

to Show Cause to Rosalind A. Cropper, M.D. and Rosalind A. Cropper, Inc., of New Orleans, Louisiana, proposing to revoke her DEA Certificate of Registration, BC0747381, as a practitioner, deny any pending application for registration as a practitioner and deny the application of Rosalind A. Cropper, Inc. (Respondent) for DEA registration as a Narcotic Treatment Program (NTP). The statutory basis for the Order to Show Cause was that Dr. Cropper's continued registration as a practitioner and Respondent's registration as an NTP would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f).

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On December 16, 1994, the Government filed a motion for summary disposition alleging that the State of Louisiana had denied Respondent's application to operate an NTP within that State, and, that Respondent lacked authority from the Food and Drug Administration (FDA) to operate an NTP. The Government's motion was supported by a letter from an FDA official informing Respondent that because the State of Louisiana had denied its application to establish an NTP, the FDA was unable to approve its application. Respondents did not file a response to the Government's motion and did not deny that FDA and the State of Louisiana has denied its applications.

On January 18, 1995, Judge Bittner issued her Opinion and Recommended Decision of the Administrative Law Judge and Order Severing Proceedings recommending that Respondent's application for DEA Certificate of Registration as an NTP be denied. Judge Bittner also ordered that the proceeding involving the proposed revocation of Respondent's registration as a practitioner be severed from Docket 94-76, be redocketed, and that the parties continue with prehearing procedures regarding that matter. No exceptions to Judge Bittner's opinion were filed by either party.

On February 21, 1995, the administrative law judge transmitted the record to the Deputy Administrator. After a careful consideration of the record in its entirety, the Deputy Administrator enters his final order in this matter, pursuant to 21 CFR 1316.67, based on findings of fact and conclusions of law as set forth herein.

By letter dated December 16, 1994, Respondent was advised that the FDA was unable to approve her application to the FDA to operate an NTP because

the State of Louisiana had denied her application to establish an NTP. Judge Bittner held that DEA does not have statutory authority under the Controlled Substances Act to register an NTP unless that entity is authorized by the FDA to dispense controlled substances. 21 U.S.C. 823(g). In a proceeding to obtain registration as an NTP, if the applicant does not possess the requisite FDA authorization to operate an NTP, a motion for summary disposition is properly entertained for it is well settled that where no question of fact exists, or where the material facts are agreed, a plenary administrative proceeding is not required. *Phillip E. Kirk, M.D.*, 48 FR 32887 (1983), *aff'd sub nom, Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984).

Accordingly, the Deputy Administrator adopts the Opinion and Recommended Decision of the Administrative Law Judge in its entirety. Based on the foregoing, the Deputy Administrator of the Drug Enforcement Administration pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that Respondent's application for DEA Certificate of Registration as an NTP be, and it hereby is, denied. This order is effective May 10, 1995.

Dated: April 3, 1995.

**Stephen H. Greene,**  
*Deputy Administrator.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-29,352]

#### **Hasbro, Inc. a/k/a Tonka Corporation El Paso Operations; El Paso, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Work Adjustment Assistance applicable to all workers of the subject firm.

The certification notice was issued on March 16, 1994 published in the **Federal Register** on March 30, 1994 (59 FR 14876).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New findings show that some of the workers had their unemployment insurance

taxes paid under Tonka Corporation, a division of Hasbro, Inc.

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA-W-29,352 is hereby issued as follows:

"All workers of workers and former workers at Hasbro, Inc., also known as (a/k/a) Tonka Corporation, El Paso Operations, El Paso, Texas who became totally or partially separated from employment on or after December 14, 1992 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C., this 30th day of March 1995.

**Victor J. Trunzo,**

*Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.*

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[TA-W-30,505]

#### **Cushman Industries, Inc.; Hartford, CT; Notice of Revised Determination on Reconsideration**

On March 7, 1995, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the subject firm. The notice was published in the **Federal Register** on March 17, 1995 (60 FR 14452).

The findings show that the Hartford, Connecticut plant closed in December, 1994 when all production workers were laid off and production ceased.

New findings on reconsideration show that the company had increased imports of chucks in the relevant period.

### Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that the workers at Cushman Industries, Hartford, Connecticut were adversely affected by increased imports of articles like or directly competitive with the chucks produced at Cushman Industries in Hartford, Connecticut. In accordance with the provisions of the Act, I make the following revised determination for workers of Cushman Industries, Hartford, Connecticut.

"All workers of Cushman Industries in Hartford, Connecticut who became totally or partially separated from employment on or after November 2, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."