

the Agency will order that Applicant's application for a DEA registration be denied.

#### Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny the pending application for a Certificate of Registration, Control Number W19137777C, submitted by Fares F. Yasin, M.D., as well as any other pending application of Fares F. Yasin, M.D., for additional registration in Puerto Rico. This Order is effective November 30, 2023.

#### Signing Authority

This document of the Drug Enforcement Administration was signed on October 20, 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.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Stephen E. Van Noy, P.A.; Decision and Order

On March 24, 2023, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Stephen E. Van Noy, P.A. (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. MV2612681 at the registered address of 2101 Box Butte Avenue, Alliance, Nebraska 69301. *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 Nebraska, the state in which [he is] registered with DEA." *Id.* at 1-2 (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.* at 2 (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 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). *See also id.* § 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 October 1, 2022, the Nebraska Department of Health and Human Services revoked Registrant's Nebraska physician assistant license. RFAAX 1, at 1.

According to Nebraska's online records, of which the Agency takes official notice, Registrant's Nebraska physician assistant license remains revoked.<sup>2</sup> Nebraska Department of Health and Human Services License Information System Search, <https://www.nebraska.gov/LISSearch/search.cgi> (last visited date of signature of this

<sup>1</sup> Based on the Government's submissions in its RFAA dated August 2, 2023, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the included Declaration of a DEA Diversion Investigator asserts that on March 30, 2023, Registrant was served with the OSC at his registered address via certified mail. RFAAX 2, at 1.

<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).

Order). Accordingly, the Agency finds that Registrant is not licensed to practice as a physician assistant in Nebraska, 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 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 (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 Nebraska statute, "[d]ispense means to deliver a controlled substance to an ultimate user or a research subject pursuant to a medical order issued by a practitioner authorized to prescribe, including the packaging, labeling, or compounding necessary to prepare the controlled substance for such delivery." Neb. Rev. Stat. section 28-401(8) (2023). Further, a "[p]ractitioner means a physician, a physician assistant . . . or any other person licensed, registered, or otherwise

<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 section 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 at 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 at 27617.

permitted to distribute, dispense, prescribe, conduct research with respect to, or administer a controlled substance in the course of practice or research in this state.” *Id.* Section 28–401(21).

Here, the undisputed evidence in the record is that Registrant lacks authority to practice as a physician assistant in Nebraska. As discussed above, a physician assistant must be a licensed practitioner to dispense a controlled substance in Nebraska. Thus, because Registrant lacks authority to practice as a physician assistant in Nebraska and, therefore, is not authorized to handle controlled substances in Nebraska, 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. MV2612681 issued to Stephen E. Van Noy, P.A. 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 Stephen E. Van Noy, P.A., to renew or modify this registration, as well as any other pending application of Stephen E. Van Noy, P.A., for additional registration in Nebraska. This Order is effective November 30, 2023.

#### Signing Authority

This document of the Drug Enforcement Administration was signed on October 20, 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.*

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## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

#### Meeting of the Criminal Justice Information Services Advisory Policy Board

**AGENCY:** Federal Bureau of Investigation, Department of Justice.

**ACTION:** Meeting notice.

**SUMMARY:** The purpose of this notice is to announce a meeting of the Federal Bureau of Investigation’s (FBI) Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The CJIS APB is a Federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA). This meeting announcement is being published as required by section 10 of the FACA.

**DATES:** The APB will meet in open session from 8:30 a.m. until 6 p.m. on November 30, 2023.

**ADDRESSES:** The meeting will take place at the Marriott Savannah Riverfront Hotel, 100 General McIntosh Boulevard, Savannah, GA 31401; telephone: 912–233–7722. The CJIS Division is offering a blended participation option that allows for individuals to participate in person or via a telephone bridge line. The public will be permitted to provide comments and/or questions related to matters of the APB prior to the meeting. Please see details in the supplemental information.

**FOR FURTHER INFORMATION CONTACT:** Inquiries may be addressed to Ms. Melissa Abel, Management and Program Analyst, Advisory Process Management Office, Law Engagement and Data Sharing Section; 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; email: [agmu@leo.gov](mailto:agmu@leo.gov); telephone: 304–625–5670.

**SUPPLEMENTARY INFORMATION:** The FBI CJIS APB is responsible for reviewing policy issues and appropriate technical and operational issues related to the programs administered by the FBI’s CJIS Division, and thereafter, making appropriate recommendations to the FBI Director. The programs administered by the CJIS Division are the Law Enforcement Enterprise Portal, National Crime Information Center, Next Generation Identification, National Instant Criminal Background Check System, National Data Exchange System, and Uniform Crime Reporting.

The meeting will be conducted with a blended participation option. The public may participate in-person or virtually via a telephone bridge. Registrants attending virtually will be

provided with a phone bridge number to participate.

Registrations will be taken via email to [agmu@leo.gov](mailto:agmu@leo.gov). Information regarding the phone access will be provided prior to the meeting to all registered individuals. Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with approval of the Designated Federal Officer (DFO).

The Federal Government is currently operating on a continuing resolution that expires at 11:59 p.m. on November 17, 2023. Should any lapse in its annual appropriations continue through November 21, 2023, the APB will be unable to conduct its business in person. If this occurs, a virtual meeting with a limited agenda will be conducted during the same date and time as appropriate. All individuals registered by the deadline to attend the meeting will be provided the virtual meeting invitation.

Any member of the public may file a written statement with the APB. Written comments shall be focused on the APB’s issues under discussion and may not be repetitive of previously submitted written statements. Written comments should be provided to Mr. Nicky J. Megna, DFO, at least seven (7) days in advance of the meeting so the comments may be made available to the APB members for their consideration prior to the meeting.

Individuals requiring special accommodations should contact Mr. Megna by no later than November 15, 2023. Personal registration information will be made publicly available through the minutes for the meeting published on the FACA website.

#### Nicky J. Megna,

*CJIS Designated Federal Officer, Criminal Justice Information Services Division, Federal Bureau of Investigation.*

[FR Doc. 2023–23965 Filed 10–30–23; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC–2023–0183]

### Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Monthly notice.