

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 Employment Standards Administration is soliciting comments concerning the proposed collection: Pharmacy Billing Requirements. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before November 27, 2006.

**ADDRESSES:** Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, FAX (202) 693-1451, E-mail [Bell.Hazel@dol.gov](mailto:Bell.Hazel@dol.gov). Please use only one method of transmission for comments (mail, FAX, or E-mail).

**SUPPLEMENTARY INFORMATION:**

I. *Background:* The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101, *et seq.*, the Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.*, and the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.* All three of these statutes require that OWCP pay for covered medical treatment provided to beneficiaries; this medical treatment can include medicinal drugs dispensed by pharmacies. In order to determine whether amounts billed for drugs are appropriate, OWCP must receive 19 data elements, including the name of the patient/beneficiary, the National Drug Code (NDC) number of the drugs prescribed the prescription number and the date the prescription was filled. The regulations implementing these statutes require the collection of information needed to enable OWCP to determine if bills for drugs submitted directly by pharmacies, or as reimbursement requests submitted by claimants, should be paid. There is no standardized paper form for submission of the billing information collected in this ICR. Over the past several years, the majority of pharmacy bills submitted to OWCP have been submitted electronically using one of the industry-wide standard formats for the electronic transmission of billing data through nationwide data clearinghouses devised by the National Council for Prescription Drug Programs (NCPDP). However, since some pharmacy bills are still submitted using

a paper-based bill format, OWCP will continue to accept any of the many paper-based bill formats still used by some providers so long as they contain the data elements needed for processing the bill. None of the paper-based or electronic billing formats have been designed by or provided by OWCP; they are billing formats commonly accepted by other Federal programs and in the private health insurance industry for drugs. Nonetheless, the three programs (FECA, BLBA and EEOICPA) provide instructions for the submission of necessary pharmacy bill data elements in the provider manuals distributed or made available to all pharmacies enrolled in the program. This information collection is currently approved for use through March 31, 2007.

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 information collection in order to carry out its responsibility to provide payment for pharmaceuticals covered under the Acts.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Pharmacy Billing Requirements.

*OMB Number:* 1215-0194.

*Affected Public:* Business or other for-profit.

*Total Respondents:* 28,150.

*Total Responses:* 1,463,792.

*Time per Response:* 5 minutes.

*Frequency:* On Occassion.

*Estimated Total Burden Hours:* 121,494.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 21, 2006.

**Ruben Wiley,**

*Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

[FR Doc. E6-15738 Filed 9-25-06; 8:45 am]

**BILLING CODE 4510-CR-P**

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Proposed Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance 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) [44 U.S.C. 3506(c)(2)(A)]. 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 Employment Standards Administration is soliciting comments concerning the proposed collection: Representative Fee Request. 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 November 27, 2006.

**ADDRESSES:** Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, E-mail [bell.hazel@dol.gov](mailto:bell.hazel@dol.gov). Please use only one method of transmission for comments (mail, fax, or E-mail).

**SUPPLEMENTARY INFORMATION:**

I. *Background:* Individuals filing for compensation benefits with the Office of Workers' Compensation Programs

(OWCP) may be represented by an attorney or other representative. The representative is entitled to request a fee for services under the Federal Employees' Compensation Act (FECA) and under the Longshore and Harbor Workers' Compensation Act (LHWCA). The fee must be approved by the OWCP before any demand for payment can be made by the representative. This information collection request sets forth the criteria for the information, which must be presented by the respondent in order to have the fee approved by the OWCP. The information collection does not have a particular form or format; the respondent must present the information in any format which is convenient and which meets all the required information criteria. This information collection is currently approved for use through March 31, 2007.

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 the extension of approval to collect this information in order to carry out its responsibility to approve representative fees under the two Acts.

*Type of Review*: Extension.

*Agency*: Employment Standards Administration.

*Title*: Representative Fee Requests.

*OMB Number*: 1215-0078.

*Affected Public*: Business or other for-profit; individuals or households.

*Total Respondents*: 12,340.

*Total Responses*: 12,340.

*Frequency*: On occasion.

*Estimated Total Burden Hours*: 7,670.

*Total Burden Cost (capital/startup)*: \$0.

*Total Burden Cost (operating/maintenance)*: \$17,363.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 21, 2006.

**Ruben Wiley,**

*Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

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**BILLING CODE 4510-CR-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44.

##### 1. Wabash Mine Holding Company

[Docket No. M-2006-043-C]

Wabash Mine Holding Company, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (Weekly examination) to its Wabash Mine, Old B-1/Fault Crossing Area of the Mine (MSHA I.D. No. 11-00877) located in Wabash County, Illinois. The petitioner requests a modification of the existing standard to permit an alternative method of complying with the examination requirement due to deteriorating roof conditions in the abandoned old B1 panel area. The petitioner proposes to: (1) Establish an inlet evaluation point in the affected area of the mine as "Intake EP," which will be evaluated by a certified person on a weekly basis; (2) establish an outlet evaluation point in the affected area as "Outlet EP," which will be evaluated by a certified person on a weekly basis; and (3) within 60 days submit revisions of its Part 48 training plan to the District Manager that includes initial and refresher training to comply with the final order. The petitioner states that the proposed alternative method of compliance provides a measure of protection equal to that of the standard. The petitioner also states that traveling the affected area of the air courses in their entirety would present a hazard to the miners because of exposure to the deteriorating roof conditions and limited access and result in a diminution of safety.

##### 2. Wabash Mine Holding Company

[Docket No. M-2006-044-C]

Wabash Mine Holding Company, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (Weekly examination) to its Wabash Mine, 1N/3W Area of the Mine (MSHA I.D. No. 11-00877) located in Wabash County, Illinois. The petitioner requests a modification of the existing standard to permit an alternative method of compliance for examination of the 1N/3W Area of the Mine due to roof falls shortly after mining at the entrance of the abandoned 1N/3W panel area petitioner avers that this activity has made sealing the panel virtually impossible, and to construct seals to close off the entire area from the 1W3B tail area to the mouth of the 1N/3W would expose workers to hazardous conditions. The petitioner states that to examine the 1N/3W air course from the 1W3B tail area to the west side of the existing 1N/3W seals would be hazardous. The petitioner proposes to: (1) Establish an inlet evaluation point in the affected area of the mine as "Intake EP," which will be evaluated by a certified person on a weekly basis; (2) establish two (2) outlet evaluation points in the affected area as "Permanent Outlet EP," which will be evaluated by a certified person on a weekly basis; and (3) within 60 days submit revisions of its Part 48 training plan to the District Manager that includes initial and refresher training to comply with the final order. The petitioner states that the proposed alternative method of compliance provides a measure of protection equal to that of the standard. The petitioner also states that traveling the affected area of the air courses in their entirety would present a hazard to the miners because of exposure to the deteriorating roof conditions and limited access and result in a diminution of safety.

##### 3. Wabash Mine Holding Company

[Docket No. M-2006-045-C]

Wabash Mine Holding Company, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222 has filed a petition to modify the application of 30 CFR 75.364(b)(1) and (b)(4) (Weekly examination) to its Wabash Mine, Main East Seals Area of the Mine (MSHA I.D. No. 11-00877) located in Wabash County, Illinois. The petitioner requests a modification of the existing standard to permit an alternative method of compliance for examination of the certain areas of the Mine that have been