

patterns reflected in the record are outside the public interest.

Moreover, Respondent failed to provide the Agency with any evidence related to its “experience in dispensing” that served the public’s interest. Accordingly, the Agency finds that Factor B also weighs strongly against Respondent’s continued registration.²²

III. Sanction

Where, as here, the Government has met its *prima facie* burden of showing that Respondent’s continued registration would be inconsistent with the public interest, the burden shifts to Respondent to show why he can be entrusted with a registration. *Morall*, 412 F.3d at 174; *Jones Total Health Care Pharmacy*, 881 F.3d at 830; *Garrett Howard Smith, M.D.*, 83 FR 18882 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual respondent. *Jeffrey Stein, M.D.*, 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy*, 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, DEA Administrators have required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that it will not engage in future misconduct. *Jones Total Health Care Pharmacy*, 881 F.3d at 833; *ALRA Labs, Inc. v. Drug Enf’t Admin.*, 54 F.3d 450, 452 (7th Cir. 1995). A registrant’s acceptance of responsibility must be unequivocal. *Jones Total Health Care Pharmacy*, 881 F.3d at 830–31. In addition, a registrant’s candor during the investigation and hearing has been an important factor in determining acceptance of responsibility and the appropriate sanction. *Id.* Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 n.4. The Agency has also considered the need to deter similar acts by the respondent and by the community of registrants. *Jeffrey Stein, M.D.*, 84 FR at 46972–73.

Regarding these matters, there is no record evidence that Respondent takes

responsibility, let alone unequivocal responsibility, for the founded violations. Therefore, it is not reasonable to believe that Respondent’s future controlled substance-related actions will comply with legal requirements. In fact, instead of admitting that Respondent failed to adhere to federal and state laws, he falsified medical records to conceal his unlawful prescribing practices. Accordingly, Respondent did not meet his burden of convincing the Agency that he can be entrusted with a registration.

Further, the interests of specific and general deterrence weigh in favor of revocation. Given the foundational nature of Respondent’s noncompliance of state laws by failing to properly document UC’s medical condition and treatment and Respondent’s noncompliance of federal law by repeatedly issuing prescriptions without a legitimate medical purpose, a sanction less than revocation would send a message to the existing and prospective registrant community that compliance with the law is not essential to maintaining a registration.

Here, Respondent has made no representation regarding his future compliance with the CSA nor made any demonstration that he can be trusted with registration. On the other hand, the evidence submitted by the Government shows that Respondent cannot be entrusted with a registration; in particular, the falsification of medical records during the investigation shows a complete lack of candor of Respondent. *See Jones Total Health Care Pharmacy*, 881 F.3d at 830–31.

Accordingly, the Agency finds that the factors weigh in favor of sanction and will order revocation of Respondent’s registration as contained in the Order below.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby revoke DEA Certificate of Registration No. BR7552272, in Easton, Pennsylvania, issued to Muhamad Aly Rifai, M.D. 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 application of Muhamad Aly Rifai, M.D., to renew or modify this registration, as well as any other pending application of Muhamad Aly Rifai, M.D., for additional registration in Pennsylvania. This Order is effective November 18, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on October 5, 2026, by DEA Administrator Terrance C. Cole. 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

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On October 9, 2026, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Ohio in the lawsuit entitled *United States and State of Ohio v. Renergy, Inc., Dovetail Energy, LLC, and Emerald Bioenergy, LLC*, Civil Action No. 2:26–CV–01286.

The United States and the State of Ohio filed this action under the Clean Air Act. The complaint seeks injunctive relief and civil penalties for violations at Defendants’ biogas facilities located at 1156 Herr Road in Fairborn, Ohio (Dovetail Facility) and at 2279 County Road 156 in Cardington, Ohio (Emerald Facility). The consent decree requires Defendants to perform injunctive relief and pay a \$15,000 civil penalty, which is based on Defendants’ demonstrated limited ability to pay a penalty.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Principal Deputy Assistant Attorney General, Energy and Natural Resources Division, and should refer to *United States and State of Ohio v. Renergy, Inc., Dovetail Energy, LLC, and Emerald Bioenergy, LLC*, D.J. Ref. No. 90–5–2–1–12791. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

²² While the Agency has determined that Respondent’s dispensing conduct is relevant to Factors B and D, to the extent that the found conduct does not fall within these factors, it would nevertheless constitute “other conduct which may threaten the public health and safety.” 21 U.S.C. 823(g)(1)(E). Respondent’s repeated dispensing of controlled substances without a proper diagnosis of UC’s condition and without complete and accurate documentation of UC’s treatment, and Respondent’s falsification of medical records may threaten the public health and safety by creating the risk that controlled substances may leave the CSA’s closed distribution system and be abused or diverted.

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Principal Deputy Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the Proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Thomas A. Benson,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Prohibited Transaction Exemption 2026–09; Application Number L–12076]

Exemption for Certain Prohibited Transactions Involving the International Brotherhood of Electrical Workers Local Union No. 99 Joint Apprenticeship Training Fund (the Fund or the Applicant) Located in Cranston, Rhode Island

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of exemption.

SUMMARY: This exemption permits the International Brotherhood of Electrical Workers Local Union No. 99 Joint Apprenticeship Training Fund (the Fund) to purchase certain improved real property located at 40 Western Industrial Drive, Cranston, Rhode Island (the Property) from Local Union 99 Realty Corporation (Realty Corp), an entity that is 100% owned and controlled by IBEW Local 99 (the Union), a party in interest with respect to the Fund. Absent an exemption, this transaction would violate the prohibited transaction provisions of the Employee Retirement Income Security Act of 1974 (ERISA).

DATES: Exemption date: This final exemption will be in effect as of October 19, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Blessed Chuksorji-Keefe, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, at *Chuksorji.Blessed@dol.gov*.

SUPPLEMENTARY INFORMATION:

Background: On June 3, 2026, the Department published a notice of proposed exemption in the **Federal Register** at 91 FR 33200 (Proposed Exemption). The Proposed Exemption involves the Fund's purchase of the Property from the Union in exchange for a cash payment equal to the lesser of \$1,610,000 or the appraised fair market value of the Property updated on the date of the sale. The Fund has leased the Property since 2011 for use by the Local #99 Joint Apprenticeship Training Committee (JATC) Training Program.

Benefits of the Exemption: The Department is granting relief based, in part, on the Applicant's representations that the Fund will: (1) save approximately \$45,000 per year in operating expenses as a result of the Purchase; (2) not be required to reimburse the Union for the approximately \$900,000 in improvements the Union made to the Property to make it suitable for the JATC Training Program; and (3) not pay any closing costs in connection with the purchase, which could total as much as \$52,500.

Comments: In the Proposed Exemption, the Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to the Proposed Exemption. All comments and requests for a hearing were due to the Department by July 20, 2026. The Department did not receive any written comments or requests for a public hearing with respect to the Proposed Exemption.¹

Based on the record, the Department has determined to grant the Proposed Exemption. In order to clarify the operative text, the Department has added a "Definitions" section and made several non-substantive edits. This exemption provides only the relief specified herein and does not provide relief from violations of any law other than the prohibited transaction provisions of ERISA. The Department makes the requisite findings under ERISA section 408(a) that the exemption

is: (1) administratively feasible for the Department, (2) in the interest of the Fund and its participants and beneficiaries, and (3) protective of the rights of the participants and beneficiaries of the Fund, based on the Applicant's adherence to all the conditions and definitions of the exemption at all times. Accordingly, affected parties should be aware that the conditions and definitions incorporated in this exemption are, taken individually and as a whole, necessary for the Department to grant the relief requested by the Applicant.

The complete application file (L–12076) is available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, reachable by telephone at 1–866–444–3272. For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, please refer to the Proposed Exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under ERISA section 408(a) does not relieve a fiduciary or other party in interest from certain other provisions of ERISA, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of ERISA section 404, which, among other things, require a fiduciary to discharge their duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with ERISA section 404(a)(1)(B);

(2) As required by ERISA section 408(a), the Department hereby finds that the exemption is (1) administratively feasible for the Department, (2) in the interests of the Fund and its participants and beneficiaries, and (3) protective of the rights of participants and beneficiaries of the Fund;

(3) The exemption is supplemental to, and not in derogation of, any other ERISA provisions, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of determining whether the transaction is in fact a prohibited transaction; and

(4) The availability of this exemption is subject to the express condition that the material facts and representations

¹ All information submitted by the Applicant to the Department in connection with this exemption is available through the Department's Public Disclosure Room, by referencing L–12076.