

Numurus LLC, Seattle, WA; ODU–USA, Inc., Camarillo, CA; Photodon, LLC, Traverse City, MI; Pi Innovo LLC, Plymouth, MI; Precision Advanced Machining Co., Clinton Township, MI; Quantum Ventura Inc., Los Angeles, CA; Real-Time Analyzers, Inc., Middletown, CT; ServiceNow, Santa Clara, CA; Steelhead Composites, Golden, CO; Systematic Inc., Centreville, VA; T.E.A.M., Inc., Woonsocket, RI; The TireBall Company, Crestwood, KY; The University of Texas at Austin, Austin, TX; TORC Robotics, Blacksburg, VA; Triad Services Group Inc., Madison Heights, MI; University of Delaware Center for Composite Materials, Newark, DE; Virginia Polytechnic Institute and State University, Blacksburg, VA; VITEC, Inc., Atlanta, GA; Volans-I, San Francisco, CA; XPER (formerly Ibis-Tek), Butler, PA; YawPITCH, LLC, Holland, MI, and during GFY 2023, Abaco Systems, Huntsville, AL; Acrow Corp of America, Inc., Parsippany, NJ; Aegis Systems Inc. (Actuate), New York, NY; AMBOT, Reno, NV; AmSafe, Inc., Phoenix, AZ; AOM Engineering Solutions LLC, Dearborn Heights, MI; API Heat Transfer, Inc., Buffalo, NY; Applied Minds, LLC, Burbank, CA; APT-Research, Inc., Huntsville, AL; Armag Corporation, Bardstown, KY; ASRC Federal Mission Solutions, Moorestown, NJ; ATI Inc. (Alloy Technology Innovations Inc.), Lexington, KY; Autonodyne LLC, Boston, MA; B&H INTERNATIONAL LLC, BAKERSFIELD, CA; BlackBar Engineering, Sierra Vista, AZ; CAMX Power LLC, Lexington, MA; Clemson University—College of Engineering and Science, Clemson, SC; CP Technologies LLC (Chassis Plans LLC), Prescott, AZ; D–2 Incorporated, Bourne, MA; DataRobot, Boston, MA; DB Santasalo—USA, Greer, SC; Deep Analytics LLC, Montpelier, VT; Dell Technologies, Apex, NC; DOLL America Inc., Allenwood, NJ; DroneShield LLC, Warrenton, VA; Eck Industries, Inc., Manitowoc, WI; Essex Electro Engineers, Inc., Schaumburg, IL; Fenix Group Inc., Chantilly, VA; FPH USA, Roseville, MI; Future Tense LLC dba CalypsoAI Labs, Richmond, VA; Gen3 Defense and Aerospace LLC, Grand Rapids, MI; General Electric Aviation Systems, LLC, Grand Rapids, MI; Georgia Tech Applied Research Corporation (Georgia Tech Research Corporation), Atlanta, GA; Grand Valley Mfg, Titusville, PA; Great Lakes Systems & Technology LLC, Chesterfield Twp, MI; Gunite Corporation (Accuride Corporation), Rockford, IL; Hamilton Sundstrand Corporation (Colins Aerospace Company), Rockford, IL;

Intelligent Automation, Inc., Rockville, MD; International Logistics Systems, Inc., Glen Rock, PA; Janus Communications, Irvine, CA; Jaxon Engineering and Maintenance, LLC, Colorado Springs, CO; Jenoptik Advanced Systems, LLC, Rochester Hills, MI; JWF Defense Systems, Johnstown, PA; Keshik Mobile Power Systems, Northborough, MA; L3Harris Technologies √ Link Training & Simulation, Arlington, TX; L3 TECHNOLOGIES INC. COMMUNICATIONS SYSTEMS WEST OPERATING DIVISION, Salt Lake City, UT; Macomb Community College, Warren, MI; MAK Technologies, Orlando, FL; Maxar Space Robotics LLC (formerly SSL Robotics LLC), Pasadena, CA; Mayer Alloys Corporation, Ferndale, MI; Metalbuilt LLC, Chesterfield, MI; Michigan Engineering Services, LLC, Ann Arbor, MI; Microsoft Corporation, Redmond, WA; NetCentric Technology, LLC, Neptune, NJ; NINOx 360 LLC, Redwood City, CA; Nu-Trek, Inc., San Diego, CA; O’Gara-Hess & Eisenhardt Armoring Company LLC, Fairfield, OH; Onodi Tool & Engineering, Melvindale, MI; Patriot Products Inc, Franklin, IN; PD Systems, Sterling Heights, MI; PHUOC LUONG dba TWF ENTERPRISE, San Jose, CA; Planck Aerosystems, San Diego, CA; Quantum Research International, Inc., Huntsville, AL; Rebellion Defense, Inc., Washington, DC; Red Berry Innovations, Inc., Springfield, NE; Red Hat Professional Consulting, Inc., Raleigh, NC; Regents of the University of Michigan, Dearborn, MI; Remotec Inc (formerly Northrop Grumman Remotec), Clinton, TN; Reveal Technology Inc, San Carlos, CA; Robo-Team NA, Inc., Rockville, MD; Robotire, Inc., Canton, MI; SAPA Transmission, Inc., Fort Lauderdale, FL; Sarcos LC, Salt Lake City, UT; Seco USA, Inc, Rockville, MD; Senseker Engineering, Santa Barbara, CA; Shield AI, San Diego, CA; Silicon Forest Electronics, Vancouver, WA; Sonalysts, Inc., Waterford, CT; Spear Power Systems Inc., Grandview, MO; Spectra Technologies, LLC, East Camden, AR; Stephens Pneumatics, Inc., Haslet, TX; Syntonics LLC, Columbia, MD; Technology Service Corporation, Arlington, VA; TeleSwivel, LLC, Durham, NC; TexPower, Inc., Austin, TX; The Entwistle Company, Hudson, MA; Underground Pipeline, INC, Eagle, WI; University of Texas at Arlington (Research Institute), Arlington, TX; and VRC Metals Systems, LLC, Box Elder, SD, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned

activity of the group research project. Membership in this group research project remains open, and NAMC intends to file additional written notifications disclosing all changes in membership.

On October 15, 2009, NAMC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 30, 2009 (52 FR 8375).

The last notification was filed with the Department on October 17, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 8, 2022 (87 FR 67488).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2023–28139 Filed 12–20–23; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Joeseph Potter, D.D.S.; Decision and Order

On July 12, 2023, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Joeseph Potter, D.D.S. (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 2, at 1, 3. The OSC proposed the revocation of Registrant’s Certificate of Registration No. FP7517456 at the registered address of 3145 Larimer Street, Denver, Colorado 80205. *Id.* at 1. The OSC alleged that Registrant’s registration should be revoked because Registrant is “currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Colorado, the state in which [he is] registered with DEA.” *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file with DEA a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 1–2.<sup>1</sup> “A default, unless excused, shall be deemed to constitute a waiver of the registrant’s/applicant’s right to a hearing

<sup>1</sup> Based on the Government’s submissions in its RFAA dated September 7, 2023, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the Government’s Notice of Service of Order to Show Cause included as an attachment a Form DEA–12 signed by Registrant indicating that Registrant was personally served with the OSC on July 19, 2023. RFAAX 1, at 6.

and an admission of the factual allegations of the [OSC].” 21 CFR 1301.43(e).

Further, “[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] § 1316.67.” *Id.* § 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant’s default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 3; *see also* 21 CFR 1316.67.

### Findings of Fact

The Agency finds that, in light of Registrant’s default, the factual allegations in the OSC are admitted. According to the OSC, the Colorado Dental Board issued an Order of Suspension, effective October 12, 2022, suspending Registrant from the practice of dentistry in the state of Colorado. RFAAX 2, at 2. According to Colorado online records, of which the Agency takes official notice, Registrant’s Colorado dental license remains suspended.”<sup>2</sup> Colorado Division of Professions and Occupations License Search, <https://apps2.colorado.gov/dora//licenselookup.aspx> (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice dentistry in Colorado, the state in which he is registered with DEA.

### Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 “upon a finding that the registrant . . . has had his State license or registration 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

<sup>2</sup> Under the Administrative Procedure Act, an agency “may take official notice of facts at any stage in a proceeding—even in the final decision.” United States Department of Justice, Attorney General’s Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), “[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.” Accordingly, Registrant may dispute the Agency’s finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to DEA Office of the Administrator, Drug Enforcement Administration at [dea.addo.attorneys@dea.gov](mailto:dea.addo.attorneys@dea.gov).

also 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, D.O.*, 76 FR 71371, 71372 (2011), *pet. for rev. denied*, 481 F. App’x 826 (4th Cir. 2012); *Frederick Marsh Blanton, D.O.*, 43 FR 27616, 27617 (1978).<sup>3</sup>

According to Colorado statute, “[e]very person who manufactures, distributes, or dispenses any controlled substance within this state . . . shall obtain . . . a registration, issued by the respective licensing board . . . . For purposes of this section and this article [ ], ‘registration’ or ‘registered’ means . . . the licensing of dentists by the Colorado dental board . . . .” Colo. Rev. Stat. 18–18–302(1) (2023).

Here, the undisputed evidence in the record is that Registrant lacks authority to practice dentistry in Colorado. As discussed above, a dentist must be a licensed practitioner to dispense a controlled substance in Colorado. Thus, because Registrant lacks authority to practice dentistry in Colorado and, therefore, is not authorized to handle controlled substances in Colorado, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant’s DEA registration be revoked.

### Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FP7517456 issued to Joeseeph Potter, D.D.S. Further, pursuant

<sup>3</sup> This rule derives from the text of two provisions of the Controlled Substances Act (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(g)(1) (this section, formerly 823(f), was redesignated as part of the Medical Marijuana and Cannabidiol Research Expansion Act, Public Law 117–215, 136 Stat. 2257 (2022)). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, 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 practices. *See, e.g., James L. Hooper*, 76 FR 71371–72; *Sheran Arden Yeates, D.O.*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci, D.O.*, 58 FR 51104, 51105 (1993); *Bobby Watts, D.O.*, 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton*, 43 FR 27617.

to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Joeseeph Potter, D.D.S., to renew or modify this registration, as well as any other pending application of Joeseeph Potter, D.D.S., for additional registration in Colorado. This Order is effective January 22, 2024.

### Signing Authority

This document of the Drug Enforcement Administration was signed on December 12, 2023, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

**Heather Achbach,**

*Federal Register Liaison Officer, Drug Enforcement Administration.*

[FR Doc. 2023–28013 Filed 12–20–23; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Mark Young, M.D.; Decision and Order

On July 14, 2023, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Mark R. Young, M.D. (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 2, at 1, 3. The OSC proposed the revocation of Registrant’s Certificate of Registration No. BY9053240 at the registered address of 401 23rd Street Suite 207, Glenwood Springs, Colorado 81601. *Id.* at 1. The OSC alleged that Registrant’s registration should be revoked because Registrant is “currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in Colorado, the state in which [he is] registered with DEA.” *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file with DEA a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not