

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 he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). this prerequisite has been consistently upheld. *See* Stephen J. Graham, M.D., 69 FR 11,661 (2004); Dominick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts, M.D., 53 FR 11,919 (1988). Revocation is also appropriate when a State license has been suspended, but with possibility of future reinstatement. *See* Alton E. Ingram, Jr., M.D., 69 FR 22,562 (2004); Ann Lazar Thorn, M.D., 62 FR 847 (1997)

Here, it is clear Dr. Goobermen is not currently licensed to handle controlled substances in Pennsylvania, where he seeks registration with DEA. Therefore, he is not entitled to such a registration.

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 of Lance L. Gooberman, M.D., for registration be, and it hereby is, denied. This order is effective June 17, 2005.

Dated: May 9, 2005.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 05-9834 Filed 5-17-05; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 05-01]

Katarzyna Rygiel, M.D.; Revocation of Registration

On September 3, 2004, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Katarzyna Rygiel, M.D. (Dr. Rygiel) of San Diego, California, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration BK4222179, as a practitioner, pursuant to 21 U.S.C. 824(a)(3) and deny any pending applications for renewal of that registration pursuant to 21 U.S.C. 823(f). As the basis for revocation, the Order to Show Cause alleged that Dr. Rygiel's license to practice medicine in California had been revoked and accordingly, she was not authorized to

handle controlled substances in California, the state in which she is registered.

In a letter dated October 6, 2004, through her counsel, Dr. Rygiel timely requested a hearing in this matter. In that letter she admitted the California Medical Board had revoked her license but argued that decision was being reviewed by the Superior Court of California, County of San Diego.

On October 13, 2004, the government filed a Motion for Summary Disposition, requesting that Administrative Law Judge Gail A. Randall (Judge Randall) summarily dismiss the action, arguing that Dr. Rygiel lacked state authority to handle controlled substances in California. On October 14, 2004, Judge Randall issued an Order staying proceedings and affording Dr. Rygiel an opportunity to respond to the Government's motion. Dr. Rygiel then filed a Motion for Further Stay of Proceedings and Opposition to Government's Motion for Summary Adjudication and Alternatively, Motion for Stay of Judgment (Response). In that Response Dr. Rygiel acknowledged she was currently without state authority to practice medicine in California but argued the DEA hearing should be stayed until the San Diego Superior Court had issued an anticipated decision in her favor.

On November 22, 2004, Judge Randall issued her Order, Opinion and Recommended Decision of the Administrative Law Judge (Opinion and Recommended Decision). As part of her recommended ruling, Judge Randall granted the Government's Motion for Summary Disposition, finding Dr. Rygiel lacked authorization to handle controlled substances in California, the jurisdiction in which she is registered. Judge Randall recommended that Dr. Rygiel's DEA registration be revoked. No exceptions were filed by either party to the Opinion and Recommended Decision and on January 11, 2005, the record of these proceedings was transmitted to the Office of the DEA Deputy Administrator.

The Deputy Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues her final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Deputy Administrator finds that Dr. Rygiel holds DEA Certificate of Registration, BK4222179. The Deputy Administrator further finds that on March 16, 2004, the Division of Medical Quality, Medical Board of California,

Department of Consumer Affairs, State of California (Board) issued a Decision revoking Dr. Rygiel's Physician and Surgeon's Certificate. In that Decision, the Board adopted a February 13, 2004, Proposed Decision of a California Administrative Law Judge which recommended revocation of Dr. Rygiel's medical license on certain enumerated grounds.

There is no evidence in the record indicating the Board's Decision has been stayed or set aside by judicial action, rescinded by the Board or that Dr. Rygiel's license has been reinstated. Therefore, the Deputy Administrator finds that Dr. Rygiel is currently not licensed to practice medicine in California and, 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* Gabriel Sagun Orzame, M.D., 69 FR 58959 (2004); Dominick A. Ricci, M.D., 58 FR 51104 (1993); Bobby Watts, M.D., 53 FR 11919 (1988).

Here, it is clear that Dr. Rygiel is not currently authorized to handle controlled substances in California, where she is registered with DEA. Therefore, she is not entitled to maintain that registration. 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 DEA Certificate of Registration, BK4222179, issued to Katarzyna Rygiel, M.D., be, and it hereby is, revoked. The Deputy Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective June 17, 2005.

Dated: May 9, 2005.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 05-9837 Filed 5-17-05; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Rebecca Sotelo Denial of Registration

On October 6, 2004, the Deputy Assistant Administrator, Office of

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]

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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]

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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: