

By order of the Commission.

Issued: May 3, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-09230 Filed 5-5-17; 8:45 am]

BILLING CODE 7020-02-P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting; amended.

SUMMARY: Notice published in the **Federal Register** on April 11, 2017, 82 FR 17447, provided that a closed meeting of the Advisory Committee on Actuarial Examinations would be held on April 28, 2017, from 8:30 a.m. to 5:00 p.m. at Willis Towers Watson, 2901 North Central Avenue, Suite 1100, Phoenix, AZ 85012-2731. However, due to budgetary restrictions precluding travel, the closed meeting of the Advisory Committee on Actuarial Examinations on April 28, 2017, was held by teleconference from 9 a.m. to 5 p.m. (EDT), rather than at the time and location provided in the notice of April 11, 2017. Because the circumstances necessitating the changes to the meeting were beyond the control of the Joint Board for the Enrollment of Actuaries, it was unable to provide public notification about the changes, as required by 41 CFR 102-3.150(a).

FOR FURTHER INFORMATION CONTACT: Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, 703-414-2163.

Dated: April 28, 2017.

Chet Andrzejewski,

Chair, Joint Board for the Enrollment of Actuaries.

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0020]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Firearms Transaction Record/Registro de Transacción de Armas (ATF Form 4473 (5300.9))

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 1140-0020 (Firearms Transaction Record (ATF Form 4473 (5300.9)) is being revised to make available a Spanish version (Registro de Transacción de Armas) as a courtesy to Federal firearms licensees with clientele for whom Spanish is their native language. The proposed information collection is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until July 7, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Helen Koppe, Program Manager, ATF Firearms & Explosives Industry Division either by mail at 99 New York Avenue NE., Washington, DC 20226, or by email at FederalRegisterNoticeATFF4473@atf.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;
 —Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
 —Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
 —Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

- Type of Information Collection (check justification or form 83):* Revision of a currently approved collection.
- The Title of the Form/Collection:* Firearms Transaction Record/Registro de Transacción de Armas.
- The agency form number, if any, and the applicable component of the Department sponsoring the collection:*
Form number (if applicable): ATF Form 4473 (5300.9).
Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.
- Affected public who will be asked or required to respond, as well as a brief abstract:*
Primary: Individuals or households.
Other (if applicable): Business or other for-profit.
Abstract: The information and certification on the Form 4473 are designed so that a person licensed under 18 U.S.C. 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A. It also alerts buyers to certain restrictions on the receipt and possession of firearms.
- An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: An estimated 18,275,240 respondents will utilize the form, and it will take each respondent approximately 30 minutes to complete the form.
- An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 9,137,620, which is equal to (18,275,240

(total number of respondents) * .5 (30 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: May 3, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017-09213 Filed 5-5-17; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 17-12]

Judson J. Somerville, M.D.; Decision and Order

On October 20, 2016, the Assistant Administrator, Division of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Judson J. Somerville, M.D. (Respondent), of Laredo, Texas. The Show Cause Order proposed the revocation of Respondent's Certificates of Registration, on the ground that he "do[es] not have authority to handle controlled substances in Texas, the [S]tate in which [he is] registered with the" Agency. Show Cause Order, at 1 (citing 21 U.S.C. 824(a)(3)).

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Respondent is registered as a practitioner in schedules II through V, pursuant to Certificate of Registration No. BS3909718, at the address of Saguaro Anesthesia Associates, d/b/a The Pain Clinic, 9114 McPherson Road, Suite 2508, Laredo, Texas.¹ *Id.* The Show Cause Order alleged that this registration expires on February 28, 2018. *Id.* The Order also alleged that Respondent is registered as a practitioner in schedules II through V, pursuant to Certificate of Registration No. FS3571660, at the address of 4646 Corona Drive, Corpus Christi, Texas. *Id.* at 2. The Show Cause Order alleged that this registration expires on February 28, 2019. *Id.*

As to the substantive ground for the proceeding, the Show Cause Order alleged that on October 6, 2016, the

Texas Medical Board entered an Order of Temporary Suspension suspending Respondent's Texas Medical License effective the same day, "which 'shall remain in effect until it is superseded by a subsequent Order of the Board,'" and that this "order prohibits [him] from practicing medicine in the State of Texas." *Id.* The Order then alleged that "[d]ue to the Order and under state law, [Respondent] lack[s] authority to handle controlled substances in Texas, the [S]tate in which [he is] registered" and this "constitutes grounds to revoke [his] [r]egistration." *Id.* (citing 21 U.S.C. 802(21) and 824(a)(3)) (other citations omitted).²

Following service of the Show Cause Order, Respondent requested a hearing on the allegations. The matter was placed on the docket of the Office of Administrative Law Judges and assigned to Chief Administrative Law Judge John J. Mulrooney, II (hereinafter, CALJ). On November 22, 2016, the CALJ ordered the Government to submit evidence to support the allegation and any motion for summary disposition no later than December 7, 2016. *See* Order Directing the Filing of Government Evidence of Lack of State Authority Allegation and Briefing Schedule, at 1. In the order, the ALJ also directed Respondent to file a response to any motion for summary disposition no later than December 21, 2016. *Id.*

On December 2, 2016, the Government filed its Motion for Summary Disposition. Therein, it argued that it is undisputed that based on the Texas Medical Board's October 6, 2016 Order of Temporary Suspension, Respondent is prohibited from practicing medicine in the State of Texas and that his license remains suspended as of the date of its Motion. Gov. Motion, at 5. The Government further argued "that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engaged in professional practice is a fundamental condition for both obtaining and maintaining a practitioner's registration," and that under the Agency's precedents, revocation is warranted even where a State has invoked summary process to suspend a practitioner's state authority and has yet to provide the practitioner with a

² The Show Cause Order also notified Respondent of his right to request a hearing or to submit a written statement while waiving his right to a hearing, the procedure for electing either option, and the consequence of failing to elect either option. Show Cause Order, at 3 (citing 21 CFR 1301.43). Also, the Show Cause Order notified Respondent of his right to submit a Corrective Action Plan and the procedures for doing so. *Id.* (citing 21 U.S.C. 824(c)(2)(C)).

hearing where he may prevail. Mot. for Summ. Disp., at 3-7 (citations omitted). As support for its motion, the Government attached a copy of the Medical Board's Order of Temporary Suspension and a printout from the Medical Board's Web site showing that his license status was "SUSPENDED, ACTIVE." *Id.* at GXs C & D.

Respondent did not dispute that his medical license has been suspended by the Texas Board. Resp.'s Reply to Gov. Mot. for Summ. Disp., at 1. Instead, he argued that the Board's Order cannot "serve as a predicate for summary disposition" because the Order is not a "permanent action[] of the Board" and is "not valid until and unless the matters in the . . . order[] are brought before a panel of the Medical Board for an 'Informal Settlement Conference' and if not resolved at the . . . conference, [a] formal adjudication[] . . . which must be initiated as soon as possible." *Id.* at 1-2. Respondent argued that the Medical Board has acted in violation of Texas law by exempting itself from the requirement that it initiate proceedings within 30 days from the date of the issuance of a summary suspension order. *Id.* at 2-3. He further argued that subsequent to the issuance of the Board's Order, there has been no settlement conference and the Board did not commence formal administrative proceedings either within the 30 day period or "'as soon as practicable' as mandated by Texas" law. *Id.* at 4. Respondent thus maintains that the Government's Motion is based on the illegal actions of the Board. *Id.* Respondent requested that the CALJ deny the Government's Motion and "hold in abeyance any decision on the Government's application until the proper exhaustion of administrative and judicial channels takes place in Texas." *Id.* at 5.

The CALJ rejected Respondent's contentions, noting that "the Controlled Substances Act (CSA) requires that, in order to obtain or maintain a DEA registration, a practitioner must be authorized to handle controlled substances in the State in which he practices." R.D. at 3-4 (citing 21 U.S.C. 823(f) and 802(21) (quotations omitted)). While he was "not unmindful of Respondent's arguments regarding the legality of the Board's actions," the CALJ explained that "it is not within this tribunal's authority to evaluate the lawfulness of the basis of a registrant's lack of state authority, and the validity of other entities' actions is not what is at issue in these proceedings." *Id.* at 4. The CALJ then explained that the "disposition of the Government's Motion is wholly dependent upon the

¹ In the Show Cause Order, the Government listed the number of this registration as BP3909718. Show Cause Order, at 1. However, on December 2, 2016, the Government notified the CALJ that the correct number was BS3909718. *See* Gov. Notice of Correction for the Order to Show Cause, at 1.