A. Factors Two and/or Four—The Registrant's Experience in Dispensing Controlled Substances and Compliance With Applicable Laws Related to Controlled Substances

The Government has alleged that Registrant violated federal and state laws related to controlled substances when, ''on forty-two occasions, [Registrant] issued fraudulent prescriptions for controlled substances to himself by using various aliases, or to other individuals that he filled himself.'' RFAA, at 11–14.

Under the CSA, ''[i]t shall be unlawful for any person knowingly or intentionally to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.'' 21 U.S.C. 843(a)(3). Similarly, under Nebraska state law, it is unlawful ''to acquire or obtain or to attempt to acquire or obtain possession of a controlled substance by theft, misrepresentation, fraud, forgery, deception, or subterfuge.'' Neb. Rev. Stat. § 28–418(1)(c)(2016). I find that the Government has established based on uncontroverted evidence that by knowingly issuing controlled substance prescriptions to aliases and other individuals that he filled himself using fraudulent identification documents Registrant violated 21 U.S.C. 843(a)(3) and Neb. Rev. Stat. § 28–418(1)(c).

I also find that the record establishes by substantial evidence that Registrant violated 21 CFR 1306.04(a). Under § 1306.04, a lawful prescription for controlled substances is one that is ''issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.'' 21 CFR 1306.04(a). A practitioner must establish and maintain a legitimate doctor-patient relationship in order to act ''in the usual course of . . . professional practice'' and to issue a prescription for a ''legitimate medical purpose'' under the CSA. *Ralph J. Chambers,* 79 FR 4962, 4970 (2014) (citing *Paul H. Volkma*n, 73 FR 30,629, 30,642 (2008), pet. for rev. denied *Volkman* v. *Drug Enf't Admin.,* 567 F.3d 215, 223–24 (6th Cir. 2009)); *see also U.S.* v. *Moore,* 423 U.S. 122, 142–43 (1975) (noting that evidence established that the physician exceeded the bounds of professional practice, when ''he gave inadequate physical examinations or none at all,'' ''ignored the results of the tests he did make,'' and ''took no precautions against . . . misuse and diversion''). Agency decisions have demonstrated that in order for a physician to utilize his registration to dispense controlled substances, there must be a ''valid physician-patient relationship'' and that ''[l]egally, there is absolutely no difference between the sale of an illicit drug on the street and the illicit dispensing of a licit drug by means of a physician's prescription.'' *Mario Avello, M.D.* 70 FR 11,695, 11,697 (2005) (citing *Mark Wade, M.D.,* 69 FR 7018 (2004) and *Floyd A. Santner, M.D.,* 55 FR 37,581 (1990)). Registrant clearly issued the subject fraudulent prescriptions for controlled substances absent a valid physician-patient relationship and thereby violated 21 CFR 1306.04(a).

B. Registrant's Registration is Inconsistent With the Public Interest and Presented an Imminent Danger

The Agency has previously found that practitioners' registrations were inconsistent with the public interest in matters where the practitioners had issued fraudulent prescriptions for themselves. *See, e.g., David W. Bailey, M.D.,* 81 FR 6045, 6047 (2016) (revoking registration of physician who issued controlled prescriptions in his wife's name for personal use); *Ronald Phillips, D.O.,* 61 FR 15,304, 15,305 (1996) (revoking registration of practitioner who admitted to prescribing controlled substances in the names of family and friends, filling the prescriptions himself at pharmacies, and personally using a large portion of the controlled substances); *John V. Scalera,* 78 FR 12,092, 12,098 (2013) (denying application of practitioner who issued controlled substance prescriptions in a deceased relative's name for personal use). Accordingly, I find that the evidence in this matter establishes Registrant ''has committed such acts as would render his registration . . . inconsistent with the public interest.'' *See* 21 U.S.C. 824(a)(4).

For purposes of the imminent danger inquiry, my findings also lead to the conclusion that Registrant has ''fail[ed] . . . to maintain effective controls against diversion or otherwise comply with the obligations of a registrant'' under the CSA. 21 U.S.C. 824(d)(2). The substantial evidence that Registrant was issuing and filling fraudulent prescriptions for controlled substances for his personal use also establishes that there was ''a substantial likelihood [that an] . . . abuse of a controlled substance . . . [would] occur in the absence of the immediate suspension'' of Registrant's registration. *Id.*

III. Sanction

Where, as here, the Government has met its *prima facie* burden of showing that a Registrant's continued registration is inconsistent with the public interest, the burden shifts to the Registrant to show why he can be entrusted with a registration. *Garrett Howard Smith, M.D.,* 83 FR 18,882, 18,910 (2018) (collecting cases). Registrant did not present any evidence of remorse for his past misconduct or evidence of rehabilitative actions taken to correct his past unlawful behavior. Further, he provided no assurances that he would not engage in such conduct in the future. Absent such evidence and such assurances in this matter, I find that continued registration of Registrant is inconsistent with the public interest. Registrant's silence weighs against his continued registration. *Zvi H. Perper, M.D.,* 77 FR 64,131, 64,142 (2012 (citing *Med. Shoppe-Jonesborough,* 73 FR at 387); *see also Samuel S. Jackson,* 72 FR 23,848, 23,853 (2007). Accordingly, I find that the factors weigh in favor of sanction and I shall order the sanctions the Government requested, as contained in the Order below.

IV. Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(f) and 824(a), I hereby revoke DEA Certificate of Registration BM9925388 issued to David Mwebe, M.D. I further hereby deny any pending application of David Mwebe, M.D., to renew or modify this registration. This Order is effective September 18, 2020.

Timothy J. Shea,

Acting Administrator.

[FR Doc. 2020–18082 Filed 8–18–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Judgment Under the Clean Air Act

On August 13, 2020, the Department of Justice lodged a proposed consent judgment with the United States District Court for the Eastern District of New York in the lawsuit entitled *United States of America* v. *Village of Rockville Centre, New York,* Case No. 20–CV–3663.

The United States filed this lawsuit to seek civil penalties and injunctive relief for violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.* (''CAA''). The alleged violations stem from the Village of Rockville Centre's (''Village'') failure to comply with federally-enforceable emissions limits for particulate matter (''PM'') and nitrogen oxide (''NO_X''). The Village operates a 33 megawatt municipal power plant (the ''Power Plant'') that provides electric power to its residents, in part, using diesel engines. The Village operates the Power

Plant primarily during the summer to meet high electricity demands. The Consent Judgment requires the Village to retire high-emission engines, and to institute operational practices and technologies to reduce the PM and NO_X emissions of the Power Plant. The Consent Judgment also requires the Village to pay civil penalties of $110,000.

The publication of this notice opens a period for public comment on the proposed Consent Judgment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *Village of Rockville Centre, New York,* Civil Action No. 20–CV–3663, D.J. Ref. No. 90–5–2–1–10981. 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 Consent Judgment may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Judgment 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 $8.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

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

[FR Doc. 2020–18068 Filed 8–18–20; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2019–0211]

Information Collection: NRC Form 5, ''Occupational Dose Record for a Monitoring Period''

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, NRC Form 5, ''Occupational Dose Record for a Monitoring Period.''

DATES: Submit comments by September 18, 2020. 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: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0211 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–2019–0211. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2019–0211 on this website.
- *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 reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML20023A312. The supporting statement is available in ADAMS under Accession No. ML20192A153.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a renewal of an existing collection of information to OMB for review entitled, NRC Form 5, ''Occupational Dose Record for a Monitoring Period.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on May 1, 2020 (85 FR 25478).

1. *The title of the information collection:* NRC Form 5, ''Occupational Dose Record for a Monitoring Period.''
2. *OMB approval number:* 3150–0006.
3. *Type of submission:* Extension.
4. *The form number if applicable:* NRC Form 5.
5. *How often the collection is required or requested:* Annually.
6. *Who will be required or asked to respond:* NRC licensees who are