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. 2025–10501 Filed 6–9–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Serge Menkin, M.D.; Decision and Order

On October 15, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Serge Menkin, M.D., of Holmdel, New Jersey (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. BM8723795, alleging that Registrant's registration should be revoked because Registrant is ''currently without authority to handle controlled substances in New Jersey, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).[1]

The OSC notified Registrant of his right to file 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 2.[2] ''A default, unless excused, shall be deemed to constitute a waiver of the [registrant's] right to a hearing 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 2; *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, on July 9, 2024, the New Jersey State Board of Medical Examiners suspended Registrant's New Jersey medical license. RFAAX 1, at 1–2. Further, according to the OSC, Registrant's New Jersey controlled dangerous substance license is inactive. *Id.* at 1.

According to New Jersey online records, of which the Agency takes official notice, Registrant's New Jersey medical license is currently active, but Registrant's New Jersey controlled dangerous substance license currently remains inactive.[3] New Jersey Division of Consumer Affairs License Verification, *https://newjersey.mylicense.com/verification* (last visited date of signature of this Order). Accordingly, the Agency finds that while Registrant is licensed to practice medicine in New Jersey, the state in which he is registered with DEA, Registrant is not licensed to handle controlled substances in New Jersey.[4]

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 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. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. § 802(21).''). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27616, 27617 (1978).[5]

According to New Jersey statute, ''[e]very person who manufactures, distributes, or dispenses any controlled dangerous substance within this State or who proposes to engage in the manufacture, distribution, or dispensing of any controlled dangerous substance within this State, shall obtain a registration issued by the [Division of Consumer Affairs] in accordance with rules and regulations promulgated by it.'' N.J. Rev. Stat. section 24:21–10(a) (2025). Further, ''dispense'' means ''to deliver a controlled dangerous substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering,

[1] According to Agency records, Registrant's registration expired on January 31, 2025. The fact that a registrant allows his registration to expire during the pendency of an OSC does not impact the Agency's jurisdiction or prerogative under the Controlled Substances Act (CSA) to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.,* 84 FR 68474, 68476–79 (2019).

[2] Based on the Government's submissions in its RFAA dated December 10, 2024, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the included signed DEA–12 Form indicates that on October 17, 2024, Registrant was personally served with the OSC by a DEA Diversion Investigator. RFAAX 2.

[3] 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).

[4] 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.'' The material fact here is that Registrant, as of the date of this decision, is not licensed to handle controlled substances in New Jersey. Accordingly, Registrant may dispute the Agency's finding this fact 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 the DEA Office of the Administrator, Drug Enforcement Administration at *dea.addo.attorneys@dea.gov.*

[5] 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(g)(1). 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, M.D.,* 76 FR 71371–72; *Sheran Arden Yeats, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR 27617.

packaging, labeling, or compounding necessary to prepare the substance for that delivery.'' *Id.* section 24:21–2.

Here, the undisputed evidence in the record is that Registrant currently lacks authority to dispense controlled substances in New Jersey because Registrant's New Jersey controlled dangerous substance license is inactive. As discussed above, an individual must hold a New Jersey controlled dangerous substance license to dispense a controlled substance in New Jersey. Thus, because Registrant lacks authority to handle controlled substances in New Jersey, 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. BM8723795 issued to Serge Menkin, M.D. Further, pursuant 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 Serge Menkin, M.D., to renew or modify this registration, as well as any other pending application of Serge Menkin, M.D., for additional registration in New Jersey. This Order is effective July 10, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 3, 2025, by Acting Administrator Robert J. Murphy. 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. 2025–10502 Filed 6–9–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

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

On June 3, 2025, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Idaho in the lawsuit entitled *United States, et al.* v. *Nu-West Mining Inc. and Nu-West Industries, Inc.,* Civil Action No. 4:25–cv–00287–AKB.

The proposed Consent Decree would resolve claims the United States has brought against defendants pursuant to Sections 106 and 113(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606, and 9613(g), as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA'') regarding the East Mill Dump Sub-Operable Unit (''EMDSOU'') at the North Maybe Mine Site in Idaho. The Decree would also resolve claims by the State of Idaho (''State'') and Shoshone-Bannock Tribes (''Tribes''), pursuant to CERCLA Section 107 and 113(g)(2), seeking recovery of response costs incurred in response to releases of hazardous substances at the Site and a judgment on liability for response costs that will be binding on any subsequent action or actions to recover further response costs pursuant to Sections 107 and 113(g)(2) of CERCLA, 42 U.S.C. 9607, 9613(g)(2).

Under the Consent Decree, Defendants will perform response actions at the EMDSOU pursuant to the September 1, 2022, Interim Record of Decision. Defendants will also pay funds for oversight costs to the State, Tribes and the United States Fish and Wildlife Service. In exchange, the United States will provide covenants not to sue or to take administrative action against defendants pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a) for the Work. The State and the Tribes also provide covenants not to sue or take administrative action against defendants regarding the Work, State Response Costs, and Tribal Response Costs under any of Sections 106 and 107(a) of CERCLA, the Idaho Environmental Protection & Health Act, Idaho Code secs. 39–101 to 39–130, the Hazardous Waste Management Act of 1983, Idaho Code secs. 39–4401 to 39–4432, and the Idaho Water Quality Act, Idaho Code secs. 39–3601, *et seq.* Defendants provide corresponding covenants to the United States.

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 *United States, et al.* v. *Nu-West Mining Inc., et al.,* 4:25–cv–00287–AKB, D.J. Ref. No. #90–11–3–1776/10. 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.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the Proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Kathryn C. Macdonald,

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

[FR Doc. 2025–10509 Filed 6–9–25; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request for Electronic Service of Orders—Waiver of Certified Mail Requirement

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers' Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.