Dated: December 18, 2003.

Michele M. Leonhart,

Acting Deputy Administrator.

[FR Doc. 04–345 Filed 1–7–04; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Monica Lynn Smedley, D.P.M.; Revocation of Registration

On May 5, 2003, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Monica Lynn Smedley, D.P.M. (Dr. Smedley) of Nashville, Tennessee and North Braddock, Pennsylvania, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, BS4332045 under 21 U.S.C. 824(a) and deny any pending applications for renewal or modification of that registration. As a basis for revocation, the Order to Show Cause alleged that Dr. Smedley is not currently authorized to practice podiatry or handle controlled substances in Tennessee, her state of registration and practice and that her continued registration would not be in the public interest. The order also notified Dr. Smedley 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 Dr. Smedley at her registered location at 319 Westfield Drive, Nashville, Tennessee. An Order was also sent to 551 Lobinger Avenue, North Braddock, Pennsylvania. According to the return receipts, the Order sent to the registered location was undeliverable. However, on or around May 30, 2003, the Order sent to her Pennsylvania address was accepted on Dr. Smedley's behalf.

DEA has not received a request for hearing or any other reply from Dr. Smedley or anyone purporting to represent her in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Smedley is deemed to have waived her hearing right. *See Samuel S. Jackson, D.D.S.,* 67 FR 65145 (2002); *David W. Linder,* 67 FR 12579 (2002). After considering material from the investigative file, the Acting Deputy Administrator now enters her final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that Dr. Smedley possesses DEA Certificate of Registration BS4332045, which expires on February 29, 2004. The Acting Deputy Administrator further finds that the State of Tennessee Department of Health filed charges against Dr. Smedley with the Tennessee Board of Registration of Podiatry (the Board) alleging, *inter alia,* that between February 1, 2002 and March 6, 2002, she prescribed controlled substances, primarily Codeine and Butalbital, after her podiatry license had expired for failure to renew. It was further charged that from January 31, 2002 until April 9, 2002, on an almost daily basis Dr. Smedley wrote prescriptions for and picked up Tylenol #4, a controlled substance, from various pharmacies in the Nashville area. These prescriptions were written in her mother's name. During the same period Dr. Smedley wrote prescriptions for Tylenol #4 to herself and attempted to pick up the prescribed controlled substances. The prescriptions were not dispensed, prescribed or otherwise distributed in the course of Dr. Smedley's professional practice.

On November 14, 2002, the Board issued an Agreed Order which found the above allegations true, suspended Dr. Smedley's podiatry license for a period of six months and placed her on one year's probation, which would commence upon expiration of the six month suspension. As a condition for reinstatement of her license, Dr. Smedley was required by the Agreed Order to undergo a substance abuse evaluation and demonstrate to the Board that she was in compliance with any of the evaluation's recommendations.

The investigative file contains no evidence that the Board's Agreed Order has been stayed or that Dr. Smedley's podiatry license has been reinstated. Therefore, the Acting Deputy Administrator finds that Dr. Smedley is not currently authorized to practice podiatry in the State of Tennessee. As a result, it is reasonable to infer that she is also without authorization to handle controlled substances in that state.

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 Muttaiya Darmarajeh, M.D.,* 66 FR 52936 (2001); *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that Dr. Smedley's podiatry license was suspended, that it has not been reinstated and she is not licensed to handle controlled substances in the State of Tennessee, where she is registered with DEA. Therefore, she is not entitled to a DEA registration in that state.

Accordingly, the Acting 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 DEA Certificate of Registration BS4332045, issued to Monica Lynn Smedley, D.P.M., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective February 9, 2004.

Dated: December 18, 2003.

Michele M. Leonhart,

Acting Deputy Administrator.

[FR Doc. 04–342 Filed 1–7–04; 8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0048(2004)]

Standard on Occupational Noise Exposure (Noise) (29 CFR 1910.95); Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

ACTION: Request for comment.

SUMMARY: OSHA solicits comments concerning its proposal to extend OMB approval of the Information collection requirements contained in the Occupational Noise Exposure standard. (29 CFR 1910.95).

DATES: Comments must be submitted by the following dates:

Hard Copy: Your comments must be submitted (postmarked or received) by March 8, 2004.

Facsimile and electronic transmission: Your comments must be received by March 8, 2004.

ADDRESSES:

I. Submission of Comments

Regular mail, express delivery, hand-delivery, and messenger service: Submit your comments and attachments to the

OSHA Docket Office, Docket No. ICR–1218–0048 (2004), Room N–2625, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m., EST.

Facsimile: If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693–1648. You must include the docket number, ICR–1218–0048 (2004), in your comments.

Electronic: You may submit comments, but not attachments, through the Internet at *http://ecomments.osha.gov/.*

II. Obtaining Copies of the Supporting Statement for the Information Collection Request

The Supporting Statement for the Information Collection Request (ICR) is available for downloading from OSHA's Web site at *http://www.osha.gov.* The complete ICR, containing the OMB 83–I Form, Supporting Statement, and attachments, is available for inspection and copying in the OSHA Docket Office, at the address listed above. A printed copy of the ICR can be obtained by contacting Todd Owen at (202) 693–2222.

FOR FURTHER INFORMATION CONTACT: Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW, Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document by (1) hard copy, (2) FAX transmission (facsimile), or (3) electronically through the OSHA webpage. Please note you cannot attach materials such as studies or journal articles to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach them to your comments. Because of security related problems there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, had delivery and messenger service.

II. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is correct. The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The information collection requirements specified in the Noise Standard protect employees from suffering material hearing impairment.

III. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

IV. Proposed Actions

OSHA is proposing to extend the information collection requirements in the Exposure to Noise Standard (29 CFR 1910.95).

The information collection requirements specified in the Noise Standard protect employees from suffering material hearing impairment. The information collection requirements of the Noise Standard include conducting noise monitoring; notifying employees when they are exposed at or above an 8-hour time-weighted average of 85 decibels; providing employees with initial and annual audiograms; notifying employees of a loss in hearing based on comparing audiograms; training employees on the effects of noise exposure and employee audiometric examinations, maintaining records of workplace noise exposure and employee audiograms; and allowing employees, OSHA and NIOSH access to materials and records required by the Standard.

Type of Review: Extension of currently approved information collection requirements.

Title: Noise Standard (29 CFR 1910.95).

OMB Number: 1218–0048.

Affected Public: Business or other for-profit; Federal government; State, Local or Tribal government.

Number of Respondents: 379,512.

Frequency: On occasion.

Total Responses: 26,240,305.

Average Time per Response: Varies from 2 minutes to notify employees when noise exposure exceeds the 8-hour time-weighted average of 85 decibels to 1 hour for employees in small establishments to take audiometric examinations.

Estimated Total Burden Hours: 5,175,645.

Estimated Cost (Operation and Maintenance): $98,814,861.

V. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC, on December 31, 2003.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 04–360 Filed 1–7–04; 8:45 am]

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collections described in this notice. The public is invited to comment on the proposed information collections pursuant to the Paperwork Reduction Act of 1995.