

Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Rebecca Sotelo (Respondent) who was notified of an opportunity to show cause as to why DEA should not deny her application for registration as a mid-level practitioner, pursuant to 21 U.S.C. 824(a)(3) and 823(f).

The Order to Show Cause alleged that Respondent had not been granted Prescribing and Dispensing Authority by the Arizona State Board of Nursing and was not authorized to handle controlled substances in Arizona, the State in which she practices. The Order to Show Cause also notified Respondent that should no request for a hearing be filed within 30 days, her hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Respondent's residence at 4479 N. Camino Del Ray, Tucson, Arizona 85718. According to the return receipt, the Order to Show Cause was delivered to Respondent on October 18, 2004. DEA has not received a request for a hearing or any other reply from Respondent or anyone purporting to represent her in the matter.

Therefore, the Deputy Administrator of DEA, finding that (1) thirty days having passed since the delivery of the Order to Show Cause to the Respondent and (2) no request for hearing having been received, concludes that Respondent is deemed to have waived her hearing right. See David W. Linder, 67 FR 12579 (2002). After considering material from the investigative file in this matter, the Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Deputy Administrator finds that on March 3, 2004, Respondent, a nurse practitioner, applied for registration with DEA as a mid-level practitioner in Schedules II–V (Control No. E06325608N). She had previously been registered with DEA in that same status under Certificate of Registration MS0233222 but allowed the registration to expire on March 29, 2003, and it was retired from the DEA registration system.

Respondent had been licensed as a Registered Nurse with the Arizona State Board of Nursing (Board) and possessed a Certificate for Advance Practice, which is required by the Board for a nurse to act as a Nurse Practitioner. Under Arizona law and regulations, Nurse Practitioners may prescribe and dispense controlled substances if they are registered with DEA and the Board had granted them Prescribing and Dispensing Authority.

Respondent's initial Prescribing and Dispensing Authority expired on December 31, 1998, and her state nursing license, together with her Advance Practice Certificate, expired on June 30, 2003. In February 2004, she renewed her nursing license and Advanced Practice Certificate. However, she did not attempt to renew her Prescribing and Dispensing Authority.

In June 2004, after Respondent submitted her current application for DEA registration, the Board notified DEA investigators that because of public complaints lodged against her, Respondent's Prescribing and Dispensing Authority would not be renewed without an investigation and resolution of the allegations. On July 15, 2004, the State board advised DEA the Respondent "has not possessed the authority to prescribe and/or dispense medications as a nurse practitioner in the state of Arizona from January 1, 1999, to present."

There is no evidence before the Deputy Administrator that Respondent's Prescribing and Dispensing Authority has been since been renewed. Therefore, the Deputy Administrator finds that Respondent is not currently authorized to handle controlled substances in the State of Arizona.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which she conducts business. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See Rory Patrick Doyle, M.D., 69 FR 11,655 (2004); Dominick A. Ricci, M.D., 58 FR 51,104 (1993); Bobby Watts, M.D., 53 FR 11,919 (1988).

Here, it is clear Respondent is not currently authorized to handle controlled substances in Arizona, where she currently practices. Therefore, she is not entitled to a DEA registration in that State.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the pending application for a DEA Certificate of Registration, submitted by Rebecca Sotelo, be, and it hereby is, denied. This order is effective June 17, 2005.

Dated: May 9, 2005.

**Michele M. Leonhart,**  
*Deputy Administrator.*

[FR Doc. 05–9835 Filed 5–17–05; 8:45 am]

**BILLING CODE 4410–09–M**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Combating Exploitive Child Labor Through Education in Guyana; Correction

**AGENCY:** Bureau of International Labor Affairs, Department of Labor.

**ACTION:** Correction.

**SUMMARY:** In notice document 05–9284 beginning on page 24632 in the issue of Tuesday, May 10, 2005, make the following correction:

On page 24632 in the third column, the population statistics previously listed in the second sentence under the heading "Barriers to Education for Working Children in Guyana" are incorrect. This sentence should be changed to read "UNICEF has estimated that 27 percent of children ages 5 to 14, or approximately 44,500 children, were working in Guyana in 2000."

Dated: May 11, 2004.

**Valerie Veatch,**  
*Grant Officer.*

[FR Doc. 05–9870 Filed 5–17–05; 8:45 am]

**BILLING CODE 4510–23–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL2–2001]

#### TUV America, Inc., Application for Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces the application of TUV America, Inc., (TUVAM) for expansion of its recognition to use additional test standards, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

**DATES:** You must submit information or comments, or any request for extension of the time to comment, by the following dates:

- Hard copy: Your information or comments must be submitted (postmarked or sent) by June 2, 2005.
- Electronic transmission or facsimile: Your comments must be sent by June 2, 2005.

**ADDRESSES:** You may submit information or comments to this notice—identified by docket number NRTL2–2001—by any of the following methods:

• Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

• OSHA Web site: <http://ecommments.osha.gov>. Follow the instructions for submitting comments on OSHA's Web page.

• Fax: If your written comments are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693-1648.

• Regular mail, express delivery, hand delivery and courier service: Submit three copies to the OSHA Docket Office, Docket No. NRTL2-2001, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210; telephone (202) 693-2350. (OSHA's TTY number is (877) 889-5627). OSHA Docket Office hours of operation are 8:15 a.m. to 4:45 p.m., e.s.t.

*Instructions:* All comments received will be posted without change to <http://dockets.osha.gov>, including any personal information provided. OSHA cautions you about submitting personal information such as social security numbers and birth dates.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dockets.osha.gov>. Contact the OSHA Docket Office for information about materials not available through the OSHA Web page and for assistance in using the Web page to locate docket submissions.

*Extension of Comment Period:* Submit requests for extensions concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3653, 200 Constitution Avenue, NW., Washington, DC 20210. Or fax to (202) 693-1644.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3653, Washington, DC 20210, or phone (202) 693-2110.

#### **SUPPLEMENTARY INFORMATION:**

##### **Notice of Application**

The Occupational Safety and Health Administration (OSHA) hereby gives notice that TUV America, Inc., (TUVAM) has applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). TUVAM's expansion request covers the use of additional test standards. OSHA's current scope of recognition for TUVAM may be found in the following

informational Web page: <http://www.osha-slc.gov/dts/otpca/nrtl/tuvam.html>.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products "properly certified" by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. We maintain an informational Web page for each NRTL, which details its scope of recognition. These pages can be accessed from our Web site at <http://www.osha-slc.gov/dts/otpca/nrtl/index.html>.

The most recent notice published by OSHA for TUVAM's recognition covered its initial recognition, which became effective on January 25, 2002 (67 FR 3737).

The current addresses of the TUVAM facilities already recognized by OSHA are: TUV Product Services (TUVAM), 5 Cherry Hill Drive, Danvers, Massachusetts 01923; TUV Product Services (TUVAM), 10040 Mesa Rim Road, San Diego, California 92121; and TUV Product Services (TUVAM), 1775 Old Highway 8 NW, Suite 104, New Brighton (Minneapolis), Minnesota 55112.

##### **General Background on the Application**

TUVAM has submitted an application, dated August 1, 2003, (see Exhibits 7 and 7-1) to expand its recognition to include 45 additional test standards. The NRTL Program staff has determined that one of these standards is not an "appropriate test standard" within the meaning of 29 CFR 1910.7(c). The staff makes this determination in processing the expansion request of any NRTL. Therefore, OSHA would approve 44 test standards for the expansion.

Following review of the application, OSHA requested certain additional information from TUVAM and deferred action on the application pending receipt of this information. The NRTL adequately responded recently to that request, permitting OSHA to resume processing of the application.

TUVAM seeks recognition for testing and certification of products for demonstration of conformance to the following 44 test standards:

- UL 22 Amusement and Gaming Machines.
- UL 197 Commercial Electric Cooking Appliances.
- UL 250 Household Refrigerators and Freezers.
- UL 291 Automated Teller Systems.
- UL 427 Refrigerating Units.
- UL 467 Electrical Grounding and Bonding Equipment.
- UL 471 Commercial Refrigerators and Freezers.
- UL 499 Electric Heating Appliances.
- UL 507 Electric Fans.
- UL 508a Industrial Control Panels.
- UL 508c Power Conversion Equipment.
- UL 541 Refrigerated Vending Machines.
- UL 551 Transformer-Type Arc-Welding Machines.
- UL 763 Motor-Operated Commercial Food Preparing Machines.
- UL 873 Temperature-Indicating and -Regulating Equipment.
- UL 923 Microwave Cooking Appliances.
- UL 963 Sealing, Wrapping, and Marking Machines.
- UL 982 Motor-operated Household Food Preparing Machines.
- UL 998 Humidifiers.
- UL 1004 Electric Motors.
- UL 1005 Electric Flatirons.
- UL 1017 Vacuum Cleaners, Blower Cleaners, and Household Floor Finishing Machines.
- UL 1026 Electric Household Cooking and Food Serving Appliances.
- UL 1082 Household Electric Coffee Makers and Brewing-Type Appliances.
- UL 1083 Household Electric Skillets and Frying-Type Appliances.
- UL 1090 Electric Snow Movers.
- UL 1236 Battery Chargers for Charging Engine-Starter Batteries.
- UL 1278 Movable and Wall- or Ceiling-Hung Electric Room Heaters.
- UL 1310 Class 2 Power Units.
- UL 1448 Electric Hedge Trimmers.
- UL 1450 Motor-Operated Air Compressors, Vacuum Pumps and Painting Equipment.
- UL 1492 Audio-Video Products and Accessories.

- UL 1585 Class 2 and Class 3 Transformers.
- UL 164 Motor-Operated Massage and Exercise Machines.
- UL 1662 Electric Chain Saws.
- UL 1740 Industrial Robots and Robotic Equipment.
- UL 1995 Heating and Cooling Equipment.
- UL 2200 Stationary Engine Generator Assemblies.
- UL 60335-1 Safety of Household and Similar Electrical Appliances, Part 1: General Requirements.
- UL 60335-2-8 Household and Similar Electrical Appliances, Part 2; Particular Requirements for Electric Shavers, Hair Clippers, and Similar Appliances.
- UL 60335-2-34 Household and Similar Electrical Appliances, Part 2; Particular Requirements for Motor-Compressors.
- UL 61010A-2-010 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for the Heating of Materials.
- UL 61010A-2-041 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Autoclaves Using Steam for the Treatment of Medical Materials for Laboratory Processes.
- UL 61010A-2-051 Electrical Equipment for Laboratory Use; Part 2: Particular Requirements for Laboratory Equipment for Mixing and Stirring.

OSHA's recognition of TUVAM, or any NRTL, for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require third party testing and certification before use in the workplace. Consequently, any NRTL's scope of recognition excludes any product(s) that fall within the scope of a test standard, but for which OSHA standards do not require NRTL testing and certification.

Many of the UL test standards listed above also are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization for the standard as opposed to the ANSI designation. Under our procedures, any NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard. You may contact ANSI to find out whether or not a test standard is currently ANSI-approved.

### Preliminary Finding on the Application

TUVAM has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with this request, OSHA performed an on-site review of TUVAM's NRTL Danvers facility and, in the on-site review report, the assessor recommended the expansion for the additional standards (see Exhibit 8). Our review of the application file, the on-site review report, and other pertinent documents indicate that TUVAM can meet the requirements, as prescribed by 29 CFR 1910.7, for the expansion for the additional test standards listed above. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether TUVAM has met the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comments should consist of pertinent written documents and exhibits. Should you need more time to comment, you must request it in writing, including reasons for the request. OSHA must receive your written request for extension at the address provided above no later than the last date for comments. OSHA will limit any extension to 30 days, unless the requester justifies a longer period. We may deny a request for extension if it is not adequately justified. You may obtain or review copies of TUVAM's requests, the on-site review report, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. Docket No. NRTL2-2001 contains all materials in the record concerning TUVAM's application.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant TUVAM's expansion request. The Agency will make the final decision on granting the expansion and, in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR Section 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC this 9th day of May, 2005.

**Jonathan L. Snare,**

*Acting Assistant Secretary.*

[FR Doc. 05-9868 Filed 5-17-05; 8:45 am]

**BILLING CODE 4510-26-P**

### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

[Docket No. NRTL1-2001]

#### TUV Product Services GmbH, Application for Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces the application of TUV Product Services GmbH (TUVPSG) for expansion of its recognition to use additional test standards, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

**DATES:** You must submit information or comments, or any request for extension of the time to comment, by the following dates:

- Hard copy: Your information or comments must be submitted (postmarked or sent) by June 2, 2005.
- Electronic transmission or facsimile: Your comments must be sent by June 2, 2005.

**ADDRESSES:** You may submit information or comments to this notice—identified by docket number NRTL1-2001—by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- OSHA Web site: <http://ecomments.osha.gov>. Follow the instructions for submitting comments on OSHA's Web page.
- Fax: If your written comments are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693-1648.
- Regular mail, express delivery, hand delivery and courier service: Submit three copies to the OSHA Docket Office, Docket No. NRTL1-2001, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210; telephone (202) 693-2350. (OSHA's TTY number is (877) 889-5627). OSHA Docket Office hours of operation are 8:15 a.m. to 4:45 p.m., e.s.t.

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