2. Applicant's Felony Conviction

Pursuant to section 304(a)(2) of the CSA, the Attorney General is authorized to suspend or revoke a registration ''upon a finding that the registrant . . . has been convicted of a felony under this subchapter or subchapter II of this chapter or any other law of the United States, or of any State, relating to any substance defined in this subchapter as a controlled substance or a list I chemical.'' 21 U.S.C. 824(a)(2); *see also Edward A. Ridgill, M.D.,* 83 FR 58599, 58600 (2018) (denying application based on conviction under 21 U.S.C. 841 for unlawful prescribing of controlled substances). Each subsection of Section 824(a) provides an independent ground to impose a sanction. *Arnold E. Feldman, M.D.,* 82 FR 39614, 39617 (2017).

Here, there is no dispute in the record that Applicant was convicted of felony counts related to unlawfully issuing controlled substance prescriptions in violation of California Health and Safety Code Section 11153(a), prescription fraud under California Health and Safety Code Section 11173(a), and related felony counts of conspiracy and insurance fraud. *See* RFAAX 8. Two of these state statutes specifically address controlled substance prescriptions and the underlying facts of the fraud and conspiracy counts were related to Applicant's unlawful prescribing and obtaining of controlled substances. *See* Cal. Health & Safety Code § 11153(a) (''A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice.''); Cal. Health & Safety Code § 11173(a) (''No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances . . . by fraud, deceit, misrepresentation, or subterfuge''). Therefore, I find that these provisions constitute state laws ''relating to'' controlled substances, as those terms are defined in 21 U.S.C. 824(a)(2). *See Uvienome Linda Sakor, N.P.,* 86 FR 50173, 50178 (2021).

Although the Government has noted in its RFAA that two years after Applicant's conviction, the state court reduced the four felony counts to misdemeanors and ordered summary probation, *see* RFAAX 8, at 20 and RFAA, at 6, the Agency established over thirty years ago, and has recently reiterated, that a deferred adjudication is ''still a 'conviction' within the meaning of the . . . [CSA] even if the proceedings are later dismissed.'' *Kimberly Maloney, N.P.,* 76 FR 60922, 60922 (2011). In reaching this conclusion, the Agency explained that, ''[a]ny other interpretation would mean that the conviction could only be considered between its date and the date of its subsequent dismissal.'' *Id.* (citing *Edson W. Redard, M.D.,* 65 FR 30616, 30618 (2000)); *see also Erica N. Grant, M.D.,* 40,641, 40,650 (2021). Thus, in accordance with prior agency decisions, I find that the subsequent reduction of Applicant's charges, much like a subsequent deferral or dismissal, does not affect my finding that she was convicted of a felony related to controlled substances for purposes of 21 U.S.C. 824(a)(2).

Although the language of 21 U.S.C. 824(a)(2) discusses suspension and revocation of a registration, for the reasons discussed above in *supra* III.A, it may also serve as the basis for the denial of a DEA registration application. Applicant's felony conviction, therefore, serves as an independent basis for denying her application for a DEA registration. 21 U.S.C. 824(a)(2).

IV. Sanction

Where, as here, the Government has met its *prima facie* burden of showing that a ground for revocation exists, the burden shifts to the Applicant to show why she can be entrusted with a registration. *See Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019). Applicant, as already discussed, waived her right to a hearing and failed to submit a written statement. *See* RFAA, at 6. Therefore, among other things, Applicant has not accepted responsibility for her criminality, shown any remorse for it, or provided any assurance that she would not repeat it. *See Jeffrey Stein, M.D.,* 84 FR 46972–74. Such silence weighs against granting the Applicant's registration. *Zvi H. Perper, M.D.,* 77 FR 64131, 64142 (2012) (citing *Medicine Shoppe-Jonesborough,* 73 FR 264, 387 (2008); *Samuel S. Jackson,* 72 FR 23848, 23853 (2007)); *see also Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F3d. 823, 831 (11th Cir. 2018) (''An agency rationally may conclude that past performance is the best predictor of future performance.'' (quoting *Alra Laboratories, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995))).

Further, the CSA authorizes the Attorney General to ''promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this subchapter.'' 21 U.S.C. 871(b). This authority specifically relates ''to 'registration' and 'control,' and 'for the efficient execution of his functions' under the statute.'' *Gonzales* v. *Oregon,* 546 U.S. 243, 259 (2006). A clear purpose of this authority is to ''bar[] doctors from using their prescription-writing powers as a means to engage in illicit drug dealing and trafficking . . . .'' *Id.* at 270. In this case, Applicant pled guilty to counts directly related to issuing controlled substance prescriptions without a legitimate medical purpose. Applicant's unlawful activity is exactly the type of activity that the CSA was intended to prevent and she has given me no indication that she will not repeat her illicit behavior.

Based on the record before me, I conclude that Applicant's founded criminality makes her ineligible for a DEA registration. Accordingly, I shall order the sanction the Government requested, as contained in the Order below.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823, I hereby order that the pending application for a Certificate of Registration, Control Number W18011889C, submitted by Maura Tuso, D.M.D., is denied. This Order is effective November 26, 2021.

Anne Milgram,

Administrator.

[FR Doc. 2021–23262 Filed 10–25–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–915]

Importer of Controlled Substances Application: Indigenous Peyote Conservation Initiative

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Indigenous Peyote Conservation Initiative has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before November 26, 2021. Such persons may also file a written request for a hearing on the application on or before November 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 30, 2021, Indigenous Peyote Conservation Initiative, 826 North FM 649, Hebbronville, Texas 78361, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Peyote	7415	I

The above controlled substance will be imported as live plants for research, analytical purposes, enhancing the plant population, and improving conservation strategies of the plant in situ in its native habit. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–23281 Filed 10–25–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–916]

Bulk Manufacturer of Controlled Substances Application: Novitium Pharma LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Novitium Pharma LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before December 27, 2021. Such persons may also file a written request for a hearing on the application on or before December 27, 2021.

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 September 8, 2021, Novitium Pharma LLC, 70 Lake Drive, East Windsor, New Jersey 08520, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I
Psilocyn	7438	I
Levorphanol	9220	II

The company plans to bulk manufacture drug codes 7438 and 7437 to produce Active Pharmaceutical Ingredient (API) and finished dosage forms for use in clinical trial studies only. In reference to drug code 9220, the company plans to bulk manufacture this drug code to support commercial drug product manufacturing and drug development purposes. No other activities for these drug codes are authorized for this registration.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–23282 Filed 10–25–21; 8:45 am]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

Request for Information: Undergraduate Training in Biology Mathematics and Computer Science (UBMC)

AGENCY: National Science Foundation.

ACTION: Request for information.

SUMMARY: The National Science Foundation's (NSF) Division of Undergraduate Education (DUE), the Division of Biological Infrastructure (DBI), the Division of Mathematical Sciences (DMS) and the Division of Computer and Information Science and Engineering (CISE) request input from interested parties the value and need for an interdisciplinary program that trains undergraduate students at the intersections of biological science, mathematics and computer sciences. This RFI will help inform NSF as it considers programs for educating the workforce of tomorrow.

DATES: Interested persons are invited to submit comments on or before December 31, 2021.

ADDRESSES: Submit comments to Mary L. Crowe, *mcrowe@nsf.gov.* Submissions should include the ''RFI Response: Undergraduate Training Program in Biological, Mathematical and Computer Science UBMC'' in the subject line of the message. Phone calls can be made to Mary L. Crowe at the following number: 703–292–7177.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18200, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Instructions: Response to this RFI is voluntary. Each individual or institution is requested to submit only one response. Responses should include the name of the person(s) or organization(s) filing the comment. Please include the number of the question or questions to which you are responding. Please limit your response to no more than six pages.

In accordance with FAR 15.202(3), responses to this notice are not offers and cannot be accepted by the Government to form a binding contract. Responders are solely responsible for all expenses associated with responding to this RFI.

Background Information: The National Science Foundation (NSF) plays a critical role in establishing U.S. leadership in science and engineering (S&E), creating innovations that drive the nation's economy and educating the next generation of scientists and engineers. The NSF 10 Big Ideas support this role through ideas such as the Future of Work at the Human Technology Frontier, Harnessing the Data Revolution, and others, that foster