

2016. During his probationary period, any relapse will be detected because of the drug screens and the requirement for the Respondent to disclose any violations of his HPP contract to the Board. Second, the DEA can further restrict his registration to the prescribing of controlled substances only, and to prohibit his prescribing to himself or to any other family member. Lastly, the situation that led to his addiction no longer exists. The Respondent has completed his residency program and has been drug free since October 5, 2010. These factors are also appropriate to consider when determining the appropriate use of the Administrator's discretion in this matter. *See Martha Hernandez, M.D.*, 62 FR 61,145 (DEA 1997) (holding that, in exercising his discretion in determining the appropriate remedy, the Administrator should consider all of the facts and circumstances of a particular case).

#### V. Conclusion and Recommendation

Therefore, I conclude that the DEA has met its burden of proof and has established that grounds exist for revoking the Respondent's DEA registration. I do not condone nor minimize the seriousness of the Respondent's misconduct. However, based on this record, I recommend that the Respondent be afforded an opportunity to demonstrate that he can responsibly handle controlled substance prescriptions by the granting of a restricted registration. *See Cecil E. Oakes, Jr., M.D.*, 63 FR 11,907, 11,910 (DEA 1998) ("Such a resolution will provide Respondent with the opportunity to demonstrate that he can responsibly handle controlled substances, while at the same time protect the public health and safety, by providing a mechanism for rapid detection of any improper activity.").

Based on this record and the Respondent's actions since December of 2010, I recommend to the Administrator<sup>3</sup> that the Respondent be granted a conditional DEA registration. I suggest that the conditions include: that the registration restricts his handling of controlled substances to merely prescribing and not storing or dispensing such drugs and that he be prohibited from prescribing controlled substances to himself or any family member. Further, I recommend that the Respondent be ordered to continue with his agreement with the Oklahoma HPP and to notify the DEA should a relapse

or any positive urinalysis result. I recommend these restrictions apply for three years from the date of the final order so directing this result. In this way, the Respondent may safely continue his return to the full practice of medicine, and the DEA can assure itself of the Respondent's compliance with DEA regulations and of the protection of the public interest.

Dated: March 26, 2012.

**Gail A. Randall,**

*Administrative Law Judge.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2009-0022]

#### Requirements for the OSHA Training Institute Education Centers Program and the OSHA Outreach Training Program; Requesting the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits comments concerning its proposal to obtain OMB approval of the information collection requirements contained in the OSHA Training Institute Education Centers Program and the OSHA Outreach Training Program.

**DATES:** Comments must be submitted (postmarked, sent, or received) by October 4, 2013.

**ADDRESSES:** *Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than ten (10) pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, messenger, or courier service:* When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2009-0022, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express

mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and OSHA docket number for the Information Collection Request (ICR) (OSHA-2009-0022). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may contact Jim Barnes, Director, Office of Training and Educational Programs, or Kimberly Mason, OSHA Training Institute Education Centers Program at the address below to obtain a copy of the ICR.

**FOR FURTHER INFORMATION CONTACT:** Jim Barnes, Director, Office of Training and Educational Programs, or Kimberly Mason, OSHA Training Institute Education Centers Program, Directorate of Training and Education, OSHA, U.S. Department of Labor, 2020 S Arlington Heights Rd., Arlington Heights, IL 60005-4102; Phone: (847) 759-7781.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. Consistent with the

<sup>3</sup> The Administrator has the authority to make such a determination pursuant to 28 CFR 0.100(b) (2011).

authority of Section 21 of the OSH Act, the Agency created two educational programs, the OSHA Training Institute (OTI) Education Centers Program and the OSHA Outreach Training Program (Outreach).

To be a participant in the OTI Education Centers Programs or the Outreach Training Program, an individual/organization must provide the Agency with certain information. The requested information is necessary to evaluate the applicant organization and to implement, oversee, and monitor the OTI Education Centers and Outreach Training Programs, courses and trainers. The 11 collection of information requirements are listed below.

- A. Application to become an OSHA Training Institute Education Center (OTI Education Center);
- B. OTI Education Centers Monthly Summary Report for the OTI Education Centers and the Outreach Training Program Monthly Summary Report;
- C. Statement of Compliance With Outreach Training Program Requirements;
- D. Outreach Training Program Report Forms (includes Construction, General Industry, Maritime, and Disaster Site);
- E. Online Outreach Training Program Report;
- F. Active Trainer List;
- G. OSHA Training Institute Student Survey (OSHA Form 49 11-05 Edition) (OMB 1225-0059) (Attachment I, OSHA Form 49 11-05 Edition).
- H. Attendance Documentation for OTI Education Centers;
- I. Outreach Online Training Certification Statement
- J. Instructor and Staff Resumes (this include anyone who may be assigned to conduct OSHA classes, contractor, subcontractor, employee, adjunct professor, etc.);
- K. Course Material upon Request by OSHA from OTI Education Centers;

## II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

## III. Proposed Actions

OSHA is requesting a 4,059 hour burden hour adjustment increase as a result of increasing the number of courses offered, the number of students attending these two educational programs; and, in turn, the information OSHA needs to adequately monitor the programs. OSHA has identified a set of collections of information necessary for operating the Agency's two education programs, the OSHA Training Institute (OTI) Education Centers Program and OSHA Outreach Training Program. The OTI Education Centers are non-profit organizations that provide training at their location. The Outreach Training Program trains individuals who become authorized to train other individuals. The trainers determine when and where training sessions will be held.

The Agency will summarize comments submitted in response to this notice and will include this summary in the request to OMB.

*Type of Review:* Extension of a previously approved collection.

*Title:* OSHA Training Institute (OTI) Education Centers Program, and OSHA Outreach Training Program Data Collection

*OMB Control Number:* 1218-0262.

*Affected Public:* Business or other for-profits; not-for-profit institutions; Federal government; State, local and tribal governments.

*Number of Respondents:* 385.

*Frequency:* On occasion.

*Total Responses:* 48,329.

*Average Time per Response:* Ranges from 5 minutes for OTI Education Centers to provide a list of outreach trainers to OSHA to 60 hours for a not-for-profit institution to prepare and submit an application to become an OTI Education Center.

*Estimated Total: Burden hours:* 14,292.

*Estimated Cost (Operation and Maintenance):* \$0.

## IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA-2009-0022). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an

electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350, TTY (877) 889-5627.

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

## V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1-2012 (77 FR 3912).

Signed at Washington, DC, on July 31, 2013.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

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