Respondent's prehearing opportunities, the Deputy Administrator finds that the Respondent has failed to satisfy the burden necessary to reopen the record on this basis.

Next, the Respondent seeks to reopen the evidence in order to cross examine a witness, HH, concerning her drug dealing activities during her association with the Respondent in the summer of 1992. However, the facts concerning her involvement, and subissues involving other employees of the Respondent, were not relied upon by Judge Tenney nor by the Deputy Administrator in reaching a determination of this case. Further, the Respondent does not provide a basis for asserting that HH's credibility would be material in resolving this matter. Therefore, the Deputy Administrator concludes that such impeachment evidence would not be relevant so as to provide a basis to reopen the record.

Next, the Respondent seeks to reopen the evidence in order to present testimony from other physicians, whom he claims will testify about being deceived by the CI when they prescribed controlled substances to her during the relevant period of 1992. The Deputy Administrator notes that the Respondent had access to this information prehearing, for he introduced into the record the prescription survey which identified the prescribing physicians, and he testified concerning his interview of some of these physicians. Further, the Respondent did not assert that the testimony of these physicians was previously unavailable. Therefore, the Respondent has failed to meet the requirements to reopen the record on this basis.

The Respondent also asserted that the Roswell police intentionally destroyed or disposed of exculpatory evidence, to include a tape recording of the CI's and the Respondent's telephone conversations on September 17, 1992, and on October 1, 1992, and the transcript of the transaction that occurred on October 1, 1992, when the Respondent refused to provide the CI with a prescription for Xanax. Yet the Deputy Administrator notes that there is no dispute that the Respondent refused to provide the CI with a Xanax prescription on October 1, 1992. Further, the Respondent presented no evidentiary basis for his belief of intentional destruction of evidence. He also failed to demonstrate how the evidence he now proposes to introduce into the record on this point would be material. Therefore, the Respondent failed to meet his burden in reopening the record on this basis.

Finally, the Respondent asserts that the transcripts of the tape recordings from the September 23, 1992, transaction were not accurate. Yet the Respondent had access to the tape recordings and the transcripts well before the hearing in this matter. Again, the Respondent failed to establish the requisite basis for reopening the record. Accordingly, the Deputy Administrator denies the Respondent's motion to reopen the record.

Both the Respondent and the Government filed exceptions to Judge Tenney's opinion, and the Deputy Administrator has considered these exceptions. The exceptions were extensive, are a part of the record, and accordingly shall not be restated at length herein.

However, the Deputy Administrator finds no merit in the Respondent's exceptions, for the Respondent merely reargued his case and his interpretation of the credibility and sufficiency of the evidence of record. For example, as to the incident on October 20, 1992, involving the Respondent, AP, and CI, the Respondent takes exception to Judge Tenney's conclusion that the Respondent provided a prescription in the name of AP for the CI's use. The Respondent argues that it is significant that the transcript reflects that all of the statements relied upon by Judge Tenney originated from the CI, not the Respondent. What is significant is the Respondent's actions in light of the CI's statements, not his dialogue. Specifically, despite the CI's language indicating her intent regarding the prescription, the Respondent issued the prescription in AP's name, thus providing the CI with the means to facilitate her intention. As previously written, the Deputy Administrator has considered the Respondent's arguments and found that they were not persuasive.

Likewise, the Deputy Administrator finds that the Government's exception to Judge Tenney's finding concerning the Agent in 1985 also lacked merit. The Deputy Administrator notes that the conversations between the Agent and the Respondent, and the interpretation of the meaning of those conversations, were strongly contested issues. Since the transactions occurred over ten years prior to the hearing in this matter, the Record demonstrates that the Agent's recollection and resulting testimony before Judge Tenney understandably lacked precision. Although tape recordings and transcripts were made at the time, the DEA destroyed them in the normal course of business. Therefore, the Deputy Administrator agrees with Judge Tenney, that ''[a] tape or transcript of the undercover visits, revealing the precise language used by [the Agent] and the Respondent would be critical in determining whether the medication was legitimately prescribed.'' Given the state of the record, Judge Tenney concluded, and the Deputy Administrator concurs, that ''a preponderance of the evidence does not support a finding that the medication was prescribed to the Agent for an illegitimate purpose.''

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823, and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AG6243125, previously issued to Robert M. Golden, M.D. be, and it hereby is, revoked, and any pending applications are hereby denied. This order is effective June 17, 1996.

Dated: May 10, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–12231 Filed 5–15–96; 8:45 am]

BILLING CODE 4410–09–M

[DEA # 147F]

Controlled Substances: 1996 Aggregate Production Quotas

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of final revised 1996 aggregate production quotas.

SUMMARY: The interim notice (61 FR 14336, April 1, 1996) which established revised 1996 aggregate production quotas for amobarbital and hydromorphone, Schedule II controlled substances, as required under the Controlled Substances Act (CSA) (21 U.S.C. 826), is adopted without change.

DATES: This order is effective on May 16, 1996.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, (202) 307–7183.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act, (21 U.S.C. 826), requires the Attorney General to establish aggregate production quotas for controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the DEA pursuant to Section 0.100 of Title 28 of the Code of Federal Regulations. The Administrator in turn, has redelegated this function to the Deputy Administrator of the DEA pursuant to

Section 0.104 of Title 28 of the Code of Federal Regulations.

On April 1, 1996, an interim notice establishing revised 1996 aggregate production quotas for amobarbital and hydromorphone was published in the Federal Register (61 FR 11063). All interested persons were invited to comment on or object to these proposed aggregate production quotas on or before May 1, 1996. Since no comments or objections were received, the interim notice is adopted without change.

The Office of Management and Budget has determined that notices of aggregate production quotas are not subject to centralized review under Executive Order 12866. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Deputy Administrator hereby certifies that this action will have no significant impact upon small entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international treaty obligations. While aggregate production quotas are of primary importance to large manufacturers, their impact upon small entities is neither negative nor beneficial. Accordingly, the Deputy Administrator has determined that this action does not require a regulatory flexibility analysis.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), delegated to the Administrator of the DEA by Section 0.100 of Title 28 of the Code of Federal Regulations, and redelegated to the Deputy Administrator, pursuant to Section 0.104 of Title 28 of the Code of Federal Regulations, the Deputy Administrator hereby orders that the revised 1996 aggregate production quotas for the listed controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class	Established revised 1996 quota
Amobarbital	301,000
Hydromorphone	718,000

Dated: May 9, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–12272 Filed 5–15–96; 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 April, 1996.

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 or 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–32,058; Keystone Brewers, Inc., DBA Pittsburgh Brewing Co., Pittsburgh, PA

TA–W–31,991; General Railway Signal Corp., SADIB Div., Rochester, NY

TA–W–31,932; Hines Oregon Millwork Enterprises, Hines, OR

TA–W–31,936; Boise Cascade Corp., Vancouver, WA

TA–W–32,145; Tampella Power Corp., Williamsport, PA

TA–W–31,929; Hollander Home Fashions Corp., Rogers, AR

TA–W–32,020; Holliston-Mills, Inc., Kingsport, TN

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

TA–W–32,053; General Mirror Corp., Flifton, NJ

TA–W–31,994; Silgan Containers Corp., Hillsboro, OR

TA–W–32,098; OshKosh B'Gosh, Columbia Cutting, Columbia, KY

TA–W–32,049; Lifeline Manufacturing, Inc., Swainsboro, GA

TA–W–32,033; 3M Company, Data Storage Products, Wahpeton, ND

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

TA–W–32,229; Fashion Development Center, Inc., El Paso, TX

TA–W–31,986; Alemeda Equipment Co., Inc., Master Equipment Center, Amherst, NY

TA–W–31,924; Marine Transport Lines, Inc., Weehawken, NJ

TA–W–32,069; Turnkey Services, El Paso, TX, Workers Leasted to And Working At Thompson Consumer Electronics, El Paso, TX

TA–W–32,031; Brown Group, Inc., Cloth World Div., Clayton, MO

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

TA–W–31,945; FMC/Crosby Valve & Gage Co., Wretham, MA

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and the absolute decline in sales or production.

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.

TA–W–32,030; Allied Signal Aerospace Government Electronics Systems, South Montrose, PA: February 28, 1995.

TA–W–31,928; McAllen Separation Co., Mt. Gilead, NC: January 29, 1995.

TA–W–32,047; Laceyfair Mills Corp., Ratcliff, AR: February 23, 1995.

TA–W–32,228; Quintana Petroleum Products, Houston, TX: March 15, 1995.

TA–W–32,203; Tetile Networks, Inc., Knoxville, TN: February 6, 1995.

TA–W–32,217; C.R. Bard, Inc., Medical Div., Nogales, AZ: April 3, 1995.