

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 .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a>
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.*

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## 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,