

Overview of the Draft Phase IV ERP/EA

The Draft Phase IV ERP/EA is being released in accordance with the Oil Pollution Act (OPA), the Natural Resources Damage Assessment (NRDA) regulations found in the Code of Federal Regulations (CFR) at 15 CFR 990, the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and the Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill.

The Trustees are considering 10 projects in the Draft Phase IV ERP/EA. The total estimated cost for proposed Phase IV projects is approximately \$134 million. Details on the proposed projects are provided in the Draft Phase IV ERP/EA. The Draft Phase IV ERP/EA also includes a notice of change and supporting analysis for one Phase III Early Restoration Project, "Enhancement of Franklin County Parks and Boat Ramps—Eastpoint Fishing Pier Improvements."

The proposed restoration projects are intended to continue the process of using early restoration funding to restore natural resources, ecological services, and recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill. The Trustees considered hundreds of projects leading to the identification of these 10 projects and considered both ecological and recreational use restoration projects to restore injuries caused by the *Deepwater Horizon* oil spill, addressing both the physical and biological environment, as well as the relationship people have with the environment.

Early restoration actions are not intended to provide the full extent of restoration needed to make the public and the environment whole. The Trustees anticipate that additional early restoration projects will be proposed in the future as the early restoration process continues.

Next Steps

As described above, public meetings are scheduled to facilitate the public review and comment process. After the public comment period ends, the Trustees will consider and address the comments received before issuing a Final Phase IV Early Restoration Plan and Environmental Assessments (Final Phase IV ERP/EA). After issuing a Final Phase IV ERP/EA, the Trustees will file negotiated stipulations for approved projects with the court. Approved projects will then proceed to implementation, pending compliance with all applicable State and Federal laws.

Invitation to Comment

The Trustees seek public review and comment on the 10 proposed early restoration project and supporting analysis included in the Draft Phase IV ERP/EA. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time.

Administrative Record

The documents comprising the Administrative Record can be viewed electronically at the following location: <http://www.doi.gov/deepwaterhorizon>.

Authority

The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*) and the implementing Natural Resource Damage Assessment regulations found at 15 CFR 990.

Cynthia K. Dohner,
DOI Authorized Official.

[FR Doc. 2015-11945 Filed 5-19-15; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

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LXSS021H0000.15XL1116AF HAG 15-0077]

Notice of Availability of the Record of Decision for the West Eugene Wetlands in Oregon and Approved Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) for the Approved Resource Management Plan (RMP) for the West Eugene Wetlands planning area located in western Oregon. The Oregon/Washington State Director signed the ROD on April 17, 2015, which constitutes the final decision of the BLM and makes the Approved RMP effective immediately.

ADDRESSES: Copies of the ROD/Approved RMP are available upon request from the Eugene District Manager, Bureau of Land Management, 3106 Pierce Parkway, Suite E, Springfield, OR 97477, or via the internet at: <http://www.blm.gov/or/districts/eugene/plans/eugenerrmp.php>. Copies of the ROD/Approved RMP are

available for public inspection at the above-listed address.

FOR FURTHER INFORMATION CONTACT:

Panchita Paulete, Planning and Environmental Coordinator, telephone 541-683-6976; address 3106 Pierce Parkway, Suite E; Springfield, OR 97477; email BLM_OR_EU_Mail@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

Interaction with the public regarding this RMP began in 2011. The BLM worked with three cooperating agencies: the US Army Corps of Engineers, the City of Eugene Parks and Open Space Division, and The Confederated Tribes of the Grand Ronde. The RMP establishes direction for approximately 1,340 acres of BLM-administered lands in and near the city of Eugene in Lane County, Oregon; the planning area did not previously have an RMP. The planning area is made up of acquired lands and survey hiatuses. The Approved RMP describes the actions that will meet desired resource conditions for threatened and endangered species and habitat management, while providing other benefits. The Preferred Alternative, described in the October 2011 Draft RMP/Draft Environmental Impact Statement (EIS), was modified to increase acreage within the Prairie Restoration Area land use allocation for threatened and endangered species management, to provide increased opportunities for recreation, and to provide for coordinated management in traditional use plant collection and was carried forward as the Proposed RMP in the Final EIS (November 2014). No protests were received on the Proposed RMP/Final EIS.

The Governor of Oregon was provided a formal, 60-day review period to determine if the Proposed RMP/Final EIS was consistent with existing state or local plans, programs, and policies. No inconsistencies were identified.

There are two implementation decisions in the Approved RMP which are appealable under 43 CFR part 4: (a) designation of travel management networks, including identifying the specific roads and trails that are available for public use and the limitations on use of roads and trails and (b) continued application of the

Final Supplementary Rules for Public Land within the West Eugene Wetlands, Eugene District, Oregon, published in the **Federal Register** on July 28, 2005, and adoption of the application of these rules throughout the planning area on BLM-managed lands. Any party adversely affected may appeal within 30 days of publication of this Notice of Availability. The appeal should state the specific decision(s) being appealed. The appeal must be filed with the Eugene District Manager at the above-listed address.

Please consult the appropriate regulations (43 CFR, part 4, subpart E) for further appeal requirements.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2.

Kathryn Stangl,

Eugene District Manager.

[FR Doc. 2015-12187 Filed 5-19-15; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV952000

L14400000.BJ0000.LXSSF2210000.241A;
13-08807; MO #4500079470; TAS: 15X1109]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

DATES: *Effective Dates:* Unless otherwise stated filing is effective at 10:00 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT: Michael O. Harmening, Chief, Branch of Geographic Sciences, Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502-7147, phone: 775-861-6490. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

1. The Plat of Survey of the following described lands will be officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on the first business day after thirty (30) days from the publication of this notice:

This plat, in 3 sheets, representing the dependent resurvey of a portion of the south and west boundaries, a survey of a portion of the subdivisional lines and metes-and-bounds surveys of certain boundary lines in sections 28, 29, 30 and 31, Township 13 North, Range 27 East, Mount Diablo Meridian, under Group No. 941, was accepted May 14, 2015. This survey was executed at the request of the Bureau of Land Management, Carson City District Office, Nevada, to facilitate the conveyance of certain public lands to the Municipality of Yerington, Nevada, as authorized in the National Defense Authorization Act of Fiscal Year 2015 (Pub. L. 113-291).

The survey listed above is now the basic record for describing the lands for all authorized purposes. These records have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the survey and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: May 14, 2015.

Michael O. Harmening,

Chief Cadastral Surveyor, Nevada.

[FR Doc. 2015-12217 Filed 5-19-15; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 14-25]

The Main Pharmacy; Decision and Order

On October 7, 2014, Administrative Law Judge (ALJ) Christopher B. McNeil issued the attached Recommended Decision (hereinafter, R.D.). Therein, the ALJ found it undisputed that Respondent no longer holds a Texas Pharmacy License and is thus not authorized to dispense controlled substances in the State in which it seeks registration under the Controlled Substances Act (CSA). R.D. at 6. The ALJ thus concluded that Respondent is not a “practitioner” within the meaning of the CSA and is therefore not entitled to be registered. R.D. at 7 (citing 21 U.S.C. 802(21) & 823(f)). Accordingly, the ALJ granted the Government’s Motion for Summary Disposition and recommended that I deny its application.

The ALJ did not, however, address the Government’s further contention that it was also entitled to summary disposition because Respondent’s proposed business model of shipping

filled controlled substance prescriptions to a patient’s prescribing physician rather than directly to the patient, violates federal law. *See generally* R.D.; *see also* Mot. for Summ. Disp., at 5-6. The Government takes exception to the ALJ’s failure to address the issue,¹ arguing that the ALJ “should have also reached the merits of this case and granted summary disposition to the Government on the additional basis that Respondent intends to dispense controlled substances to non-ultimate users in violation of the [CSA] and its implementing regulations.” Gov. Exceptions, at 1.

As support for its contention, the Government argues that I should reach the issue because it “was fully briefed by the parties,” “there is no dispute as to any material fact,” and “the issue is likely to recur with the Respondent” because its “owner has stated his intent to reapply for a state license and pursue opening the pharmacy.” *Id.* at 2. Finally, the Government argues that “requiring the parties to revisit this issue as part of a future case would be a waste of resources, given that this issue has been briefed and is now ripe for disposition.” *Id.*

While Respondent agrees with the Government,² I reject the parties’

¹ Following the issuance of the Recommended Decision, Respondent’s counsel filed a pleading entitled: “Notice of Appeal.” Therein, Respondent requests that the record be prepared and forwarded “to the appropriate Appeals Court.” Notice of Appeal, at 1. Respondent did not, however, file exceptions to the ALJ’s decision as provided for in the Agency’s regulations. *See* 21 CFR 1316.66. As for its “Notice of Appeal,” the ALJ’s Recommended Decision is not a final decision of the Agency and thus, the filing of the record in “the appropriate” court, whatever that maybe, is premature. In the event Respondent files a Petition for Review of this Decision and Order, which is the final decision of the Agency, the Agency will comply with Rule 17 of the Federal Rules of Appellate Procedure.

² Respondent asserts that the issue of its proposed business model is ripe for review because “[e]very time [it] applies for a State license all [the Government] has to do is to sit on the application for a period of six months or more and Respondent will have to close [the] Pharmacy. [The Government] can then assert that Respondent has no State license and should be barred from going forward and hence evade review.” Resp. Answer to Movant’s Mot. for Summ. Disp., at 3.

Respondent’s position apparently stems from the Texas Pharmacy Act and a regulation of the Texas Board of Pharmacy which authorize disciplinary action against the holder of a pharmacy license if the Board finds that the holder has “failed to engage in or ceased to engage in the business described in the application for a license.” Tex. Occ. Code § 565.002(7); *see also* 22 Tex. Admin. Code § 291.11(a)(1) (“Failure to engage in the business described in the application for a license” means the holder of a pharmacy license has not commenced operating the pharmacy within six months of the date of issuance of the license.”).

However, Respondent does not explain why it could not have opened for business and dispensed non-controlled drugs while it challenged the denial of its application.