substances under the laws of the State in which he engages in professional practice is a fundamental condition for obtaining and maintaining a registration. *See, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed Appx. 826 (4th Cir. 2012); *see also Frederick Marsh Blanton,* 43 FR 27616 (1978) (''State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.'').

This rule derives from the text of two provisions of the CSA. First, Congress defined ''the term 'practitioner' [to] mean[] a . . . physician . . . or other person 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). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. § 823(f).

Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he engages in professional practice. *See, e.g., Calvin Ramsey,* 76 FR 20034, 20036 (2011); *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988); *Blanton,* 43 FR at 27617.

Accordingly, because Registrant currently lacks authority to dispense controlled substances in Arkansas, the State in which he holds his DEA registration, I will order that his registration be revoked.

Order

Pursuant to the authority vested in me by 21 U.S.C. §§ 823(f) and 824(a)(3), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration FL2413297 issued to Donald W. Lamoureaux, M.D., be, and it hereby is, revoked. I further order that any pending application of Donald W. Lamoureaux, M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective February 24, 2017.

Dated: January 17, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–01688 Filed 1–24–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the System Unit Resource Protection Act

On January 19, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of California in *United States* v. *Tomales Bay Oyster Company, LLC,* Civil Action No. 3:17–cv–00255.

The United States filed a complaint under the System Unit Resource Protection Act, 54 U.S.C. 100722(a), and California trespass law seeking damages and response costs stemming from the Defendant's alleged use of a parcel of land owned by the United States and administered by the United States National Park Service as part of the Golden Gate National Recreation Area. The United States simultaneously lodged a consent decree which would settle these claims in return for a payment of $280,000. From this sum, the Department of Justice will deposit $267,742 in the Department of the Interior's Natural Resource Damage Assessment and Restoration Fund to pay for response and natural resource damage assessment costs incurred by the United States and natural resource restoration projects related to this incident. The Department of Justice will deposit the remaining $12,258 in the United States Treasury.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Tomales Bay Oyster Company, LLC,* D.J. Ref. No. 90–5–1–1–11544. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $4.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–01698 Filed 1–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On January 17, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Texas in the lawsuit entitled *United States and the State of Texas* v. *City of Tyler, Texas,* Civil Action No. 6:17–cv–00029.

The United States of America and the State of Texas (collectively, ''Plaintiffs'') filed a complaint against the City of Tyler, Texas, (''Defendant'') alleging that Defendant violated and continues to violate Section 301 of the Clean Water Act (''CWA''), 33 U.S.C. 1311, and Section 26.121(a)(1) of the Texas Water Code (''TWC'') by discharging raw sewage from the City of Tyler's wastewater collection and treatment systems (''WCTS'') into or adjacent to local waterways. The complaint further alleges that Defendant failed to comply with the terms and conditions of its two Texas Pollutant Discharge Elimination System permits, issued pursuant to Section 402 of the CWA, 33 U.S.C. 1342, and in violation of Section 7.101 of the TWC, due to operational failures, Defendant's failure to issue all necessary reports required by its permits, and Defendant's failure to adequately safeguard against discharges during power outages. The complaint alleges violations have been ongoing since 2005. The Plaintiffs seek injunctive relief, pursuant to Section 309(b) of the CWA, 33 U.S.C. 1319(b), and Section 7.032 of the TWC, and civil penalties, pursuant to Section 309(d) of the CWA,

33 U.S.C. 1321(b), and Section 7.101 of the TWC.

Under the proposed settlement, Defendant will perform injunctive relief aimed at upgrading and advancing the physical and operational state of its WCTS. Specifically, Defendant must improve employee training and the daily operation of its WCTS; overhaul its inspection forms and recordkeeping procedures; assess the condition of the entire WCTS and remediate certain defects identified; study WCTS capacity to identify potential capacity constraints in the system and address field-verified confirmed capacity constraints; install adequate backup power to manage untreated wastewater in the event of electrical failures; and identify and permanently remove certain discovered locations that could divert untreated wastewater from the WCTS to waters or otherwise into the environment. The proposed Consent Decree also requires Defendant to pay a $563,000 civil penalty to the United States and Texas, to be split equally by Plaintiffs, and to pay the State of Texas an additional $30,000 in attorney's fees.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Texas* v. *City of Tyler, Texas,* D.J. Ref. No. 90–5–1–1–09767. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $36.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy requested without the exhibits and signature pages, the cost is $21.25.

Thomas P. Carroll,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–01571 Filed 1–24–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Stipulation of Settlement and Order Under the Clean Air Act

On January 18, 2017, a proposed Stipulation of Settlement and Order was lodged with the United States District Court for the Southern District of Texas in the lawsuit entitled *United States* v. *Tauber Oil Company,* Civil Action No. 4:17–cv–00153.

The United States filed this lawsuit against Tauber Oil Company (''Tauber'') alleging violations of Section 211(b) of the Clean Air Act, 42 U.S.C. 7545(b), and the regulations promulgated thereunder. The Complaint contends that Tauber sold approximately 1.9 million gallons of a product called ''Mixed Alcohol'' for use as a fuel additive without complying with the Clean Air Act's registration and ''substantially similar'' requirements. The proposed Stipulation of Settlement and Order requires Tauber to pay a civil penalty of $700,000.

The publication of this notice opens a period for public comment on the Stipulation of Settlement and Order. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Tauber Oil Company,* D.J. Ref. No. 90–5–2–1–11634. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail in the following manner:

To submit comments:	Send them to:
By e-mail	*pubcomment-ees.enrd@usdoj.gov*
By mail	*Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.*

During the public comment period, the Stipulation of Settlement and Order may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/Consent_Decrees.* We will provide a paper copy upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $2.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–01678 Filed 1–24–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act and the Comprehensive Environmental Response, Compensation, and Liability Act

On January 17, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of Ohio in the lawsuit entitled *United States* v. *S.H. Bell Company,* Civil Action No. 4:17–cv–131.

The United States filed this lawsuit under the Clean Air Act and the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA,'' also known as the Superfund statute). The United States' complaint names S.H. Bell Company as defendant. The complaint seeks injunctive relief under the Clean Air Act and CERCLA to address manganese emissions from S.H. Bell's plant that spans across the Ohio-Pennsylvania border in East Liverpool, Ohio and Ohioville, Pennsylvania. The consent decree requires several measures to provide both immediate and long-term reductions in fugitive manganese emissions. These safeguards include (i) fenceline monitoring with EPA-approved monitors and required steps to investigate and, if needed, take corrective action if emissions exceed specified trigger levels; (ii) a tracking system for manganese materials and video recordings of certain facility operations to help the company and regulators determine the source of any manganese emissions detected in the future; and (iii) implementation of identified fugitive dust control measures.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to