

and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.” This Agency has further held that notwithstanding that this provision grants the Agency authority to suspend or revoke a registration, other provisions of the Controlled Substances Act “make plain that a practitioner can neither obtain nor maintain a DEA registration unless the practitioner currently has authority under state law to handle controlled substances.” *James L. Hooper*, 76 FR 71371, 71372 (2011), *pet. for rev. denied*, *Hooper v. Holder*, 481 F. App’x 826 (4th Cir. 2012).

These provisions include section 102(21), which defines the 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,” 21 U.S.C. 802(21), as well as section 303(f), which directs that “[t]he Attorney General shall register practitioners . . . to dispense . . . controlled substances . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.” *Id.* § 823(f). Based on these provisions, the Agency has long held that revocation is warranted even where a state board has summarily suspended a practitioner’s controlled substances authority and the state’s order remains subject to challenge in either administrative or judicial proceedings. See *Gary Alfred Shearer*, 78 FR 19009 (2013); *Carmencita E. Gallora*, 60 FR 47967 (1995).

Respondent nonetheless maintains that the proposed revocation of his registration would violate his right to due process because the Hearing Officer applied the wrong standard of proof when he upheld the Emergency Suspension Order. Response to Govt’s Mot. for Summ. Judgment, at 4–8. According to Respondent, this is so because in holding that the Suspension Order was justified by Respondent’s indictment, the Hearing Officer applied a probable cause standard rather than the substantial evidence standard as required by Kentucky law, and thus, the Hearing Officer’s decision is arbitrary and capricious. *Id.* at 5. Respondent argues that he “established with overwhelming and uncontested evidence that his practice of medicine is NOT a danger to the health, welfare, and safety of his patients or the general public.” *Id.* And he further argues that “the Hearing Officer improperly placed the risk of non-persuasion on [him] and applied the [Board’s] unconstitutional

regulatory provisions allowing an indictment alone to serve as substantial evidence of a violation of law.” *Id.* at 7.

However, “DEA has repeatedly held that a registrant cannot collaterally attack the results of a state criminal or administrative proceeding in a proceeding brought under section 304 [21 U.S.C. 824] of the CSA.” *Calvin Ramsey*, 76 FR 20034, 20036 (2011) (quoting *Hicham K. Riba*, 73 FR 75773, 75774 (2008) (other citations omitted)); see also *Shahid Musud Siddiqui*, 61 FR 14818 (1996); *Robert A. Leslie*, 60 FR 14004 (1995). DEA is not vested with authority to adjudicate either the constitutionality of the Board’s Suspension Order, or whether the Board’s Order is arbitrary and capricious. Respondent must therefore seek relief from the State Board’s Order in those administrative and judicial forums provided by the State.

In a revocation proceeding brought under section 824(a)(3), the only issue is whether a respondent holds current authority to dispense controlled substances. Respondent’s various contentions as to the validity of the Board’s order are therefore not material to this Agency’s resolution of whether he is entitled to maintain his DEA registration. Because it is undisputed that Respondent does not hold authority under the laws of Kentucky to dispense controlled substances, he no longer meets the definition of a practitioner under the CSA and thus, he is not entitled to maintain his registration. See, e.g., *Hooper*, 76 FR at 71372. Accordingly, I will order that Respondent’s registration be revoked and that any pending application to renew or modify this registration be denied.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a) and 823(f), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration BC8483430 issued to James Dustin Chaney, D.O., be, and it hereby is, revoked. I further order that any application of James Dustin Chaney, D.O., to renew or modify this registration, be, and it hereby is, denied. This Order is effective August 22, 2016.

Dated: July 11, 2016.

Chuck Rosenberg,

Acting Administrator.

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DEPARTMENT OF JUSTICE

Service Contract Inventory; Notice of Availability

SUMMARY: In accordance with Section 743 of Division C of the FY 2010 Consolidated Appropriations Act, Public Law 111–117, the Department of Justice is publishing this notice to advise the public of the availability of its FY 2015 Service Contracts Inventory and Inventory Supplement. The inventory includes service contract actions over \$25,000 that were awarded in Fiscal Year (FY) 2015. The inventory supplement includes information collected from contractors on the amount invoiced and direct labor hours expended for covered service contracts. The Department of Justice analyzes this data for the purpose of determining whether its contract labor is being used in an effective and appropriate manner and if the mix of federal employees and contractors in the agency is effectively balanced. The inventory and supplement do not include contractor proprietary or sensitive information.

The FY 2015 Service Contract Inventory and Inventory Supplement is provided at the following link: <https://www.justice.gov/jmd/service-contract-inventory>.

FOR FURTHER INFORMATION CONTACT: Tara M. Jamison, Procurement Policy Review Group, Justice Management Division, U.S. Department of Justice, Washington, DC 20530; Phone: 202–616–3754; Email: Tara.Jamison@usdoj.gov.

Dated: July, 19, 2016.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

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DEPARTMENT OF LABOR

Office of the Secretary

Privacy Act of 1974; Publication in Full of All Notices of Systems of Records, Including Several New Systems, Substantive Amendments to Existing Systems, Decommissioning of Obsolete Legacy Systems, and Publication of Proposed Routines Uses

AGENCY: Office of the Secretary, Labor.

ACTION: Notice: Response to Comments on the Department’s April 29, 2016 System of Records Notice.

SUMMARY: This notice announces a response to public comments on the Department’s April 29, 2016 System of