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Christina Price,

State Director, Acting.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222.1; LLUTP02000]

Realty Action: Recreation and Public Purposes Act Classification and Conveyance of Public Land in Kane County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) examined 20 acres of public land in Kane County, Utah, and has found it suitable for classification for conveyance to the Western Kane County Special Service District #1 (district) under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended. The district proposes to use the land to expand its existing landfill.

DATES: Interested parties must submit written comments regarding this classification and conveyance of public land, postmarked or delivered no later than January 4, 2027.

ADDRESSES: Written comments may be mailed, or hand delivered to the BLM Kanab Field Office, 669 South Highway 89A, Kanab, UT 84741. Comments may also be submitted by email to *BLM_UT_KN_Mail@blm.gov.* The BLM will not consider comments received by telephone.

FOR FURTHER INFORMATION CONTACT: Levi LeFevre, Realty Specialist, by email at *llefevre@blm.gov* or telephone at 435–644–1276. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The proposed conveyance is in the public interest, consistent with the 2008 Kanab Field Office Resource Management Plan. The parcel is legally described as:

Salt Lake Meridian, Utah

T. 40 S., R. 7 W.,
Sec. 26, SW¼SE¼SW¼;
Sec. 35, NW¼NW¼NW¼.

The areas described aggregate 20 acres, according to the official plats of the surveys of the said land, on file with the BLM.

The land is contiguous to the current landfill operated by the district. The district will move and/or expand the landfill operations campus facilities (*i.e.,* truck scale, attendant office, equipment shed, etc.) onto the westernmost 10-acre parcel to improve customer and worker traffic flows. The district will continue expansion of the existing landfill buried waste cells to the east onto the easternmost 10-acre parcel to handle future waste disposal needs.

The proposed conveyance would enable the district to continue providing essential waste-disposal services to the rural communities of Orderville, Alton, Glendale, Mount Carmel, and the district's northwestern region. Expanding the landfill would sustain local employment required to operate the facility and manage solid waste from the district's growing recreational area. The expanded landfill would also support businesses that rely on waste-management services for recreation-based visitation in the region.

Upon publication of this notice in the **Federal Register**, the land will be segregated from all other forms of appropriation under the public land laws, including location under the mining laws, except for lease and/or conveyance under the R&PP Act and leasing under the mineral leasing laws. The segregation will terminate upon issuance of a patent, upon final rejection of the application, or 18 months from the date of this notice, whichever occurs first. All interested parties will receive this notice after it is published in the **Federal Register**. It will also appear in a local newspaper once a week for 3 consecutive weeks.

The conveyance of the land, if it occurs, will be subject to the following terms, conditions, and reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

3. All mineral deposits in the land so patented, and the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations as established by the Secretary of the Interior are reserved to the United States, together with all necessary access and exit rights.

4. Conveyance of the parcel is subject to valid existing rights.

5. An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operations on the patented land.

6. A limited reversionary provision stating that the title shall revert to the United States upon a finding, after notice and opportunity for a hearing, that the patentee has not substantially developed the lands in accordance with the approved POD on or before the date five years after the date of conveyance. No portion of the land shall under any circumstance revert to the United States if any such portion has been used for solid waste disposal, or for any other purpose, which may result in the disposal, placement, or release of any hazardous substance.

7. The patentee shall comply with all Federal and State laws applicable to the disposal, placement, or release of hazardous substances.

8. Any other reservations that the authorized officer determines as appropriate to ensure public access and proper management of Federal lands and interests therein.

Classification Comments: Interested parties may submit comments involving the classification and suitability of the land for expansion and development of the existing landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may also submit comments regarding the specific use proposed in the application and Plan of Development, and whether the BLM followed proper administrative procedures in considering the decision to convey under the R&PP Act.

Any adverse comments will be reviewed by the BLM Utah State Director or other authorized officials of the Department of the Interior, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification will become effective on January 19, 2027. The land will not be offered for lease or conveyance until after the classification becomes effective.

Before including your address, phone number, email address, or other personal identifying information in any comment, be aware that your entire comment including your personal

identifying information may be made publicly available at any time.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Dave Allen Wright, M.D.; Decision and Order

On May 6, 2026, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Dave Allen Wright, M.D., of Cincinnati, Ohio (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. BW4012720, alleging that Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Ohio, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 2.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), and 1301.46. RFAA, at 3; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. 21 CFR 1301.43(e). According to the OSC, on October 1, 2025, Registrant's Ohio medical license expired by its own terms. RFAAX 1, at 1. According to Ohio online records, of which the Agency takes official notice, Registrant's Ohio medical license remains expired.[2] eLicense Ohio Professional Licensure License Lookup, https://elicense.ohio./oh_verifylicense (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice medicine in Ohio, the state in which he is registered with DEA.[3]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his 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.''

With respect to a practitioner, DEA has also 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 practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21).'').[4] The Agency has applied these principles consistently. *See, e.g., Lawrence Rudolph, D.M.D.,* 89 FR 79310 (2024); *Henry-Norbert O. Ndekwe, M.D.,* 90 FR 15990 (2025); *Benson Sergiles, P.A.,* 90 FR 32016 (2025).

According to Ohio statute, ''[n]o person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog,'' except pursuant to a ''prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose.'' Ohio Rev. Code § 2925.11(A),

[1] Based on the Government's submissions in its RFAA dated August 5, 2026, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that on May 14, 2026, the DI attempted to contact Registrant via his registered telephone number because the DI had previously found out that Registrant was no longer employed at his registered address and had retired on or around September 2025. RFAAX 2, at 1–2. On the same date, the DI attempt to contact Registrant via his registered email address. *Id.* at 2. Later, on the same date, Registrant returned the DI's phone call and informed the DI that he was no longer domiciled in Ohio or practicing at his registered location, nor was his registered email address a valid means of contact. *Id.* Upon the DI's request to provide an alternative address to personally serve or mail the OSC to Registrant, Registrant declined to inform DEA where he was currently residing for the purposes of updating his registration or receiving mail. *Id.* Registrant did, however, provide the DI with an alternative email address and stated that he could be contacted at this alternative email address. *Id.* Following the telephone conversation, the DI emailed a copy of the OSC to the alternative email address that Registrant had provided and later received an e-receipt confirming successful delivery of the email. *Id.; see also id.,* Appendixes A–B. Here, the Agency finds that Registrant was successfully served the OSC by email and that the DI's efforts to serve Registrant by other means were ''reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.''' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)). Therefore, due process notice requirements have been satisfied. *See Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful); *Emilio Luna, M.D.,* 77 FR 4829, 4830 (2012) (same).

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[3] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to practice medicine in Ohio. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov*.

[4] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined 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.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[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.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., Elias Garcia Garcia, P.A.,* 90 FR 31242 (2025); *Jason Weakley, R.N., A.P.R.N.,* 90 FR 10085 (2025); *Khursheed Haider, M.D.,* 90 FR 21950 (2025).