

to access and use his eToken, password, and PIN to electronically submit prescriptions.⁴ *Id.* at 33.

II. Discussion

The Government has the burden of proving that the requirements for revocation of a DEA registration in 21 U.S.C. 824(a) are satisfied. 21 CFR 1301.44(e). Having reviewed the record and the ALJ's RD, the Agency agrees with the RD that the Government has proven by substantial evidence that Respondent committed acts which render his continued registration inconsistent with the public interest.

The Agency agrees with the RD that the record established multiple instances where Respondent failed to comply with applicable federal and state law and dispensed controlled substances in a manner inconsistent with the public interest. The Agency finds that, based on the credible, un rebutted testimony of the Government's expert, Dr. Kennedy, the Government established that Respondent issued all of the prescriptions at issue in this case outside the usual course of professional practice and beneath the standard of care in violation of 21 CFR 1306.04(a) and in violation of several South Carolina laws.⁵ *See* RD, at 27–30.

Furthermore, the Agency agrees with the RD that the record established that Respondent improperly issued electronic controlled substance prescriptions by entrusting his secure credentials to his wife and son and allowing them to access and provide his PIN in the issuance of those prescriptions. *Id.* at 32. In so doing, Respondent violated 21 CFR 1311.125(c), 21 CFR 1311.135(a), and 21 CFR 1311.102(a). *See id.* at 32–34.

In sum, the Agency agrees with the RD that these factors militate strongly in favor of the Government's position that Respondent's continued registration is inconsistent with the public interest and, thus, that the Government established a *prima facie* case for revocation. RD, at 34.

⁴ Respondent testified regarding why he could not maintain and produce medical records and the purpose of his treatment of the patients at issue and their circumstances (including that he attempted to move patients away from controlled substance prescriptions for pain and stopped prescribing Schedule II controlled substances after DEA told him to stop in December 2019), but he does not dispute that he could not produce medical records documenting his prescribing. RD, at 27, 29, 30; Tr. 79–82; 240–331. Respondent did not dispute that he had entrusted his electronic credentials to his son and wife. *Id.* (citing Tr. 333–37).

⁵ *See* S.C. Code Ann. Regs. 61–4.1002(a), 61–4.1103, 61–4.1204; S.C. Code Ann. 40–47–113(A), 44–53–360(h), 44–115–120; *see* RD, at 27–28.

III. Sanction

Where, as here, the Government has established grounds to revoke Respondent's registration, the burden shifts to the respondent to show why he can be entrusted with the responsibility carried by a registration. *Garret Howard Smith, M.D.*, 83 FR 18,882, 18,910 (2018). When a registrant has committed acts inconsistent with the public interest, he must both accept responsibility and demonstrate that he has undertaken corrective measures. *Holiday CVS LLC dba CVS Pharmacy Nos 219 and 5195*, 77 FR 62,316, 62,339 (2012).

Here, the Agency adopts the rationale of the RD that, although Respondent freely admitted that he failed to keep records that were readily retrievable, he did not unequivocally accept responsibility for his misconduct; instead, he downplayed his misconduct and placed blame on the actions of others. RD, at 34–38 (citing Tr. 246–57, 316–19, 323–24). In addition, the record demonstrates that Respondent's violations of the law were not isolated occurrences, but took place over more than a year, involved multiple patients, and even occurred *after* the DEA had specifically notified Respondent of the violations and attempted to bring Respondent into compliance with an MOA, which Respondent then violated.

Having reviewed the record in its entirety, the Agency finds that Respondent cannot be entrusted with a DEA registration and orders that his registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in the Administrator by 21 U.S.C. 824(a)(4) and 21 U.S.C. 823(f), I hereby revoke DEA Certificate of Registration No. AR1001306 issued to Allan Alexander Rashford, M.D. Further, pursuant to 28 CFR 0.100(b), 21 U.S.C. 824(a), and 21 U.S.C. 823(f), I hereby deny any pending application of Allan Alexander Rashford, M.D., to renew or modify this registration, as well as any other pending application of Allan Alexander Rashford, M.D., for registration in South Carolina. This Order is effective January 18, 2023.

Signing Authority

This document of the Drug Enforcement Administration was signed on December 12, 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.

[FR Doc. 2022–27479 Filed 12–16–22; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Pre-Implementation Planning Checklist for State Unemployment Insurance Information Technology Modernization Projects

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, "Pre-Implementation Planning Checklist for State Unemployment Insurance Information Technology Modernization Projects." This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by February 17, 2023.

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 by contacting Jagruti Patel by telephone at (202) 693–3059 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at patel.jagruti@dol.gov.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, Room S–4524, 200 Constitution Avenue NW, Washington, DC 20210; by email: patel.jagruti@dol.gov; or by Fax at (202) 693–3975.

FOR FURTHER INFORMATION CONTACT:

Contact Jagruti Patel by telephone at (202) 693-3059 (this is not a toll-free number) or by email at patel.jagruti@dol.gov.

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure 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 can be properly assessed.

Building on lessons learned from previous state implementations of modernized Unemployment Insurance (UI) Information Technology (IT) systems, ETA facilitated the development of a UI IT Modernization Pre-Implementation Planning Checklist for states to use prior to launching a new system. The checklist helps states validate that all necessary system functions will be available and/or that alternative workarounds have been developed prior to the production launch of a new UI IT system. The goal of the checklist is to help states avoid major disruption of services to UI customers and to prevent delays in making UI benefit payments when due. This comprehensive checklist denotes critical functional areas that states must certify prior to launching new UI IT systems including, but not limited to, technical IT functions and UI business processes that interface with the new system. The list of critical areas identified in the checklist includes:

- Functionality and Workarounds;
- External Alternate Access Options and Usability Issues Addressed;
- Policies and Procedures;
- Technical Preparation for System Implementation;
- Call Center/Customer Service Operations;
- Business Process;
- Help Desk;
- Management Oversight;
- Vendor Support/Communications;
- Communication Processes and Procedures; and
- Labor Market Information Federal Reporting Functions.

This information includes the UI IT Modernization project title (e.g., State project or Consortium name) and the associated report on Pre-Implementation

Planning Checklist results. For each sub-element identified in the ETA 9177 report, the SWA is to provide:

- An overall status report;
- A brief report explaining the status of the project as it relates to the particular sub-element;
- Attached explanations of any workarounds concerning the processes in the sub-element;
- Attached explanations if implementation of the new system concerning specific processes for the sub-element will be delayed or deferred;
- Attached explanations for added clarity and/or to support a narrative;
- Mitigation proposals for addressing any problems;
- New project timelines if applicable; and/or
- Any discussion of identified technical assistance needs for the successful completion of the project.

ETA requires the use of this checklist report to help SWAs ensure the availability of mission critical functions as the state prepares for the launch of a new system and following the launch of a new system. In addition, the collection will enable ETA to identify and provide appropriate technical assistance on issues in the checklist and ensure SWAs have plans for addressing critical issues prior to launching a new UI IT system. Section 303(a)(6) of the Social Security Act, codified at 42 U.S.C. 503(a)(6), authorizes this information collection. This is a proposed extension with revision. The only revision concerns a reduction in the total annual burden hours, which has been reduced from 576 hours to 540 hours, because the review of the guidance issuance is not needed.

DOL is currently conducting a UI Modernization project in accordance with Section 9032 of the American Rescue Plan Act (ARPA) to detect and prevent fraud, promote equitable access, and ensure the timely payment of benefits with respect to unemployment compensation programs. In the coming months we expect to make improvements to the UI IT Modernization Pre-Implementation Planning Checklist based on the ARPA UI Modernization work. This proposed extension does not yet reflect that work.

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 it is approved by 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 that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205-0527.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL 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-ETA.
Type of Review: Revision.
Title of Collection: Pre-Implementation Planning Checklist for State Unemployment Insurance Information Technology Modernization Projects.

Form: ETA 9177.
OMB Control Number: 1205-0527.
Affected Public: State, Local, and Tribal Governments.
Estimated Number of Respondents: 6.
Frequency: Once per incident.
Total Estimated Annual Responses: 3.
Estimated Average Time per Response: Varies.
Estimated Total Annual Burden Hours: 540 hours.
Total Estimated Annual Other Cost Burden: \$0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022-27406 Filed 12-16-22; 8:45 am]

BILLING CODE 4510-FW-P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

**Information Collection Activities;
Comment Request**

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice of information collection; request for comment.

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. 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. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the "Occupational Requirements Survey." A copy of the proposed information collection request can be obtained by contacting the individual listed below in the Addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before February 17, 2023.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, 2 Massachusetts Avenue NE, Room G225, Washington, DC 20212. Written comments also may be transmitted by email to BLS_PRA_Public@bls.gov.

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, at 202-691-7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Requirements Survey (ORS) is a nationwide survey that the Bureau of Labor Statistics (BLS) is conducting at the request of the Social

Security Administration (SSA). Three years of data collection and capture for the ORS will start in 2023 and end in mid-2026. Estimates produced from the data collected by the ORS will be considered by the SSA to update occupational requirements data used in administering the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs.

The ORS occupational information will allow SSA adjudicators to associate the assessment of a claimant's physical and mental functional capacity and vocational profile with work requirements. BLS will compute percentages of workers with various characteristics, such as skill and strength level. SSA will use this information to provide statistical support for the medical-vocational rules used during the assessment process regarding the number of jobs that exist at each occupational requirement level in the national economy.

The Social Security Administration, Members of Congress, and representatives of the disability community have all identified collection of updated information on the requirements of work in today's economy as crucial to the equitable and efficient operation of the Social Security Disability (SSDI) program.

The ORS collects data from a sample of employers. Collected work data consist of occupational task lists, defined as the critical job function and key job tasks, to validate the reported requirements of work.

II. Current Action

Office of Management and Budget clearance is being sought for the Occupational Requirements Survey.

The ORS collects data on the requirements of work, as defined by the SSA's disability program:

(1) Education, Training and Experience, measures include an indicator of "time to proficiency," defined as the amount of time required by a typical worker to learn the techniques, acquire the information, and develop the facility needed for average job performance. This indicator is comparable to the Specific Vocational Preparation (SVP) used in the Dictionary of Occupational Titles (DOT).

(2) Physical Demands, characteristics/factors of occupations, measured in such a way to support SSA disability determination needs. These measures are comparable to measures in Appendix C of the Selected Characteristics of Occupations (SCO).

(3) Environmental Conditions, measured in such a way to support SSA disability determination needs, comparable to measures in Appendix D of the SCO.

(4) Mental and Cognitive Demands, measures include work setting, review, pace, in addition to personal contacts.

The ORS also collects the following supporting data to validate reported requirements:

- Occupational task lists, defined as the critical job function and key job tasks, to validate the reported requirements of work. These task lists are comparable to data identified in the Employment and Training Administration's (ETA) Occupational Information Network (O*NET) Program.

BLS is seeking approval to increase the ORS sample size to mitigate the impact of non-response on survey estimates and ensure sufficient data are collected, to support the final ORS estimates. Changes in survey questions and materials to increase survey efficiency and improve estimates are also included in this request.

BLS will disseminate the data from the ORS on the BLS public website (www.bls.gov/ors). The design uses a five-year rotation with complete estimates published after the full sample has been collected in July 2028 with final estimates published no later than the second quarter of FY 2029. Interim results will be produced and disseminated on an annual basis.

ORS collection uses several forms for private industry and government collection. Only one form version is used per interview based on what best meets an individual field economist's note taking needs for a given interview.

ORS data are defined to balance SSA's adjudication needs with the ability of the respondent to provide data. With this clearance, BLS is continuing collection of existing data.

III. Desired Focus of Comments

The Bureau of Labor Statistics 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.