materially retarded, by reason of imports from China and Korea of diamond sawblades and parts thereof, provided for in subheading 8202.39.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).[2] thnsp;[3]

Background

The Commission instituted these investigations effective May 3, 2005, following receipt of a petition filed with the Commission and Commerce by the Diamond Sawblade Manufacturers' Coalition (''DSMC'') and its individual members: Blackhawk Diamond, Inc., Fullerton, CA;[4] Diamond B, Inc., Santa Fe Springs, CA; Diamond Products, Elyria, OH; Dixie Diamond, Lilburn, GA; Hoffman Diamond, Punxsutawney, PA; Hyde Manufacturing, Southbridge, MA; Sanders Saws, Honey Brook, PA; Terra Diamond, Salt Lake City, UT; and Western Saw, Inc., Oxnard, CA. The final phase of the investigations was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of diamond sawblades and parts thereof from China and Korea were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 20, 2006 (71 FR 3324). The hearing was held in Washington, DC, on May 16, 2006, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on July 5, 2006. The views of the Commission are contained in USITC Publication 3862 (July 2006), entitled *Diamond Products and Parts Thereof from China and Korea: Investigation Nos. 731–TA–1092 and 1093 (Final).*

By order of the Commission.

Issued: July 5, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E6–10839 Filed 7–10–06; 8:45 am]

BILLING CODE 7020–02–P

[2] Vice Chairman Shara L. Aranoff and Commissioner Jennifer A. Hillman dissenting.

[3] When packaged together as a set for retail sale with an item that is separately classified under headings 8202 to 8205 of the HTS, diamond sawblades or parts thereof may be imported under HTS heading 8206.

[4] Blackhawk Diamond ceased operations in January 2006.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

William G. Hamilton, Jr., M.D.; Revocation of Registration

Procedural History

On July 23, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to William G. Hamilton, M.D. (Respondent), which proposed to revoke his DEA Certificate of Registration AH8873588, as a practitioner, *see* 21 U.S.C. 824(a)(3), and to deny any pending applications for renewal or modification. *See* 21 U.S.C. 823(f). As grounds for the proceeding, the Show Cause Order alleged that on March 3, 2004, the Medical Board of California had suspended Respondent's state medical license and that Respondent was without state authorization to handle controlled substances in that state. The Show Cause Order notified Dr. Hamilton that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

On July 28, 2004, the Show Cause Order was sent by certified mail to Respondent at his home address in San Diego, California. However, the letter went unclaimed. On November 23, 2004, the Show Cause Order was sent via regular mail to Respondent at the same address, and on December 13, 2004, a DEA Diversion Investigator personally served him with the Order. At the time of personal service, Respondent acknowledged that he had received the Show Cause Order that was mailed to him on November 23, 2004. Subsequently, DEA has not received a request for a hearing or any other reply from Respondent or anyone purporting to represent him in this matter.

Therefore, finding that: (1) Thirty days have passed since the delivery of the Order To Show Cause to Respondent; and that (2) no request for a hearing has been received, I conclude that Respondent has waived his hearing right. *See James E. Thomas, M.D.*, 70 FR 3,564 (2005); *Steven A. Barnes, M.D.*, 69 FR 51,474 (2004); *David W. Linder*, 67 FR 12,579 (2002). After considering material from the investigative file in this matter, this final order is entered without a hearing pursuant to 21 CFR 1301.43(d) & (e), and § 1301.46.

Discussion

I find that Respondent is currently registered with DEA as a practitioner authorized to handle controlled substances in Schedules III through V under Certificate of Registration AH8873588, with an expiration date of October 31, 2005. Respondent's registration, however, has remained in effect during these proceedings.

According to information in the investigative file, on March 3, 2004, a California State Administrative Law Judge (ALJ) issued an Order, which immediately suspended Respondent's Physician and Surgeon's Certificate. The suspension was based, in part, on the ALJ's finding that Respondent was unable to safely practice medicine due to a mental or physical condition. Since then, I have become aware of further proceedings involving Respondent's state medical license.

It has long been recognized that ''[a]gencies 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) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Therefore, pursuant to 5 U.S.C. 556(e) and 21 CFR 1316.59(e), I hereby take official notice of the fact that on May 12, 2005, the State of California revoked Respondent's medical license.[1]

Respondent has submitted no evidence showing that the State's revocation order has been stayed or vacated. Therefore, I find that Respondent is currently not authorized to practice medicine in the State of California, and that he is also without 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 practices medicine. *See* 21 U.S.C. 802(21), 823(f), & 824(a)(3). This prerequisite has been consistently

[1] In accordance with the Administrative Procedure Act and DEA's regulations, Respondent is ''entitled on timely request, to an opportunity to show to the contrary.'' 5 U.S.C. 556(e). *See also* 21 CFR 1316.59(e). DEA's regulations contain no provision for requesting reconsideration of a final order. *See Robert A. Leslie, M.D.*, 60 FR 14004, 14005 (1995). To allow Respondent the opportunity to refute the facts of which I am taking official notice, publication of this final order shall be withheld for a fifteen-day period, which shall begin on the date of service by placing this order in the mail.

applied. *See Richard J. Clement, M.D.*, 68 FR 12,103 (2003); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993); *Bobby Watts, M.D.*, 53 FR 11,919 (1988). Therefore, Respondent is not entitled to maintain his DEA registration.

Order

Accordingly, pursuant to the authority vested in me by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, I hereby order that DEA Certificate of Registration, AH8873588, issued to William G. Hamilton, Jr., M.D., be, and it hereby is, revoked. I further order that any pending applications for renewal or modification of the aforementioned registration be, and they hereby are, denied. This order is effective August 10, 2006.

Dated: June 12, 2006.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. E6–10781 Filed 7–10–06; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 05–7]

Sheran Arden Yeates, M.D.; Revocation of Registration

Introduction and Procedural History

On October 12, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Respondent Sheran Arden Yeates, M.D. The Show Cause Order proposed to revoke Respondent's DEA Certificate of Registration, BY5532076, as a practitioner, *see* 21 U.S.C. 824(a)(3), and to deny any pending applications for renewal or modification. *See id.* § 823(f). As grounds for the proceeding, the Show Cause Order alleged that on May 21, 2004, the Tennessee Board of Medical Examiners had indefinitely suspended Respondent's state medical license.

Respondent requested a hearing; the matter was assigned to Administrative Law Judge Gail Randall. Shortly after the ALJ ordered the parties to file prehearing statements, the Government moved for summary disposition and sought to stay the proceedings while the ALJ considered its motion. As grounds for its motion, the Government asserted that Respondent's state license had been indefinitely suspended and that summary disposition was warranted because no material fact was in dispute. In support of the motion, the Government attached the State Board's order, which summarily suspended Respondent's medical license. The ALJ granted the stay and issued an order, which offered Respondent an opportunity to respond.

Thereafter, Respondent filed a response. Respondent asserted that the state had lifted the suspension and reinstated his medical license. In support, Respondent attached an order from the state board proceeding. The order noted that the state had voluntarily dismissed the proceeding and lifted the summary suspension of Respondent's state license.

Because Respondent's lack of state authority was the sole basis for this proceeding, the ALJ denied the Government's motion for summary disposition. The ALJ, however, continued the stay and instructed the Government to reply.

The Government then moved for reconsideration based upon newly discovered evidence. In the motion, the Government asserted that Respondent's state license had expired on July 31, 2004, and had not been renewed. As support, the Government attached a printout of a Tennessee Department of Health ''Licensure Verification'' Web page, which indicated that Respondent's license status was ''inactive.'' ALJ at 3.

The attachment, however, contained no explanation as to the meaning of the term ''inactive.'' Accordingly, the ALJ ordered the parties to provide additional documentation clarifying Respondent's status. Neither party complied with the ALJ's order.

The Government sought an extension of time and filed a new motion for reconsideration. In its motion, the Government asserted that it had confirmed that Respondent did not possess a valid state license and that the state authorities had agreed to provide written documentation of this, but had yet to do so. Because the Respondent had also failed to comply with her order, the ALJ concluded that granting an extension would cause no prejudice. The ALJ thus granted the extension and again ordered both parties to submit documentation regarding Respondent's status.

Shortly thereafter, the Government renewed its motion for summary disposition and submitted new evidence in the form of a notarized letter from the Tennessee Department of Health. The letter, which is undated, stated that on May 21, 2004, Respondent's medical license had been summarily suspended, that Respondent had failed to renew his medical license before July 31, 2004 (which apparently was its expiration date), that Respondent's license was inactive, and most significantly that Respondent ''is not currently authorized to practice medicine in the state of Tennessee.'' ALJ at 4 (quoting letter of Rosemarie A. Otto, Executive Director, Tennessee Bd. of Med. Examiners, to James Hambuechen, Office of Chief Counsel, DEA) (emphasis in original).

The ALJ waited more than six weeks for Respondent to reply. *See* ALJ at 4. When no reply was forthcoming, the ALJ granted the Government's motion for summary disposition. In so ruling, the ALJ noted the unchallenged evidence that Respondent's state medical license had expired on July 31, 2004, and had not been renewed. *See id.* at 5. Because Respondent lacked authority to handle controlled substances in Tennessee, the ALJ concluded that ''DEA does not have authority to maintain the Respondent's DEA Certification of Registration.'' *Id.*

The ALJ thus granted the Government's motion. The ALJ further recommended that I revoke Respondent's DEA Certificate of Registration, and deny any pending applications for renewal or modification of the same. The ALJ then transmitted the record to me for final action.

Discussion

I adopt the ALJ's findings that as of the date of her recommended decision, Respondent was ''not currently licensed to practice medicine in the state of Tennessee,'' and that ''Respondent [was] not currently authorized to handle controlled substances in Tennessee.'' ALJ at 5. The letter supporting these findings was undated. I acknowledge that the letter states that Respondent's license had been summarily suspended, that Respondent had failed to renew his license, and that Respondent ''is not currently authorized to practice medicine'' in Tennessee. The letter does not, however, establish that Respondent's licensure status remains unchanged as of the date of this final order.

Therefore, I have decided to take official notice of subsequent state proceedings involving Respondent. *See* 5 U.S.C. 556(e); 21 CFR 1316.59(e). It has long been recognized that ''[a]gencies 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) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).[1]

[1] In accordance with the Administrative Procedure Act and DEA's regulations, Respondent is ''entitled on timely request, to an opportunity to show to the contrary.'' 5 U.S.C. 556(e). *See also* 21 CFR 1316.59(e). I acknowledge that DEA's regulations contain no provision for requesting