

application on October 7, 2014. Indeed, the only evidence it offers relevant to whether Registrant has been convicted of a controlled substance offense is the state court clerk's letter stating that Registrant "did have criminal charges pending against him . . . as of October 31, 2014" and that the "[c]harges were expunged" several weeks later.

The clerk's letter does not, however, even identify what charges were pending against Registrant at the time. Moreover, the Government does not rely on the line of cases holding that a deferred adjudication of an offense falling under 21 U.S.C. 824(a)(2) which ultimately results in dismissal of the charge is still a conviction for purposes of the Controlled Substances Act and that the failure to disclose such conviction on a subsequent application is a material falsification. *See Hoxie v. DEA*, 419 F.3d 477, 481(6th Cir. 2005) (upholding Agency's finding that practitioner committed material falsification when he failed to disclose a controlled substance conviction which was expunged). *See also Pamela Monterosso*, 73 FR 11146, 11148 (2008) (citing *David A. Hoxie*, 69 FR 51477, 51478 (1994); *Eric A. Baum*, 53 FR 47272, 42274 (1988)); *see also Kimberly Maloney*, 76 FR 60922, 60922 (2011); *Mark De La Lama*, 76 FR 20011, 20013–14, 20019–20 (2011).

Instead, the Government argues that Registrant materially falsified his application because "the new application required that [Registrant] disclose this arrest because the application asked: 'Has the applicant ever been convicted of a crime in connection with controlled substance(s) or is any action pending?'" Request for Final Agency Action, at 5–6. The question does not, however, require the disclosure of an arrest. Rather, it requires the disclosure of "any action pending," and while this is reasonably read to include a criminal prosecution for a controlled substance offense which is ongoing at the time an application is submitted, the Government's evidence establishes only that charges were pending 24 days after Registrant submitted his application and not on the date he submitted his application. While it may be that the marijuana possession charge was pending on October 7, 2014 and was expunged pursuant to a deferred adjudication, which under Agency precedent constitutes a conviction even where the conviction is later expunged, the Government did not produce any evidence establishing that this was the basis for the expungement of the charge.

Accordingly, I find that the Government has failed to provide

substantial evidence to support its contention that Registrant materially falsified his application. Nonetheless, because Registrant no longer holds authority under Tennessee law to dispense controlled substances, he is not entitled to maintain his registration. Accordingly, I will order that his registration be revoked.

#### Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration MP3330545 issued to Geoffrey D. Peterson, N.P., be, and it hereby is, revoked. I further order that any application of Geoffrey D. Peterson to renew or modify the above registration be, and it hereby is, denied. This Order is effective immediately.<sup>5</sup>

Dated: July 19, 2016.

**Chuck Rosenberg,**

*Acting Administrator.*

[FR Doc. 2016–17722 Filed 7–26–16; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2013–0016]

#### Nemko-CCL, Inc.: Grant of Expansion of Recognition

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

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces its final decision to expand the scope of recognition for Nemko-CCL, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective on July 27, 2016.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Kevin Robinson, Director, Office of Technical Programs and

<sup>5</sup> Based on the findings of the Tennessee Board, I find that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67. I further note that as of this date, Registrant has failed to surrender his DEA registration as required by the Board.

Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov). OSHA's Web page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpca/nrtl/index.html>).

#### SUPPLEMENTARY INFORMATION:

##### I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of Nemko-CCL, Inc. (CCL), as an NRTL. CCL's expansion covers the addition of two recognized testing and certification sites and twenty-two additional test standards to their NRTL scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the 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 approved 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. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

CCL submitted two applications, dated January 28, 2015 (OSHA–2013–0016–0008) and January 26, 2016 (OSHA–2013–0016–0011), to expand its recognition to include the addition of two recognized testing and certification sites located at: Nemko USA, Inc., 2210 Faraday Avenue, Suite 150, Carlsbad, California 92008; and Nemko Canada,

Inc., 303 River Road, Ottawa, Ontario, Canada K1V 1H2. Additionally, the January 2016 application sought to relocate their headquarters to Ottawa, Canada and recognize a new administrative site, Nemko-CCL, Inc., 2964 West 4700 South Suite 200, Salt Lake City, Utah 84129. OSHA staff performed a detailed analysis of the application and other pertinent information. OSHA staff also performed on-site review of the testing and certification facilities for Nemko Canada, Inc. on November 17–18, 2015 and Nemko USA, Inc. on January 11–12, 2016. The Nemko-CCL Salt Lake site was assessed via an electronic audit (no on-site visit).

CCL’s first application also requested the addition of twenty-two test standards to its scope of recognition. OSHA staff performed a detailed analysis of the application packet, reviewed other pertinent information, and conducted the on-site reviews described above in relation to this application.

OSHA published the preliminary notice announcing CCL’s expansion application in the **Federal Register** on May 17, 2016 (81 FR 30566). The Agency requested comments by June 1,

2016, but it received no comments in response to this notice. OSHA is now proceeding with this final notice to grant expansion of CCL’s scope of recognition.

To obtain or review copies of all public documents pertaining to the CCL’s application, go to [www.regulations.gov](http://www.regulations.gov) or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210. Docket No. OSHA–2013–0016 contains all materials in the record concerning CCL’s recognition.

**II. Final Decision and Order**

OSHA staff examined CCL’s expansion application, conducted detailed on-site assessments, and examined other pertinent information. Based on its review of this evidence, OSHA finds that CCL meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed below.

OSHA, therefore, is proceeding with this final notice to grant CCL’s scope of recognition to include the two new test sites. OSHA limits the expansion of

CCL’s recognition to include the sites at Nemko Canada Inc., Ottawa, Ontario, Canada; Nemko-CCL, Inc. Salt Lake City, Utah, Nemko USA, Inc., Carlsbad, California. Further, OSHA approves CCL’s request to relocate its headquarters to the Ottawa, Canada site and recognizes the new administrative site at the Nemko-CCL Salt Lake site. Additionally, OSHA acknowledges the name change of Nemko-CCL, Inc. to Nemko North America, Inc. and will adjust future correspondence and reference to Nemko North America, Inc. [NEMKO]. OSHA’s recognition of these sites limits CCL to performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for test standards in CCL’s scope of recognition. This limitation is consistent with the recognition that OSHA grants to other NRTLs that operate multiple sites.

OSHA is also proceeding with this final notice to grant CCL’s scope of recognition to include the twenty-two test standards. OSHA limits this expansion of CCL’s recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1 below.

LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN CCL’S NRTL SCOPE OF RECOGNITION

| Test standard       | Test standard title  |
|---------------------|--|
| UL 60335–1 .....    | Safety of Household and Similar Electrical Appliances, Part 1: General Requirements.   |
| UL 60335–2–24 ..... | Safety Requirement for Household and Similar Electrical Appliances, Part 2: Refrigerating Appliances, Ice-Cream Appliances and Ice Makers. |
| UL 197 .....        | Commercial Electric Cooking Appliances.  |
| UL 250 .....        | Household Refrigerators and Freezers.  |
| UL 427 .....        | Refrigerating Units.   |
| UL 471 .....        | Commercial Refrigerators and Freezers.   |
| UL 499 .....        | Electric Heating Appliances.   |
| UL 507 .....        | Electric Fans.   |
| UL 561 .....        | Floor Finishing Machines.  |
| UL 563 .....        | Ice Makers.  |
| UL 705 .....        | Power Ventilators.   |
| UL 751 .....        | Vending Machines.  |
| UL 763 .....        | Motor-Operated Commercial Food Preparing Machines.   |
| UL 859 .....        | Personal Grooming Appliance.   |
| UL 867 .....        | Electrostatic Air Cleaners.  |
| UL 982 .....        | Motor-Operated Food Preparing Machines.  |
| UL 1017 .....       | Electric Vacuum Cleaning Machines and Blower Cleaners.   |
| 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 1431 .....       | Personal Hygiene and Health Care Appliances.   |
| UL 1563 .....       | Electric Spas, Equipment Assemblies and Associated Equipment.  |

OSHA’s recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such

testing and certification, an NRTL’s scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as an American National Standards. However, for convenience, we may use the

designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program’s policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test

standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

#### A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, CCL also must abide by the following conditions of the recognition:

1. CCL must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);

2. CCL must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. CCL must continue to meet the requirements for recognition, including all previously published conditions on CCL's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of CCL, subject to these limitations and conditions specified above.

#### Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on July 19, 2016.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2016-17793 Filed 7-26-16; 8:45 am]

**BILLING CODE 4510-26-P**

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## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Proposed Collection; Comment Request

**AGENCY:** Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Department of Labor.

**ACTION:** Notice.

**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 (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 Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Survivor's Form for Benefits (CM-912). 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 September 26, 2016.

**ADDRESSES:** Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S-3323, Washington, DC 20210, telephone/fax (202) 354-9647, Email [ferguson.yoon@dol.gov](mailto:ferguson.yoon@dol.gov). Please use only one method of transmission for comments (mail, fax, or Email).

#### SUPPLEMENTARY INFORMATION:

*I. Background:* This collection of information is required to administer the benefit payment provisions of the Black Lung Act for survivors of deceased miners. Completion of this form constitutes the application for benefits by survivors and assists in determining the survivor's entitlement to benefits. Form CM-912 is authorized for use by the Black Lung Benefits Act 30 U.S.C. 901, *et seq.*, 20 CFR 410.221 and CFR 725.304 and is used to gather information from a survivor of a miner to determine if the survivor is entitled to benefits. This information collection is currently approved for use through December 31, 2016.

*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 approval for the extension of this currently-approved information collection in order to gather information to determine eligibility for benefits of a survivor of a Black Lung Act beneficiary.

*Type of Review:* Extension.

*Agency:* Office of Workers' Compensation Programs.

*Title:* Survivor's Form for Benefits.

*OMB Number:* 1240-0027.

*Agency Number:* CM-912.

*Affected Public:* Individuals or households.

*Total Respondents:* 1,100.

*Total Annual Responses:* 1,100.

*Average Time per Response:* 8 minutes.

*Estimated Total Burden Hours:* 147.

*Frequency:* One time.

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

*Total Burden Cost (operating/maintenance):* \$450.

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: July 21, 2016.

**Yoon Ferguson,**

*Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.*

[FR Doc. 2016-17725 Filed 7-26-16; 8:45 am]

**BILLING CODE 4510-CK-P**

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## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Proposed Collection of Existing Collection; Comment Request

**AGENCY:** Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Department of Labor

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden,