

and endemic misunderstanding of Texas and federal law.

Testimony of Respondent's owner and PIC about what he is "doing differently regarding documentation now," given the OSC, may sound like it describes Respondent's proposed remedial measures, but it does not.¹⁶ Tr. 845. The testimony of Respondent's owner and PIC in response to this question starts with his statement that he has "changed a few things" with "rules to go above and beyond what is required." *Id.* He testified that, "in a lot of cases where patients are coming from far," he "will document more than I like to document just so that way the situations like this is prevented," elaborating that he told all of his employees that "what we need is the local address" noted as the "primary address."¹⁷ Tr. 846–47. This testimony appears to be more indicative of an attempt to avoid law enforcement attention in the future rather than of an accurate understanding of Texas and federal legal requirements, to recognize, resolve, and document the resolution of red flags, and a commitment to comply with them.

In sum, the record supports the imposition of a sanction because Respondent, through its owner and PIC, did not unequivocally accept responsibility and because Respondent, through its owner and PIC, has not convinced the Agency that it can be entrusted with a registration.

The interests of specific and general deterrence weigh in favor of revocation. The testimony of Respondent's owner and PIC repeatedly denied the existence of any legal violations, let alone accepted unequivocal responsibility for them. *See, e.g., supra*, sections II.B., IV.B., and V. Respondent, through its owner and PIC, has not convinced the Agency that it understands that its controlled substance prescription filling fell short of the applicable legal standards and that this substandard controlled substance prescription filling has serious negative ramifications for

the health, safety, and medical care of individuals who come to it with controlled substance prescriptions. *See, e.g., 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."). As such, it is not reasonable to believe that Respondent's future controlled substance prescription filling and recordkeeping will comply with legal requirements. Further, given the foundational nature and vast number of Respondent's violations, a sanction less than revocation would send a message to the existing and prospective registrant community that compliance with the law is not a condition precedent to maintaining a 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. 824(a)(4) and 21 U.S.C. 823(f), I hereby revoke DEA Certificate of Registration No. FL2190332 issued to Lewisville Medical Pharmacy. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(f), I hereby deny any pending application of Lewisville Medical Pharmacy to renew or modify this registration, as well as any other pending application of Lewisville Medical Pharmacy for registration in Texas. This Order is effective October 31, 2022.

Signing Authority

This document of the Drug Enforcement Administration was signed on September 26, 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**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

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DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0006]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Law Enforcement Officers Killed or Assaulted: Extension of a Currently Approved Collection

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until October 31, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mr. Edward Abraham, Unit Chief, Module D–1, Criminal Justice Information Services Division, Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, phone number 304–625–4830. 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. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

¹⁶ In any event, actual remedial measures are insufficient without an unequivocal acceptance of responsibility. *Brenton D. Wynn, M.D.*, 87 FR 24,228, 24,261 (2022); *see also Michael T. Harris, M.D.*, 87 FR 30,276, 30,278 (2022) (collecting Agency decisions).

¹⁷ Respondent's owner and PIC also testified in response to this question that he now documents the "BMIs" (body mass indexes) of customers who present phentermine prescriptions to be filled, elaborating "just so we know on our own that the doctor's doing the right thing and also that the patients really need the medication." Tr. 845. He testified that he now will also ask the doctor for the patient's BMI and document it. *Id.* at 845–46. Even if this BMI-related testimony constitutes remedial measures, which it does not, remedial measures are insufficient without an unequivocal acceptance of responsibility.

including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:*

Extension of a currently approved collection.

2. *The Title of the Form/Collection:*

Law Enforcement Officers Killed or Assaulted (LEOKA)

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: LEOKA Form 1–705. The applicable component within the Department of Justice is the Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

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

City, county, state, tribal, territory and federal law enforcement agencies. Abstract: Under Title 28, U.S. Code 534, Acquisition, Preservation, and Exchange of Identification Records; Appointments of Officials, 1930, this collection requests Law Enforcement Officers Killed or Assaulted data from city, county, state, federal, and tribal law enforcement agencies in order for the FBI's UCR Program to serve as the national clearinghouse for the collection and dissemination of crime data and to publish these statistics in the Law Enforcement Officers Killed or Assaulted (LEOKA) annual publication.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 18,600 law enforcement agencies within the universe of potential respondents. Due to the recent National Incident-Based Reporting System (NIBRS) transition, the FBI's UCR Program is no longer accepting new monthly submissions for LEOKA data using this clearance but will accept updates to Summary Reporting System submissions for incidents occurring prior to 2021. The submission of updates to past data is strictly voluntary and at the discretion of the contributing agency. Based on current reporting patterns, the FBI's UCR Program has

received 64,734 LEOKA update submissions since January 1, 2021, with an estimated response time of 7 minutes per response on this form. As more agencies transition to NIBRS, it is expected that the total number of updates will steadily decline, mainly due to updates being submitted through NIBRS on a more frequent basis. However, due to the need for these updates, the burden hour estimate is based on the most recent submission volumes to achieve the highest possible burden estimate.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 7,552.3 hours, annual burden, associated with this information collection.

If additional information is required contact: Robert Houser, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE, 3E.206, Washington, DC 20530.

Dated: September 26, 2022.

Robert Houser,

Department Clearance Officer for PRA, Policy and Planning Staff, Office of the Chief Information Officer, U.S. Department of Justice.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0014]

Proposed Extension of Information Collection; Hazardous Conditions Complaints

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration

(MSHA) is soliciting comments on the information collection for Hazardous Conditions Complaints.

DATES: All comments must be received on or before November 29, 2022.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments for docket number MSHA–2022–0044.

- *Mail/Hand Delivery:* Mail or visit DOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

- MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances, MSHA, at MSHA.information.collections@dol.gov (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

Under Section 103(g) of Mine Act, a representative of miners, or any individual miner where there is no representative of miners, may submit a written or oral notification of an alleged violation of the Mine Act or a mandatory standard or that an imminent danger exists. The notifier has the right to obtain an immediate inspection by MSHA. A copy of the notice must be provided to the operator, with individual miner names redacted.

MSHA regulations at 30 CFR 43 implement section 103(g) of the Mine Act. These regulations provide the