

Online Licensing, <http://www.nhlicenses.nh.gov> (last visited October 18, 2018).

Accordingly, I find that Registrant currently is not licensed to engage in the practice of medicine in New Hampshire, the State in which he is registered with the DEA.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (hereinafter, CSA), “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, the 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. *See, e.g., James L. Hooper, M.D.*, 76 FR 71,371 (2011), *pet. for rev. denied*, 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.*, 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the 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(f). Because Congress has clearly mandated that a practitioner possess State authority in order to be deemed a practitioner under the CSA, the DEA has held repeatedly that revocation of a practitioner’s registration is the appropriate sanction whenever he

party is entitled, on timely request, to an opportunity to show the contrary.” Accordingly, Registrant may dispute my finding by filing a properly supported motion for reconsideration within 20 calendar days of the date of this Order. Any such motion shall be filed with the Office of the Administrator and a copy shall be served on the Government. In the event Registrant files a motion, the Government shall have 20 calendar days to file a response.

is no longer authorized to dispense controlled substances under the laws of the State in which he practices. *See, e.g., Hooper, supra*, 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.*, 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.*, 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.*, 53 FR 11,919, 11,920 (1988); *Blanton, supra*, 43 FR at 27,617.

In this case, according to the Board, the Registrant is alleged to have engaged in numerous acts of professional misconduct based upon, *inter alia*, inappropriate personal relationships with patients, as well as his issuance of controlled substance prescriptions for no legitimate medical purpose in violation of New Hampshire law. GX 3, at 3–9. As a result of Registrant’s alleged misconduct, on September 25, 2017, the Board issued its Order of Emergency License Suspension and Notice of Hearing. On September 26, 2017, Registrant entered into a Preliminary Agreement Not to Practice, whereby he agreed, *inter alia*, “not to practice medicine . . . [including the writing of] prescriptions . . . until further order of the Board.” GX 4, at 1. On October 9, 2017, the Board accepted Registrant’s Preliminary Agreement Not to Practice. GX 4, at 3. Consequently, Registrant is not currently authorized to handle controlled substances in the State of New Hampshire, the State in which he is registered with the Agency and, therefore, he is not entitled to maintain his DEA registration. *Hooper, supra*, 76 FR at 71,371–72, *Blanton, supra*, 43 FR at 27,617. Accordingly, I will order that Registrant’s registration be revoked, that any pending application for the renewal or modification of his registration be denied, and that any pending application by Registrant for a registration in New Hampshire be denied. 21 U.S.C. 824(a)(3) and 823(f).

Order

Pursuant to 28 CFR 0.100(b) and the authority thus vested in me by 21 U.S.C. 824(a), I order that DEA Certificate of Registration No. BK7282940 issued to Eric Lee Knight, M.D., be, and it hereby is, revoked. Pursuant to 28 CFR 0.100(b) and the authority thus vested in me by 21 U.S.C. 823(f), I further order that any pending application of Eric Lee Knight, M.D., to renew or modify this registration, as well as any other pending application by him for registration in the State of New Hampshire, be, and it hereby is, denied. This Order is effective November 29, 2018.

Dated: October 18, 2018.

Uttam Dhillon,

Acting Administrator.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: The Federal Mine Safety and Health Act of 1977 and the Code of Federal Regulations govern the application, processing, and disposition of petitions for modification. This **Federal Register** notice notifies the public that MSHA has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

ADDRESSES: Copies of the final decisions are posted on MSHA’s website at <https://www.msha.gov/regulations/rulemaking/petitions-modification>. The public may inspect the petitions and final decisions during normal business hours in MSHA’s Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202. All visitors are required to check in at the receptionist’s desk in Suite 4E401.

FOR FURTHER INFORMATION CONTACT: Barbara Barron at 202–693–9447 (voice), barron.barbara@dol.gov (email), or 202–693–9441 (fax). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner’s statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a

petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- *Docket Number:* M-2016-033-C.
FR Notice: 81 FR 81811 (11/18/2016).
Petitioner: Mach Mining LLC, P.O. Box 300, Johnston City, Illinois 62951.
Mine: Mach No. 1 Mine, MSHA I.D. No. 11-03141, located in Williamson County, Illinois.
Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35(a)(5)(i) (Portable (trailing) cables and cords).
- *Docket Number:* M-2017-013-C.
FR Notice: 82 FR 34700 (7/26/2017).
Petitioner: Texas Westmoreland Coal Company, P.O. Box 915, Jewett, Texas 75846.
Mine: Jewett Mine, MSHA I.D. No. 41-03164, located in Leon County, Texas.
Regulation Affected: 30 CFR 77.803 (Fail safe ground check circuits on high-voltage resistance grounded systems).
- *Docket Number:* M-2017-019-C.
FR Notice: 82 FR 49684 (10/26/2017).
Petitioner: Marfork Coal Company, LLC, 500 Lee Street East, Suite 701 (25301), Post Office Box 2548, Charleston, West Virginia 25329.
Mine: Slip Ridge Cedar Grove Mine, MSHA I.D. No. 46-09048, located in Raleigh County, West Virginia.
Regulation Affected: 30 CFR 75.360 (Preshift examination at fixed intervals).
- *Docket Number:* M-2017-021-C.
FR Notice: 82 FR 60045 (12/18/2017).
Petitioner: Rosebud Mining Company, 301 Market Street, Kittanning, Pennsylvania 16201.
Mines: Lowry Mine, MSHA I.D. No. 36-09287 and Heilwood Mine, MSHA I.D. No. 36-09407, located in Indiana County, Pennsylvania; Penfield Mine, MSHA I.D. No. 36-09355, located in Clearfield County, Pennsylvania; and Mine 78, MSHA I.D. No. 36-09371, located in Somerset County, Pennsylvania.
Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35(a)(5)(i) (Portable (trailing) cables and cords).
- *Docket Number:* M-2018-013-C.
FR Notice: 83 FR 17686 (4/23/2018).
Petitioner: The Coteau Properties Company, 204 County Road, Beulah, North Dakota 58523-9475.

Mine: Freedom Mine, MSHA I.D. No. 32-00595, located in Mercer County, North Dakota.

Regulation Affected: 30 CFR 77.1607(u) (Loading and haulage equipment; operation).

- *Docket Number:* M-2018-001-M.
FR Notice: 83 FR 4929 (2/2/2018).
Petitioner: Martin Marietta Kansas City, LLC, 1099 18th Street, Suite 2150, Denver, Colorado 80202.
Mines: Randolph Deep Mine, MSHA I.D. No. 23-02308, located in Clay County, Missouri; Stamper Underground Mine, MSHA I.D. No. 23-02232 and Parkville Quarry, MSHA I.D. No. 23-01883, located in Platte County, Missouri.
Regulation Affected: 30 CFR 49.6(a)(1) (Equipment and maintenance requirements).

- *Docket Number:* M-2018-002-M.
FR Notice: 83 FR 7780 (2/22/2018).
Petitioner: Central Plains Cement Company, 1801 Wewatta Street, Suite 1000, Denver, Colorado 80202.
Mine: Sugar Creek Underground Mine, MSHA I.D. No. 23-02171, located in Jackson County, Missouri.
Regulation Affected: 30 CFR 49.6(a)(1) (Equipment and maintenance requirements).

Roslyn B. Fontaine,

Deputy Director, Office of Standards, Regulations, and Variances.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2016-0005]

Preparations for the 36th Session of the UN Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCGHS)

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that on Tuesday, November 13, 2018, OSHA will conduct a public meeting to discuss proposals in preparation for the 36th session of the United Nations Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCGHS) to be held December 5 through December 7, 2018, in Geneva, Switzerland. OSHA, along with the U.S. Interagency Globally

Harmonized System of Classification and Labelling of Chemicals (GHS) Coordinating Group, plans to consider the comments and information gathered at this public meeting when developing the U.S. Government positions for the UNSCEGHS meeting. OSHA also will give an update on the Regulatory Cooperation Council (RCC).

Also on Tuesday, November 13, 2018, the Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) will conduct a public meeting (See Docket No. PHMSA-2018-0024 Notice No. 2018-11) to discuss proposals in preparation for the 54th session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCGHS) to be held November 26 through December 4, 2018, in Geneva, Switzerland. During this meeting, PHMSA is also requesting comments relative to potential new work items that may be considered for inclusion in its international agenda. PHMSA will also provide an update on recent actions to enhance transparency and stakeholder interaction through improvements to the international standards portion of its website.

DATES: Tuesday, November 13, 2018.

ADDRESSES: Both meetings will be held at the DOT Headquarters Conference Center, West Building, Oklahoma City Conference Room, 1200 New Jersey Avenue SE, Washington, DC 20590.

Times and Locations: PHMSA public meeting: 9 a.m. to 12 p.m. EDT, Oklahoma City Conference Room, OSHA public meeting: 1 p.m. to 4 p.m. EDT, Oklahoma City Conference Room

Advanced Meeting Registration: DOT requests that attendees pre-register for these meetings by completing the form at: <https://www.surveymonkey.com/r/XGN87X>.

Attendees may use the same form to pre-register for both meetings. Failure to pre-register may delay your access into the DOT Headquarters building. Additionally, if you are attending in person, arrive early to allow time for security checks necessary to access the building.

Conference call-in and "Skype meeting" capability will be provided for both meetings. Information on how to access the conference call and "Skype meeting" will be posted when available at: <https://www.phmsa.dot.gov/international-program/international-program-overview> under Upcoming Events. This information will also be posted on OSHA's Hazard Communication website on the international tab at: <https://>