

long-term stability of the marsh substrate. Direct reduction will supplement the take of nutria in these critical areas without increasing the take on non-target species.

For further information or a copy of the Trapping Management Plan, contact: Jean Lafitte National Historical Park and Preserve, 365 Canal Street, Suite 3080, New Orleans, Louisiana 70130-1142.

Dated: January 4, 1995.

**John D. Linahan,**

*Acting Regional Director, Southwest Region.*

[FR Doc. 95-2124 Filed 1-27-95; 8:45 am]

**BILLING CODE 4310-70-M**

## National Park Service

### Subsistence Resource Commission Meeting

**SUMMARY:** The Superintendent of Denali National Park and the Chairperson of the Subsistence Resource Commission for Denali National Park announce a forthcoming meeting of the Denali National Park Subsistence Resource Commission.

The following agenda items will be discussed:

- (1) Call to order by Chair.
- (2) Roll call and confirmation of quorum.
- (3) Superintendent's welcome and introductions.
- (4) Additions and corrections to agenda.
- (5) Minutes of June 8, 1994, meeting: corrections, approval.
- (6) Election of Officers.
- (7) Old business:
  - a. Review of SRC function and purpose.
  - b. Hunting Plan Proposal #7, implementation.
  - c. McGarth Road proposal by Alaska Department of Transportation.
  - d. Customary and traditional determination issues related to the Parks Highway.
  - e. Update on park planning.
  - f. Agency reports.
- (8) Federal Subsistence Management Program update:
  - a. Federal Subsistence Board actions.
  - b. Federal Regional Advisory Councils actions.
- (9) New business:
  - a. 1995-96 Federal Regulation Proposals, Subpart D.
  - b. Denali Task Force report.
  - c. Kantishna subsistence moose hunts.
- (10) Public and other agency

comments.

(11) Set time and place of next SRC meeting.

(12) Adjournment.

**DATES:** The meeting will be held Friday, February 17, 1995. The meeting will

begin at 8:30 a.m. and conclude around 5 p.m.

**LOCATION:** The meeting will be held at the McKinley Village Community Center, Denali Park, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Steven Martin, Acting Superintendent, P.O. Box 9, Denali Park, Alaska 99755. Phone (907) 683-2294.

**SUPPLEMENTARY INFORMATION:** The Subsistence Resource Commissions are authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

**Ralph Tingey,**

*Acting Regional Director.*

[FR Doc. 95-2122 Filed 1-27-95; 8:45 am]

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## INTERSTATE COMMERCE COMMISSION

[Docket No. AB-290 (Sub-No. 157X)]

### Norfolk Southern Railway Company—Abandonment Exemption—Between Alston and Prosperity, SC

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon its 11.0-mile line of railroad between milepost V-25.0 at Alston and milepost V-36.0 at Prosperity in New Berry County and the Town of Peak, SC.

NS has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this

condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 1, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by February 9, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 21, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: James R. Paschall, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-2191.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 3, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: January 24, 1995.

<sup>1</sup> A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

<sup>2</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>3</sup> The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

By the Commission, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 95-2228 Filed 1-27-95; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 94-60]

#### **Diane E. Shafer, M.D.; Revocation of Registration Denial of Application**

On June 27, 1994 the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Diane E. Shafer, M.D. (Respondent). The Order to Show Cause proposed to revoke Dr. Shafer's DEA Certificate of Registration, AS7495624, issued to her in the Commonwealth of Kentucky, and deny her July 29, 1993, application for registration as a practitioner in the State of West Virginia.

The Order to Show Cause alleged that: In November 1987, the Commonwealth of Kentucky, Board of Medical Licensure (Kentucky Board) filed a complaint against Respondent charging her with giving false testimony in a deposition, falsely billing insurance carriers, and excessively and improperly prescribing controlled substances, and although in 1990 the presiding officer recommended that the charges against Respondent be dismissed, Respondent failed to disclose to the Kentucky Board the fact that she married the presiding hearing officer ten days prior to his recommendation; in May 1990, the Kentucky Board brought a second complaint against the Respondent, alleging that she gave false testimony in a sworn deposition, and as a result, Respondent's Kentucky medical license was placed on probation for five years, and she was fined \$2,500; on July 16, 1992, the Kentucky Board reinstated the 1987 charges against Respondent based in part on her improper billing of the West Virginia workers' compensation fund, ordered Respondent's medical license be placed on probation for five years, fined her \$2,500, and filed a complaint against Respondent for unprofessional and unethical conduct based upon her failure to disclose her relationship with the Kentucky Board's hearing officer and providing him with money; on July 14, 1993, Respondent was convicted of bribery in the Jefferson Circuit Court, sentenced to five years imprisonment, and is currently

appealing the conviction; on June 17, 1993, the Kentucky Board ordered the temporary suspension of Respondent's medical license, and on April 23, 1994, the Kentucky Board revoked her license to practice medicine; Respondent continued to prescribe controlled substances to patients several months after her Kentucky license was suspended; on June 12, 1993, Respondent untimely filed an application for renewal of her DEA Certificate of Registration that had expired on February 28, 1993, falsified her address, and provided false information regarding her practice at a West Virginia Hospital; and effective November 12, 1993, the West Virginia Board of Medicine suspended Respondent's license to practice medicine.

Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause, and the matter was placed on the docket of Administrative Law Judge Mary Ellen Bittner. On August 9, 1994, the Government filed a motion for summary disposition, alleging that Respondent was not authorized to handle controlled substances in Kentucky or West Virginia. On September 6, 1994, Respondent responded to the Government's motion, and filed her motion for summary disposition.

On September 16, 1994, in her opinion and recommended decision, the administrative law judge granted the Government's motion for summary disposition and recommended that Respondent's DEA Certificate of Registration, AS7495624, issued to her in the Commonwealth of Kentucky, be revoked and that her pending application for registration in West Virginia be denied. On September 26, 1994, Respondent filed exceptions to the opinion and recommended decision of the administrative law judge. On October 18, 1994, the administrative law judge transmitted the record to the Deputy Administrator. The Deputy Administrator has carefully considered the entire record in this matter and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

The administrative law judge found that the Government's motion for summary disposition alleged that Respondent is not authorized to handle controlled substances in Kentucky or West Virginia. The Government's motion was based on the April 23, 1994 revocation of Respondent's medical license in Kentucky and the November 12, 1993 suspension of her medical

license in West Virginia. The administrative law judge also found that Respondent's response to the Government's motion did not deny that she was without authority to handle controlled substances in either Kentucky or West Virginia, but simply alleged that Respondent's West Virginia medical license was temporarily suspended, and that she was licensed to practice medicine in Pennsylvania. The administrative law judge concurred with the Government's motion regarding Respondent's lack of state authorization to handle controlled substances in Kentucky and West Virginia.

The Drug Enforcement Administration cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See James H. Nickens, M.D., 57 FR 59847 (1992); Elliott Monroe, M.D., 57 FR 23246 (1992); Bobby Watts, M.D., 53 FR 11919 (1988).

The administrative law judge properly granted the Government's motion for summary disposition. It is well-settled that when no question of fact is involved, or when the facts are agreed upon, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. The rationale is that Congress does not intend administrative agencies to perform meaningless tasks. Philip 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, N.D., 43 FR 11873 (1978); see also, *NLRB v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977); *United States v. Consolidated Mines and Smelting Co., Ltd.*, 455 F.2d 432, 453 (9th Cir. 1971).

Consequently, the administrative law judge recommended that Respondent's DEA Certificate of Registration, AS7495624, issued to her in the Commonwealth of Kentucky, be revoked and that her pending application for registration in West Virginia be denied. In her exceptions to the opinion and recommended decision of the administrative law judge, the Respondent argued, *inter alia*, that matters alleged in the Government's Order to Show Cause, and restated in the administrative law judge's recommended decision were in error or on appeal. Respondent urged that the grounds alleged in her exceptions be given consideration, and that she be