

Bowlusville, Clark County, OH; (6) the Maitland Secondary Track, from milepost 124.5, in Glen Echo, Clark County, OH, to milepost 132.6, near Springfield; (7) a portion of the former main line of the Erie Railroad, from milepost 351.5, near Glen Echo, to milepost 353.1 in Urbana; and (8) a portion of the Old St. Mary's Branch, from milepost 53.3 to milepost 52.73, in Bellefontaine.

DATES: This exemption is effective on April 15, 1995. Petitions to stay must be filed by March 31, 1995. Petitions to reopen must be filed by April 10, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32602 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Robert L. Calhoun, Sullivan & Worcester, Suite 1000, 1025 Connecticut Avenue, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Ave., N.W., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: March 2, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 95-6499 Filed 3-15-95; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Joseph A. Zadrozny, M.D.; Revocation of Registration

On November 7, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Joseph A. Zadrozny, M.D., of Waltham, Massachusetts. The Order to Show Cause proposed to revoke Dr. Zadrozny's DEA Certificate of Registration, AZ1230426, under 21 U.S.C. 824(a)(3) and 824(a)(5), and deny any pending applications for renewal of such registration under 21 U.S.C. 823(f).

The Order to Show Cause was served on Dr. Zadrozny on November 14, 1994. More than thirty days have passed since the Order to Show Cause was received by Dr. Zadrozny. The Drug Enforcement Administration has received no response from Dr. Zadrozny or anyone purporting to represent him.

Pursuant to 21 CFR 1301.54(d), the Deputy Administrator finds that Dr. Zadrozny has waived his opportunity for a hearing. Accordingly, under the provisions of 21 CFR 1301.54(e) and 1301.57, the Deputy Administrator enters his final order in this matter without a hearing and based on the investigative file.

The Deputy Administrator finds that between July and October 1988, Dr. Zadrozny submitted claims for medical services under the Medicaid program of the Massachusetts Department of Public Welfare, and received a total of \$10,907 in payments. In addition, Dr. Zadrozny billed for services not performed in the treatment of patients involved in automobile accidents. These claims were later determined to be fraudulent since there was no evidence that Dr. Zadrozny actually performed these medical services.

On November 25, 1991, in the Suffolk County Superior Court, Commonwealth of Massachusetts, Dr. Zadrozny was charged with 43 felony counts related to the filing of false Medicaid claims and larceny. Following a jury trial, on August 28, 1992, Dr. Zadrozny was found guilty of one felony count of Medicaid fraud and a second count of larceny. Dr. Zadrozny was sentenced to two years imprisonment, with 18 months suspended, and placed on two years probation.

As a result of his program related convictions, effective March 4, 1993, the Department of Health and Human Services mandatorily excluded Dr. Zadrozny from participation in the Medicare program for a period of five years pursuant to 42 U.S.C. 1320a-7(a). Pursuant to 21 U.S.C. 824(a)(5), such exclusion constitutes a basis for the revocation of Dr. Zadrozny's DEA Certificate of Registration.

On November 18, 1992, the Massachusetts Board of Registration in Medicine (Board) issued a Statement of Allegations proposing to discipline Dr. Zadrozny based upon his criminal convictions; his excessive and fraudulent billing for services not performed under the Medicaid program; and his failure to maintain adequate medical records. On June 8, 1994, the Board revoked Dr. Zadrozny's license to practice medicine, and as a result, his Massachusetts controlled substance

registration was automatically terminated.

The Deputy Administrator finds that as of June 8, 1994, Dr. Zadrozny was no longer authorized to handle controlled substances in the Commonwealth of Massachusetts. 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 Deputy Administrator finds that grounds exist to revoke Dr. Zadrozny's DEA registration under 21 U.S.C. 824(a)(3) and (a)(5). No evidence of explanation or mitigating circumstances was offered by Dr. Zadrozny. Therefore, it is clear that Dr. Zadrozny's DEA Certificate of Registration must be revoked.

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), hereby orders that DEA Certificate of Registration, AZ1230426, previously issued to Joseph A. Zadrozny, M.D., be, and it hereby is, revoked and that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective April 17, 1995.

Dated: March 10, 1995.

Stephen H. Greene,
Deputy Administrator.

[FR Doc. 95-6509 Filed 3-15-95; 8:45 am]

BILLING CODE 4410-09-M

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with 28 CFR 50.7, notice is hereby given that on March 8, 1995, a proposed Second Modified Consent Decree in *United States of America v. City of New Bedford, Massachusetts*, Civil Action No. 87-2497-T, was lodged with the United States District Court for the District of Massachusetts. The United States' complaint sought relief under the Clean Water Act, 33 U.S.C. 1251, *et seq.* The Second Modified Consent Decree revises the existing Modified Consent Decree entered by the Court in 1990. The Second Modified Consent Decree provides for an extension in the deadline for completion of construction of secondary treatment facilities from May 1, 1995 to August 22, 1996, and