Total Annual Burden for All Respondents: 3,402.

Title: 30 CFR part 780—Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan.

OMB Control Number: 1029–0036.

Summary: Sections 507(b), 508(a), 510(b), 515(b), and (d), and 522 of Public Law 95–87 require applicants to submit operations and reclamation plans for coal mining activities. Information collection is needed to determine whether the plans will achieve the reclamation and environmental protections pursuant to the Surface Mining Control and Reclamation Act. Without this information, Federal and State regulatory authorities cannot review and approve permit application requests.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Applicants for surface coal mine permits on Federal lands, and State Regulatory Authorities.

Total Annual Responses: 505.

Total Annual Burden Hours for Applicants: 146,376.

Total Annual Burden Hours for States: 88,752.

Total Annual Burden for All Respondents: 235,128.

Total Annual Burden Costs for All Respondents: $2,258,045.

Dated: June 1, 2005.

Stephen C. Parsons,

Acting Chief, Division of Regulatory Support.

[FR Doc. 05–11294 Filed 6–6–05; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–511]

In the Matter of Certain Pet Food Treats; Issuance of a Limited Exclusion Order Against a Respondent Found in Default; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order against a respondent found in default in the above-captioned investigation and has terminated the investigation.

FOR FURTHER INFORMATION CONTACT: Michelle Walters, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–5468. 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 (*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 patent-based section 337 investigation was instituted by the Commission based on a complaint filed by complainants, Thomas J. Baumgartner and Hillbilly Smokehouse, Inc., both of Rogers, Arkansas. 69 FR 32044 (June 8, 2004). The complainants alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain pet food treats by reason of infringement of United States Design Patent No. 383,866 (the ''866 patent''). The amended complaint named six respondents, including TsingTao ShengRong Seafood, Inc. of China (''TsingTao China''). The Commission has terminated the investigation as to the five other respondents based on findings of non-infringement, failure to prosecute, or settlement agreements. No petitions for review of the ALJ's Initial Determinations (''IDs'') were filed.

On August 19, 2004, complainants filed a motion for an order directed to several respondents, including TsingTao China, to show cause why they should not be found in default for failing to respond to the complaint and notice of investigation. TsingTao China did not file a response to complainants' motion. On October 4, 2004, the ALJ issued an order (Order No. 6) requiring TsingTao China to show cause why it should not be found in default. TsingTao China did not respond to the show cause order. On November 10, 2004, the ALJ issued an ID (Order No. 8), which was not reviewed by the Commission, finding respondent TsingTao China in default. On November 22, 2004, the complainants filed a motion for immediate relief against TsingTao China based on the '866 patent.

On April 13, 2005, the Commission issued a notice indicating (1) that it had determined not to review the ALJ's ID granting the Commission investigative attorney's (''IA'') motion for summary determination of no violation because of noninfringement of the '866 patent by Pet Center, Inc., and (2) that it was terminating the investigation as to the last respondent, Pet Center. 70 FR 20596 (April 20, 2005). The Commission also requested briefing on the issues of remedy, the public interest, and bonding relating to the default finding of unlawful importation and sale of infringing products by TsingTao China. *Id.* The IA submitted his brief on remedy, the public interest, and bonding and his proposed order on April 25, 2005. The complainants did not submit a brief or a proposed order and the respondent did not file a reply submission.

The Commission found that each of the statutory requirements of section 337(g)(1)(A)–(E), 19 U.S.C. 1337(g)(1)(A)–(E), has been met with respect to defaulting respondent TsingTao China. Accordingly, pursuant to section 337(g)(1), 19 U.S.C. 1337(g)(1), and Commission rule 210.16(c) 19 CFR 210.16(c), the Commission presumed the facts alleged in the amended complaint to be true. The Commission determined that the appropriate form of relief in this investigation is a limited exclusion order prohibiting the unlicensed entry of pet food treats covered by the '866 patent that are manufactured abroad by or on behalf of, or imported by or on behalf of, TsingTao China or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns. The Commission further determined that the public interest factors enumerated in section 337(g)(1), 19 U.S.C. 1337(g)(1), do not preclude issuance of the limited exclusion order. Finally, the Commission determined that the amount of bond to permit temporary importation during the Presidential review period shall be in the amount of 100 percent of the entered value of the infringing imported pet food treats. The Commission's order was delivered to the President on the day of its issuance.

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 section 210.16(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.16(c)).

Issued: June 1, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–11215 Filed 6–6–05; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 05–2]

Stuart A. Bergman, M.D., Revocation of Registration

On September 16, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Stuart A. Bergman, M.D., (Respondent) of San Antonio, Texas, notifiying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BB0187953 as a practitioner pursuant to 21 U.S.C. 824(a)(3) and (4), and deny any pending applications for renewal or modification of that registration pursuant to 21 U.S.C. 823(f).

As a basis for revocation, the Order to Show Cause alleged, in sum, that Respondent's Texas medical license had been temporarily suspended and he did not have authority to handle controlled substances in that state; that he issued prescriptions to a physician's assistant for non-therapeutic resaons and failed to keep medical records on that individual; that he failed to respond to inquiries from pharmacies and the Texas State Board of Medical Examiners (Texas Board) about those prescriptions; that he left threatening voicemails for a staff attorney from the Texas Board; and that he purchased excessive quantities of controlled substances and told investigators he distributed them to family members without keeping medical charts on those individuals.

Respondent, through counsel, timely requested a hearing in this matter and Presiding Administrative Law Judge Mary Ellen Bittner (Judge Bittner) issued an Order for Prehearing Statements. On November 17, 2004, in lieu of filing a prehearing statement, the Government filed its Motion for Summary Disposition and Motion to Stay the Filing of Prehearing Statements (Motion). In its Motion the Government asserted the Texas Board had temporarily suspended Respondent's license to practice medicine, effective July 27, 2004, and that he was no longer authorized to handle controlled substances in Texas, where he is registered with DEA. As a result, the Government argued that further proceedings in this matter were not required. Attched to the Government's Motion was a copy of the Texas Board's Order Granting Temporary Suspension, temporarily suspending Respondent's medical license, effective July 27, 2004, until such time as that action was superseded by a subsequent order of the Board.

On November 18, 2004, Judge Bittner issued a Memorandum to Counsel providing Respondent until December 6, 2004, to respond to the Government's Motion. Respondent filed an opposition and an amended opposition to the Government's Motion and on December 17, 2004, his counsel requested that Judge Bittner delay her ruling on the Government's Motion until after February 2, 2005, when a hearing was scheduled before the Texas Board, which could impact the suspension status of his license. Over the Government's objections, Judge Bittner granted Respondent a delay until March 1, 2005, in order to file documentation showing he was then-authorized to handle controlled substances in Texas.

On March 1, 2005, Respondent filed an Advisory Memorandum with the Administrative Law Judge. In that document he did not claim his Texas medical license had been reinstated. However he asserted that during the February 2nd hearing, the Texas Board had offered to return his license, subject to certain conditions. However, Respondent claimed that when he received the draft Agreed Order, he would not sign it, as he felt it contained findings and conditions to which he had not agreed. Because he did not sign the Agreed Order, the matter would be proceeding to a formal disciplinary hearing and Respondent asked Judge Bittner to ''temporarily suspend'' his DEA registration until the Texas Board had rendered its final decision.

On March 8, 2005, Judge Bittner issued her Opinion and Recommended Decision of the Administrative Law Judge (Opinion and Recommended Decision). As part of her recommended ruling, Judge Bittner denied Respondent's request to temporarily suspend his registration and granted the Government's Motion for Summary Disposition, finding Respondent lacked authorization to handle controlled substances in Texas, the state in which he is registered with DEA and recommending that Respondent's DEA Certificate of Registration be revoked and any pending applications denied.

No exceptions were filed by either party to Judge Bittner's Opinion and Recommended Decision and on April 14, 2005, the record of these proceedings was transmitted to the Office of the DEA Deputy Administrator.

The Deputy Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues her final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Deputy Administrator finds that Respondent holds DEA Certificate of Registration BB0187953 as a practitioner. The Deputy Administrator further finds that effective July 27, 2004, Respondent's license to practice medicine in Texas was temporarily suspended after the Texas Board concluded ''Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.'' That action was based primarily upon facts similar to those alleged in DEA's Order to Show Cause and there is no evidence that the temporary suspension has been set aside, stayed or modified.

The Deputy Administrator therefore finds Respondent is currently not licensed to practice medicine in Texas and lacks authorization to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See* Stephen J. Graham, M.D., 69 FR 11,661 (2004), Dominick A. Ricci, M.D., 58 FR 51,104 (1993); Bobby Watts, M.D., 53 FR 11,919 (1988). Denial or revocation is also appropriate when a state license has been suspended, but with the possibiity of future reinstatement. *See* Paramabaloth Edwin, M.D., 69 FR 58,540 (2004); Alton E. Ingram, Jr., M.D., 69 FR 22,562 (2004); Anne Lazar Thorn, M.D., 62 FR 847 (1997).

Here, it is clear Respondent is not currently licensed to handle controlled substances in Texas, the jurisdiction in which he is registered with DEA. Therefore, he is not entitled to registration in that state.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BB0187953, issued to Stuart A. Bergman, M.D., be, and it hereby is, revoked. The Deputy