

Board issued a Default Decision, in which it revoked the Respondent's license, effective April 10, 1995.

The DEA does not have statutory authority under the Controlled Substances Act to register a practitioner unless that practitioner is authorized by the state in which he conducts business to dispense controlled substances. See 21 U.S.C. 802(21), 823(f) and 824(a)(3). The DEA has consistently so held. See Lawrence R. Alexander, M.D., 57 FR 22256 (1992); Bobby Watts, M.D., 53 FR 11919 (1988); Robert F. Witek, D.D.S., 52 FR 47770 (1987).

Here it is clear that the Respondent is not currently authorized to practice dentistry in the State of California. From this fact, Judge Bittner inferred that since the Respondent was not authorized to practice dentistry, he also was not authorized to handle controlled substances. The Deputy Administrator agrees with Judge Bittner's inference, and he notes that the Respondent has not filed an exception to this portion of her decision. Therefore, because the Respondent lacks state authority to handle controlled substances, he currently is not entitled to a DEA registration.

The Deputy Administrator also finds that Judge Bittner properly granted the Government's motion for summary disposition. It is well-settled that when no question of fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. See Dominick A. Ricci, M.D., 58 FR 51104 (1993) (finding that "Congress did not intend administrative agencies to perform meaningless tasks."); see also Phillip E. Kirk, M.D., 48 FR 32887 (1983), *aff'd sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984); Alfred Tennyson Smurthwaite, M.D., 43 FR 11873 (1978); *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977).

Judge Bittner recommended that the Respondent's registration be revoked. However, the Deputy administrator finds that, per the record, the Respondent does not currently hold a DEA registration, since he voluntarily surrendered it in July 1992. Therefore, the only matter pending is the Respondent's application for a new Certificate of Registration filed in August 1992. 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 the Respondent's application for a DEA Certificate of

Registration be, and it hereby is, denied. This order is effective March 22, 1996.

Dated February 14, 1996.
Stephen H. Greene,
Deputy Administrator.
[FR Doc. 96-3831 Filed 2-20-96; 8:45 am]
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Immigration and Naturalization Service

[INS No. 1726-96]

Notice of Final Environmental Impact Statement

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: *Decision.* The United States Department of Justice, Immigration and Naturalization Service (INS), has decided to proceed with the construction of the Federal Detention Center in Buffalo, New York.

The INS, in conjunction with the United States Marshals Service (SMS), proposes to construct and oversee operation of a 454-bed Federal Detention Center (FDC) on a site of approximately 22.5 acres located in Genesee County, the Town of Batavia, Buffalo, New York. The FDC will be designed to provide detention facilities for individuals within the jurisdiction of INS and/or USMS while awaiting trial, awaiting sentencing, facing deportation proceedings, or who may have been charged with immigration violations and may have been found guilty of additional crimes, or having other business before the Federal courts for which sentences have been served at correctional facilities. The initial construction stage of the FDC will provide 254 beds. The facility may be expanded to provide a total of 454 beds. More detailed information describing programs, operations, and architectural and site development features of the FDC is included in a Final Environmental Impact Statement (FEIS) dated December 22, 1995.

ADDRESSES: Questions concerning the Decision or requests for copies of the Environmental Impact Statement for the Federal Detention for the Federal Detention Center at Buffalo, New York, may be directed to:

John W. Clarke, Director—Facilities and Space Management, U.S. Immigration and Naturalization Service, Administrative Center Burlington, 70 Kimball Avenue, South Burlington, Vermont 05403-6813, Telephone: (802) 660-1154

or

Ramon Garcia, Project Manager—Planning Branch, U.S. Immigration and Naturalization Service, Facilities and Engineering Division, 425 I Street, NW., Room 2060, Washington, DC 20536, Telephone: (202) 616-2588.

Dated: February 13, 1996.

Doris Meissner,
Commissioner, Immigration and Naturalization Service.
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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-31,385]

Johnon Controls Battery Group, Inc. Louisville, KY; Notice of Negative Determination on Reconsideration

On November 30, 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 December 12, 1995 (60 FR 63733).

The Department's initial denial was based on the fact that criterion (3) of the group eligibility requirements of the Trade Act was not met. The investigation revealed the production at the subject plant was being transferred domestically. Other findings showed there were no sales, production or employment declines at the firm prior to the implementation of the transfer.

The petitioner alleges layoffs were attributable to a shift in production of automobile batteries from the subject firm to a foreign owned facility where they produce both new and aftermarket batteries. The petitioner claims that the batteries are being returned to the United States in new cars. However, the Department must examine the impact of imports of products like and directly competitive with the product produced at the subject firm, which in this case is automobile batteries.

Findings on reconsideration show that the "contributed importantly" test of the increased import criterion of the Group Eligibility Requirements of the Trade Act was not met. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department surveyed the customers of the subject firm's Louisville, Kentucky location. Customers report that they did not increase their imports