

**Authority**

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: November 5, 2015.

**Joy E. Nicholopoulos,**

*Acting Regional Director, Southwest Region,  
U.S. Fish and Wildlife Service.*

[FR Doc. 2015-28794 Filed 11-10-15; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR**

**Geological Survey**

**[GX16EE000101100]**

**Announcement of National Geospatial  
Advisory Committee Meeting**

**AGENCY:** U.S. Geological Survey,  
Department of the Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The National Geospatial Advisory Committee (NGAC) will meet on December 4, 2015, from 12:30 p.m. to 3:30 p.m. EST. The meeting will be held via web conference and teleconference.

The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, has been established to advise the Chair of the Federal Geographic Data Committee on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure, and the implementation of Office of Management and Budget (OMB) Circular A-16. Topics to be addressed at the meeting include:

- FGDC Update
- NGAC Subcommittee Reports
- Review of NGAC Papers
- Planning for 2016 NGAC Activities

Members of the public who wish to attend the meeting must register in advance. Please register by contacting Lucia Foulkes at the Federal Geographic Data Committee (703-648-4142, *lfoulkes@usgs.gov*). Meeting registrations are due by November 30, 2015. Meeting information (Web conference and teleconference instructions) will be provided to registrants prior to the meeting. While the meeting will be open to the public, attendance may be limited due to web conference and teleconference capacity.

The meeting will include an opportunity for public comment. Attendees wishing to provide public comment should register by November

30. Please register by contacting Lucia Foulkes at the Federal Geographic Data Committee (703-648-4142, *lfoulkes@usgs.gov*). Comments may also be submitted to the NGAC in writing.

**DATES:** The meeting will be held on December 4, 2015, from 12:30 p.m. to 3:30 p.m. EST.

**FOR FURTHER INFORMATION CONTACT:** John Mahoney, U.S. Geological Survey (206-220-4621).

**SUPPLEMENTARY INFORMATION:** Meetings of the National Geospatial Advisory Committee are open to the public. Additional information about the NGAC and the meeting are available at *www.fgdc.gov/ngac*.

**Kenneth Shaffer,**

*Deputy Executive Director, Federal  
Geographic Data Committee.*

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**[Docket No. 15-21;**

**Christina B. Paylan, M.D.; Decision and  
Order**

On July 1, 2015, Administrative Law Judge Christopher B. McNeil issued the attached Recommended Decision. Therein, the ALJ found it undisputed that Respondent's medical license has been suspended by the Florida Department of Health, and that therefore, she "is not authorized to handle controlled substances in the State of Florida." R.D. 6. Because Respondent is no longer a "practitioner" within the meaning of the Controlled Substances Act, the ALJ granted the Government's Motion for Summary Disposition and recommended that her registration be revoked<sup>1</sup> and that any pending application to renew or modify her registration be denied. *Id.*

Respondent filed Exceptions to the Decision and the Government filed a Response to Respondent's Exceptions. Thereafter, the record was forwarded to me for final agency action.

Having considered the record in its entirety, I have decided to adopt the ALJ's factual finding, his conclusions of law, and recommended order. A discussion of Respondent's Exceptions follows.

Respondent's first exception is based on the ALJ's finding that she is "no

<sup>1</sup> According to the registration records of this Agency, of which I take official notice, *see* 5 U.S.C. 556(e), Respondent's registration does not expire until March 31, 2016.

longer authorized by state law to handle controlled substances." Exceptions at 1. Noting that the language of section 824(a)(3) authorizes the suspension or revocation of a registration where a registrant "is no longer authorized by State law to engage in the manufacturing, distribution or dispensing of controlled substances," Respondent argues that the ALJ lumped together "[t]he words 'manufacturing, distribution or dispensing'" and that this "violates the strict requirement for strict statutory construction." *Id.* Apparently, because the ALJ used the word "handle" rather than "dispense" to describe the authority Respondent no longer holds by virtue of the suspension of her medical license, Respondent believes that the Agency lacks authority to revoke her registration.

It is true that the Controlled Substances Act does not use the word "handle" in describing the activities that various categories of registrants are authorized to engage in pursuant to their registrations. Rather, the term is part of the Agency's vernacular.

Notwithstanding the language used by the ALJ, the Agency possesses authority to revoke Respondent's registration because the record establishes that she lacks authority to dispense controlled substances in Florida, the State in which she is registered with DEA. Specifically, the evidence shows that on October 28, 2014, the Florida Department of Health ordered the emergency suspension of Respondent's license "to practice as a medical doctor" after she was convicted in state court of two felony offenses, including, *inter alia*, "obtaining a controlled substance by fraud." *In re Emergency Suspension of the License of Christina B. Paylan, M.D.*, 1-2 (Fla. Dept. of Health Oct. 28, 2014) (No. 2014-12284). Respondent therefore lacks authority under Florida law to dispense controlled substances within the meaning of the CSA. *See* Fla. Stat. § 458.305(3) (defining the "practice of medicine" as "the diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental condition"); *id.* § 458.305(4) (defining "physician" as "a person who is licensed to practice medicine in this state"); § 456.065(2)(d)(1) (prohibiting the unlicensed practice of "a health care profession without an active, valid . . . license to practice that professional" which "includes practicing on a suspended . . . license").

Respondent further argues that because she "is not a dispensing practitioner" as defined by Florida law, she is outside of the scope of section 824(a)(3). Exceptions at 5. Respondent