 7, 2016, a Diversion Investigator (DI) with the DEA Jackson, Mississippi District Office accomplished service by hand-delivery of the Show Cause Order to Registrant. *See* GX 2, at 2 (DI's Declaration).

On January 10, 2017, the Government forwarded to my Office its Request for Final Agency Action (cited as RFFA) along with an evidentiary record. In its Request, the Government represents that since the date of service of the Show Cause Order, it ''has not received a request for hearing or any other reply from'' Registrant. RFFA, at 1–2. Based on the Government's representation and the DI's declaration, 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 while waiving his right to a hearing. I therefore find that Registrant has waived his right to a hearing or to submit a written statement in lieu of 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 of Fact

Registrant is the holder of DEA Certificate of Registration No. BD3577965, pursuant to which he is authorized to dispense controlled substances in schedules II through V, as a practitioner, at the registered address of Women's Pavilion of South Mississippi, 6524 U.S. Highway 98, Hattiesburg, Mississippi. GX 1 (Certificate of Registration). His registration does not expire until June 30, 2017. *Id.*

On July 8, 2016, Registrant voluntarily surrendered his medical license to the Mississippi State Board of Medical Licensure (Medical Board), stating in a letter to the Board's President that he was relinquishing his right to practice medicine. GX 3, at 2. On July 13, 2016, the Medical Board issued a memorandum to various governmental and private entities informing them that Registrant had voluntarily surrendered his medical license effective July 12, 2016. *Id.* at 3. As Registrant neither responded to the Show Cause Order nor submitted any evidence to show that his state license has been reinstated, I find that he does not possess authority to dispense controlled substances in Mississippi, the State in which he is registered with the DEA.

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 the Controlled Substances Act (CSA), ''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.'' DEA has also 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, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton,* 43 FR 27616 (1978). Thus, the Agency has further held that '' 'the controlling question is not whether a practitioner's license to practice medicine in the state is suspended or revoked; rather[,] it is whether the Respondent is currently authorized to handle controlled substances in the [S]tate.' '' *Hooper,* 76 FR at 71371 (quoting *Anne Lazar Thorn,* 62 FR 12847, 12848 (1997)).

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., Hooper,* 76 FR at 71371; *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.

By virtue of the surrender of his medical license, Registrant currently lacks authority to dispense controlled substances in Mississippi, the State in which he holds his DEA registration, and he is not entitled to maintain his 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 BD3577965, issued to Lee B. Drake, M.D., be, and it hereby is, revoked. Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b), I further order that any pending application of Lee B. Drake, M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective March 20, 2017.

Dated: February 9, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–03222 Filed 2–16–17; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Paul E. Pilgram, M.D.; Decision and Order

On November 29, 2016, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Paul E. Pilgram,[1] M.D. (Registrant), of West Jordan, Utah. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration, on the ground that he does not have authority to handle controlled substances in Utah, the State in which he is registered with the Agency. Show Cause Order, at 1 (citing 21 U.S.C. 824(a)(3)).

As the jurisdictional basis for the proceeding, the Show Cause Order alleged that Registrant is registered as a practitioner in schedules II through V under DEA registration No. AP1393038, at the registered address of 1561 West 7000 South, Suite 200, West Jordan, Utah. *Id.* The Order alleged that Registrant's registration does not expire until March 31, 2017. *Id.*

The Show Cause Order then alleged that on October 17, 2016, the State of Utah revoked Registrant's authority to prescribe and administer controlled substances and that he is ''without authority to handle controlled substances in . . . the [S]tate in which [he is] registered with the'' Agency. *Id.* The Order then asserted that as a consequence of the loss of his state authority, ''DEA must revoke'' his registration. *Id.* (citing 21 U.S.C. 802(21), 823(f) and 824(a)(3)). 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 do elect either option. *Id.* at 2 (citing 21 CFR 1301.43). The Order further notified Registrant of his right to submit a corrective action plan. *Id.* at 2–3 (citing 21 U.S.C. 824(c)(2)(C)).

On December 6, 2016, a Diversion Investigator (DI) from the DEA Salt Lake City District Office effected service by hand-delivery of a copy of the Show Cause Order to Registrant at his registered address of 1561 West 7000 South, Suite 200, West Jordan, Utah. GX 2, at 1–2 (Declaration of Diversion Investigator). According to the Government, since the date of service of

[1] Registrant's name in the Order to Show Cause is spelled ''Pilgrim''; however, all other documents in the record, including Registrant's Certificate of Registration, use the correct spelling (Pilgram).