

compliance following the February 1993 accountability audit in which the deficiencies were discovered. The Government further argued that it's evidentiary burden was satisfied upon establishing, as found by Judge Tenney, a *prima facie* case with respect to Respondent's deficient recordkeeping systems in the past. The Government argued that it does not have the additional burden of conducting ongoing investigations up until the date of the administrative hearing to verify continued non-compliance or recent compliance. The Government further maintained that Respondent provided no evidence of his current compliance, and, further that the Government does not have the burden of establishing whether Respondent corrected his recordkeeping systems.

The Deputy Administrator rejects the opinion and recommended decision of the administrative law judge in its entirety. The Deputy Administrator concludes that, for a controlled substance prescription to be valid, it must be written by an authorized individual acting within the scope of normal professional practice for a legitimate medical purpose. Under these parameters, the prescriptions issued to the undercover officer by Respondent were not valid prescriptions because Respondent, while authorized by law to prescribe controlled substances, did not act within the scope of normal, professional practice concerning his prescriptions of Tranxene and Valium to the undercover officer. Respondent's total treatment time averaged only three minutes per visit with two visits lasting only one minute each. The undercover officer received controlled substances at seven out of ten visits over a one year period, but Respondent never advised the officer to telephone his office or schedule an appointment for follow-up. Respondent determined that since the undercover officer did not have a job and was partially "uptight", a prescription for Tranxene was warranted, but subsequently asked if the officer needed a note for work. Respondent continued to prescribe controlled substances to the undercover officer after the officer informed Respondent that he was taking the medication in larger quantities and more frequently than directed and was sharing the drugs with another person. Further, the officer dictated which controlled substance he wanted, rather than Respondent, as a practitioner,

determining the medication appropriate for the medical condition presented by the officer.

The Deputy Administrator further finds that the prescriptions issued by Respondent were not for a legitimate medical purpose as demonstrated by Respondent's non-medical rationale for not prescribing requested drugs. For example, Respondent initially refused the officer's request for Valium, not because the undercover officer did not present a legitimate medical problem to Respondent, but, as Respondent explained, as a rule he did not give Valium to new patients, only regular patients, as if regular patients had a more legitimate medical need for controlled substances. Additionally, after prescribing Valium to the officer on three separate visits, Respondent later refused to issue a prescription for Valium out of concern that narcotic agents were monitoring his prescriptions for street drugs, but, instead, gave the officer a prescription for Tranxene.

The Deputy Administrator concludes, in light of the foregoing, that Respondent did not legitimately dispense or prescribe controlled substances to the undercover officer. The Government has met its burden of proof in this regard and factors (2) and (4) under 21 U.S.C. 823(f) are, therefore, relevant. Further, the Deputy Administrator concurs with the administrative law judge's finding that the Government established a *prima facie* case with respect to factor (3) and factor (5) under 21 U.S.C. 823(f). Finally, the Deputy Administrator concludes that Respondent's guilty plea, and his past recordkeeping violations demonstrate a pattern of noncompliance by Respondent with the Controlled Substance Act and its implementing regulations. Therefore, in consideration of 21 U.S.C. 823(f) (2), (3), (4) and (5), Respondent's continued registration would not be consistent with the public interest.

Accordingly, 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 DEA Certificate of Registration, AB1540079, previously issued to Harlan J. Borcherding, D.O., be, and it hereby is, revoked, and any pending applications for such registration be, and they hereby are, denied. This order is effective July 3, 1995.

Dated: May 25, 1995.

Stephen H. Greene,

Deputy Administrator.

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BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 12, 1995.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 12, 1995.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC. this 22nd day of May, 1995.

Victor J. Trunzo,

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

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Baras Jersey Inc. (Wkrs)	New York, NY	05/22/95	03/27/95	31,038	Knitted Fabrics.
Lockley Mfg. Group (USWA)	New Castle, PA	05/22/95	05/02/95	31,039	Fabrication of Weapons Systems.
Mobile Tech Inc. (Wkrs)	Abingdon, VA	05/22/95	05/09/95	31,040	Automotive Remote Starters.
Overton Shirt Makers (Wkrs)	Livingston, TN	05/22/95	05/01/95	31,041	Men's Shirts, Boxers, P.J. & Robes.
Tuboscope Vetc International (Wkrs)	Girard, OH	05/22/95	05/07/95	31,042	Oilfield Pipe Inspection Service.
Zenith Distributing Corp. of NY (Wkrs)	Uniondale, NY	05/22/95	05/10/95	31,043	Consumer Electronics.
Engraph Label Group (Wkrs)	Delran, NJ	05/22/95	05/04/95	31,044	Sale & Serv. Label Application Machinery.
Engraph Label Group (Wkrs)	Moorestown, NJ	05/22/95	05/04/95	31,045	Sale & Serv. Label Application Machinery.
Ingersoll-Dresser Pump Co (USWA)	Phillipsburg, NJ	05/22/95	05/08/95	31,046	Petro-Chemical & Utility Pumps.
(The) Travelers Insurance Co (Wkrs)	Voorhees, NJ	05/22/95	05/01/95	31,047	Process Medical Insurance Claims.
OXY USA, Inc (Wkrs)	Tulsa, OK	05/22/95	05/12/95	31,048	Oil and Gas.
OXY USA, Inc (Wkrs)	Oklahoma City, OK.	05/22/95	05/12/95	31,049	Oil and Gas.
OXY USA, Inc (Wkrs)	Liberal, KS	05/22/95	05/12/95	31,050	Oil and Gas.
OXY USA, Inc (Wkrs)	Wichita, KS	05/22/95	05/12/95	31,051	Oil and Gas.
OXY USA, Inc (Wkrs)	Houston, TX	05/22/95	05/12/95	31,052	Oil and Gas.
OXY USA, Inc (Wkrs)	Midland, TX	05/22/95	05/12/95	31,053	Oil and Gas.
OXY USA, Inc (Wkrs)	Hobbs, NM	05/22/95	05/12/95	31,054	Oil and Gas.
OXY USA, Inc (Wkrs)	Bakersfield, CA	05/22/95	05/12/95	31,055	Oil and Gas.
Philips Laser Magnetic Storage (Wkrs)	Colorado Springs, CO.	05/22/95	05/08/95	31,056	CD-ROM/Compact Disc Drives.
F & M Hat Co (Wkrs)	Denver, PA	05/22/95	05/01/95	31,057	Women's Wool Felt Hats.
H & P Garment (ILGWU)	Hoboken, NJ	05/22/95	04/26/95	31,058	Women's Coats.
King Design, Inc. (Wkrs)	Eugene, OR	05/22/95	05/04/95	31,059	Interior Graphic Design Products.
Norcross Footwear Inc. (Co.)	Nashua, NH	05/22/95	05/10/95	31,060	Waders & Children's Snow Boots.
Strand Lighting, Inc. (Wkrs)	Rancho Dominguez, CA.	05/22/95	05/12/95	31,061	Lighting Fixtures & PCB Assemblies.

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[TA-W-30,570]

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In the matter of Chevron USA Production Company Headquartered in Houston, Texas and Chevron USA Production Company operating at various locations in the following States: Alabama TA-W-30,570A; California TA-W-30,570B; Colorado TA-W-30,570C; District of Columbia TA-W-30,570D; Kansas TA-W-30,570E; Louisiana TA-W-30,570F; Mississippi TA-W-30,570G; New Mexico TA-W-30,570H; North Dakota TA-W-30,570I; Oklahoma TA-W-30,570J; Texas TA-W-30,570K; Utah TA-W-30,570L; Wyoming TA-W-30,570M.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) as amended by the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this

case that all of the requirements have been met.

The investigation was initiated on December 19, 1994 in response to a petition filed on behalf of workers and former workers at Chevron USA Production Company, headquartered in Houston, Texas (TA-W-30,570) and all operations in the following states: (1) Alabama (TA-W-30,570A); and (2) California (TA-W-30,570B); (3) Colorado (TA-W-30,570C); (4) District of Columbia (TA-W-30,570D); (5) Kansas (TA-W-30,570E); (6) Louisiana (TA-W-30,570F); (7) Mississippi (TA-W-30,570G); (8) New Mexico (TA-W-30,570H); (9) North Dakota (TA-W-30,570I); (10) Oklahoma (TA-W-30,570J); (11) Texas (TA-W-30,570K); (12) Utah (TA-W-30,570L); and (13) Wyoming (TA-W-30,570M). Workers are engaged in the exploration and production of crude oil and natural gas.

Workers are not separately identifiable between crude oil and natural gas exploration or production. Crude oil accounts for an important portion of Chevron USA Production Company's sales.

Workers at Chevron USA Production Company located in various locations in various states: Texas; New Mexico; Colorado; Utah; Wyoming; California; Louisiana; Mississippi; Oklahoma; Alabama; Kansas; and North Dakota (TA-W-27,627; TA-W-27,308; TA-W-

27,310-27,313; and TA-W-27,316-318) were certified eligible to apply for trade adjustment assistance benefits on July 9, 1992. These certifications expired on July 9, 1994.

United States imports of crude oil and dry natural gas increased absolutely and relative to domestic shipments and consumption in the period November 1993 through October 1994 as compared to the year earlier.

Sales and production of crude oil at Chevron USA Production Company declined in 1994 compared to 1993.

Overall employment of workers at Chevron USA Production Company, headquartered in Houston, Texas (TA-W-30,570) and in various locations in various states of Chevron USA Production (TA-W-30,570A-M) declined in 1994 compared to 1993.

There have been major layoffs at the headquarters (TA-W-30,570) and at various locations in various states (TA-W-30,570A-M) of Chevron USA Production Company in 1993 and 1994. There are additional layoffs planned for 1995; 1996; and beyond at Chevron USA Production Company.

Company imports of crude oil and natural gas increased in 1994 compared to 1993.

Conclusion

After careful review of the facts obtained in the investigation, I conclude