FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted on September 18, 2007, based on a complaint filed by Pass & Seymour, Inc. ("P&S") of Syracuse, New York. The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain ground fault circuit interrupters and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 5,594,398 ("the '398 patent"); RE38,293; 7,154,718 ("the '718 patent"); 7,164,564 ("the '564 patent"); 7,212,386; and 7,256,973. The complaint named various respondents, including GPG, Trimone, ELE, and ELE's distributors. The complaint and notice of investigation were subsequently amended as to the patents and claims asserted, and several initially named respondents were terminated from the investigation. U.S. Patent No. 7,283,340 ("the '340 patent") was later added to the investigation.

On March 9, 2009, the Commission terminated this investigation with a finding of violation of Section 337 by reason of infringement of one or more of claims 1, 7, and 8 of the '398 patent, claims 14, 18, and 30 of the '340 patent, claim 52 of the '718 patent, and claims 1 and 15 of the '564 patent. The Commission issued remedial orders, including a limited exclusion order ("LEO") directed, *inter alia,* toward GPG with respect to the '340 and '398 patents, toward Trimone with respect to the '340 patent, and toward ELE and ELE's distributors with respect to the '340, '398, and '564 patents. The Commission also issued cease and desist orders against ELE's distributors. Respondents GPG, Trimone, and ELE subsequently appealed the Commission's final determination of violation of Section 337 to the United States Court of Appeals for the Federal Circuit.

On August 27, 2010, the Court issued an opinion reversing the Commission's findings of infringement as to GPG and Trimone and thus, the Commission's determination of violation as to those respondents. *See General Protecht Group, Inc.* v. *ITC,* 619 F.3d 1303 (Fed. Cir. 2010), *reh'g denied,* (Fed. Cir. Dec. 14, 2010), *mandate issued* (Fed. Cir. Dec. 21, 2010). The Court also reversed the Commission's findings of infringement under the '340 patent as to ELE, thus reversing in part the Commission's determination of violation as to ELE.

On January 6, 2011, respondents GPG and Trimone (but not ELE) petitioned the Commission pursuant to Commission Rule 210.76(a)(1) (19 CFR 210.76(a)(1)) to rescind in part the LEO as to them. No responses to the petition were filed.

Having reviewed the parties' submission and considering the mandate of the Federal Circuit, the Commission has determined that the petition satisfies the requirement of Commission Rule 210.76 (a)(1) (19 CFR 210.76(a)(1)) that there be changed conditions of fact or law and that the remedial orders should be rescinded in part and modified. The Commission therefore has issued an order rescinding in part the LEO previously issued in this investigation with respect to respondents GPG and Trimone, modifying the LEO with respect to ELE and ELE's distributors, and modifying the cease and desist orders directed to ELE's distributors.

The authority for the Commission's determination is contained in Section 337(k) of the Tariff Act of 1930, as amended (19 U.S.C. 1337(k)), and in section 210.76(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.76(b)).

By order of the Commission.

Issued: March 24, 2011.

James R. Holbein,

Acting Secretary to the Commission.

[FR Doc. 2011–7412 Filed 3–29–11; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Proposed Consent Decree Under the Clean Air Act

Notice is hereby given that on March 21, 2011, a proposed Consent Decree in *United States* v. *Mariana Acquisition Corp.,* Civil Action No. CV 11–0006, was lodged with the United States District Court for the Northern Marianas Islands.

The Consent Decree in this Clean Air Act enforcement action resolves allegations by the Environmental Protection Agency, asserted in a complaint filed together with the Consent Decree, under Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for alleged environmental violations at Mariana Acquisition Corporation's bulk gasoline terminal in Saipan, Northern Marianas Islands. The violations include failing to install a vapor collection system for collecting total volatile organic compounds ("VOCs") displaced from tank trucks during product loading, as required by regulations promulgated under the New Source Performance Standards of the Clean Air Act, 42 U.S.C. 7411(b)(1)(B), and VOC emissions exceeding those permitted by the regulations. The proposed Consent Decree would require defendant to install the required vapor collection system, limit emissions of volatile organic compounds, and pay $826,000 in civil penalties to the United States.

The Department of Justice will receive comments relating to the proposed Consent Decrees for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to the matter as *United States* v. *Mariana Acquisition Corp.,* DOJ Ref. No. 90–5–2–1–09869.

The proposed Consent Decree may be examined at the following Regional Office of the United States Environmental Protection Agency: Region 9, 75 Hawthorne Street, San Francisco, California, 94105. The Consent Decree may also be examined at the Office of the United States Attorney, Sirena Plaza, Suite 500, 108 Hernan Cortez Avenue, Hagatna, Guam 96910, and also at 3rd Floor, Horiguchi Building, P.O. Box 500377, Saipan, MP 96950.

During the public comment period, the proposed agreements may also be

examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* Copies of the proposed agreements 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 e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting from the Consent Decree Library a copy of the consent decree for *United States* v. *Mariana Acquisition Corp.,* Civil Action No. CV 11–0006 (D. Northern Marianas), please enclose a check in the amount of $7.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Henry Friedman,

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

[FR Doc. 2011–7399 Filed 3–29–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 10–64]

Alfred E. Boyce, M.D.; Decision and Order

On August 12, 2010, Administrative Law Judge (ALJ) John J. Mulrooney, II, issued the attached recommended decision. The Respondent did not file exceptions to the decision.

Having reviewed the record in its entirety including the ALJ's recommended decision, I have decided to adopt the ALJ's rulings, findings of fact, conclusions of law, and recommended Order.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b) and 0.104, I order that DEA Certificate of Registration, FB0003943, issued to Alfred E. Boyce, M.D., be, and it hereby is, revoked. I further order that any pending application of Alfred E. Boyce, M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective immediately.

Dated: March 18, 2011.

Michele M. Leonhart,

Administrator.

James Hambuechen, Esq., for the Government;

Bradford M. Cohen, Esq., for the Respondent

Order Granting Government Motion for Summary Disposition and Recommended Decision

John J. Mulrooney, Administrative Law Judge. The Deputy Assistant Administrator, Drug Enforcement Administration (DEA or Government), issued an Order to Show Cause (OSC), dated May 13, 2010, proposing to revoke the DEA Certificate of Registration (COR), Number FB0003943, of Alfred E. Boyce, D.O. (Respondent), pursuant to 21 U.S.C. 824(a)(3) and (4), and deny any pending applications for renewal or modification of the COR, pursuant to 21 U.S.C. 823(f), because the Respondent's continued registration is inconsistent with the public interest as that term is used in 21 U.S.C. 823(f). In the OSC, the Government alleges that the Respondent is, *inter alia,* "without authority to handle controlled substances in the state of Florida" as grounds for revocation of Respondent's DEA registration.

On July 22, 2010, the DEA Office of Administrative Law Judges (OALJ) received two separate documents from Respondent's counsel, each dated July 19, 2010, reflecting a notice of attorney appearance and a timely [1] request for hearing.[2]

On July 27, 2010, an order issued which directed, *inter alia,* that the Government provide evidence to support its allegation that Respondent lacks state authority in the state in which he is registered with DEA to handle controlled substances. A briefing schedule was also provided in the order fixing dates for the requesting filings, any Government motions for summary judgment or termination of proceedings based thereon, and any reply thereto by the Respondent.

On July 28, 2010, the Government timely filed a document styled "Government's Motion for Stay of Proceedings and Summary Disposition" (Government's Motion) wherein it seeks relief in the form of summary disposition based on its assertion that the Respondent "is not duly authorized to possess, dispense, or otherwise handle controlled substances in the State of Florida, the jurisdiction in which the Respondent engages in the practice of medicine." Govt. Mot. at 1. Attached to the Government's Motion was a copy of an Order of Emergency Suspension of License (Emergency Suspension Order) issued by the State of Florida Department of Health (Florida DOH) on April 28, 2010. Govt. Mot. at Attach. 1 [3] (Florida DOH Order of Emergency Suspension of License dated April 28, 2010). The Emergency Suspension Order reflects the immediate suspension of the Respondent's license to practice as an osteopathic physician in the state, pending further proceedings. The Florida DOH action is not based upon pending DEA proceedings, but based upon on its own factual findings that the Respondent violated numerous Florida statutes and administrative code provisions related to the prescribing of controlled substances, and its determination that the Respondent's "continued practice as an osteopathic physician constitutes an immediate serious danger to the health, safety, or welfare of the public." *Id.* In its motion, the Government correctly contends that state authority is a necessary condition precedent for the acquisition or maintenance of a DEA registration, and the suspension of the Respondent's state practitioner's license precludes the continued maintenance of his DEA COR, thus requiring revocation. Govt. Mot. at 2; *see id.* at Attach. 1.

The Respondent filed an opposition on August 10, 2010, asserting, in essence, that the CSA does not strictly require COR revocation pursuant to 21 U.S.C. 824(a)(3) where a registrant's state license has been suspended and the registrant has lost state authorization to dispense controlled substances. The Respondent argues that sanctions provided for under the CSA that are lesser than revocation are appropriate, such as suspension of his COR,[4] or limiting the suspension or revocation of his COR only "to the particular controlled substance [] with respect to which grounds for revocation or suspension exist." 21 U.S.C. 824(b). As a mitigating basis for a sanction recommendation lesser than revocation, the Respondent points out that the cases cited by the Government in its summary disposition motion involve DEA COR revocations based on conduct other than

[1] Because the initial record contained no indication about the actual service date of the OSC or other information allowing for an evaluation of whether the Respondent's hearing request was timely made pursuant to 21 CFR 1301.43, an order issued on July 27, 2010 wherein the Government was directed to provide evidence of the date of OSC service. After review of the submissions of the parties, it appears that the Respondent's hearing request was timely filed.

[2] The Respondent's request for a hearing "*in the matter of: Department of Health* v. *Alfred Eversley Boyce, D.O., Case No. 10–3167PL*" (emphasis supplied), *i.e.* the state administrative action in Florida, that was filed on OALJ is herein deemed to constitute a sufficient request for hearing relative to these proceedings.

[3] The Government's attachment will be included in the record as Government Exhibit 1.

[4] *See* 21 U.S.C. 824(a) ("A registration * * * may be *suspended* or revoked * * *." (emphasis supplied)).