

of Nevada to dispense controlled substances.<sup>7</sup>

## Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of Title 21, “upon a finding that the registrant . . . has had his State license . . . suspended [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.” With respect to a practitioner, DEA has long held that the possession of authority to dispense controlled substances under the laws of the State in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a registration. *See, e.g., James L. Hooper*, 76 FR 71371 (2011), *pet. for rev. denied*, 481 Fed. Appx. 826 (4th Cir. 2012); *see also Frederick Marsh Blanton*, 43 FR 27616 (1978) (“State authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.”).

This rule derives from the text of two provisions of the CSA. First, Congress defined “the term ‘practitioner’ [to] mean[] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice.” 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner’s registration, Congress directed that “[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which [s]he practices.” 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the Act, DEA has held repeatedly that revocation of a practitioner’s registration is the appropriate sanction whenever she is no longer authorized to dispense controlled substances under the laws of the State in which she engages in professional practice. *See, e.g., Calvin Ramsey*, 76 FR 20034, 20036 (2011); *Sheran Arden*

*Yeates, M.D.*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci*, 58 FR 51104, 51105 (1993); *Bobby Watts*, 53 FR 11919, 11920 (1988); *Blanton*, 43 FR 27616 (1978).

Thus, “the controlling question” in a proceeding brought under 21 U.S.C. 824(a)(3) is whether the holder of a practitioner’s registration “is currently authorized to handle controlled substances in the [S]tate,” *Hooper*, 76 FR at 71371 (quoting *Anne Lazar Thorn*, 62 FR 12847, 12848 (1997)). Here, Registrant is no longer currently authorized to dispense controlled substances in Nevada, the State in which she is registered with the Agency. I will therefore revoke her DEA registration, deny any pending application to modify her registration, or any pending application for any other registration in Nevada.

## Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration No. ML0901985, issued to Angela L. Lorenzo, P.A., be, and it hereby is, revoked. I further order that any pending application of Angela L. Lorenzo to renew or modify the above registration, or any pending application of Angela L. Lorenzo for any other registration in the State of Nevada, be, and it hereby is, denied. This Order is effective immediately.<sup>8</sup>

Dated: March 24, 2018.

**Robert W. Patterson**,

*Acting Administrator.*

[FR Doc. 2018–06618 Filed 3–30–18; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Mine Safety and Health Administration Grant Performance Reports Office of the Secretary

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

**SUMMARY:** The Department of Labor (DOL) is submitting the Mine Safety and Health Administration sponsored information collection request (ICR) proposal titled, “Mine Safety and Health Administration Grant Performance Reports,” to the Office of Management

and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before May 2, 2018.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201711-1219-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201711-1219-001) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks PRA authority for the Performance Reports for Mine Safety and Health Administration Grants information collection. Mine Safety and Health Administration grantees are required by DOL regulations to submit project and final reports.

A grantee submits a technical project report to the MSHA no later than 30 days after quarterly deadlines. A technical project report provides both quantitative and qualitative information and a narrative assessment of performance for the preceding three-month period. This includes the current grant progress against the overall grant goals. Between reporting dates, the grantee informs MSHA of significant developments or problems affecting the organization’s ability to accomplish the work.

<sup>7</sup> Registrant’s DEA registration information states that Registrant had a Nevada Controlled Substance License No. CS12166, but that it expired on October 31, 2016. I have queried the NSBME website regarding the status of Registrant’s controlled substance license, and I take official notice (*see supra* footnote 3) that Nevada’s online list of holders of active controlled substance licenses does not include Registrant by name or by her Nevada controlled substance registration number.

<sup>8</sup> For the same reasons that led the NSBME to suspend Registrant’s license, I find that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

A grantee provides (1) a final report that summarizes the technical project reports, (2) an evaluation report, and (3) a closeout financial report at the end of the grant period project. These final reports are due no later than 90 days after the end of the 12-month performance period. Federal Mine Safety and Health Act of 1977 section 103(h) authorizes this information collection. See 30 U.S.C. 813(h).

This proposed 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 it is approved by the OMB under the PRA 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 if the collection of information does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on June 12, 2017 (82 FR 26951).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201711-1219-001. The OMB is particularly interested in comments that:

- 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, 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.

Agency: DOL-MSHA.

Title of Collection: Mine Safety and Health Administration Grant Performance Reports.

OMB ICR Reference Number: 201711-1219-001.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 60.

Total Estimated Number of Responses: 300.

Total Estimated Annual Time Burden: 750 hours.

Total Estimated Annual Other Costs Burden: \$53.

Dated: March 27, 2018.

Michel Smyth,

Departmental Clearance Officer.

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BILLING CODE 4510-43-P

## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Division of Coal Mine Workers' Compensation; Proposed Collection; Comment Request: Request To Be Selected as Payee (CM-910)

**ACTION:** Notice.

**AGENCY:** Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, DOL.

**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 and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). 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 Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Request to be Selected as Payee (CM-910). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before April 2, 2018.

**ADDRESSES:** You may submit comments by mail, delivery service or by hand to Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW, Room

S-3323, Washington, DC 20210; by fax to (202) 354-9647; or by Email to [ferguson.yoon@dol.gov](mailto:ferguson.yoon@dol.gov). Please use only one method of transmission for comments (mail/delivery, fax, or Email). Please note that comments submitted after the comment period will not be considered.

#### SUPPLEMENTARY INFORMATION:

*I. Background:* The Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.*, provides for the payment of benefits to coal miners who are totally disabled due to pneumoconiosis and to certain survivors of the miner. If a beneficiary is incapable of handling his or her affairs, the person or institution responsible for their care is required to apply to receive the benefit payments on the beneficiary's behalf. The CM-910 is the form completed by representative payee applicants. The payee applicant completes the form and either mails it or files it electronically through a web portal for evaluation by the district office that has jurisdiction over the beneficiary's claim file. Regulations 20 CFR 725.505-513 require the collection of this information. This information collection is currently approved for use through June 30, 2018.

*II. Review Focus:* The Department of Labor is particularly interested in comments which:

- \* 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, 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 submissions of responses.

*III. Current Actions:* The Department of Labor seeks approval for the extension of this currently-approved information collection in order to carry out its responsibility to evaluate an applicant's ability to be a representative payee. If the Program were not able to screen representative payee applicants, the beneficiaries' best interests would not be served.

Agency: Office of Workers' Compensation Programs.