U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32), and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1500–1508 and 43 CFR 46).

Robert L. Carey,

Division Manager, Environmental Review, Florida Ecological Services Office.

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BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1304]

Certain Wet Dry Surface Cleaning Devices; Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on March 24, 2023, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337. On April 7, 2023, the ALJ issued a Recommended Determination on Remedy and Bond should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.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: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order directed to certain wet dry surface cleaning devices imported, sold for importation, and/or sold after importation by respondents Tineco Intelligent Technology Co., Ltd. of Suzhou City, China; TEK (Hong Kong) Science & Technology Ltd. of Hong Kong; and Tineco Intelligent, Inc. of Seattle, Washington (collectively, ''Respondents''); and cease and desist orders directed to Respondents. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on April 7, 2023. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, 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 recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended 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 recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on May 8, 2023.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1304'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). 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 by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written

submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: April 10, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–07844 Filed 4–12–23; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 22–53]

Matthew S. Katz, M.D.; Decision and Order

I. Introduction

On August 16, 2022, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Matthew S. Katz, M.D. (Respondent), of Nashville, Tennessee, the state where Respondent is registered with the DEA.[1] OSC, at 1. The OSC proposes the revocation of Respondent's DEA Certificate of Registration (registration), FK7432278, and the denial of any applications for renewal or modification of it, alleging that Respondent was convicted of a Tennessee felony relating to controlled substances.[2] *Id.,* citing 21 U.S.C. 824(a)(2).[3]

The hearing Respondent requested was held on December 20, 2022. Tr. 1. Concluding that Respondent's acceptance of responsibility was short of unequivocal, and that his misconduct was egregious, the Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (RD) recommends that Respondent's registration be revoked. RD, at 22–23. Given the egregiousness of the uncontested facts and the facts based on substantial record evidence, the Agency agrees with the RD that revocation is the appropriate sanction.

II. Findings

A. Background Findings

Having thoroughly analyzed the certified record, the Agency finds substantial record evidence that: (1) Respondent prescribed Schedule II controlled substances without a legitimate medical purpose, (2) Respondent then instructed the patients to bring him the filled prescriptions, and (3) Respondent took most of the controlled substances for his own use after, he testified, making sure that the patient did not need them to relieve pain. Stipulation No. 6; Resp Posthearing, at 13. There is no record evidence that Respondent complied with Tennessee's legal requirements for issuing controlled substances. The Agency finds no record evidence that Respondent took steps to make sure he did not over-prescribe opiates to individuals who were already opioid-addicted, who were addicted to another substance, or who were at a particular risk of becoming opioid-addicted.

B. Undisputed Matters of Fact and Law

The Agency finds, to Respondent's credit, that he advised the Chief Administrative Law Judge and the Government that the Consent Order of the Tennessee Board of Medical Examiners (TMB) restricts him from prescribing Schedule II controlled substances in Tennessee for twelve (12) months beginning on the date of the Consent Order's entry.[4] TMB Consent Order (entered September 27, 2022), RX 7, at 6, citing Tenn. Comp. R. & Regs. 0880–02–.25 (2019). Indeed, the Agency finds that, according to the Consent Order, Respondent's loss of authority in Tennessee to prescribe Schedule II controlled substances predates the Consent Order. RX 7, at 3 (''Due to the allegations in the indictment . . ., the Respondent lost his authorization to prescribe Schedule II controlled substances in this state until the criminal cases against him reach final disposition.''). Accordingly, the Agency finds uncontroverted record evidence that Respondent presently lacks authority in Tennessee to prescribe Schedule II controlled substances.

Additionally, the parties agree to the following factual and legal matters.

1. Respondent pled *nolo contendere* to three counts of obtaining possession of oxycodone by misrepresentation, fraud, forgery, deception or subterfuge, a Class D Tennessee felony. Tenn. Code Ann. section 53–11–402(a)(3) and (b)(1); *see, e.g.,* OSC, at 2; Stipulation No. 6; Resp Posthearing, at 2, 13.

2. Prior Agency decisions state that a *nolo contendere* plea is a ''conviction'' for purposes of 21 U.S.C. 824(a)(2). *See, e.g., Erica N. Grant, M.D.,* 86 FR 40641, 40646–48 (2021) (collecting cases); Resp Posthearing, at 13; *but cf.* Transcript of Guilty Plea Proceedings, *State of Tennessee* v. *Matthew S. J. Katz,* No. 2021–B–794 (Criminal Court for Davidson County, Tennessee, Division III, June 30, 2022), GX 3b, at 4 (The Court: ''So do you understand that this is a special probation, that is . . . you're not going to be convicted, and it will be removed from your record if you follow the conditions.'').

3. Respondent is not eligible for a Schedule II registration because he lacks authority in Tennessee to dispense Schedule II controlled substances. Resp Posthearing, at 16–17; Government's Post-Hearing Brief (dated January 20, 2023) (Govt Posthearing), at 10.

III. Discussion

According to the Controlled Substances Act (CSA), the Attorney General ''shall register practitioners . . . to dispense . . . controlled substances . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). The CSA defines ''practitioner'' as a ''physician . . . licensed, registered, or otherwise permitted, by the . . . jurisdiction in which he practices . . ., to distribute, dispense . . . [, or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). The Agency has long interpreted these two CSA provisions to mean that state authority to dispense controlled substances is a prerequisite to the Agency's issuance of a registration. *See, e.g., Valerie Augustus, M.D.,* 88 FR 1098, 1099 (2023).

Further, the Attorney General is authorized to suspend or revoke a registration ''upon a finding that the registrant . . . has been convicted of a felony . . . of any State . . . relating to any substance defined in this subchapter as a controlled substance . . . .'' 21 U.S.C. 824(a)(2).

[1] Effective December 2, 2022, the Medical Marijuana and Cannabidiol Research Expansion Act, Public Law 117–215, 136 Stat. 2257 (2022) (MRA), amended the Controlled Substances Act (CSA) and other statutes. Relevant to this matter, the MRA redesignated 21 U.S.C. 823(f), cited in the OSC, as 21 U.S.C. 823(g)(1). Accordingly, this Decision cites to the current designation, 21 U.S.C. 823(g)(1), and to the MRA-amended CSA throughout.

[2] The OSC also seeks denial of ''any applications for any other DEA registrations.'' OSC, at 1.

[3] The OSC alleges that Respondent ''pled guilty'' to the Class D felony, Tenn. Code Ann. section 53–11–402. OSC, at 2. The Government acknowledges that Respondent pled ''*nolo contendere.*'' *See, e.g.,* Government's Prehearing Statement (September 30, 2022), at 2. The parties agree that Respondent's plea is subject to an Order of Deferral. *See, e.g. id.;* Request for Hearing (September 22, 2022), at 1. The parties also agree that the Agency considers Respondent's *nolo contendere* plea to be a ''conviction'' for purposes of 21 U.S.C. 824(a)(4). Respondent's Post-Hearing Brief (January 20, 2023) (Resp Posthearing), at 13.

[4] The Consent Order also places Respondent's medical license on probation for three years. RX 7, at 5.