Commission d/b/a Wisconsin River Rail Transit Commission (WRRTC) have agreed to grant non-exclusive overhead trackage rights and certain industry access to Soo Line Railroad Company d/b/a CP Rail System (CPRS), over and upon WRRTC's line of railroad (owned in conjunction with the Wisconsin Department of Transportation and leased and operated by WICT and WSOR). The trackage is located between Madison, WI, milepost 138.58 +/− and a connection with the Chicago and North Western Transportation Company (CNW)[2] at milepost 48.80 +/− in Janesville, WI. The trackage rights will (1) allow CPRS access to WRRTC's lines and WICT's and WSOR's leased trackage between Madison and a connection with the CNW in Janesville, and (2) offer CPRS an alternative and additional route for handling traffic between Madison and Janesville. The trackage rights were to become effective on or after August 29, 1994.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time.[3] The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Wayne C. Serkland, 1000 Soo Line Bldg., 105 South 5th St., Minneapolis, MN 55402.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

Decided: March 6, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95–5945 Filed 3–9–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32664]

The Georgia Department of Transportation—Acquisition Exemption—Georgia Central Railway

The State of Georgia Department of Transportation (GDOT), a noncarrier, has filed a notice of exemption to acquire 33.65 miles of railroad and right-of-way from Georgia Central Railway (GC) between milepost 577.85 at Vidalia and milepost 611.50 at Helena, in Dodge and Telfair Counties, GA.[1] Under a new lease arrangement with GDOT, GC will continue to operate the line. The lease provides for GC to operate and maintain the line, including the crossing agreement with Norfolk Southern Railway at Helena, on an abandoned segment of track.

Consummation of the proposed transaction is scheduled to take place on or after March 8, 1995.

Any comments must be filed with the Commission and served on: George P. Shingler, 40 Capitol Square, Atlanta, GA 30334.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 6, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95–5944 Filed 3–9–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94–50]

Michael Schumacher; Denial of Registration

On May 18, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Michael Schumacher, General Television (Respondent), of Urbana, Illinois, proposing to deny his application for a DEA Certificate of Registration as a manufacturer. 21 U.S.C. 823(a) (1992). The statutory basis for the Order to Show Cause was Respondent's lack of authorization to manufacture controlled substances in the State of Illinois. 21 U.S.C. 824(a)(3). In addition, the Order to Show Cause alleged that Respondent's registration would be inconsistent with the public interest, as the term is used in 21 U.S.C. 823(a) and 824(a)(4).

The Order to Show Cause was sent to Respondent's registered location by registered mail on May 18, 1994, and on June 10, 1994, Respondent filed a request for hearing with the Office of Administrative Law Judges. The matter was docketed before Administrative Law Judge Mary Ellen Bittner. This case was then consolidated with Docket No. 94–37 wherein Normaco of Delaware, Inc. (Normaco) had requested a hearing pursuant to 21 CFR 1301.43(a) (1994), in response to a notice of Respondent's application for registration as a bulk manufacturer of various Schedule II controlled substances (58 FR 60061 (1994)). On June 28, 1994, the administrative law judge granted Normaco's request to withdraw from this matter.

Counsel for the Government filed a motion for summary disposition on July 18, 1994, based on an order of the Illinois Department of Professional Regulation (DPR), dated July 10, 1992, denying Respondent's application for a state license to manufacture and conduct medical research under the Illinois Controlled Substances Act. Respondent did not file a response to the Government's motion.

On September 29, 1994, the administrative law judge issued her opinion and recommended decision. The administrative law judge granted the Government's motion for summary disposition finding that Respondent is not eligible for a DEA registration as a bulk manufacturer of Schedule I and II controlled substances and therefore a hearing would serve no purpose. The administrative law judge found that Respondent currently lacks state authorization to handle controlled substances in the State of Illinois because Respondent was denied a state license to manufacture controlled substances by the Illinois DPR on July 10, 1992. As the administrative law judge noted, DPR's denial was based on findings that Respondent was unaware what substances were controlled under Illinois law, that Respondent did not have a background in those sciences pertaining to controlled substances, and that Respondent failed to demonstrate that its application should be granted. The administrative law judge noted that 21 U.S.C. 823(a), the provision requiring registration of manufacturers of Schedule I and II controlled substances, contains no express threshold requirement of state authorization. Nonetheless, she concluded that where as here state law requires manufacturers of controlled substances to obtain a state

[2] Effective May 6, 1994, the Chicago and North Western Transportation Company changed its name to the ''Chicago and North Western Railway Company''.

[3] The United Transportation Union filed a petition to revoke on September 1, 1994. That petition is currently pending.

[1] GDOT proposes to acquire fee title from GC and rehabilitate the line for the purpose of continued rail operations. GC will sell the line to GDOT by quitclaim deed. GC's residual common carrier obligation as lessor will be transferred to GDOT and GC will have no common carrier obligation once the transaction has been completed.

license, it would be pointless to grant a Federal registration when Respondent lacked state authority. The administrative law judge then recommended that in those cases where an applicant for a DEA registration as a manufacturer of controlled substances has had a state license or registration denied, suspended, revoked, or restricted by a state regulatory agency with jurisdiction to take that action, DEA should not grant greater authority to handle controlled substances than has been granted by the state. Consequently, the administrative law judge granted Government's motion for summary disposition and recommended that Respondent's application for a DEA Certificate of Registration be denied. Neither party filed exceptions to the opinion and recommended decision. On November 2, 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 hereby adopts the administrative law judge's opinion and recommended decision. The Deputy Administrator, 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. It is undisputed that Respondent is not authorized to manufacture controlled substances in the State of Illinois. Because 21 U.S.C. 824(a)(3) provides that denial or revocation of a state license or registration constitutes grounds to revoke a DEA registration, if Respondent were granted a registration, DEA would immediately have grounds to revoke it. It is well-settled that the agency need not grant a license on one day only to revoke it the next. Kuen H. Chen, 58 FR 65401 (1993) (quoting Serling Drug Co. and Detroit Prescription Wholesaler, Inc., 40 FR 1118, 11919 (1975). Further, inasmuch as DEA must consider ''compliance with applicable State and local law'' when determining whether to grant a DEA registration to manufacture controlled substances, 21 U.S.C. 823(a)(2), DEA's grant of a registration to Respondent would put him in jeopardy of Illinois law. Finally, despite the lack of a state authority threshold for manufacturer registrations, the Deputy Administrator concludes that, inasmuch as Illinois had denied Respondent a state license, DEA cannot grant Respondent's application for a DEA Certificate of Registration. *Cf.* Nathaniel S. Lehrman, M.D., 59 FR 44780 (1994) (holding that DEA has consistently held that it cannot maintain the registration of a practitioner who is not authorized to handle controlled substances in the state in which he practices); accord Franz A. Arakaky MD., 59 FR 42074 (1994); Elliott Monroe, M.D., 57 FR 23246 (1992).

The Deputy Administrator concurs with the administrative law judge's granting of the Government's motion for summary disposition. In the absence of a question of material fact, a plenary adversary administrative proceeding is not required. 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); *U.S.* v. *Consolidated Mines and Smelting Co. Ltd.*, 44 F.2d 432, 453 (9th Cir. 1971).

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 application for a DEA Certificate of Registration submitted by Michael Schumacher, General Television, be, and it hereby is, denied. This order is effective April 10, 1995.

Dated: March 3, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95–5833 Filed 3–9–95; 8:45 am]

BILLING CODE 4410–09–M

Office of Special Counsel for Immigration Related Unfair Employment Practices

Immigration Related Employment Discrimination Public Education Grants

AGENCY: Office of Special Counsel for Immigration Related Unfair Employment Practices, Civil Rights Division, Department of Justice.

ACTION: Notice of availability of funds and solicitation for grant applications.

SUMMARY: The Office of Special Counsel for Immigration Related Unfair Employment Practices (''OSC'') announces the availability of up to $1.5 million for grants to conduct public education programs about the rights afforded potential victims of employment discrimination and the responsibilities of employers under the antidiscrimination provision of the Immigration and Nationality Act (INA), 8 U.S.C. 1324b.

It is anticipated that a number of grants will be competitively awarded to applicants who can demonstrate a capacity to design and successfully implement public education campaigns to combat immigration-related employment discrimination. Grants will range in size from $50,000 to $150,000.

OSC will accept proposals from applicants who have access to potential victims of discrimination or whose experience qualifies them to educate employers about the antidiscrimination provision of INA. OSC welcomes proposals from diverse nonprofit organizations such as local, regional or national ethnic and immigrants' rights advocacy organizations, trade associations, industry groups, professional organizations, or other nonprofit entities providing information services to potential victims of discrimination and/or employers. Applications will not be accepted from individuals or public entities, including state and local government agencies, and public educational institutions.

APPLICATION DUE DATE: April 24, 1995.

FOR FURTHER INFORMATION CONTACT: Patita McEvoy, Public Affairs Specialist, Office of Special Counsel for Immigration Related Unfair Employment Practices, 1425 New York Ave., NW., Suite 9000, PO Box 27728, Washington, DC 20038–7728. Tel. (202) 616–5594, or (202) 616–5525 (TDD for the hearing impaired).

SUPPLEMENTARY INFORMATION: The Office of Special Counsel for Immigration Related Unfair Employment Practices of the Civil Rights Division of the Department of Justice announces the availability of funds to conduct public education programs concerning the antidiscrimination provisions of INA. Funds will be awarded to selected applicants who propose cost-effective ways of educating employers and/or members of the protected class, or to those who can fill a particular need not currently being met.

BACKGROUND: On November 6, 1986, President Reagan signed into law the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. No. 99–603, which amended the INA. Additional provisions were signed into law by President Bush in the Immigration Act (IMMACT 90) on November 29, 1990. IRCA and subsequently, IMMACT 90, makes hiring aliens without work authorization unlawful, and requires employers to verify the identity and work authorization of all new employees. Employers who violate this law are subject to sanctions, including fines and possible criminal prosecution.

During the debate on IRCA, Congress foresaw the possibility that employers, fearful of sanctions, would refuse employment to individuals simply