

remedy, the public interest and bonding. On January 27, 2003, the Commission issued a notice indicating that it had determined that there is a violation of section 337 of the Tariff Act of 1930, as amended, and had issued a limited exclusion order prohibiting the importation of the infringing sortation systems, parts and components thereof, manufactured abroad by Vanderlande. The Federal Circuit affirmed the Commission's determination on May 3, 2004. *See Vanderlande Indus. v. Int'l Trade Comm'n*, 366 F.3d 1311 (Fed. Cir. 2004).

On February 2, 2005, Vanderlande and complainants filed a joint petition to rescind the remedial order under Commission Rule 210.76(a)(1) on the basis of a settlement agreement between the parties. The parties asserted that their settlement agreement constituted "changed conditions of fact or law" sufficient to justify rescission of the order under Commission Rule 210.76(a)(1), 19 CFR 210.76(a)(1). The IA filed a response in support of the motion on February 14, 2005.

Having reviewed the parties' submissions, the Commission has determined that the settlement agreement satisfies the requirement of Commission Rule 210.76(a)(1), 19 CFR 210.76(a)(1), that there be changed conditions of fact or law. The Commission therefore has issued an order rescinding the limited exclusion order previously issued in this investigation.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 210.76(a)(1) of the Commission's Rules of Practice and Procedure (19 CFR 210.76(a)(1)).

Issued: March 3, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[Docket No. ATF 17N; ATF O 1150.13]

Delegation Order—Designation of Acting Supervisory Officials

1. *Purpose.* The purpose of this delegation order is to grant supervisors authority to designate acting supervisory officials of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

2. *Cancellations.* ATF O 1100.9A, Delegation Order—Designation of Acting Supervisory Officials dated October 7, 1980 and ATF F 1100.1, Temporary Assignment Designation.

3. *Authorities.* Pursuant to authorities vested in the Director, ATF, by Title 6 U.S.C. 531 and 28 CFR O.130-0.133.

4. *Designations.*

a. An official e-mail notification is required for supervisors to designate a subordinate employee to act in the event of their absence or in a subordinate supervisory position in which such position becomes vacant. At a minimum, the official e-mail notification must be sent to individuals who report directly to the supervisor; the individual to whom the supervisor reports; and any other individual(s) who need to be advised. An official e-mail notification is not required if there exists a document or order that designates a temporary acting official.

b. In the event of an emergency, ATF O 1100.59G, Delegation Order—Emergency Order of Succession and Delegation of Authority, designates the order of succession for Acting Director to ensure the continuity of Bureau functions. Under these circumstances no e-mail notification is required.

5. *Retention Requirements.* Acting designations must be retained in accordance with ATF O 1345.1, Records Management Program and Records Control Schedule 101, item 2 (Headquarters) and ATF Records Control Schedule 201, item 1 (Field).

6. *Redelegation.* The authority to designate acting supervisory officials is delegated to all Bureau personnel in supervisory positions and may not be redelegated.

7. *Questions.* Questions regarding this delegation order may be addressed to the Chief, Document Services Branch at (202) 927-8930.

Dated: February 18, 2005.

Carl J. Truscott,

Director.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

RAM, INC. d/b/a American Wholesale Distribution Corp.; Denial of Registration

On July 23, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to RAM Inc., d/b/a American Wholesale Distribution

Corporation (RAM), proposing to deny its June 5, 2003, application for DEA Certificate of Registration as a distributor of List I chemicals. The Order to Show Cause alleged that granting RAM's application would be inconsistent with the public interest, as that term is used in 21 U.S.C. 823(h). The order also notified RAM that should no request for a hearing be filed within 30 days, its hearing right would be deemed waived.

According to the DEA investigative file, the Order to Show Cause was sent by certified mail to RAM at its proposed registered location at 3300 Pleasant Valley Lane, Suite C, Arlington, Texas 76015. It was received on August 2, 2004, and DEA has not received a request for a hearing or any other reply from RAM or anyone purporting to represent the company in this matter.

Therefore, the Deputy Administrator of DEA, finding that (1) thirty days have passed since delivery of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that RAM has waived its hearing right. *See* *Aqui Enterprises*, 67 FR 12576 (2002). After considering relevant material from the investigative file, the Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1309.53(c) and (d) and 1316.67. The Deputy Administrator finds as follows.

List I chemicals are those that may be used in the manufacture of a controlled substance in violation of the Controlled Substances Act. 21 U.S.C. 802(34); 21 CFR 1300.02(a). Pseudoephedrine and ephedrine are List I chemicals commonly used to illegally manufacture methamphetamine, a Schedule II controlled substance. As noted in previous DEA orders, methamphetamine is an extremely potent central nervous system stimulant, and its abuse is a persistent and growing problem in the United States. *See e.g.*, *Direct Wholesale*, 69 FR 11654 (2004); *Branex, Inc.*, 69 FR 8682 (2004); *Yemen Wholesale Tobacco and Candy Supply, Inc.*, 67 FR 9997 (2002); *Denver Wholesale*, 67 FR 99986 (2002).

The Deputy Administrator's review of the investigative file reveals that RAM's owner and only officer is Mr. Mohamad Khorchid. On or about June 5, 2003, an application was submitted by Mr. Khorchid on behalf of RAM, seeking registration to distribute ephedrine and pseudoephedrine List I chemical products. It identified the applicant as "RAM INC American Wholesale Dist. Co."

Prior to RAM's February 7, 2003, incorporation, Mr. Khorchid and his wife owned and operated American