ATF utilizes the services of contract investigators to conduct security/suitability investigations on prospective or current employees, as well as those contractors and consultants doing business with ATF. Persons interviewed by contract investigators will be randomly selected to voluntarily complete a questionnaire regarding the investigator's degree of professionalism.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated that 2,500 respondents will complete a 5 minute form.

(6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 250 annual total burden hours associated with this collection.

If additional information is required contact: Lynn Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street, NE., Room 2E–808, Washington, DC 20530.

Dated: April 5, 2011.

Lynn Murray,

Department Clearance Officer, PRA, Department of Justice.

[FR Doc. 2011–8486 Filed 4–8–11; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on March 9, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), DVD Copy Control Association ("DVD CCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Behavior Tech Computer Corp., Taipei, TAIWAN; Dongguan ChuDong Electronic Technology Co., Ltd., Dongguan City, Guangdong, PEOPLE'S REPUBLIC OF CHINA; and Wistron Corporation, Taipei Hsien, TAIWAN, have been added as parties to this venture.

Also, Dongguan Qisheng Electronic Industrial Co., Ltd., Dongguan City, Guangdong, PEOPLE'S REPUBLIC OF CHINA; Global Publishing Inc., Fremont, CA; Inventec Corporation, Taipei, TAIWAN; and Marvell International Ltd., Hamilton, BERMUDA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on December 9, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act January 10, 2011 (76 FR 1460).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2011–8366 Filed 4–8–11; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Layfe Robert Anthony, M.D.; Denial of Application

On December 3, 2009, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Layfe Robert Anthony, M.D. (Respondent), of Salt Lake City, Utah. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration, BA8835449, and the denial of any pending applications to renew or modify the registration, on the ground that because of actions taken by the Utah Division of Occupational and Professional Licensing, he lacks "authority to practice medicine or handle controlled substances in the State of Utah," the State in which he is registered. Show Cause Order at 1 (citing 21 U.S.C. 824(a)(3)). The Show Cause Order also notified Respondent of his right to request a hearing or to submit a written statement in lieu of a hearing, the procedures for doing so, and the consequences for his failing to do so. *Id.* at 2 (citing 21 CFR 1301.43 & 1316.47).

On December 14, 2009, the Show Cause Order was served on Respondent by certified mail addressed to him at his registered location. Since that date, more than thirty days have passed and neither Respondent, nor anyone purporting to represent him, has requested a hearing or submitted a written statement. 21 CFR 1301.43(b) & (c). Accordingly, I conclude that Respondent has waived his right to a hearing and issue this Final Order based on the evidence contained in the investigative record. 21 CFR 1301.43(d) & (e).

Respondent held DEA registration, BA8835449, which authorized him to dispense controlled substances in schedules II through V as a practitioner. According to the Agency's registration records, Respondent's registration expired on June 30, 2007, and Respondent did not submit his renewal application until July 2, 2007. Moreover, the Agency did not automatically renew his registration.

Under 5 U.S.C. 558(c), "[w]hen the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency." Based on this provision, the Government maintains that his registration has continued in effect.[1] It has not. However, an application remains pending before the Agency.

On January 28, 2009, the Utah Department of Commerce, Division of Occupational and Professional Licensing (DOPL), revoked his "licenses to practice as a physician/surgeon and to administer and prescribe controlled substances." Order, *In re Layfe Robert Anthony, M.D.,* No. DOPL–OSC–2001–70 (Utah Div. Occ. & Prof. Lic. Jan. 28, 2009).[2] Accordingly, Respondent lacks

[1] The Government did not explain the basis for its position that an application filed after a registration expires is nonetheless timely.

[2] The Order was based on a recommended decision of a three-member panel designated by the Director of the DOPL to act as the presiding officer in the proceeding. The panel's findings included, *inter alia,* that: 1) Respondent had "stored controlled substances [Versed and Provigil] * * * in his personal vehicle," as well as "41 prescription pads which contained multiple blank prescriptions that had been presigned by other physicians" at a clinic he was no longer affiliated with, *id.* at 9, 11–12, 16–17; that he had failed to comply with a previous state order that he "submit a triplicate copy" of a controlled substance prescription (for testosterone, a schedule III steroid) for review by the Division, *id.* at 21–22; that he had committed unprofessional conduct when he advised A.S. to administer to her son a controlled substance (Klonopin) which he had prescribed to her, *id.* at 21, 23–24; and that he had violated section 58–37–6(7)(o) of the Utah Controlled Substances Act by

authority to dispense controlled substances in Utah, the State in which he holds his DEA registration.

The Controlled Substances Act defines the "[t]he term 'practitioner' [to] mean[] a physician * * * licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practice * * * to distribute, dispense, [or] administer * * * a controlled substance in the course of professional practice or research." 21 U.S.C. 802(21). Moreover, under 21 U.S.C. 823(f), "[t]he Attorney General shall register practitioners * * * to dispense * * * controlled substances * * * if the applicant is authorized to dispense * * * controlled substances under the laws of the State in which he practices." DEA has therefore repeatedly held that holding state authority is an essential requirement for obtaining a registration and maintaining an existing one. *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); *see also* 21 U.S.C. 824(a)(3) (authorizing revocation "upon a finding that the registrant * * * has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the * * * dispensing of controlled substances").

As the Final Order of the Utah DOPL makes clear, Respondent does not possess authority under Utah law to dispense controlled substances. Because he does not meet this requirement, his application will be denied. *See* 21 U.S.C. 823(f).

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b) & 0.104, I order that the application of Layfe Robert Anthony, M.D., for a DEA Certificate of Registration as a practitioner be, and it hereby is, denied. This Order is effective May 11, 2011.

Dated: April 1, 2011.

Michele M. Leonhart,

Administrator.

[FR Doc. 2011–8535 Filed 4–8–11; 8:45 am]

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issuing controlled substance prescriptions "on forms which falsely identified his address." *Id.* at 21 & 24.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 07–20]

Mark De La Lama, P.A.; Denial of Application

On January 16, 2007, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Mark De La Lama (Respondent), of Phoenix, Arizona. The Show Cause Order proposed the denial of Respondent's application for a DEA Certificate of Registration as a mid-level practitioner (*i.e.,* physician assistant) on various grounds.

Specifically, the Show Cause Order made four major allegations against Respondent. First, the Order alleged that Respondent's former DEA registration had expired on June 30, 2003, but that Respondent had continued writing prescriptions for controlled substances after that date. ALJ Ex. 1, at 1 & 3. Next, noting that as a condition of his initial registration Respondent had entered into a Memorandum of Agreement (MOA) with the Agency, the Order alleged that Respondent had violated the MOA in two ways: First, by failing to produce the log of his controlled substance prescriptions which he was required to maintain when DEA Diversion Investigators (DIs) visited his practice premises on April 13, 2005, and; second, by failing to report two changes of his practice location. *Id.* at 1, 2–3. Finally, the Order alleged that on November 21, 2004, Respondent submitted a new application for a registration which he falsified by failing to disclose his April 1992 and October 1994 felony convictions for offenses related to controlled substances, as well as the existence of the MOA. *Id.* at 3.

Respondent, through his counsel, requested a hearing. The matter was assigned to a DEA Administrative Law Judge (ALJ), who conducted a hearing on January 16, 2008, in Phoenix, Arizona. ALJ at 2. Both parties called witnesses to testify and introduced documentary evidence into the record. Following the hearing, both parties filed briefs containing their proposed findings of fact, conclusions of law and argument. *Id.*

On April 2, 2009, the ALJ issued her Recommended Decision. Therein, the ALJ concluded that Respondent "knowingly issued prescriptions for controlled substances using an expired DEA registration number over a span of nearly two years" but that the "lack of evidence that Respondent issued prescriptions for other than a legitimate purpose * * * weigh[s] in favor of a finding that Respondent's registration would not be inconsistent with the public interest." *Id.* at 26.

The ALJ also found that Respondent's conviction record for two felonies under Arizona law involving controlled substances weighed "in favor of a finding that Respondent's registration would be inconsistent with the public interest." *Id.* at 27. Based on his failure to disclose these two felonies on his November 21, 2004 application, the ALJ further found that Respondent materially falsified his application but concluded that his conduct was only negligent because an office manager had completed the form for him. *Id.* at 28–29. The ALJ credited "Respondent's testimony and * * * his expressions of regret and recognition of his wrongdoing on this specific point, and * * * therefore conclude[d] that his material falsification in the 2004 application [did] not warrant denying his application." *Id.* at 30.

Next, the ALJ found "that Respondent failed to adhere to certain requirements contained" in a Memorandum of Agreement (MOA) which he was required to enter into with the Agency as a condition of obtaining a registration. *Id.* More specifically, Respondent "failed to maintain a log of all controlled substances that he prescribed as of the date of the April 2005 site visit" and he failed to notify the Agency of his changes in the location of his practice address. *Id.* 30–31. The ALJ also found, however, that Respondent "equally accepts responsibility for what went wrong[ ] and has demonstrated a commitment to cooperate with DEA in the future." *Id.* at 32. Moreover, while the ALJ noted that Respondent had been convicted (in 1985) in Thailand of possession and attempted smuggling of marijuana, as well as a more recent conviction for driving under the influence, the ALJ also noted that Respondent was then practicing "at a clinic that serves a primarily underserved and underinsured population" and that this is "an appropriate consideration in determining whether [his] application * * * should be granted." *Id.* at 33.

Based on his multiple convictions for controlled substances offenses and his "considerable difficulty [in] adhering to some of the requirements of the" MOA, the ALJ concluded that the Agency had "made out a prima facie case for denying [Respondent's] application." *Id.* The ALJ reasoned, however, that "[d]espite his criminal convictions involving controlled substances in the 1990s, Respondent appears to have put that period of his life behind him." *Id.* at 34.