

Frequency of Collection: Once.
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An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Authority: The authorities for this action are the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1201 *et seq.*), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

John A. Trelease,

Acting Chief, Division of Regulatory Support.

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INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–612–613 and 731–TA–1429–1430 (Preliminary)]

Polyester Textured Yarn From China and India; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–612–613 and 731–TA–1429–1430 (Preliminary) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of polyester textured yarn from China and India, provided for in subheadings 5402.33.30 and 5402.33.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the governments of China and India. Unless the Department of Commerce (“Commerce”) extends the time for initiation, the Commission must reach preliminary determinations in antidumping and countervailing duty investigations in 45 days, or in this case by December 3, 2018. The Commission’s views must be transmitted to Commerce within five business days thereafter, or by December 10, 2018.

DATES: October 18, 2018.

FOR FURTHER INFORMATION CONTACT:

Kristina Lara (205–3386), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on October 18, 2018, by Unifi Manufacturing, Inc., Greensboro, North Carolina; and Nan Ya Plastics Corp. America, Lake City, South Carolina.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission’s rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission’s 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 Thursday, November 8, 2018, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to preliminaryconferences@usitc.gov (DO NOT FILE ON EDIS) on or before November 6, 2018. 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 November 14, 2018, 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. 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 website at <https://edis.usitc.gov>, elaborates upon the Commission’s rules with respect to electronic filing.

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.

Certification.—Pursuant to section 207.3 of the Commission’s rules, any person submitting information to the Commission in connection with these investigations must certify that the

information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

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.

By order of the Commission.

Issued: October 19, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018-23287 Filed 10-24-18; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 18-37]

Hisham M. Shawish, M.D.; Decision and Order

On July 12, 2018, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause to Hisham M. Shawish, M.D. (hereinafter, Respondent), of Erie, Pennsylvania. Order to Show Cause (hereinafter, OSC), at 1. The Show Cause Order proposes the revocation of Respondent's Certificate of Registration on the ground that he has "no state authority to handle controlled substances" in the Commonwealth of Pennsylvania, the State in which Respondent is registered with the DEA. *Id.* (citing 21 U.S.C. 824(a)(3)). It also proposes the denial of "any applications for renewal or modification of such registration and any applications for any other DEA registrations." OSC, at 1 (citing 21 U.S.C. 824(a)(3)).

Regarding jurisdiction, the Show Cause Order alleges that Respondent holds DEA Certificate of Registration No. FS1974357 at the registered address

of 650 East Ave., Erie, Pennsylvania 16503, with a mailing address of 5572 Copper Dr., #102, Erie, Pennsylvania 16509. OSC, at 1. This registration, the OSC alleges, authorizes Respondent to dispense controlled substances in schedules II through V as a practitioner. *Id.* The Show Cause Order alleges that this registration expires on February 28, 2019. *Id.*

The substantive ground for the proceeding, as alleged in the Show Cause Order, is that Respondent is "currently without authority to practice medicine or handle controlled substances in the Commonwealth of Pennsylvania, the state in which . . . [he is] registered with DEA." *Id.* at 2. Specifically, the Show Cause Order alleges that the Commonwealth of Pennsylvania State Board of Medicine issued an Order of Temporary Suspension and Notice of Hearing (hereinafter, Temporary Suspension Order and Notice of Hearing) on April 25, 2018, and that this Order "suspended . . . [Respondent's] license to practice as a physician and surgeon." *Id.*

The Show Cause Order notifies Respondent of his right to request a hearing on the allegations or to submit a written statement while waiving his right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The Show Cause Order also notifies Respondent of the opportunity to submit a corrective action plan. OSC, at 2-3 (citing 21 U.S.C. 824(c)(2)(C)).

By letter dated July 26, 2018, Respondent timely requested a hearing.¹ Hearing Request, at 1. According to the Hearing Request, "a Criminal Complaint was filed against . . . [Respondent] in Pennsylvania Magisterial District Court," which Respondent "categorically denies and is vigorously fighting." *Id.* Respondent's Hearing Request admits that his "license to practice medicine and surgery in Pennsylvania was temporarily placed in suspension, effective April 26, 2018." *Id.* It asserts that the "term of suspension is 180 days from April 26, 2018, at which time . . . [Respondent's] Pennsylvania license will revert to active unrestricted status by operation of law." *Id.*

The Office of Administrative Law Judges put the matter on the docket and assigned it to Administrative Law Judge Charles Wm. Dorman (hereinafter, ALJ).

¹ The Hearing Request is dated and was received less than 30 days after the OSC's issuance. It is, thus, apparent that the Government's service of the OSC was sufficient and Respondent's request for a hearing was timely.

On July 27, 2018, the ALJ issued a Briefing Schedule for Lack of State Authority Allegations.

The Government timely complied with the Briefing Schedule by filing a Motion for Summary Disposition on August 10, 2018 (hereinafter, Summary Disposition Motion). The Summary Disposition Motion is "based on Respondent's lack of state authority to handle controlled substances." Summary Disposition Motion, at 1. The Government attached to its Summary Disposition Motion the Temporary Suspension Order and Notice of Hearing that the Commonwealth of Pennsylvania, Department of State, State Board of Medicine issued to Respondent. According to the Summary Disposition Motion, Respondent "is not entitled to hold a DEA registration" because he "does not have state authority to prescribe, administer, or dispense controlled substances in the Commonwealth of Pennsylvania." *Id.* at 3. The Government argues, citing Agency precedent, that "even if the period of suspension is temporary or if there is the potential that Respondent's state controlled substances privileges will be reinstated, summary disposition is warranted." *Id.* at 3-4.

Respondent timely filed its Reply in Opposition to the Government's Motion for Summary Disposition dated August 24, 2018 (hereinafter, Reply in Opposition). Attached to the Reply in Opposition are Docket Sheets indicating that the charges Respondent is facing are indecent assault of a person less than 13 years of age and corruption of minors dating as far back as 2014. Reply in Opposition, at Exh. 1.

Respondent argues that the Government's Summary Disposition Motion should be denied because "[t]he Government does not take into consideration the fact that . . . [Respondent's] Pennsylvania medical license is set to return to unrestricted status on October 25, 2018." *Id.* at 1. Since, he states, "his license will revert to active status as a matter of law in approximately two months, on October 25, 2018, . . . [i]t would be a waste of judicial resources, time, and expense to revoke . . . [his] DEA registration and then require . . . [him] to reapply for a DEA registration." *Id.* at 3. Respondent argues that the Agency precedent cited in the Summary Disposition Motion is "distinguishable, as it does not appear that in *any* of the cases a firm date was set on which each respective respondents' [sic] license was scheduled to be reinstated." *Id.* [emphasis in original]. Thus, Respondent urges the ALJ to "stay resolution" of the Summary Disposition Motion for 90 days and to