

at 1-800-877-8339 to contact the above individual during normal business hours. The FRS 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: This 10-member RAC advises the Secretary of the Interior on a variety of management issues associated with public land management in Wyoming. Planned agenda topics for the March meeting (see **DATES**) include discussions on invasive species and follow-up to issues raised at previous RAC meetings.

On Thursday, March 2, the meeting will begin with a public comment period at 8 a.m. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. If there are no members of the public interested in speaking, the meeting will move promptly to the next agenda item. The public may also submit written comments to the RAC by emailing klenhard@blm.gov, with the subject line "RAC Public Comment" or by submitting comments during the meeting to the Chief of Communications. Typed or written comments will be provided to RAC members as part of the meeting minutes.

Mary Jo Rugwell,
State Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV912000 L13400000.PQ0000
LXSS0006F0000; 12-08807; MO#
4500103973; TAS: 14X1109]

Notice of Public Meetings: Mojave-Southern Great Basin Resource Advisory Council, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the Bureau of Land Management (BLM) Mojave-Southern Great Basin Resource Advisory Council (RAC) will meet as indicated below. The meeting is open to the public.

DATES: The RAC will meet on March 2, 2017, from 9:00 a.m. to 5:00 p.m. Members of the public will have the opportunity to make comments to the

RAC during a public comment period from 1:00 to 1:30 p.m.

ADDRESSES: The meeting will be held in the 9th Floor Conference Room at the North Las Vegas City Hall, 2250 Las Vegas Boulevard North, North Las Vegas, Nevada 89030.

FOR FURTHER INFORMATION CONTACT: Tim Smith, District Manager, at 702-525-5000, Southern Nevada District Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FRS 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: The 15-member Mojave-Southern Great Basin RAC was chartered to serve in an advisory capacity concerning the planning and management of the public land resources located within Nevada. Members represent an array of stakeholder interests from within the local area and statewide. All advisory council meetings are open to the public.

Persons wishing to make comments during the public comment period of the meeting should register in person with the BLM, at the meeting location, before the meeting's public comment period. Depending on the number of persons wishing to comment, the length of comments may be limited.

Topics for discussion at this meeting will include last year's accomplishments, the election of officers, goals for this year, the Las Vegas Resource Management Plan, and existing uses of and access to the Gold Butte National Monument. Managers' reports of District Office activities will also be given. The RAC may raise other topics at the meeting. The final agenda is posted on-line at the BLM Mojave-Southern Great Basin RAC Web site at <http://bit.ly/2j8vR3Y>.

Attendees should park in the south parking area instead of the customer parking area. Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, or who wish to receive a copy of each agenda, may contact the person listed above no later than 10 days prior to the meeting.

Stephen Clutter,
Chief, Office of Communications.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Robert Markman, M.D.; Decision and Order

On September 27, 2016, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration, issued an Order to Show Cause to Robert Markman, M.D. (hereinafter, Applicant), of Northridge, California. GX 1, at 1. The Show Cause Order proposed the denial of Applicant's application for a Certificate of Registration as a practitioner, on the ground that he does not hold authority to dispense controlled substances in California, the State in which he seeks registration. *Id.*

As the jurisdictional basis for the proceeding, the Show Cause Order alleged that on December 30, 2013, Applicant applied for a registration as "a practitioner in [s]chedules II-V," at a proposed registered location in Northridge, California. *Id.* As the substantive ground for the proceeding, the Show Cause Order alleged that effective on August 17, 2016, the Medical Board of California (MBC) issued an order revoking Applicant's "authority to practice medicine due to [his] conviction of a criminal offense substantially related to the qualification, functions, or duties of a physician and surgeon." *Id.* at 1-2. The Order then alleged that Applicant is "without authority to handle controlled substances in . . . California, the [S]tate in which [he is] attempting to register with the" Agency, and that as consequence, his application must be denied. *Id.*

The Show Cause Order notified Applicant of his right to request a hearing on the allegations or to submit a written statement 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 (citing 21 CFR 1301.43). The Show Cause Order also notified Applicant of his right to submit a corrective action plan. *Id.* at 2-3 (citing 21 U.S.C. 824(c)(2)(C)).

On October 5, 2016, a Diversion Investigator assigned to the Los Angeles Field Division personally served the Show Cause Order on Applicant. GX 3. On January 13, 2017, the Government submitted a Request for Final Agency Action (cited as RFAA) and an evidentiary record to support its proposed action. In its Request, the Government represents that Applicant "has not filed a request for a hearing or

a written statement.” Gov. Request for Final Agency Action, at 1.

Based on the record and the Government’s representation, I find that since the date on which Applicant was served with the Show Cause Order, more than 30 days have now passed and neither Applicant, nor anyone purporting to represent him, has requested a hearing or submitted a written statement while waiving his right to a hearing. Accordingly, I find that Applicant has waived his right to a hearing and his right to submit a written statement. 21 CFR 1301.43(d). I therefore issue this Decision and Order based on the record submitted by the Government. *Id.* § 1301.43(e). I make the following findings.

Findings of Fact

On December 30, 2013, Applicant applied for a DEA Certificate of Registration, seeking authority to dispense controlled substances in schedules II through V as a practitioner. GX 2A, at 1. Applicant proposed an address in Northridge, California as his registered location, and provided the number of his California license. *Id.*

Applicant was also the holder of Physician’s and Surgeon’s certificate No. G27953 which was issued by the MBC. GX 2B, at 1, 3. However, on July 18, 2016, the MBC adopted the proposed decision of a state administrative law judge (ALJ) which found that Applicant had been “convicted of a criminal offense substantially related to the qualifications, functions, or duties of a physician and surgeon” and that “[s]uch also constituted unprofessional conduct.” *Id.* at 1, 24. The state ALJ also found that Applicant “failed to offer even minimal evidence of rehabilitation and this prevents the Board from giving any consideration to continuing his probation at this time” and that “[p]ublic protection demands that [his] medical license be revoked.” *Id.* at 24.

While the MBC’s Order was to become effective on August 17, 2016, according to the Board’s online records (of which I take official notice¹), on

August 16, Applicant sought reconsideration and the MBC stayed its order to allow it “to review and consider” his petition. However, on August 26, 2016, the MBC denied Applicant’s petition and the revocation became effective at 5 p.m. that day. I therefore find that Applicant does not possess authority under the laws of California to dispense controlled substances. *See* Cal. Bus. & Prof. Code § 2051 (“The physician’s and surgeon’s certificate authorizes the holder to use drugs . . . in or upon human beings . . . in the treatment of diseases, injuries, deformities, and other physical and mental conditions”); *id.* § 2052 (“any person who . . . prescribes for any . . . deformity, disease . . . 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”).

Discussion

Under the Controlled Substances Act, a practitioner must be currently authorized to dispense controlled substances “under the laws of the State in which he practices” in order to obtain and maintain a practitioner’s registration. *See* 21 U.S.C. 823(f) (“[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.”); *see also id.* § 802(21) (defining “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”).

Thus, 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 registration. *See, e.g., James L. Hooper*, 76 FR 71371 (2011) (collecting cases), *pet. for rev. denied*, 481 Fed. Appx. 826 (4th Cir. 2012); *see also Frederick Marsh Blanton*, 43 FR 27616 (1978) (“State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.”); 21 U.S.C. 824(a)(3) (authorizing revocation “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”).

As found above, by virtue of the MBC’s Order, Applicant currently lacks authority to handle controlled substances in California, the State in which he seeks registration, and is not entitled to be registered. Accordingly, I will order that his application be denied.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b), I order that the application of Robert Markman, M.D., for a DEA Certificate of Registration as a practitioner, be, and it hereby is, denied. This Order is effective March 24, 2017.

Dated: February 14, 2017.

Chuck Rosenberg,
Acting Administrator.

[FR Doc. 2017-03383 Filed 2-21-17; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

[OMB Number 1121-0292]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Revision of Currently Approved Collection: 2016 Survey of Sexual Victimization (SSV)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-day notice.

SUMMARY: Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** at 81 FR 87957, on December 6, 2016, allowing for a 60 day comment period. No comments were received.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 24, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or

¹ I also take official notice that according to the online records of the MBC, Applicant’s medical license has not been reinstated.

In accordance with the Administrative Procedure Act (APA), an agency “may take official notice of facts at any stage in a proceeding—even in the final decision.” U.S. Dept. of Justice, *Attorney General’s Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA’s regulations, Respondent is “entitled on timely request to an opportunity to show to the contrary.” 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Respondent the opportunity to refute the facts of which I take official notice, Respondent may file a motion for reconsideration within 15 calendar days

of the date of service of this Order which shall commence on the date this Order is mailed.