each line item of the table on page 121 of the EID.

In addressing these issues, the parties are requested to make specific reference to the evidentiary record and to cite relevant legal authority. The Commission does not request additional briefing at this time on any other issues under review.

In connection with the final disposition of this investigation, the Commission may revoke the consent order and issue an order excluding the subject articles from entry into the United States. *See* 19 CFR 210.75(b)(4)(iii). Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (December 1994).

If the Commission contemplates revoking the consent order and issuing an exclusion order, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order would have on (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission were to revoke the consent order and issue an exclusion order, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* 19 U.S.C. 1337(j) and the Presidential Memorandum of July 21, 2005. 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues under review that specifically address the Commission's questions set forth in this notice. The submissions should be concise and thoroughly referenced to the record in this investigation. The parties to the enforcement proceeding, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding, and such submissions should address the enforcement measures recommended by the ALJ relating to remedy. The complainant and the IA are also requested to submit proposed remedial orders for the Commission's consideration in the event it determines to revoke the consent order. Complainant is also requested to state the dates that the patents at issue expire and the HTSUS numbers under which the accused articles are imported. The written submissions and proposed remedial orders must be filed no later than close of business on August 23, 2012. Reply submissions must be filed no later than the close of business on August 30, 2012. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to Commission rule 210.4(f), 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–698'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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 sections 210.42–46 of the Commission's Rules of Practice and Procedure, 19 CFR 210.42–46.

By order of the Commission.

Issued: August 9, 2012.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. 2012–19990 Filed 8–14–12; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on August 9, 2012, a proposed Consent Decree signed by the plaintiff, the United States of America, and the defendants, Icicle Seafoods, Inc., Evening Star, Inc., Icicle Acquisition Subsidiary, LLC, and LFK, Inc., was lodged with the United States District Court for the Western District of Washington.

In this lawsuit the United States sought civil penalties and injunctive relief for defendants' alleged violations of regulations promulgated by the Environmental Protection Agency under Title VI of the Clean Air Act, specifically regulations set forth in 40 CFR part 82, Subpart F. The regulations govern the management and control of ozone-depleting substances used as refrigerants in defendants' vessels and other fish processing facilities. The Consent Decree requires the defendants to pay a civil penalty of $430,000.00 and to perform injunctive relief. To ensure the defendants' compliance going forward, the Consent Decree will require the defendants to institute a comprehensive leak inspection and repair program for all of their vessels and operating facilities. To mitigate the effects of past violations, the Consent Decree specifies that the defendants will repair leaks in the refrigeration systems of certain vessels and facilities when the leak rate would result in losing more than 20% of the refrigerant charge during a 12-month period. This is a stricter standard than is required by the leak repair regulations.

For thirty (30) days after this notice, the Department of Justice will receive comments related to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. The comments should refer to *United States* v. *Icicle Seafoods, Inc.,* No. 12–cv–1349 (W.D. Wash.), DOJ No. 90–5–1–1–07395/2.

During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or emailing a request to ''Consent Decree Copy'' (*EESCDCopy.ENRD@udoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–5271. If requesting a copy from the Consent Decree library by mail, please enclose a check in the amount of $10.00 (40 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by email or fax, forward a check in that amount to the Consent Decree Library at the address given above.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2012–20047 Filed 8–14–12; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Sai Wentum, M.D.; Decision and Order

On March 20, 2012, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Sai Wentum, M.D. (Registrant), of Nashville, Tennessee. GX 4. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration FW2529672, which authorizes him to dispense controlled substances as a practitioner, on the ground that Registrant does not possess authority under the laws of the State of Tennessee, the State in which he is registered with DEA, to dispense controlled substances. *Id.* at 1 (citing 21 U.S.C. 824(a)(3)). In particular, the Show Cause Order alleged that Registrant is currently unlicensed to practice medicine and without authority to handle controlled substances in the State of Tennessee as a result of ''actions by the Tennessee Board of Medical Examiners.'' [1] *Id.*

The Show Cause Order also notified Registrant of his right to request a hearing on the allegations or to submit a written statement regarding the matters of fact and law asserted in lieu of a hearing, the procedures for doing either, and the consequences for failing to do either. *Id.* at 2 (citing 21 CFR 1301.43(a), (c), (d), & (e)). On March 28, 2012, the Show Cause Order was served on Respondent by certified mail addressed to him at his registered locations in both Nashville, Tennessee and Detroit, Michigan. GX 5 & GX 6. Since the date of service of the Show Cause Order, thirty days have now passed and neither Registrant, nor anyone purporting to represent him, has requested a hearing or submitted a 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 Final 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 DEA Certificate of Registration FW2529672, which authorizes him to dispense controlled substances in schedules II through V, as a practitioner, at the registered address of 213 W. Maplewood Lane, Suite 400, Nashville, Tennessee 37207. GX 1. His registration has an expiration date of May 31, 2014. *Id.*

By letter dated June 7, 2011, the Tennessee Board of Medical Examiners (hereinafter, the Board) notified Registrant that the Board had voted to deny his application for licensure as a medical doctor and that his temporary license, previously issued on April 1, 2011, had been rescinded. GX 2. After Registrant appealed the Board's decision to deny his application for licensure, the Board issued an Agreed Order on November 16, 2011. GX 3. The Board found that Registrant is not qualified to obtain a Tennessee medical license because he is not a graduate of a board-approved international medical school, as required by Tenn. Code Ann. § 63–6–207 and Tenn. Comp. R. & Reg. Rule 0880–02–04. *Id.* at 3. Registrant admitted the truth of the allegations contained in the Agreed Order. *Id.* at 2. Accordingly, the Board denied Registrant's application for licensure as a medical doctor. *Id.* at 4. I therefore find that Registrant currently lacks authority under Tennessee law to dispense controlled substances.

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). Moreover, 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 Gerald T. Hanley,* 53 FR 5658 (1988). This rule derives from the text of the CSA, which defines ''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), and which imposes, as a condition for obtaining a registration, that a practitioner be authorized to dispense controlled substances under the laws of the State in which he practices. *See id.* § 823(f) (''The Attorney General shall register practitioners * * * 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). DEA has therefore consistently held that revocation is the appropriate sanction whenever a practitioner has lost his state authority to dispense controlled substances. *James L. Hooper,* 76 FR 71371, 71372–73 (2011) (collecting cases), *pet. for rev. denied Hooper* v. *Holder,* No. 11–2351, 2012 WL 2020079 (4th Cir. June 6, 2012) (unpublished).

Because Registrant no longer has authority to dispense controlled substances in the State in which he holds his DEA registration, he is not entitled to maintain his DEA registration. *See* 21 U.S.C. 802(21), 823(f), and 824(a)(3). Accordingly, Registrant's registration will 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 FW2529672, issued to Sai Wentum, M.D., be, and it hereby is, revoked. This Order is effective September 14, 2012.

Dated: July 31, 2012

Michele M. Leonhart,

Administrator.

[FR Doc. 2012–20008 Filed 8–14–12; 8:45 am]

BILLING CODE 4410–09–P

[1] The Show Cause Order does not specifically set forth the actions allegedly taken by the Tennessee Board of Medical Examiners. *See* GX 4, at 1.