

accessing its Internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://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:** The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Qualcomm Incorporated on July 07, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices and radio frequency and processing components thereof. The complaint names as a respondent, Apple Inc. of Cupertino, CA. The complainant requests that the Commission issue a limited exclusion order, a cease and desist order, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) explain how the articles potentially subject to the requested remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant's licensees, and/or third

party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3235") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures<sup>1</sup>). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews,

and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,<sup>2</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.<sup>3</sup>

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: July 7, 2017.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2017-14586 Filed 7-11-17; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Sassan Bassiri, D.D.S.; Decision and Order

On February 7, 2017, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Sassan Bassiri, D.D.S. (Applicant), of King, North Carolina. The Show Cause Order proposed the denial of his application for a DEA Certificate of Registration on the ground that he has "been excluded from participation in a program pursuant to 42 U.S.C. 1320a-7(a)." Government Exhibit (GX) H, at 1 (citing 21 U.S.C. 824(a)(5)).

With respect to the Agency's jurisdiction, the Show Cause Order alleged that on February 9, 2016, Applicant "applied for a DEA [Certificate of Registration] as a practitioner in Schedules II-V" at the registered address of 226 Kirby Road, King, North Carolina. *Id.* at 2.

Regarding the substantive ground for the proceeding, the Show Cause Order alleged that on February 28, 2014, the Office of the Inspector General for the U.S. Department of Health and Human Services (HHS) notified Applicant that, effective March 20, 2014, he would be excluded from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs for five years because he was convicted of a

<sup>2</sup> All contract personnel will sign appropriate nondisclosure agreements.

<sup>3</sup> Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

<sup>1</sup> Handbook for Electronic Filing Procedures: [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf).

program-related offense pursuant to § 1128(i) of the Social Security Act (SSA). *Id.* (citing 42 U.S.C. 1320a–7(a) and (i)). As a result, the Order stated that Applicant's exclusion from participation in federal health care programs "constitutes grounds to deny [his] application under 21 U.S.C. 824(a)(5)." *Id.* at 3.

The Show Cause Order notified Applicant of (1) his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, (2) the procedure for electing either option, and (3) the consequence for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The Show Cause Order also notified Applicant of his right to submit a corrective action plan. *Id.* at 3–4 (citing 21 U.S.C. 824(c)(2)(C)).

From February 7, 2017 through February 18, 2017, the Government states that it attempted to serve the Show Cause Order on Applicant by U.S. Mail, electronic mail, Federal Express, U.S. Postal Service Certified Mail, and in-person. Government Request for Final Agency Action (Request or RFFA), at 4. As evidenced by the signed return receipt card, on February 18, 2017, the Government accomplished service. GX I.

On April 17, 2017, the Government forwarded its Request for Final Agency Action and evidentiary record to my Office. In its Request, the Government represents that Applicant neither requested a hearing nor "filed any written statement in lieu of a hearing or requested a Corrective Action Plan (CAP)." RFFA, at 4. Based on the Government's representation and the record, I find that more than 30 days have passed since the Order to Show Cause was served on Applicant, and he has neither requested a hearing nor submitted a written statement in lieu of a hearing. *Id.* (citing 21 CFR 1301.43(d)). Accordingly, I find that Applicant has waived his right to a hearing or to submit a written statement and issue this Decision and Order based on relevant evidence submitted by the Government. I make the following findings.

### Findings of Fact

Applicant is a doctor of dental surgery. Applicant was previously registered with the DEA as a practitioner in schedules II–V pursuant to Certificate of Registration BB8537738. However, he surrendered this Registration to DEA on May 10, 2011. GX A. On February 9, 2016, Applicant applied for a DEA Certificate of Registration as a practitioner in schedules II–V with a registered address at 226 Kirby Road, King, North Carolina. GX G.

On March 17, 2011, the North Carolina State Board of Dental Examiners found that Applicant had intentionally defrauded the North Carolina Division of Medical Assistance (Medicaid), which led to the revocation of his dental license starting in April 2011. GX F, at 2–3. On January 2, 2013, Applicant entered a guilty plea in the United States District Court for the Middle District of North Carolina to three charges of health care fraud in connection with a scheme to defraud the North Carolina State Medicaid program, in violation of 18 U.S.C. 1347. GX C. On May 10, 2013, a federal court entered judgment and sentenced Applicant to a term of imprisonment of five months on each count, but provided that the sentences would "run concurrently with each other," followed by five months of home confinement. GX D, at 2, 4. The sentencing judge also ordered Applicant to pay a \$10,000 statutory fine and \$68,795.65 in restitution to the Medicaid program, and further ordered that Applicant be on supervised release for two years after the conclusion of his sentence. *Id.* at 3, 5.

The record also includes a February 28, 2014 letter from HHS notifying Applicant that he was "being excluded from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f)" of the SSA "for the minimum statutory period of five years." GX E, at 1 (emphasis in original). The letter explained that Applicant was being excluded "due to [his] conviction . . . in the United States District Court for the Middle District of North Carolina, of a criminal offense related to the delivery of an item or service under the Medicare or a State health care program." *Id.* The letter states that "[t]his action is being taken under section 1128(a)(1) of the [SSA] <sup>1</sup> and is effective" on March 20, 2014. *Id.* (citing 42 U.S.C. 1320a–7(a)).<sup>2</sup>

On February 3, 2016, the North Carolina State Board of Dental Examiners issued an order placing Applicant under a restricted license allowing him to resume practicing dentistry subject to certain limitations,

including that he practice for one year "under the supervision of a [North Carolina licensed] dentist" and only practice (with the Board's prior approval) at an institution like a hospital or sanatorium, a non-profit health care facility servicing low-income patients, or for a State of North Carolina government agency or entity. GX F, at 7–8. After one year, the Board also stated that Applicant may either renew his restricted license or seek an unrestricted dental license. *Id.* at 9.

### Discussion

Pursuant to 21 U.S.C. 824(a)(5), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of Title 21, "upon a finding that the registrant . . . has been excluded . . . from participation in a program pursuant to section 1320a–7(a) of Title 42." "It is well established that the various grounds for revocation or suspension of an existing registration that Congress enumerated in [§ 824(a)] are also properly considered in deciding whether to grant or deny an application under [§ 823]." *Arthur H. Bell*, 80 FR 50035, 50037 (2015) (citing *The Lawsons, Inc.*, 72 FR 74334, 74337 (2007); *Anthony D. Funches*, 64 FR 14267, 14268 (1999); *Alan R. Schankman*, 63 FR 45260 (1998); *Kuen H. Chen*, 58 FR 65401, 65402 (1993)); *see also Serling Drug Co. and Detroit Prescription Wholesaler, Inc.*, 40 FR 11918 (1975) (holding that the CSA does not require the Agency to indulge in the useless act of granting a license on one day only to withdraw it on the next). Thus, the allegation that Applicant has been excluded from participation in a program pursuant to 42 U.S.C. 1320a–7(a) is properly considered in this proceeding. *See Bell*, 80 FR at 50037 (finding that the allegation that Respondent had materially falsified his application pursuant to § 824(a)(1) was properly considered in application denial proceeding).

Under § 1320a–7(a)(1), HHS is required to exclude from participation in any Federal health care program any individual who has been convicted of a criminal offense "related to the delivery of an item or service under [42 U.S.C. 1395 *et seq.*] or under any State health care program." Based on the 2014 letter, I find that the evidence shows that HHS excluded Applicant from participation in any federal health care program based on his federal convictions for health care fraud. Applicant has thus been excluded pursuant to the mandatory exclusion provisions of 42 U.S.C. 1320a–7(a). Accordingly, I will order that his application be denied.

<sup>1</sup> Section 1128(a)(1) of the SSA is codified at 42 U.S.C. 1320a–7(a)(1).

<sup>2</sup> The letter also notes that "[w]e are aware that you are currently excluded from participation in the Medicare and State health care programs under section 1128(b)(4)" of the SSA based on a February 29, 2012 letter from HHS to Applicant because North Carolina revoked his dental license starting in April 2011. *Id.*; GX B, at 1 (citing 42 U.S.C. 1320a–7(b)); GX F, at 3. HHS specified that the exclusion set forth in its 2014 letter was "in addition to that [2012 exclusion] action and will run concurrently with it." GX E, at 1.

**Order**

Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b), I order that the application of Sassan Bassiri, D.D.S., for a DEA Certificate of Registration as a practitioner be, and it hereby is, denied. The Order is effective immediately.

Dated: July 2, 2017.

**Chuck Rosenberg,**

*Acting Administrator.*

[FR Doc. 2017-14597 Filed 7-11-17; 8:45 am]

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**DEPARTMENT OF JUSTICE****National Institute of Justice**

[OMB Number 1121-NEW]

**Agency Information Collection**

**Activities: Proposed New Information Collection Activity; Comment Request, Proposed Study Entitled "Tribal Youth Victimization Methods Study"**

**AGENCY:** National Institute of Justice, U.S. Department of Justice.

**ACTION:** 30-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Office of Justice Programs, National Institute of Justice, will be submitting 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.

**DATES:** Comments are encouraged and will be accepted for an additional 30 days until August 11, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Christine Crossland, National Institute of Justice, Office of Research and Evaluation, 810 Seventh Street NW., Washington, DC 20531 (overnight 20001) or via email at [christine.crossland@ojp.usdoj.gov](mailto:christine.crossland@ojp.usdoj.gov). Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** This process is conducted in accordance with 5 CFR 1320.10. 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 National Institute of Justice, 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**

1. *Type of Information Collection:* Survey development; Cognitive testing; Pilot testing of survey.

2. *The Title of the Form/Collection:* Tribal Youth Victimization Methods Study.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The applicable component within the U.S. Department of Justice is the National Institute of Justice in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* There has never been a national study of tribal youth regarding their victimization experiences that provides reliable, valid estimates of the scope of the problem. As a result, the incidence, prevalence, and nature of victimization experienced by American Indian and Alaska Native youth living in tribal communities is unknown. As a result, NIJ, in partnership with the Office of Juvenile Justice and Delinquency Prevention and the Office for Victims of Crime has funded this methods study that involves developing and testing a survey instrument, testing different modes of administration that can effectively assess exposure to violence and victimization, and determining the feasibility of using these procedures in tribal communities and settings.

The sample includes tribal youth 12 to 20 years of age. Cognitive testing will be conducted in four tribal settings with between 12-15 youth at each site. The pilot test involves the use of at least two but no more than three different modes

of administration modes [e.g., face-to-face interviews, self-administered questionnaire in paper and pencil format, audio computer assisted self-administered interviews (required), computer assisted telephone interviews]. The target sample is 375 completed interviews from three tribal settings (one in Alaska and two in the lower 48).

Among the key outcomes that will be examined are the response and refusal rates, missing data, interview length, willingness to disclose sensitive information, respondent comfort, cost, ability to provide assistance to respondents, and the ease and adequacy of the human subjects' protocol.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated range of burden for respondents participating in the cognitive interview is 90 minutes. Approximately 48 youth will be recruited to complete a cognitive interview. The estimated range of burden for respondents completing the survey in the pilot phase is expected to be 60 minutes for completion. The following factors were considered when creating the burden estimate: The estimated total number of sites (i.e., 4 cognitive sites and 3 pilot sites), respondents (i.e., 48 cognitive interviews and 375 pilot interviews for a total of 423 respondents), and parental and youth informed consent procedures for each phase.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 447 hours. It is estimated that each of the cognitive interviews will take 90 minutes to complete (48 respondents × 1.5 hour = 72 hours). Lastly, it is estimated that each pilot survey will take 60 minutes to complete (375 respondents × 1 hour = 375 hours). We estimate a 12-month data collection period, with all cognitive and pilot testing completed in one year.

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: July 6, 2017.

**Melody Braswell,**

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

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