Controlled substance	Drug code	Schedule
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Heroin	9200	I
Normorphine	9313	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I
Betacetylmethadol	9607	I
Clonitazene	9612	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimethylthiambutene	9619	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I
Tilidine	9750	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Tetrahydrofuranyl fentanyl	9843	I
Cyclopropyl Fentanyl	9845	I
Fentanyl-related Substance	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Levorphanol	9220	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Levo-alphacetylmethadol	9648	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture the above-listed controlled substances as analytical reference standards for distribution to its customers. In reference to drug code 7370 tetrahydrocannabinols the company plans to bulk manufacture as synthetic substances. No other activity for this drug code is authorized for this registration.

Dated: March 15, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–06090 Filed 3–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Christopher D. Owens, M.D.: Decision and Order

On August 11, 2017, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration, issued an Order to Show Cause to Christopher D. Owens, M.D. (hereinafter, Registrant), of San

Francisco, California. GX 2. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration, and the denial of any applications to renew or modify his registration, or for any other registration, on the ground that Registrant does not ''have . . . state authority to handle controlled substances.'' *Id.* at 1.

As to the jurisdictional basis for the proceeding, the Show Cause Order alleged that Registrant is registered ''as a practitioner in [s]chedules II through V under . . . Certificate of Registration [No.] FO0414677,'' at the address of ''University of California, San Francisco, 400 Parnassus Ave[.], #581, San Francisco, CA.'' *Id.* at 2. The Order alleged that this ''registration expires by its terms on December 31, 2018.'' *Id.*

As to the substantive ground for the proceeding, the Show Cause Order alleged that ''[o]n June 22, 2017, the Medical Board of California issued a Default Decision and Order revoking [Registrant's] Physician's and Surgeon's Certificate No. A108740, effective July 21, 2017,'' and that ''[o]n July 20, 2017, the . . . Board . . . issued an Order denying [his] petition for reconsideration.'' *Id.* The Show Cause Order thus alleged that Registrant is ''currently without authority to practice medicine or handle controlled substances in the State of California, the [S]tate in which [he is] registered with the'' Agency. *Id.* The Order further asserted that ''based on [his] lack of authority to handle controlled substances in . . . California,'' his registration is subject to revocation. *Id.* (citing 21 U.S.C. 824(a)(3); other citations omitted).

The Show Cause Order notified Registrant of his right to request a hearing on the allegations or to submit a written statement of position while waiving his right to a hearing, the procedure for electing either option, and the consequence of failing to elect either option. *Id.* at 2. The Show Cause Order also notified Registrant of his right to submit a Corrective Action Plan pursuant to 21 U.S.C. 824(c)(2)(C). *Id.* at 3.

On August 14, 2017, the Show Cause Order was served on Registrant by providing it to an Assistant Federal Public Defender who was representing Registrant in a pending criminal matter and who stated that she was authorized by Registrant to accept service of the Show Cause Order on his behalf. GX 6. The Attorney also stated that she would provide a copy of the Order to Registrant and subsequently confirmed that she did. *Id.* at 1–2.

On November 28, 2017, the Government filed a Request for Final Agency Action (RFAA). Therein, the Government represents that ''[a]t least 30 days have passed since'' the Show Cause Order ''was served on Registrant.'' RFAA, at 2. The Government further represents that ''Registrant has not requested a hearing and has not otherwise corresponded or communicated with DEA regarding the Order . . . including the filing of any written statement in in lieu of a hearing.'' *Id.*

Based on the Government's representations, I find that 30 days have now passed and Registrant has neither requested a hearing nor filed a written statement while waiving his right to a hearing. I also find that Registrant has not submitted a Corrective Action Plan. Accordingly, I find that Registrant has waived his right to a hearing or to submit a written statement while waiving his right to a hearing; I also find that Registrant has waived his right to submit a Corrective Action Plan. 21 CFR 1301.43(d). I make the following findings of fact.

Findings

Registrant is the holder of DEA Certificate of Registration No. FO0414677, pursuant to which he is authorized to dispense controlled substances in schedules II through V, as a practitioner, at the registered address of University of California, San Francisco, 400 Parnassus Ave., #581, San Francisco, CA. GX 1, at 1. This Registration does not expire until December 31, 2018. *Id.*

Registrant was also the holder of Physician's and Surgeon's certificate No. A108740 issued by the Medical Board of California (hereinafter, MBC or Board). GX 3, at 1. However, on April 25, 2017, a state Administrative Law Judge conducted a hearing at which the ALJ concluded that Registrant ''is unsafe to practice medicine and issued an Interim Suspension Order.'' *Id.* at 2. The State ALJ also ordered the Board to file an Accusation against Registrant within 30 days of April 26, 2017. *Id.* On May 16, 2017, the MBC's Executive Director filed an Accusation against Registrant, which alleged that ''he self-administered illicit drugs and has been diagnosed with a substance abuse disorder.'' *Id.* at 2, 5. After Registrant failed to respond to the Accusation within the period provided under California law, the Board found Registrant in default and ordered that his medical license be revoked effective on July 21, 2017. *Id.* at 4–5. While Registrant filed a petition for reconsideration, on July 20, 2017, the Board denied the petition. GX 4. I take official notice of the results of a search of the Board's license verification web page. *See* 5 U.S.C. 556(e). That search shows that, as of the date of this Decision, Registrant's Physician's and Surgeon's License remains revoked. *See https://search.dca.ca.gov/results.*

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (CSA), ''upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining *and maintaining* a practitioner's registration. *See, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton,* 43 FR 27616 (1978).

The Agency's rule derives from the text of two other provisions of the CSA: section 802(21), which defines the term ''practitioner,'' and section 823(f), which sets forth the registration requirements applicable to practitioners. Notably, in section 802(21), 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). The text of this provision makes clear that a physician is not a practitioner within the meaning of the CSA if he is not ''licensed, registered or otherwise permitted, by the jurisdiction in which he practices . . . to dispense [or] administer . . . a controlled substance in the course of professional practice.'' *Id.*

To the same effect, Congress, in setting the requirements for obtaining a practitioner's registration, 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). Thus, based on these provisions, the Agency held nearly forty years ago that ''[s]tate authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance *and maintenance* of a Federal controlled

substances registration.'' *Blanton,* 43 FR at 27617 (revoking physician's registration based on one-year suspension of his state license) (emphasis added).

Based on my finding that Registrant's Physician's and Surgeon's Certificate has been revoked, I find that Registrant is currently without authority to dispense controlled substances under the laws of California, the State in which he is registered. *See* Cal. Health & Safety Code § 11150 (''No person other than a physician, dentist, podiatrist, or veterinarian . . . shall write or issue a prescription'' for a controlled substance.); *id.* § 11210 (''A physician, surgeon, dentist, [or] veterinarian . . . may prescribe for, furnish to, or administer controlled substances to his or her patient when the patient is suffering from a disease, ailment, injury . . . .''); *id.* § 11024 (' 'Physician,' 'dentist,' 'podiatrist,' . . . means persons who are licensed to practice their respective professions in this state.''); *id.* § 11352.1(b) (''any person who knowingly and unlawfully dispenses or furnishes a dangerous drug . . . without a license to dispense or furnish these products, shall be guilty of a misdemeanor'').[1] I will therefore order that his registration be revoked and that any pending application to renew or modify his registration, or for any other registration in California, be denied.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a) and 28 CFR 0.100(b), I order that DEA Certificate of Registration No. FO0414677 issued to Christopher D. Owens, M.D., be, and it hereby is, revoked. Pursuant to the authority vested in me by 21 U.S.C. 823(f), I order that any pending application to renew or modify this registration, or for any other registration in the State of California, be, and it hereby is, denied. This Order is effective immediately.[2]

[1] *See also* Cal. Bus. & Prof. Code § 2052 (''any person . . . who diagnoses, treats, operates for or prescribes for any ailment, . . . disease, . . . disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter . . . is guilty of a public offense''); *id.* § 2051 (''The physician's and surgeon's certificate authorizes the holder to use drugs or devices in or upon human beings . . . in the treatment of diseases, injuries, deformities, and other physical and mental conditions).

[2] For the same reasons which led the MBC to issue the Interim Suspension Order, I find that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

Dated: March 14, 2018.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2018–06089 Filed 3–26–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

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

On March 14, 2018, the Department of Justice published notice of a proposed consent decree that it lodged on February 27, 2018, with the United States District Court for the Southern District of Ohio in the lawsuit entitled *United States* v. *Bridgestone Americas Tire Operations, et al.,* Case No. 3:18–cv–00054 (S.D. Ohio). It has come to the attention of the Department of Justice that members of the public were unable to access a copy of the proposed consent decree on the Department's website. As a result, the Department of Justice is now publishing this revised notice, which will give members of the public 30 days from the publication date of this revised notice to review and comment on the proposed consent decree.

The proposed consent decree resolves claims of the United States Environmental Protection Agency (''EPA'') against seven defendants—Bridgestone Americas Tire Operations, LLC; Cargill, Inc.; Flowserve Corporation; Kelsey-Hayes Company; NCR Corporation; Northrop Grumman Systems Corporation, and Waste Management of Ohio (collectively ''Defendants'')—for response costs and injunctive relief with respect to the North Sanitary (aka ''Valleycrest'') Landfill Superfund Site in Dayton, Ohio (''Site''). A complaint, which was filed simultaneously with the proposed consent decree, alleges that the Defendants are liable under Sections 106, 107(a), and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9606, 9607(a), and 9613(g)(2). Under the proposed consent decree, the Defendants will perform the remedy selected by EPA to address contamination at the Site by, among other things, designing and constructing a landfill ''cap'' that will cover approximately 70 acres of the Site. Other significant remedial actions will include the design and construction of a system to address landfill gas, as well as a system to prevent leachate from contaminating groundwater. Additionally, the Defendants will reimburse EPA for its future response costs, but they will not reimburse EPA for its future oversight costs unless and until such costs, together with past responses costs and interim costs incurred before entry of the consent decree, exceed $8.37 million. The proposed consent decree will provide covenants not to sue to the Defendants, as well as to numerous other potentially responsible parties (''Other Settling Parties'') who have previously entered into settlement agreements with one or more of the Defendants and, in most instances, received indemnifications from them, provided that such Other Settling Parties (listed in Appendix E of the consent decree) submit signature pages agreeing to be bound by the consent decree and, if they own property likely affected by the remedial action, cooperate in the implementation of the consent decree.

The publication of this revised notice opens a new 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 *United States* v. *Bridgestone Americas Tire Operations, et al.,* Case No. 3:18–cv–00054 (S.D. Ohio), D.J. Ref. No. 90–11–3–11076. All comments must be submitted no later than thirty (30) days after the publication date of this revised 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 website: *https://www.justice.gov/enrd/consent-decrees.* We will also 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 $84.50 (338 pages at 25 cents per page reproduction cost) payable to the United States Treasury. For a paper