| Information collected | Reason for collection |
|---|---|
| Declaration whether the donor is involved with litigation or controversy with the Department. | To assist the Department in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined. |
| Declaration whether the donor is engaged in any financial or business relationship with the Department. | To assist the Department in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined. |
| Declaration whether the donor has been debarred, excluded or disqualified from the non-procurement common rule, or otherwise declared ineligible from doing business with any Federal agency. | To assist the Department in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined. |
| Declaration as to whether the donation is expected to be involved with marketing or advertising. | To assist the Department in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined. |
| Declaration whether the donor is seeking to attach conditions to the donation. | To assist the Department in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined. |
| Declaration whether this proposed donation is or is not part of a series of donations to the Department. | To assist the Department in determining the scope and context of the donation, and to assist in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined. |
| Signature, Printed Name, Date, Organization, Email address, City, State, Zip, and daytime or work phone number. | To establish the contact information of the potential donor, and have the certifier sign the certification form. |

*Title of Collection:* Donor Certification Form.

*OMB Control Number:* 1090–0009.

*Form Number:* DI–3680.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Individuals or households, Businesses, Not-for-profit institutions, Tribal governments.

*Total Estimated Number of Annual Respondents:* 100.

*Total Estimated Number of Annual Responses:* 100.

*Estimated Completion Time per Response:* 20 Minutes.

*Total Estimated Number of Annual Burden Hours:* 33 Hours.

*Respondent's Obligation:* Voluntary.

*Frequency of Collection:* Once per prospective donor per fiscal year.

*Total Estimated Annual Nonhour Burden Cost:* None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

**Douglas A. Glenn,**

*Deputy Chief Financial Officer and Director, Office of Financial Management.*

[FR Doc. 2018–09745 Filed 5–7–18; 8:45 am]

**BILLING CODE 4334–63–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### William R. Montiel, M.D.; Decision and Order

On August 10, 2017, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration, issued an Order to Show Cause to William R. Montiel, M.D. (hereinafter, Registrant), of Prattville, Alabama. GX 2. The Show Cause Order proposed the revocation of Registrant's authority under his DEA Certificate of Registration to dispense schedule II controlled substances, and the denial of ''any applications for renewal or modification of such [s]chedule II authority and any applications for any other DEA registrations with [s]chedule II authority pursuant to 21 U.S.C. 824(a)(3), because [he has] no state authority to handle controlled substances.'' *Id.* at 1.

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is registered as a practitioner with authority to dispense controlled substances in schedules II through V under Certificate of Registration No. FM0822812, at the location of 554C McQueen Smith Road, Prattville, Alabama. *Id.* The Order further alleged that this registration does not expire until January 31, 2020. *Id.*

As the substantive ground for the proceeding, the Show Cause Order alleged that ''[o]n March 7, 2017, the Medical Licensure Commission of Alabama issued an Order restricting [Registrant's] license to practice medicine in . . . Alabama such that [he] 'shall not prescribe any substance listed in [s]chedule II of the Alabama Controlled Substance Act . . . or any substance listed on the [DEA's] listing of [s]hedule II controlled substances.''' *Id.* at 1–2. The Show Cause Order thus alleged that as a result of the Commission's action, Registrant is ''currently without authority to handle [s]chedule II controlled substances in . . . Alabama, the [S]tate in which [he is] registered with'' DEA, and that as a consequence, his schedule II authority is subject to revocation. *Id.* at 1–2.

The Show Cause Order notified Registrant of his right to a hearing or to submit a written statement while waiving his right to a hearing, the procedure for electing either option, and the consequence of failing either option. *Id.* at 2 (citing 21 CFR 1301.43(a) & (c)). The Order also notified Registrant of his right to submit a corrective action plan. *Id.* at 2–3.

On October 25, 2017, the Government submitted a Request for Final Agency Action (RFAA I). GX 5, at 4. Therein, the Government represented that ''[o]n August 10, 2017, personnel from DEA's Office of Chief Counsel, Diversion and Regulatory Section, mailed a copy of the Order to Registrant's registered address via first-class United States mail'' and that the letter was not returned ''as undeliverable.'' *Id.* The Government further represented that Registrant had neither requested a hearing, nor submitted a written statement while waiving his right to a hearing, within the 30-day time period following service for electing either option. *Id.* The Government thus maintained that Registrant had waived his right to either a hearing or to submit a written statement and sought a final order.

On review, I held that the Government's effort at service was ''a

departure from the Agency traditional practice.'' GX 6 (Administrator's Order, Feb. 6, 2016). I also noted that ''the Government cite[d] no authority establishing that a sole effort of mailing by first class mail (with no evidence of delivery to the address) is sufficient to provide constitutionally adequate service for initiating a proceeding under the Due Process Clause.'' *Id.* I therefore ordered the Government ''to either address why its effort was consistent with the Due Process Clause or to engage in additional reasonable efforts to serve Registrant.'' *Id.*

On March 20, 2018, the Government submitted a Second Request for Final Agency Action. RFAA II, at 5. Therein, the Government represents that on August 15, 2017, the case agent travelled to Registrant's registered address to personally serve the Show Cause Order on Registrant. *Id.* at 2. The Government further represents that the case agent met with Registrant and upon informing Registrant that he was there to serve the Show Cause Order, Registrant stated that he had received the Order in the mail the previous day and showed the Order to the case agent who confirmed that it was identical to the Order he planned to serve on Registrant. *Id.* As support for these representations, the Government provided a declaration by the case agent. GX 7.

Based on the case agent's declaration, I now find that Registrant was served with the Show Cause Order on August 14, 2017. In its Second Request, the Government again represents that ''Registrant has not requested a hearing and has not otherwise corresponded or communicated with DEA regarding the'' Show Cause Order, to ''include[e] the filing of [a] written statement in lieu of a hearing.'' RFAA II, at 2–3. Because more than 30 days have now passed since the date of service of the Show Cause Order, and Registrant has neither requested a hearing nor submitted a written statement while waiving his right to a hearing, I find that Registrant has waived his right to a hearing or to submit a written statement. 21 CFR 1301.43(d). I therefore issue this Decision and Order based on the evidentiary record submitted by the Government. *Id.* § 1301.43(e). I make the following factual findings.

## FINDINGS

Registrant is the holder of DEA Certificate of Registration No. FM0822812, pursuant to which he is authorized to dispense controlled substances in schedules II through V as a practitioner, at the registered address of 554C McQueen Smith Road, Prattville, Alabama. GX 1, at 1. This registration does not expire until January 31, 2020. *Id.*

Registrant is also the holder of a medical license issued by the Medical Licensure Commission of Alabama. GX 3, at 2. Following a hearing, on March 7, 2017, the Commission issued an Order which found that Registrant's ''treatment of chronic pain patients is not in compliance with the Board of Medical Examiners' guidelines for pain management and the standards for the utilization of controlled substances set out'' in various provisions of the Alabama Administrative Code, ''in violation of § 34–24–360(23) of the Alabama Code.'' GX 3, at 2–3. The Commission also found that Registrant's ''continued prescribing of'' schedule II controlled substances ''presents a risk of harm to his patients.'' *Id.* at 3. The Commission thus restricted Registrant's medical license to prohibit him from prescribing any schedule II controlled substance. *Id.* The Commission's Order became effective at midnight on June 23, 2017. *Id.* at 4 (Commission's Order, May 24, 2017). According to the online records of the Commission of which I take official notice, this restriction remains in effect as of the date of this Order. *See http://www.albme.org* (visited April 30, 2018).

## DISCUSSION

Under the Controlled Substances Act (CSA), a practitioner's registration grants authority to dispense a controlled substance, which by definition ''means to deliver a controlled substance to an ultimate user . . . by, or *pursuant to the lawful order of, a practitioner.*'' 21 U.S.C. 802(10) (emphasis added). Likewise, the CSA defines the ''[t]he term 'practitioner' [to] mean[] a physician . . . 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.'' *Id.* § 802(21). Finally, under the CSA's registration provision applicable to a practitioner, ''[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.'' *Id.* § 823(f). These provisions thus make clear that a practitioner's possession of federal authority to dispense controlled substances is generally premised on his possession of authority under state law to do so. *See also see also id.* § 824(a)(3) (authorizing the suspension or revocation of registration issued under section 823 of the CSA, ''upon a finding that the registrant . . . has had . . . [her] 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'').

As the Supreme Court recognized in *United States* v. *Moore,* 423 U.S. 122, 140–41 (1975), ''[i]n the case of a physician this scheme contemplates that he is authorized by the State to practice medicine and to dispense drugs in connection with his professional practice. The federal registration . . . extends no further.''

Thus, to the extent a practitioner is not authorized under state law to dispense certain categories or schedules of controlled substances, he can no longer lawfully dispense them under federal law. *See Kenneth Harold Bull,* 78 FR 62666, 62672, 62676 (2013) (restricting practitioner's registration to authorize the dispensing of only those controlled substances authorized to dispense under his state license). Accordingly, where a state board takes such action, at a minimum, a practitioner's CSA registration must be restricted to authorize the dispensing of only those controlled substances which he can lawfully dispense under state law. *See id.; see also* 21 U.S.C. 824(a)(3).

Based on the Commission's Order, I find that Registrant is currently without authority to prescribe schedule II controlled substance under his Alabama Medical License. Because his authority under his DEA registration (in Alabama) can only extend as far as his state authority, I will order that his authority to prescribe schedule II controlled substances be revoked and that his registration be restricted to prohibit him from prescribing schedule II controlled substances.[1]

## ORDER

Pursuant to the authority vested in me by 28 CFR 0.100(b) and 21 U.S.C. 824(a)(3), I order that the authority of William R. Montiel, M.D., to prescribe schedule II controlled substances under

[1] While the Government argues that ''Registrant's [s]chedule II authority should be revoked . . . because Registrant has no state authority to handle [s]chedule II controlled substances in Alabama,'' RFAA II, at 4, the various state Orders submitted by the Government address only his authority to prescribe and not to engage in other activities which fall within the definition of dispense, such as administering or direct dispensing, whether under the CSA or Alabama law. *See* Ala. Code § 20–2–2 (defining the term ''dispense'' to mean ''[t]o deliver a controlled substance to an ultimate user . . . by or pursuant to the lawful order of a practitioner, including the prescribing, [or] administering'' of a controlled substance). While it may have been the intent of the Commission to entirely limit Registrant's schedule II authority, that is not apparent on the face of its Orders.

Certificate of Registration No. FM0822812 be, and it hereby is, revoked. I further order that any application of William R. Montiel, M.D., to renew or modify his registration, or for any other registration in the State of Alabama, be, and it hereby is denied, to the extent it seeks authority to prescribe schedule II controlled substances in the State of Alabama. This ORDER is effective immediately.[2]

Dated: April 30, 2018.

**Robert W. Patterson,**

*Acting Administrator.*

[FR Doc. 2018–09738 Filed 5–7–18; 8:45 am]

**BILLING CODE 4410–09–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice: (18–046)]**

### Earth Science Advisory Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Earth Science Advisory Committee (ESAC). This Committee functions in an advisory capacity to the Director, Earth Science Division, in the NASA Science Mission Directorate. The meeting will be held for the purpose of soliciting, from the Earth science community and other persons, scientific and technical information relevant to program planning.

**DATES:** Tuesday, May 29, 2018, 1:00 p.m.–2:00 p.m., Eastern Time.

**ADDRESSES:** This meeting will take place telephonically. Any interested person must use a touch-tone phone to participate in this meeting. Any interested person may call the USA toll free number 1–888–955–8964, passcode 3820950.

**FOR FURTHER INFORMATION CONTACT:** KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, fax (202) 358–2779, or *khenderson@nasa.gov.*

The agenda for the meeting includes the following topic:

—Earth Science Program High Impact Research

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

**Deborah F. Bloxon,**

*Federal Liaison Officer.*

[FR Doc. 2018–09803 Filed 5–7–18; 8:45 am]

**BILLING CODE 7510–13–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[18–041]**

### Notice of Information Collection

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of information collection.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

**DATES:** All comments should be submitted within June 7, 2018.

**ADDRESSES:** All comments should be addressed to Lori Parker, National Aeronautics and Space Administration, 300 E Street SW, Washington, DC 20546–0001.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Lori Parker, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546, (202) 358–1351.

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

Supersonic flight over land is currently restricted in the U.S. and many countries because sonic boom noise disturbs people on the ground and can potentially damage private property. NASA is researching the public acceptability of quiet commercial supersonic flight. As sufficient research is assembled, there is potential for a change in federal and international regulations.

The 2018 Quiet Supersonic Flight Community Response Test will correlate human annoyance response with low level supersonic exposure in a community setting. The supersonic exposure will be generated with an F–18 research aircraft performing a specialized maneuver. This effort is designed to evaluate remote aircraft basing and operations, community engagement, sonic boom measurements, and community annoyance surveys. The effort will improve research methods for future community-scale response testing using a purpose-built, low boom flight demonstration aircraft (LBFD).

NASA supported a prior risk reduction field test to evaluate data collection methods for low boom community response at Edwards Air Force Base (EAFB) in November 2011. The annoyance response findings from the study are not readily generalizable to a larger population, as the residents at EAFB are accustomed to hearing full level sonic booms on a routine basis.

#### II. Methods of Collection

Web-Based/Electronic.

#### III. Data

*Title:* 2018 Quiet Supersonic Flight Community Response Test.

*OMB Number:* 2700–xxxx.

*Type of review:* New Clearance.

*Affected Public:* Individuals and Households, Businesses and Organizations, State, Local, or Tribal Government.

*Average Expected Annual Number of activities:* Four questionnaires administered with varying frequency over 10 days.

*Average number of Respondents per Activity:* 500 respondents (maximum).

*Annual Responses:* 112 responses (maximum) per respondent.

*Frequency of Responses:* 10 responses (maximum) per day.

*Average minutes Per Response:* Typical response time is 2 minutes

*Burden Hours:* Not to exceed 2,000 hours.

#### IV. Request for Comments

*Comments are invited on:* (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection.

[2] I further order that Registrant's Certificate of Registration be modified to reflect this restriction on his authority. Based on the findings of the Commission, I find that the public interest necessitates that the revocation of his schedule II prescribing authority be effective immediately. 21 CFR 1316.67.