Mashpee Wampanoag and the Assonet Band of the Wampanoag Nation, two non-Federally recognized Indian groups. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Ave., Cambridge, MA 02138; telephone: (617) 496-2254; and/or Karin Goldstein, Curator of Original Collections, Plimoth Plantation, PO Box 1620, Plymouth, MA 02362; telephone (508) 746-1622, ext. 379, before November 30, 1998. Repatriation of the human remains and associated funerary objects to the Wampanoag Repatriation Confederation on behalf of the Wampanoag Tribe of Gay Head; and the Mashpee Wampanoag and the Assonet Band of the Wampanoag Nation, two non-Federally recognized Indian groups may begin after that date if no additional claimants come forward.

Dated: October 22, 1998.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 98–29093 Filed 10–29–98; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of controlled substances Notice of Registration

By Notice dated July 17, 1998, and published in the **Federal Register** on August 6, 1998, (63 FR 42064), Applied Science Labs, Inc., A division of Altech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Heroin (9200)	I
Morphine (9300)	II

The firm plans to import these controlled substances for the manufacture of reference standards.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Applied Science Labs, Inc. to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Applied Science Labs, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: October 19, 1998.

John H. King,

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

[FR Doc. 98–29061 Filed 10–29–98; 8:45 am]

Billing Code 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances Notice of Registration

By Notice dated June 10, 1998, and published in the **Federal Register** on July 9, 1998, (63 FR 37137), Arenol Pharmaceutical, Inc., which has changed its address to 2820 North Normandy Drive, Petersburg, Virginia 23805, made application by renewal to the Drug Enforcement Administration, (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
N-Ethylamphetamine (1475)	I
Difenoxin (9168)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II

This firm plans to manufacture listed controlled substances to produce pharmaceutical products for its customers.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Arenol Pharmaceutical, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Arenol Pharmaceutical, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: October 19, 1998.

John H. King,

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

[FR Doc. 98–29062 Filed 10–29–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 97–23]

Bradford's Pharmacy Conditional Grant of Registration

On June 16, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Bradford's Pharmacy (Respondent) of Estill Springs, Tennessee, notifying it of an opportunity to show cause as to why DEA should not deny its application for registration as a retail pharmacy pursuant to 21 U.S.C. 823(f), for reason that its registration would be inconsistent with the public interest. By letter dated July 12, 1997, Respondent, with counsel, timely filed a request for a hearing, and following prehearing procedures, a hearing was held in Nashville, Tennessee on November 18, 1997, before Administrative Law Judge Gail A. Randall. At the hearing, both parties called witnesses to testify and introduced documentary evidence. After the hearing, both parties submitted proposed findings of fact, conclusions of law and argument.

On May 28, 1998, Judge Randall issued her Opinion and Recommended Ruling, recommending that Respondent's application for registration be granted. Neither party filed exceptions to the Administrative Law Judge's recommended decision, and on June 29, 1998,. Judge Randall

transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record, and pursuant to 21 CFR 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, except as specifically noted below, the Opinion and Recommended Ruling of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Acting Deputy Administrator finds that James R. Bradford [1] is a licensed pharmacist and the owner of Respondent pharmacy. In 1989, Mr. Bradford owned and operated Prince Drug Store in Winchester, Tennessee. An investigation of Prince Drug Store was conducted in March 1989. During a routine compliance inspection by the Tennessee Board of Pharmacy (Pharmacy Board), it was noted that there was an excessive amount of telephone prescriptions for controlled substances. An investigator contacted some of the physicians whose names appeared on the prescriptions and learned that the physicians had not authorized the prescriptions. As a result, Mr. Bradford was arrested on May 2, 1989.

On June 15, 1989, investigators obtained more records from Respondent. After interviewing approximately 20 physicians, the investigators calculated that Respondent dispensed over 60,000 dosage units of controlled substances between January 1, 1988 and June 15, 1989, that were not authorized by a physician. Of particular note, unauthorized prescriptions accounting for approximately 5,500 dosage units were dated after Mr. Bradford's arrest on May 2, 1989.

Mr. Bradford was indicted in the Franklin County Circuit Court in Tennessee on one count each of illegally dispensing drugs, failure to keep drug records, furnishing false and fraudulent records, and obtaining controlled substances by use of forged and altered prescriptions. On July 28, 1989, Mr. Bradford pled guilty to all four felony counts.

On August 3, 1989, DEA served an Order to Show Cause and Immediate Suspension of Registration on Prince Drug Store. At that time, Mr. Bradford voluntarily surrendered the pharmacy's DEA registration.

On September 27, 1989, Mr. Bradford, both individually and on behalf of Prince Drug Store, entered into an Agreed Final Order with the Pharmacy Board, whereby he agreed to the revocation of the pharmacy's license and his pharmacist license.

On November 17, 1989, Mr. Bradford was sentenced to two years in jail for each of the four felony counts, to be served concurrently. He served approximately six months in jail, and was released on probation. Mr. Bradford's probation officer testified at the hearing in this matter that after one year of probation, Mr. Bradford was discharged from active supervision. According to the probation officer, Mr. Bradford was ''an exceptional probationer,'' he has been rehabilitated, and he has not committed any further offenses.

The sheriff of Franklin County testified that while incarcerated, Mr. Bradford served as a trustee. Trustees have work assignments and are selected because they are believed to be trustworthy. In the sheriff's opinion, Mr. Bradford is rehabilitated.

On September 28, 1993, the Pharmacy Board entered a Consent Order reinstating Mr. Bradford's pharmacist license on condition that he perform 160 hours of internship within two-months of the order and that he complete 15 hours of continuing education. Mr. Bradford fulfilled these conditions, and his license was reinstated and placed on probation for five years. One term of the probation was that Mr. Bradford could not serve as the pharmacist in charge at a pharmacy, but after two years he could petition the Pharmacy Board to remove this restriction.

Upon reinstatement of his pharmacist license, a pharmacy submitted a request to DEA for a waiver of 21 CFR 1301.76(a), to permit Mr. Bradford to work at the pharmacy with access to controlled substances. In a letter dated February 6, 1995, this request was denied based upon the fact that Mr. Bradford would be unsupervised while working in the pharmacy.

On September 19, 1995, Mr. Bradford entered into another Consent Order with the Pharmacy Board whereby the previous Consent Order was modified and Mr. Bradford's authority to serve as a pharmacist in charge was reinstated. On January 2, 1996, Mr. Bradford opened Respondent and subsequently applied for a DEA registration for the pharmacy. In the application for registration, Mr. Bradford disclosed his criminal convictions and the actions against his previous DEA registration and sate licenses.

At the hearing before Judge Randall, Mr. Bradford acknowledged dispensing controlled substances without a physician's authorization and explained that he had difficulty saying ''no'' and that he did want to lose customers. Mr. Bradford testified that he takes full responsibility for his actions, specifically stating that:

> I left James R. Bradford of '88 and '89 in Franklin County Jail when I was released. He is no more. I've learned from my mistakes and I'm a different person. It just won't happen again. I realize what is to be lost * * * I lost a thriving business. I lost my livelihood. I lost the respect of the citizens of Franklin County. I lost my privilege of practicing the profession that I had trained for. I lost everything—everything except my family. And at times, it was even hard to face them.

Mr. Bradford further testified that his practice of pharmacy is different now than it was in the late 1980's. Judge Randall found that he credibly testified that ''[t]he patients in the late '80s—my main objective was filling their prescriptions, keeping them coming to my store, and I did anything to do that. Now my main objective is the safety and well-being of my patients.'' According to Mr. Bradford, he now contacts physicians if he believes a patient is overutilizing drugs and he does not prematurely refill prescriptions. Additionally, he currently participates in managed care networks, and as a result, if he tried to prematurely refill a prescription, the pharmacy's computer would reject it and if he did refill the prescription, he would not receive payment from the managed care network.

The mayor of Estill Springs testified that Respondent is the only pharmacy in the town. The population of Estill Springs is 1,500 to 1,600 people with approximately 60 percent of the population retired. Some in the community lack transportation to be able to frequent pharmacies outside of Estill Springs. The mayor testified that he considers Mr. Bradford to be an outstanding professional with the highest integrity and honesty.

Respondent introduced into evidence the affidavit of an Estill Springs physician who stated that he is personally familiar with Mr. Bradford, his pharmacy practices, his conviction for controlled substance violations, and the actions by the Pharmacy Board. It is the physician's opinion that Mr. Bradford displays ''a high degree of honesty, integrity and professionalism

[1] James R. Bradford was referred to as Dr. Bradford at various times throughout the transcript of these proceedings and by Judge Randall in her opinion. There is nothing in the record to indicate that he has a degree that warrants this title, and therefore he will be referred to as Mr. Bradford throughout this final order.

in the provision of pharmacy services to patients * * * [and] in relationships with other health care professionals.''

Both Mr. Bradford and Respondent possess state licenses issued by the Pharmacy Board. In Tennessee, both the pharmacist and the pharmacy are required to obtain a controlled substance registration. The Director of the Pharmacy Board testified at one point that Mr. Bradford's controlled substance registration was reinstated by the Pharmacy Board with his pharmacist license. However when later asked whether Respondent pharmacy has a Tennessee controlled substance license, he testified that ''I'm sure they probably don't, but that's because of the absence of the DEA waiver, and he did not request that either.'' Further, when asked whether Mr. Bradford is licensed in the state to handle controlled substances, the Director responded. ''He would be, but that was not requested, I don't think. Without having his license in front of me, I couldn't [say].''

Since there was no explanation for the discrepancy in the Director's testimony and since the Government did not raise lack of state authorization as an issue, Judge Randall ''assume[d] that [the Director's] initial testimony about that the status of the state controlled substance registration is correct * * * [and] assume[d] that his testimony to the contrary was based on a misunderstanding of the question.'' Therefore, Judge Randall found that Respondent pharmacy and Mr. Bradford possess state authority to dispense controlled substances. The Acting Deputy Administrator agrees with Judge Randall that based upon the Pharmacy Board Director's testimony, there is confusion regarding the status of Respondent's state authorization to handle controlled substances. However, as will be discussed further below, the Acting Deputy Administrator disagrees with Judge Randall's assumption that Respondent is authorized in Tennessee to handle controlled substances.

Pursuant to 21 U.S.C. 823(f), the Deputy Administrator may deny any application for a DEA Certificate of Registration if he determines that the registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate state licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or state laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable state, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety. These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration denied. See Henry J. Schwarz, Jr., M.D., 54 FR 16,422 (1989).

As to factor one, it is undisputed that Mr. Bradford's pharmacist license and the license of his previous pharmacy were revoked through an Agreed Final Order on September 27, 1989. In 1993, Mr. Bradford's pharmacist license was reinstated, but he was precluded from being the pharmacist in charge of a pharmacy. Then, in 1995 all of Mr. Bradford's privileges were restored and he was on probation until September 1998.

Regarding factors two and four, the applicant's experience in dispensing controlled substances and compliance with applicable laws relating to controlled substances, Mr. Bradford's dispensing practices while the owner and pharmacist at Prince Drug Store are relevant to these proceedings. DEA has consistently held that a pharmacy operates under the control of owners, stockholders, pharmacists, or other employees, and that the conduct of these individuals is relevant in evaluating a pharmacy's fitness to be registered with DEA. See e.g., Rick's Pharmacy, 62 FR 42,595 (1997); Big T Pharmacy, Inc., 47 FR 51,830 (1982).

Mr. Bradford, the owner of Respondent, admits that he dispensed over 60,000 dosage units of controlled substances without a physician's authorization. As Judge Randall noted, ''[i]t is particularly troubling that Dr. Bradford continued to dispense controlled substances without authorization after his first arrest.'' According to Mr. Bradford, he had trouble saying ''no'' to his customers and he did not want to lose any business, so he dispensed drugs without authorization.

However, Mr. Bradford has accepted responsibility for his actions and says that his main objective now is his patients' safety and well-being. He recognizes how much he has to lose should he unlawfully dispense controlled substances again. In addition, the mayor of Estill Springs, the sheriff of Franklin County and Respondent's probation officer all believe that Mr. Bradford has been rehabilitated. Further, the Acting Deputy Administrator notes that Mr. Bradford appears to have kept abreast of changes in DEA's regulations even though he has not been handling controlled substances since 1989.

As to factor three, it is undisputed that Mr. Bradford was convicted of four felony counts related to his handling of controlled substances. Regarding factor five, the Acting Deputy Administrator agrees with Judge Randall that the record does not indicate any additional conduct that would threaten the public health or safety.

The Acting Deputy Administrator concludes that the Government has presented a prima facie case for denial of Respondent's application for registration based upon Mr. Bradford's unlawful dispensing of over 60,000 dosage units of controlled substances, his conviction, and the action of the Pharmacy Board. However, Mr. Bradford appears to be extremely remorseful and to be rehabilitated. He has not engaged in any unlawful conduct since 1989. Further, He approaches the dispensing of drugs very differently now than he did in 1989. He contacts a physician if he believes that a patient is using too much of a drug. Also, he participates in managed care networks which causes his computer system to reject a prescription if he tries to refill it prematurely. Finally, Respondent is the only pharmacy in Estill Springs which has a population of approximately 1,500 people. Without a DEA registration, Respondent cannot meet the needs of the community since it cannot dispense controlled substances. Therefore, the Acting Deputy Administrator agrees with Judge Randall that it would be in the public interest to grant Respondent a DEA Certificate of Registration.

However, the status of Respondent's state authorization to handle controlled substances is unclear. This is significant since DEA does not have the statutory authority under the Controlled Substances Act to register a practitioner unless that practitioner is authorized by the state to handle controlled substances. See 21 U.S.C. 802(21) and 823(f). Given the Pharmacy Board Director's testimony, there is confusion as to whether Respondent pharmacy is in fact authorized by the State of Tennessee to handle controlled substances. Unlike Judge Randall, the Acting Deputy Administrator does not assume that the pharmacy is properly licensed by the state. Therefore, the Acting Deputy Administrator concludes that Respondent pharmacy should be issued a DEA Certificate of Registration

once it provides evidence to DEA that it is authorized to handle controlled substances in Tennessee.

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 CFR 0.100(b) and 0.104, hereby orders that the application for a DEA Certificate of Registration submitted by Bradford's Pharmacy, be, and it hereby is granted upon receipt by the DEA Nashville office of evidence of the pharmacy's state authorization to handle controlled substances. This order is effective November 30, 1998.

Dated: October 23, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98–29063 Filed 10–29–98; 8:45 am]

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 Acting 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 9, 1998.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 9, 1998.

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

Signed at Washington, D.C. this 5th day of October, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX—PETITIONS INSTITUTED ON 10/05/98

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
35,040	Clarks Co., N.A. (The) (Comp)	Kennett Square, PA	09/25/98	Office Management for WV Mfg Facility.
35,041	JRF Enterprises (Wrks)	Scottsboro, AL	09/21/98	T-Shirts and Sweatshirts.
35,042	Western Iron Works, Inc (Comp)	San Angelo, TX	09/22/98	Gray Iron Castings, Rings and Lids.
35,043	Louis Allis Co (IUE)	Milwaukee, WI	09/14/98	Motors and Generators.
35,044	Givens Industries, Inc (Comp)	Moulton, AL	09/21/98	Shirts and Pants for Men's and Women's.
35,045	Summit Station Mfg. (UNITE)	Pine Grove, PA	09/22/98	Fleece Sportswear.
35,046	Gates Power Drive Product (Comp)	Dothan, AL	09/18/98	Automotive Pulleys, Idlers and Tensioners.
35,047	Beacon Looms, Inc (Comp)	Teaneck, NJ	09/18/98	Curtains and Bedding Products.
35,048	Beacon Looms, Inc (Comp)	Beacon, NY	09/18/98	Curtains and Bedding Products.
35,049	Borden Foods Corp (Comp)	Tolleson, AZ	09/23/98	Dry Pasta.
35,050	Leather Specialty Co (Wrks)	Cincinnati, OH	09/16/98	File Inserts for Attache Cases.
35,051	Merix Corp (Comp)	Forest Grove, OR	09/05/98	Advanced Printed Circuit Boards.
35,052	Preferred Electronic, Inc. (Wrks)	Somerville, CT	09/08/98	Transformers, Power Supplies.
35,053	Spartan Mills (Wkrs)	Startex, SC	09/05/98	Fabric for Wallpaper Backing and Furniture.
35,054	Malden Mills Industries (UNITE)	Bridgton, ME	09/25/98	Polartec and Polarfleece Textiles.
35,055	Courtland Manufacturing (Wrks)	Appomattox, VA	09/22/98	Ladies' and Childrens' Apparel.
35,056	Halliburton Energy Serv. (Comp)	Houston, TX	09/28/98	Oil and Gas Exploration.
35,057	Connex Pipe Systems (Comp)	Troutville, VA	09/22/98	Pipe Fabrication.
35,058	UCAR Carbon Co., Inc (OCAW)	Clarksburg, WV	09/24/98	Elecrodes.
35,059	Textron Turf Care (UAW)	Racine, WI	09/23/98	Turf Equipment for Golf Cources.
35,060	Schlumberger (Wrks)	Rowell, NM	09/15/98	Oil Drilling.
35,061	Photran Corp. (Wrks)	Lakeville, MN	09/21/98	Coated Glass.
35,062	Chicago Rawhide (Comp)	Gastonia, NC	09/24/98	Sealing Devices.
35,063	Apehead Mfg., Inc. (Wrks)	Cookeville, TN	09/21/98	Protective Padding, Baseball Softball.
35,064	Martech Medical (Wrks)	Harleysville, PA	09/11/98	Medical Products.
35,065	Cape Cod Sportswear (UNITE)	New Bedford, MA	09/24/98	Ladies' Jackets.
35,066	Funtime Sportswear (Wrks)	Moscow, PA	09/24/98	Sports Garments for Sara Lee Knit.
35,067	General Electric (EMD) (Wrks)	Coshocton, OH	09/26/98	Copper Clad Laminates.