

**Overview of This Information Collection**

1. *Type of Information Collection:* Reinstatement of a discontinued collection.

2. *Title of the Form/Collection:* Recordkeeping for Electronic Prescriptions for Controlled Substance.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no form number. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

*Affected public (Primary):* Business or other for-profit.

*Affected public (Other):* Not-for-profit institutions; Federal, State, local, and tribal governments.

*Abstract:* DEA is requiring that each registered practitioner apply to an approved credential service provider approved to obtain identity proofing and a credential. Hospitals and other institutional practitioners may conduct this process in-house as part of their credentialing. For practitioners currently working at or affiliated with a registered hospital or clinic, the hospital/clinic have to check a government-issued photographic identification. This may be done when the hospital/clinic issues credentials to new hires or newly affiliated physicians. For individual practitioners, two people need to enter logical access control data to grant permissions for practitioners authorized to approve and sign controlled substance prescriptions using the electronic prescription application. For institutional practitioners, logical access control data is entered by two people from an entity

within the hospital/clinic that is separate from the entity that conduct identity proofing in-house. Similarly, pharmacies have to set logical access controls in the pharmacy application so that only authorized employees have permission to annotate or alter prescription records. Finally, if the electronic prescription or pharmacy application generates an incident report, practitioners, hospitals/clinics, and pharmacies have to review the incident report to determine if the event identified by the application represents a security incident.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, hour burden per responses and associated burden hours.

	Number of respondents	Hour burden per response	Burden hours
Practitioners .....	78,164	0.67	52,370
MLP .....	49,067	0.67	32,875
Hospital/Clinics .....	1,482	2.13	3,157
Pharmacies .....	3,984	0.33	1,315
<b>Total .....</b>	<b>132,697</b>	<b>.....</b>	<b>89,717</b>

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 89,717 annual burden hours.

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: August 11, 2021.

**Melody Braswell,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2021-17523 Filed 8-16-21; 8:45 am]

**BILLING CODE 4410-09-P**

**DEPARTMENT OF LABOR**

**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Respiratory Protection Standard**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Occupational

Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before September 16, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4)

ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Crystal Rennie by telephone at 202-693-0456 or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This standard requires employers to develop a written respiratory protection program, provide medical surveillance, fit test employees, obtain certificates of analysis on cylinders, change sorbent beds and filters, to inspect emergency-use respirators, mark emergency-use respirator storage compartments, and maintain accurate employee records for fit testing and medical surveillance. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 9, 2021 (86 FR 18557).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently

valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–OSHA.

*Title of Collection:* Respiratory Protection Standard.

*OMB Control Number:* 1218–0099.

*Affected Public:* Private Sector: Businesses or other for-profits.

*Total Estimated Number of Respondents:* 699,048.

*Total Estimated Number of Responses:* 27,655,682.

*Total Estimated Annual Time Burden:* 8,400,365 hours.

*Total Estimated Annual Other Costs Burden:* \$406,397,821.88.

(Authority: 44 U.S.C. 3507(a)(1)(D)).

**Crystal Rennie,**

*Senior PRA Analyst.*

[FR Doc. 2021–17552 Filed 8–16–21; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petition for Modification of Application of Existing Mandatory Safety Standard

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** This notice includes the summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

**DATES:** All comments on the petition must be received by MSHA’s Office of Standards, Regulations, and Variances on or before September 16, 2021.

**ADDRESSES:** You may submit your comments including the docket number of the petition by any of the following methods:

1. *Electronic Mail:* [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov). Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards,

Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Jessica D. Senk, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist’s desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

**FOR FURTHER INFORMATION CONTACT:**

Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), [Senk.Jessica@dol.gov](mailto:Senk.Jessica@dol.gov) (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

**SUPPLEMENTARY INFORMATION:** Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

#### I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

#### II. Petition for Modification

*Docket Number:* M–2021–026–C.

*Petitioner:* Marion County Coal Resources, Inc., 151 Johnnycake Road, Metz, West Virginia (Zip 26585).

*Mine:* Marion County Mine, MSHA ID No. 46–01433, located in Marion County, West Virginia.

*Regulation Affected:* 30 CFR 75–1700 (Oil and gas wells).

*Modification Request:* The petitioner requests a modification of the existing standard, 30 CFR 75.1700, as it relates to oil and gas wells at the mine. The operator is petitioning to plug two gas wells in the Marcellus shale.

The petitioner states that:

(a) The Marion County Mine desires to plug two “unconventional” gas wells in the Marcellus shale not covered by the Consent Order at docket No. 2017–MSA–06. These are:

(1) The Esther Clark 1H Marcellus Gas Well American Petroleum Institute (API) #: 47–061–01616; and

(2) The Esther Clark 3H Marcellus Gas Well API #: 47–061–01623.

(b) The Marion County Mine employs approximately 712 miners and produces approximately 25,000 tons of bituminous coal per day from the Pittsburgh #8 coal seam with an average mine height of 84 inches. At this time, there are no coal seams being mined stratigraphically down section from the Pittsburgh seam. The mine is accessed through one slope and eight airshafts. The mine operates three production shifts per day, five days per week, on three working sections—one longwall, an advancing gate section, and a mains section utilizing continuous mining machines. The mine liberates 9,000,000 cubic feet of methane on a daily basis.

(c) On July 5, 2018, MSHA and Marion County entered into a settlement concerning the contest of certain conditions in a Proposed Decision and Order concerning 30 CFR 75.1700 at docket No. 2017–MSA–06. That agreement specifically excluded certain types of wells as follows: Unconventional wells in the Marcellus and Utica, and all other unconventional shale oil and gas wells are not subject to this modification.

The petitioner proposes the following alternative method:

(a) District Manager approval required.

(1) The mine operator shall maintain a safety barrier of 300 feet in diameter around the Esther Clark 1H and 3H Gas Wells until the District Manager approves to proceed with mining.

(2) Prior to mining within the safety barrier around these wells, the mine operator shall provide to the District Manager a sworn affidavit or declaration executed by the company official who is in charge of health and safety at the mine stating that all mandatory procedures for cleaning out, preparing, and plugging each gas well have been completed. The affidavit or declaration must be accompanied by all logs, electronic or otherwise, described below in section (b) (7) and any other records the District Manager requires.

(3) This petition applies to all types of underground coal mining at the mine.

(b) The petitioner proposes to use the following mandatory procedures, when cleaning out and preparing the Ester