

The last notification was filed with the Department on June 2, 2008. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 11, 2008 (73 FR 39987).

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

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BILLING CODE 4410-11-M

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—International Electronics Manufacturing Initiative

Notice is hereby given that, on November 4, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (“the Act”), International Electronics Manufacturing Initiative (“iNEMI”) 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, ASSET InterTech, Inc., Richardson, TX; Corelis, Cerritos, CA; Dell, Inc., Round Rock, TX; Doosan Corp. ElectroMaterials BG, Kyunggi-do, REPUBLIC OF KOREA; Elite Material Co., Ltd., Tao-Yuan Hsien, TAIWAN; Industrial Technology Research Institute (ITRI), Hsinchu, TAIWAN; IST-Integrated Service Technology, Inc., Hsinchu City, TAIWAN; ITEQ Corporation, Taoyuan Hsien, TAIWAN; and Nan Ya Plastics Corporation, Taipei, TAIWAN have been added as parties to this venture.

Also, Analogic, Peabody, MA; Kester, Des Plaines, IL; Parametric Technology Corporation (PTC), Needham, MA; E2open, Redwood City, CA; Dassault Systems, Lowell, MA; and UGS, Milford, MA have withdrawn as parties to this venture.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 iNEMI intends to file additional written notifications disclosing all changes in membership.

On June 6, 1996, iNEMI 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 June 28, 1996 (61 FR 33774).

The last notification was filed with the Department on December 27, 2007. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 11, 2008 (73 FR 7762).

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—OPENSAT Foundation

Notice is hereby given that, on November 6, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), OpenSAF Foundation 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, ENEA AB, Chandler, AZ has been added as a party 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 OpenSAF Foundation intends to file additional written notifications disclosing all changes in membership.

On April 8, 2008, OpenSAF Foundation 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 May 16, 2008 (73 FR 28508).

The last notification was filed with the Department on June 6, 2008. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 21, 2008 (73 FR 42367).

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on November 3, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), PXI Systems Alliance, Inc., 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, Beijing Control Industrial Computer Corp., Beijing, People’s Republic of China; Elektrobit Austria GmbH, Vienna, Austria; and LeCroy Corporation, Chestnut Ridge, NY, have been added 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 PXI Systems Alliance, Inc., intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems Alliance, Inc., 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 March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on August 20, 2008. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 18, 2008 (73 FR 54169).

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Semiconductor Test Consortium, Inc.

Notice is hereby given that, on November 3, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993,

15 U.S.C. 4301 *et seq.* ("the Act"), Semiconductor Test Consortium, Inc. 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, Aeroflex Test Solutions, Stevenage, Hertfordshire, United Kingdom; and Geotest-Marvin Test Systems, Irvine, CA have been added as parties to this venture. Also, Stefan Thurmaier (individual member), Bad Aibling, Germany; Macquaire Electronics, Inc., San Diego, CA; and Billy Antheunisse (individual member), Dallas, TX 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 Semiconductor Test Consortium, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 27, 2003, Semiconductor Test Consortium, Inc. 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 June 17, 2003 (68 FR 35913).

The last notification was filed with the Department on August 20, 2008. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 18, 2008 (73 FR 54169)

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. E8-29293 Filed 12-11-08; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 08-35]

#### Hicham K. Riba, D.D.S.; Revocation of Registration

On February 1, 2008, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Hicham K. Riba, D.D.S. (Respondent), of Chicago, Illinois. The Show Cause Order proposed the

revocation of Respondent's DEA Certificate of Registration, BR5325091, as a practitioner, on the ground that "as a result of [disciplinary] action by the Illinois Department of Financial and Professional Regulation," Respondent is "currently without authority to handle controlled substances in \* \* \* Illinois, the [S]tate in which [he is] registered with DEA," and is therefore not entitled to maintain his registration. Show Cause Order at 1.

Respondent requested a hearing on the allegation; the matter was assigned to Administrative Law Judge (ALJ) Mary Ellen Bittner. Thereafter, the Government moved for summary disposition and to stay further proceedings. Motion for Sum. Disp. at 1-2. The basis for the Government's motion was that on September 29, 2006, the Illinois Department of Professional Regulation suspended Respondent's dental license "due to gross malpractice, professional incompetence, and dishonorable, unethical or unprofessional conduct." *Id.* at 1. Because Respondent lacks authority under Illinois law to dispense controlled substances and was therefore without authority to hold a DEA registration in Illinois, the Government maintained that his registration must be revoked. *Id.* at 1-2.

Respondent opposed the Government's motion. Respondent contended that he was denied a fair hearing in the state proceeding because a member of the Illinois House of Representatives had written the Director of the Illinois Department of Financial and Professional Regulation and urged that Respondent "should never have his dental license re-instated," and "that this Dentist [should] never be allowed to practice in the State of Illinois \* \* \* again." Response to Mot. for Sum. Disp. at 1. Respondent further argued that the letter was an improper *ex parte* communication, which was not made a part of the record as required by state law and which was not disclosed until the Director issued the final decision in the case, in which he rejected the recommendation of the state board that a lesser sanction be imposed. *Id.* at 1-2. Respondent further noted other cases in which dentists who had committed similar acts had received less harsh sanctions and contends that there is "a reasonable inference that the Director was improperly influenced by the *ex parte* communication and that the [state] proceeding \* \* \* was not fair." *Id.* at 3. Finally, Respondent maintained that the authorities cited by the Government in support of its motion were distinguishable because "those cases did not discuss the issue of

improper *ex parte* communication having prejudiced the proceeding of the state licensing agency." *Id.* at 4.<sup>1</sup>

The ALJ was not persuaded. The ALJ noted that there was no dispute that Respondent was without authority to dispense controlled substances in Illinois, and that under agency precedent, he was not entitled to a stay of this proceeding during the pendency of his appeal of the state proceeding. ALJ Dec. at 3-4 (citing *Wingfield Drugs, Inc.*, 52 FR 27,070, 27,071 (1987)). The ALJ thus concluded that further delay in ruling on the Government's motion was unwarranted, granted the Government's motion for summary disposition, and recommended that Respondent's registration be revoked and that "any pending applications be denied." *Id.* at 4-5. The record was then forwarded to me for final agency action.

Thereafter, Respondent filed exceptions to the ALJ's decision. Respondent's principal argument is that the ALJ's decision was overly broad because it recommended the denial of any pending applications and thus "goes beyond the scope of this proceeding" because he had moved to Tennessee and "was granted a license to practice dentistry in" that State. Resp. Exceptions at 2-3.

Having considered the entire record in this matter, including Respondent's exceptions, I adopt the ALJ's decision in its entirety. I find that Respondent currently holds DEA Certificate of Registration, BR5325091, which authorizes him to dispense controlled substances in schedules II through V as a practitioner, at the registered location of Little Angel Dental Clinic, 3915 W. 26th Street, Chicago, Illinois. Respondent's registration does not expire until April 30, 2009.

I further find that on September 29, 2006, the Illinois Division of Professional Regulation suspended Respondent's state dental license "due to gross malpractice, professional incompetence, and dishonorable, unethical or unprofessional conduct." Exh. A. to Gov. Motion for Summary Disp. Moreover, I take official notice of the online records of the Illinois Division of Professional Regulation, which indicate that both Respondent's state dental license and his controlled substance license remain suspended.<sup>2</sup>

<sup>1</sup> Respondent further asserted that the proceeding should be stayed pending the resolution of his state appeal.

<sup>2</sup> An agency "may take official notice of facts at any stage in a proceeding—even in the final decision." U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947). In accordance with the Administrative