

Final Supplementary Rules for Public Land within the West Eugene Wetlands, Eugene District, Oregon, published in the **Federal Register** on July 28, 2005, and adoption of the application of these rules throughout the planning area on BLM-managed lands. Any party adversely affected may appeal within 30 days of publication of this Notice of Availability. The appeal should state the specific decision(s) being appealed. The appeal must be filed with the Eugene District Manager at the above-listed address.

Please consult the appropriate regulations (43 CFR, part 4, subpart E) for further appeal requirements.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2.

Kathryn Stangl,

Eugene District Manager.

[FR Doc. 2015-12187 Filed 5-19-15; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV952000

L14400000.BJ0000.LXSSF2210000.241A;
13-08807; MO #4500079470; TAS: 15X1109]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

DATES: *Effective Dates:* Unless otherwise stated filing is effective at 10:00 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT: Michael O. Harmening, Chief, Branch of Geographic Sciences, Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502-7147, phone: 775-861-6490. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

1. The Plat of Survey of the following described lands will be officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on the first business day after thirty (30) days from the publication of this notice:

This plat, in 3 sheets, representing the dependent resurvey of a portion of the south and west boundaries, a survey of a portion of the subdivisional lines and metes-and-bounds surveys of certain boundary lines in sections 28, 29, 30 and 31, Township 13 North, Range 27 East, Mount Diablo Meridian, under Group No. 941, was accepted May 14, 2015. This survey was executed at the request of the Bureau of Land Management, Carson City District Office, Nevada, to facilitate the conveyance of certain public lands to the Municipality of Yerington, Nevada, as authorized in the National Defense Authorization Act of Fiscal Year 2015 (Pub. L. 113-291).

The survey listed above is now the basic record for describing the lands for all authorized purposes. These records have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the survey and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: May 14, 2015.

Michael O. Harmening,

Chief Cadastral Surveyor, Nevada.

[FR Doc. 2015-12217 Filed 5-19-15; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 14-25]

The Main Pharmacy; Decision and Order

On October 7, 2014, Administrative Law Judge (ALJ) Christopher B. McNeil issued the attached Recommended Decision (hereinafter, R.D.). Therein, the ALJ found it undisputed that Respondent no longer holds a Texas Pharmacy License and is thus not authorized to dispense controlled substances in the State in which it seeks registration under the Controlled Substances Act (CSA). R.D. at 6. The ALJ thus concluded that Respondent is not a “practitioner” within the meaning of the CSA and is therefore not entitled to be registered. R.D. at 7 (citing 21 U.S.C. 802(21) & 823(f)). Accordingly, the ALJ granted the Government’s Motion for Summary Disposition and recommended that I deny its application.

The ALJ did not, however, address the Government’s further contention that it was also entitled to summary disposition because Respondent’s proposed business model of shipping

filled controlled substance prescriptions to a patient’s prescribing physician rather than directly to the patient, violates federal law. *See generally* R.D.; *see also* Mot. for Summ. Disp., at 5-6. The Government takes exception to the ALJ’s failure to address the issue,¹ arguing that the ALJ “should have also reached the merits of this case and granted summary disposition to the Government on the additional basis that Respondent intends to dispense controlled substances to non-ultimate users in violation of the [CSA] and its implementing regulations.” Gov. Exceptions, at 1.

As support for its contention, the Government argues that I should reach the issue because it “was fully briefed by the parties,” “there is no dispute as to any material fact,” and “the issue is likely to recur with the Respondent” because its “owner has stated his intent to reapply for a state license and pursue opening the pharmacy.” *Id.* at 2. Finally, the Government argues that “requiring the parties to revisit this issue as part of a future case would be a waste of resources, given that this issue has been briefed and is now ripe for disposition.” *Id.*

While Respondent agrees with the Government,² I reject the parties’

¹ Following the issuance of the Recommended Decision, Respondent’s counsel filed a pleading entitled: “Notice of Appeal.” Therein, Respondent requests that the record be prepared and forwarded “to the appropriate Appeals Court.” Notice of Appeal, at 1. Respondent did not, however, file exceptions to the ALJ’s decision as provided for in the Agency’s regulations. *See* 21 CFR 1316.66. As for its “Notice of Appeal,” the ALJ’s Recommended Decision is not a final decision of the Agency and thus, the filing of the record in “the appropriate” court, whatever that maybe, is premature. In the event Respondent files a Petition for Review of this Decision and Order, which is the final decision of the Agency, the Agency will comply with Rule 17 of the Federal Rules of Appellate Procedure.

² Respondent asserts that the issue of its proposed business model is ripe for review because “[e]very time [it] applies for a State license all [the Government] has to do is to sit on the application for a period of six months or more and Respondent will have to close [the] Pharmacy. [The Government] can then assert that Respondent has no State license and should be barred from going forward and hence evade review.” Resp. Answer to Movant’s Mot. for Summ. Disp., at 3.

Respondent’s position apparently stems from the Texas Pharmacy Act and a regulation of the Texas Board of Pharmacy which authorize disciplinary action against the holder of a pharmacy license if the Board finds that the holder has “failed to engage in or ceased to engage in the business described in the application for a license.” Tex. Occ. Code § 565.002(7); *see also* 22 Tex. Admin. Code § 291.11(a)(1) (“Failure to engage in the business described in the application for a license” means the holder of a pharmacy license has not commenced operating the pharmacy within six months of the date of issuance of the license.”).

However, Respondent does not explain why it could not have opened for business and dispensed non-controlled drugs while it challenged the denial of its application.