Through his testimony, the Respondent made clear that he has not accepted responsibility for the prescriptions he wrote in Texas without having a DEA COR for a place of business in Texas.

In this case, the Government has established that the Respondent unlawfully wrote prescriptions for controlled substances to three undercover investigators on five separate occasions beginning in March 2012 and ending in April 2013. After the Respondent was arrested, the Government filed a motion to revoke his bail because he continued writing prescriptions. GE–16, at 4; GE–19, at 1170, 1173. Then, as a result of these unlawful prescriptions, in May 2015 the Respondent was convicted in the Superior Court of the State of California, County of Los Angeles, of seven counts concerning issuing unlawful prescriptions for Adderall, hydrocodone, and alprazolam. That court imposed a sentence in March 2016. Then in June 2016, the MBC suspended the Respondent's medical license, a suspension which remained in effect until January 2017. In February 2017, the Acting Administrator of the DEA issued an Order restricting the Respondent's COR, and remanded the Respondent's case to the Office of Administrative Law Judges for further proceedings. Then in March and April of 2017, the Respondent wrote three prescriptions for Lyrica, a Schedule V controlled substance, in Texas, without having the authority to write such prescriptions from the DEA.

At his hearing the Respondent accepted some responsibility for his actions. I find, however, that the Respondent's limited acceptance of responsibility is outweighed by his prescribing transgressions detailed above, particularly considering the timeline and the fact that the Respondent's acceptance of responsibility is equivocal. *[*See Alra Labs, Inc.* v. *Drug Enf't Admin.,* 54 F. 3d 450, 452 (7th Cir. 1995) (''The DEA had to decide whether to believe [registrant's] protestation that its problems are behind it. It did not have to accept that assertion.'' (citations omitted).] *U

When considering whether the Respondent's continued registration is consistent with the public interest, an ALJ must consider both the egregiousness of the registrant's violations and the DEA's interest in deterring future misconduct by both the registrant as well as other registrants. *Ruben,* 78 FR at 38364. *[Omitted additional citations].

*U Replaced citation.

In this case, the Respondent's numerous transgressions are sufficiently egregious to warrant revocation.[19] *See Dewey C. MacKay, M.D.,* 75 FR 49956, 49974 n.35 (2010) (''[U]nder the public interest standard, DEA has authority to consider those prescribing practices of a physician, which, while not rising to the level of intentional or knowing misconduct, nonetheless create a substantial risk of diversion.''). I find the Respondent's transgressions egregious for several reasons. First, the Respondent issued prescriptions for controlled substances to UC1 even though he knew that UC1 was obtaining controlled substances on the street, and he reissued that prescription to UC1 even knowing that none of the controlled substances the Respondent prescribed to UC1 were detected in his urine test. Second, almost a year later, the Respondent again prescribed oxycodone, this time to UC3, knowing that UC3 had been obtaining oxycodone on the street. Finally, after being caught, convicted and sentenced for writing illegal prescriptions; after having had his medical license suspended by the MBC for writing illegal prescriptions; after taking courses on writing prescriptions through PACE; and then less than three months after he had his medical license reinstated; he wrote illegal prescriptions in Texas. This misconduct, particularly on this timeline, engenders absolutely no confidence that the Respondent can be entrusted with a DEA certificate of registration.

**Recommendation**

The Government established that the Respondent's continued registration is inconsistent with the public interest because of his improper prescribing, and his state conviction relating to his unlawful prescribing of controlled substances. While the Respondent admitted to many of the Government's factual allegations, he failed to fully accept responsibility for his actions. Furthermore, even had the Respondent accepted full responsibility, the egregiousness of his violations may *T have outweighed his acceptance of responsibility and the remedial measures he has taken. Accordingly, I *recommend* that the Respondent's DEA COR be *revoked* and that any application for renewal or modification of his registration be *denied.*

Dated: August 28, 2017.

Charles Wm. Dorman,

*U.S. Administrative Law Judge.*

[FR Doc. 2020–05751 Filed 3–18–20; 8:45 am]

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[19] I acknowledge that the Respondent has taken some remedial steps to reduce the likelihood that his actions would result in future violations of the CSA and/or its implementing regulations. *See, e.g.,* ALJ–38, at 8–9. Nevertheless, a registrant does not accept responsibility for its actions simply by taking remedial measures. *Holiday CVS, L.L.C., d/b/a CVS/Pharmacy Nos. 219 & 5195,* 77 FR 62,316, 62,346 (2012). Further, where a registrant has not accepted responsibility it is not necessary to consider evidence of the registrant's remedial measures. *Jones Total Health Care Pharmacy, L.L.C. & SND Health Care, L.L.C.,* 81 FR 79,188, 79,202–03 (2016). *[In this case, Respondent has taken responsibility for most of the allegations related to his conduct related to his criminal conviction; however, through his vacillations, and as a result of his conduct in Texas, I have reason to doubt the sincerity of his words. Therefore, I agree with the ALJ that the egregiousness of his conduct even in the stipulated facts must be considered in determining whether sanction is appropriate.]

*T I changed the word ''would'' to ''may,'' because I decline to foreclose definitively the ability of the Respondent to have convinced me that he could have been entrusted with a registration. Most importantly, in this case he did not

## DEPARTMENT OF JUSTICE

### Drug Enforcement Ainistration

**[Docket No. DEA–591]**

### Bulk Manufacturer of Controlled Substances Application: Siegfried USA, LLC

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 18, 2020.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.33(a), this is notice that on November 6, 2019, Siegfried USA, LLC, 33 Industrial Park Road, Pennsville, New Jersey 08070–3244 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Gamma Hydroxybutyric Acid. | 2010 | I |
| Dihydromorphine | 9145 | I |
| Hydromorphinol | 9301 | I |
| Methylphenidate | 1724 | II |
| Amobarbital | 2125 | II |
| Pentobarbital | 2270 | II |
| Secobarbital | 2315 | II |
| Codeine | 9050 | II |
| Oxycodone | 9143 | II |

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Hydromorphone | 9150 | II |
| Hydrocodone | 9193 | II |
| Methadone | 9250 | II |
| Methadone intermediate | 9254 | II |
| Morphine | 9300 | II |
| Oripavine | 9330 | II |
| Thebaine | 9333 | II |
| Opium tincture | 9630 | II |
| Oxymorphone | 9652 | II |

The company plans to manufacture the listed controlled substances in bulk for sale to its customers.

Dated: February 10, 2020.

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2020–05748 Filed 3–18–20; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act, the Oil Pollution Act of 1990, and the Pipeline Safety Laws

On March 13, 2020, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Central District of California (''Court'') in the matter of *United States and the People of the State of California* vs. *Plains All American Pipeline, L.P. et al.,* Civil Action No. 2:20–cv–02415 (C.D. Cal.).

The United States filed a Complaint against Plains All American Pipeline, L.P. and Plains Pipeline, L.P. (jointly, ''Plains'') arising out of Plains' violations of pipeline safety laws and liability for the May 19, 2015, discharge of approximately 2,934 barrels of crude oil from Plains' Line 901, located near Refugio State Beach and Santa Barbara, California. The Complaint seeks penalties, injunctive relief, and natural resource damages and assessment costs for the United States, on behalf of the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration; the United States Environmental Protection Agency; the United States Department of the Interior; the United States Department of Commerce, National Oceanic and Atmospheric Administration; and the United States Coast Guard. The United States' claims are brought, as applicable, under the Pipeline Safety Laws, 49 U.S.C. 60101 *et seq.;* the Clean Water Act, 33 U.S.C. 1251 *et seq.;* and the Oil Pollution Act of 1990, 33 U.S.C. 2701 *et seq.* The State of California is a co-plaintiff signatory to the Complaint under applicable State of California laws, and a signatory to the proposed Consent Decree, which also resolves certain State of California claims.

The proposed Consent Decree requires Plains to: (1) Pay $24 million in penalties; 2) implement injunctive relief to improve Plains' nationwide pipeline system, in addition to modifying operations relating to the May 19, 2015, oil discharge from Plains' Line 901; and 3) pay $22.325 million in natural resource damages. Plains previously reimbursed the United States and the State of California approximately $10 million for natural resource damage assessment costs, and the United States approximately $4.26 million for removal or clean-up costs.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the People of the State of California vs. Plains Pipeline, L.P. et al.,* D.J. Ref. No. 90–5–1–1–11340. 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:

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

During the public comment period, the lodged proposed Consent Decree may be examined and downloaded at this Justice Department website: *https://www.usdoj.gov/enrd/consent-decrees.*

We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $25.50 (25 cents per page reproduction cost) payable to the United States Treasury, for a paper copy of the proposed Consent Decree.

**Susan M. Akers,**

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

[FR Doc. 2020–05772 Filed 3–18–20; 8:45 am]

**BILLING CODE 4410–CW–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act; Comprehensive Environmental Response, Compensation, and Liability Act; and Emergency Planning and Community Right-to-Know Act

On March 13, 2020, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Virginia in the lawsuit entitled *United States and Commonwealth of Virginia* v. *Virginia Electric and Power Company (d/b/a Dominion Energy Virginia),* Civil Action No. 3:20–cv–00177.

The United States and the Commonwealth of Virginia filed this lawsuit for injunctive relief and civil penalties against Virginia Electric and Power Company (d/b/a Dominion Energy Virginia). The United States and the Commonwealth allege claims under the Clean Water Act and the Virginia State Water Control Law for violations of NPDES permits at certain facilities in Virginia and West Virginia. In addition, the United States alleges violations of the Emergency Planning and Community Right-to-Know Act and the Comprehensive Environmental Response, Compensation, and Liability Act at the Bellemeade Power Station in Richmond, Virginia, and the Mt. Storm Power Station in Grant County, West Virginia. Finally, the Commonwealth alleges violations of the Virginia State Water Control Law relating to certain unpermitted discharges from the Chesterfield Power Station in Chesterfield County, Virginia.

Under the proposed Consent Decree, Defendant will perform injunctive relief designed to prevent future violations, including auditing and implementation of an environmental management system, a third party environmental audit, internal environmental audits, and training. In addition, Defendant will pay a total civil penalty of $1.4 million.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and Commonwealth of Virginia* v. *Virginia Electric and Power Company (d/b/a Dominion Energy Virginia),* D.J. Ref. No. 90–5–1–1–11859. 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: