

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until May 10, 1995 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Margaret J. McDaniel,

Acting Chief, Branch of Gulf Rim Adjudication.

[FR Doc. 95-8713 Filed 4-7-95; 8:45 am]

BILLING CODE 4310-JA-P

[CO-933-95-1320-01; COC 56447]

Notice of Coal Lease Offering by Sealed Bid; COC 56447

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of competitive coal lease sale.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that certain coal resources in the lands hereinafter described in Gunnison County, Colorado, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.).

DATES: The lease sale will be held at 11 a.m., Monday, May 15, 1995. Sealed bids must be submitted no later than 10 a.m., Monday, May 15, 1995.

ADDRESSES: The lease sale will be held in the Conference Room, Fourth Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado. Sealed bids must be submitted to the Cashier, First Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Karen Purvis at (303) 239-3795.

SUPPLEMENTARY INFORMATION: The tract will be leased to the qualified bidder submitting the highest offer, provided that the high bid meets the fair market value determination of the coal resource. The minimum bid for this tract is \$100 per acre or fraction thereof. No bid less than \$100 per acre or fraction thereof will be considered. The minimum bid is not intended to represent fair market value.

Sealed bids received after the time specified above will not be considered.

In the event identical high sealed bids are received, the tying high bidders will be requested to submit follow-up sealed bids until a high bid is received. All tie-breaking sealed bids must be submitted within 15 minutes following the Sale Official's announcement at the sale that identical high bids have been received.

Fair market value will be determined by the authorized officer after the sale.

Coal Offered: The coal resource to be offered is limited to coal recoverable by underground mining methods in the B and D/E coal seams on the Box Canyon Tract in the following lands:

Sixth Principal Meridian

T. 13 S., R. 90 W., 6th P.M.

- Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 11, lots 9 to 12, inclusive, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 14, lots 1 to 16, inclusive;
- Sec. 15, lots 1 to 4, inclusive, and E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$;
- Sec. 22, lots 1 to 16, inclusive;
- Sec. 23, lots 1 to 16, inclusive;
- Sec. 26, lots 1 to 16, inclusive.

The land described contains 2,769.67 acres, more or less.

Total recoverable reserves are estimated to be 37 million tons. The B and D/E seams underground minable coal is ranked as high volatile C bituminous coal. The estimated coal quality for the B seam on an as-received basis is as follows:

Btu	12,975 Btu/lb.
Moisture (percent)	5.66
Sulfur Content (percent)	0.57
Ash Content (percent)	7.66

The estimated coal quality for the D/E seam on an as-received basis is as follows:

Btu	12,162 Btu/lb.
Moisture (percent)	6.45
Sulfur Content (percent)	0.57
Ash Content (percent)	9.31

Rental and Royalty: The lease issued as a result of this offering will provide for payment of an annual rental of \$3.00 per acre or fraction thereof and a royalty payable to the United States of 8 percent of the value of coal mined by underground methods. The value of the coal will be determined in accordance with 30 CFR 206.

Notice of Availability: Bidding instructions for the offered tract are included in the Detailed Statement of Coal Lease Sale. Copies of the statement and the proposed coal lease are

available upon request in person or by mail from the Colorado State Office at the address given above. The case file is available for inspection in the Public Room, Colorado State Office, during normal business hours at the address given above.

Dated: March 30, 1995.

Karen A. Purvis,

Solid Minerals Team Resource Services.

[FR Doc. 95-8689 Filed 4-7-95; 8:45 am]

BILLING CODE 4310-JB-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-290 (Sub-No. 152X)]

Norfolk Southern Railway Company—Abandonment Exemption—in Caswell County, NC

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 3.1-mile rail line extending between milepost FD-196.9 and milepost FD-200.00 at Blanch, in Caswell County, NC.

NS has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line; (3) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending either 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 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to 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 May 10, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹

¹ The Commission will grant a stay if an informed decision on environmental issues (whether raised

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by April 20, 1995.³ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 1, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423-191.

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

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

NS 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 April 14, 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) 927-248. 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 other trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 4, 1995.

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

Vernon A. Williams,

Secretary.

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BILLING CODE 7035-01-P

by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

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

³ The Commission will accept a late-filed trail use request so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94-82]

Earl N. Caldwell, M.D.; Revocation of Registration

On August 31, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Earl N. Caldwell, M.D. of Highland Park, Illinois (Respondent), proposing to revoke his DEA Certificate of Registration, BC0950104, and deny any pending applications for registration as a practitioner. The statutory basis for the Order to Show Cause was that Respondent's continued registration would be inconsistent with the public interest pursuant to 21 U.S.C. 823(f), and that Respondent was no longer authorized to handle controlled substances in the State of Illinois. 21 U.S.C. 824 (a)(3) and (a)(4).

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. Following prehearing procedures, the Government filed a motion for summary disposition on October 11, 1994, alleging that Respondent no longer held state authorization to handle controlled substances on the ground that the Illinois Department of Professional Responsibility, Medical Disciplinary Board, had placed Respondent's medical license on probation for five years and suspended his authority to handle controlled substances for the duration of that probationary term. Respondent filed an opposition to the Government's motion for summary disposition on October 31, 1994, arguing that the Illinois Board's decision had been rendered in error and, therefore, was not final pending administrative review.

On November 2, 1994, the administrative law judge entered her opinion and recommended a decision granting the Government's motion for summary disposition and recommending that the Respondent's DEA Certificate of Registration be revoked. No exceptions were filed by either party.

On December 2, 1994, the administrative law judge transmitted the record to the Deputy Administrator. After a careful consideration of the record in its entirety, the Deputy Administrator enters his final order in this matter pursuant to 21 CFR 1316.67,

based on findings of fact and conclusions of law as set forth herein.

Effective May 13, 1992, the Illinois Department of Professional Responsibility, Medical Disciplinary Board, suspended Respondent's license to practice medicine for five years and suspended his authority to handle controlled substances for the duration of that period. Respondent does not deny that his state license has been placed on probation for five years. As a result, Respondent is no longer authorized to dispense controlled substances in the State of Illinois.

The DEA has consistently held that it does not have statutory authority under the Controlled Substances Act to register a practitioner unless that practitioner is authorized to dispense controlled substances by the state in which he proposes to practice. See *Lawrence R. Alexander, M.D.*, 57 FR 22256 (1992); *Bobby Watts, M.D.*, 53 FR 11919 (1988); *Robert F. Witek, D.D.S.*, 52 FR 4770 (1987).

In a case where a practitioner is no longer authorized to handle controlled substances in the state in which he proposes to practice, a motion for summary disposition is properly entertained. It is well settled that where no question of fact exists, or where the material facts are agreed, a plenary administrative proceeding is not required. *Phillip E. Kirk, M.D.*, 48 FR 32887 (1983), *aff'd sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984).

The Deputy Administrator adopts the Opinion and Recommended Decision of the Administrative Law Judge in its entirety. 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 DEA Certificate of Registration, BC0950104, previously issued to Earl N. Caldwell, M.D., be, and it hereby is, revoked, and any pending applications for such registration be, and hereby are, denied. This order is effective May 10, 1995.

Dated: April 3, 1995.

Stephen H. Greene,

Deputy Administrator.

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[Docket No. 94-76]

Rosalind A. Cropper, Inc.; Denial of Application

On August 31, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order