

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Inc., Fremont, CA; Inventec Corporation, Taipei, TAIWAN; and Marvell International Ltd., Hamilton, BERMUDA, have withdrawn as parties to this venture.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, 2011, 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, 2011 (76 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