

application for a registration, the burden shifts to the respondent to show why he can be entrusted with the responsibility carried by a registration. *Garret Howard Smith, M.D.*, 83 FR 18,882, 18,910 (2018). When a registrant has committed acts inconsistent with the public interest, they must both accept responsibility and demonstrate they have undertaken corrective measures. *Holiday CVS LLC dba CVS Pharmacy Nos 219 and 5195*, 77 FR 62,316, 62,339 (2012) (internal quotations omitted). Trust is necessarily a fact-dependent determination based on individual circumstances; therefore, the Agency looks at factors, such as the acceptance of responsibility and the credibility of that acceptance as it relates to the probability of repeat violations or behavior and the nature of the misconduct that forms the basis for sanction, while also considering the Agency's interest in deterring similar acts. *See, e.g., Robert Wayne Locklear, M.D.*, 86 FR 33,738, 33,746 (2021). When a registrant fails to make the threshold showing of acceptance of responsibility, the Agency need not address the registrant's remedial measures.¹⁰ *Daniel A. Glick, D.D.S.*, 80 FR 74,800, 74,810 (2015).

The Agency adopts the ALJ's finding, that while Respondent testified that what he did was inappropriate and that he "wouldn't do it again," Tr. 458, he has not accepted full responsibility for his misconduct. RD, at 116. When asked about Dr. M's responsibility, Respondent answered, "I think we were both negligent" and "it was carelessness on my part to even ask him." Tr. 456, 459.¹¹ The Respondent's characterizations of his misconduct minimized the seriousness of his actions. *See Jeffrey Stein, M.D.*, 84 FR 46,968, 46,972.¹²

Respondent was not ignorant to his misdeeds. He knew self-prescribing using his own DEA registration would raise suspicion at the pharmacy, Tr. 355, so he decided, based on his knowledge as a DEA registrant, to self-prescribe using Dr. M's registration, presumably to evade detection. Respondent's actions also do not reflect a momentary lapse in judgment. He used Dr. M's registration to self-prescribe for over a year and a

half. *See Noah David, P.A.*, 87 FR 21,165, 21,174 (2022); *see also Garrett Howard Smith, M.D.*, 83 FR 18,882, 18,910 (2018) (collecting cases) ("The egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction.") Therefore, as the ALJ stated, "Respondent has lost a significant amount of trust and has failed to overcome that loss and demonstrate to the Agency that he can now be entrusted to maintain his [registration] in a lawful fashion." RD, at 118.¹³

Furthermore, specific and general deterrence weigh in favor of denial of Respondent's application. *Daniel A. Glick, D.D.S.*, 80 FR at 74,810. Given the egregious nature of Respondent's violations, a sanction less than denial would send a message to the current and prospective registrant community that compliance with core controlled-substance legal principles is not a condition precedent to receiving and maintaining a DEA registration.

As discussed above, to receive a registration when grounds for denial exist, a respondent must convince the Agency that his acceptance of responsibility and remorse are sufficiently credible to demonstrate that the misconduct will not reoccur and that he can be entrusted with a registration. Having reviewed the record in its entirety, the Agency finds that Respondent has not met this burden and orders the denial of the application for the certificate of registration at issue in this case, as contained in the Order below.

However, in light of the passage of time since the surrender of his previous registration, if Respondent can demonstrate that he will reliably treat his controlled substances registration with the respect that such a responsibility deserves and requires under the law, the Agency is instructing the Government to consider such facts in assessing any new application.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(f), I hereby deny DEA registration application No. W18122357C submitted

by Gary Matusow, D.O. This Order is effective July 13, 2022.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 6, 2022, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2022-12612 Filed 6-10-22; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC-2022-0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 13, 20, 27, July 4, 11, 18, 2022. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301-287-0745, by videophone at 240-428-3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at Wendy.Moore@nrc.gov or Betty.Thweatt@nrc.gov.

¹⁰ Here, although Respondent's Continuing Medical Education efforts were in excess of what New Jersey required, RD, at 38 (citing Tr. 414-15; RX 1), Respondent has not sufficiently convinced the Agency that he has accepted responsibility and can be entrusted with a registration.

¹¹ Respondent is credited for declining to pass blame to his former partner, given the animosity between the two.

¹² Respondent's actions were not "negligent," nor were they mere "carelessness"—they constitute criminal misconduct under New Jersey law.

¹³ Respondent submitted letters and character testimony. RX 5-18. The letters are of limited weight because the Agency has limited ability to assess their actual credibility. *See Michael S. Moore, M.D.*, 76 FR 45,867, 45,873 (2011). They also do not appear to be written to recommend that Respondent be granted a registration and offer little value in assessing his suitability to discharge those duties. The character testimony is more relevant to the former partners' relationship and is viewed with caution given the ALJ's credibility findings. *See* RD, at 68-70. These references very minimally support Respondent's potential for rehabilitation.

MATTERS TO BE CONSIDERED:**Week of June 13, 2022**

Tuesday, June 14, 2022

10 a.m. Briefing on Human Capital and Equal Employment Opportunity
(Contact: Nicole Newton: 301-415-8316)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Thursday, June 16, 2022

10 a.m. Briefing on Results of the Agency Action Review Meeting
(Contact: Nicole Fields: 630-829-9570)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Week of June 20, 2022—Tentative

There are no meetings scheduled for the week of June 20, 2022.

Week of June 27, 2022—Tentative

There are no meetings scheduled for the week of June 27, 2022.

Week of July 4, 2022—Tentative

There are no meetings scheduled for the week of July 4, 2022.

Week of July 11, 2022—Tentative

There are no meetings scheduled for the week of July 11, 2022.

Week of July 18, 2022—Tentative

Thursday, July 21, 2022

9 a.m. Update on 10 CFR part 53 Licensing and Regulation of Advanced Nuclear Reactors (Contact: Greg Oberson: 301-415-2183)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Wesley Held at 301-287-3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: June 9, 2022.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2022-12774 Filed 6-9-22; 11:15 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. NRC-2022-0119]

Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory issue summary; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on a draft regulatory issue summary (RIS) that reminds licensees of the NRC requirement that prior to granting or reinstating unescorted access (UA) or certifying unescorted access authorization (UAA) to non-immigrant foreign nationals for the purpose of performing work, licensees shall validate that the foreign national's claimed non-immigration status is correct. This is important to ensure that individuals to whom a licensee intends to grant UA to nuclear power plant protected or vital areas or any individual for whom a licensee or applicant intends to certify UAA, are trustworthy and reliable such that they do not constitute an unreasonable risk to public health and safety or the common defense and security, including the potential to commit radiological sabotage.

DATES: Submit comments by August 12, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0119. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed

in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Mark Resner, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-287-3680, email: Mark.Resner@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Obtaining Information and Submitting Comments****A. Obtaining Information**

Please refer to Docket ID NRC-2022-0119 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0119.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to PDR.Resource@nrc.gov. The Regulatory Issue Summary 2022-XX, "Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants," is available in ADAMS under Accession No. ML22157A366.

- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.