disposition upon clarification from the Board that Respondent is unable to handle controlled substances in the State of Texas.

On June 20, 1996, the Government renewed its motion for summary disposition. Its motion was accompanied by a letter from the Board dated June 19, 1996, which states that under the Agreed Order, Respondent ''is not authorized to 'prescribe, administer, or dispense any controlled substance' even if the Drug Enforcement Administration were to grant her certificate for same.'' Thereafter, on June 21, 1996, Judge Bittner issued her Opinion and Recommended Decision, finding that based upon the evidence before her, Respondent lacked authorization to handle controlled substances in the State of Texas; granting the Government's motion for summary disposition; and recommending that Respondent's application for a DEA Certificate of Registration be denied. Neither party filed exceptions to her opinion, and on July 24, 1996, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

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

The 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/she conducts business. 21 U.S.C. 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld. See Dominick A. Ricci, M.D., 58 FR 51,104 (1993); James H. Nickens, M.D., 57 FR 59,847 (1992); Roy E. Hardman, M.D., 57 FR 49,195 (1992). In the instant case, the record indicates that Respondent is not currently authorized to handle controlled substances in the State of Texas. As Judge Bittner notes, ''[i]t is equally clear that because Respondent lacks this state authority, she is not currently entitled to a DEA registration.''

In her letter dated April 5, 1996, Respondent had noted that the terms of the Agreed Order would be subject to amendment one year after issuance of the order. However, the Acting Deputy Administrator finds that there is nothing in the record to indicate that there has been any amendment to the terms of the Agreed Order. Accordingly, the Acting Deputy Administrator concurs with Judge Bittner's conclusion that Respondent is not currently authorized to handle controlled substances and therefore is not entitled to a DEA registration.

Judge Bittner also properly granted the Government's motion for summary disposition. Here, the parties did not dispute the fact that Respondent was unauthorized to handle controlled substances in Texas. Therefore, it is well-settled that when no question of material fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. See Dominick A. Ricci, M.D., supra, (finding it well settled that where there is no question of material fact involved, a plenary, adversarial administrative hearing was not required.); see also *Phillip E. Kirk, M.D.,* 48 FR 32,887 *(1983, aff'd sub nom Kirk* v. *Mullen,* 749 F. 2d 297 (6th Cir). 1984); *NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO,* 549 F. 2d 634 (9th Cir. 1977).

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 C.F.R. 0.100(b) and 0.104, hereby orders that the application submitted by Barbara H. Briner, M.D. for a DEA Certificate of Registration be, and it hereby is, denied. This order is effective March 17, 1997.

Dated: February 4, 1997.

[FR Doc. 97–3640 Filed 2–12–97; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances Application

Pursunat to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 11, 1996, Isotec, Inc., 3858 Benner Road, Miamisburg, Ohio 45342, made application, which was received for processing December 30, 1996, by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585)	I
Methaqualone (2565)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
2,5-Dimethoxyamphetamine (7396)	I
3,4-Methylenedioxyamphetamine (7400)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
Dihydromorphine (9145)	I
Normorphine (9313)	I
Acetylmethadol (9601)	I
Alphacetylmethadol Except Levo-Alphacetylmethadol (9603)	I
Normethadone (9635)	I
3-Methylfentanyl (9813)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgoine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Levo-Alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Fentanyl (9801)	II

The firm plans to use small quantities of the listed controlled substances to produce standards for analytical laboratories.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug

Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 14, 1997.

Dated: January 27, 1997.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–3659 Filed 2–12–97; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances, Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 24, 1996, MD Pharmaceutical, Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methylphenidate (1724)	II
Diphenoxylate (9170)	II

The firm plans to manufacture the listed controlled substances to make finished dosage forms for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 14, 1997.

Dated: January 27, 1997.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–3642 Filed 2–12–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of January, 1997.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–32,901; American Commercial Vehicles, Stamping & Assembling Div., Orrville, OH

TA–W–32,903; NOW Products, Inc., Chicago, IL

TA–W–32,817; Ingersoll-Dresser Pump Co., Phillipsburg, NJ

TA–W–32,829; DuPont Films, Holly Run Plant, Newport, DE

TA–W–32,935; Borg Warner Automotive, Muncie, IN

TA–W–33,022; Quality Apparel Manufacturing, Inc., New Bedford, MA

TA–W–32,979; Collegeville Flag and Manufacturing Co., Port Clinton, PA

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–33,038; United Healthcare Corp. (Formerly Metra Health Corp), Milwaukee, WI

TA–W–32,978; CSCS Caribbean N.V., Miami, FL

TA–W–32,959; Bowdon Manufacturing Co., Bowdon, GA

TA–W–33,101; Donnkenny Apparel, Inc., Mantachie Warehouse/ Mustang Warehouse, Mantachie, MS

TA–W–32,790 & A; Walker Information, Inc., Indianapolis, IN and Tempe, AZ

TA–W–33,082; World Airways, Herdon, VA

TA–W–33,023; Associated Food Stores, Inc., Pocatello, ID

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–32,841; Kensington Window, Inc., Vandergrift, PA

The investigation revealed that criteria (1) and criteria (2) have not been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification. Sales or production did not decline during the relevant period as required for certification.

TA–W–32, 866; W.W.I., Inc., Dover Products Div., Dover, TN

TA–W–32, 967; Hasbro, Inc/Pant Ease, Arcade, NY

TA–W–32, 951; AMP, Inc., Erie, PA

TA–W–33, 061; Ball-Foster Glass Container Co., Laurens, SC

TA–W–32, 969; NEC Technologies, Inc (NECTECH), Northboro, MA

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–32, 822; Anchor Advance Product, Inc., Morristown, TN

The investigation revealed that production of toothbrushes was transferred to a plant in Puerto Rico. Puerto Rico is a commonwealth of U.S. and therefore, it is considered domestic U.S. production for purposes of the Trade Act of 1974.

TA–W–32, 963; Sunbeam (Outdoor products), Portland, TN

TA–W–32, 879; Agway, Inc., Country Product Group, Waverly, NY

Layoffs are related to a company decision to transfer production performed at the subject firm to other domestic locations.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.