

Bureau, is the designated AID Advisory Committee Representative at the meeting. It is suggested that those wanting further information write him in care of the Agency for International Development, Office of Agriculture and Food Security, SA-2, Room 401K, Washington, DC 20523-0214, or telephone him at (202) 663-2536.

Dated: October 5, 1995.

Tracy Atwood,

Division Chief, Food Policy Division, Center for Economic Growth, Bureau for Global Programs, Field Support and Research.

[FR Doc. 95-25349 Filed 10-12-95; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32731]

Iowa Interstate Railroad, Ltd.—Lease and Operation Exemption—Norfolk and Western Railway Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 11343-45 the lease and operation by Iowa Interstate Railroad, Ltd., of Norfolk and Western Railway Company's 13.9-mile rail line between milepost DU-340.8, in Des Moines, IA, and the end of the line at milepost DU-354.7, in Grimes, IA, including the Clive Spur, in Polk County, IA, subject to standard employee protective conditions.

DATES: This exemption is effective on November 12, 1995. Petitions to stay must be filed by October 30, 1995. Petitions to reopen must be filed by November 7, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32731 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; (2) Robert J. Cooney, Norfolk Southern Corporation, 3 Commercial Place, Norfolk, VA 23510-2191; and (3) T. Scott Bannister, 405 6th Avenue, 1300 Des Moines Building, Des Moines, IA 50309.

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: DC NEWS AND DATA, INC., Interstate Commerce

Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: September 29, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-25273 Filed 10-12-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32765]

Portland & Western Railroad, Inc.—Trackage Rights Exemption—Burlington Northern Railroad Company

Burlington Northern Railroad Company (BN) has agreed to grant local trackage rights to Portland & Western Railroad, Inc. (PNWR), over five segments of rail line totaling approximately 52.94 miles entirely in Oregon, as follows: 1.96 miles between milepost 16.87 near Bowers Junction and milepost 18.83 near Bendemeer; 10.77 miles between milepost 17.07 at Bowers Junction and milepost 27.84 near Banks; 5.60 miles between milepost 4.68 near Hillsboro and milepost 10.28 near Forest Grove; 1.19 miles between milepost 25.52 near St. Marys Junction and milepost 26.71 near St. Marys; and 33.42 miles between milepost 31.28 near Greton and milepost 64.70 near Hopmere.¹ BN will also assign 4.2 miles of connecting, incidental, overhead trackage rights to PNWR over those lines of the Port of Tillamook Bay Railroad that connect to the BN lines, between milepost 770.5 near Schefflin and milepost 774.7 near Banks. The trackage rights became effective on September 29, 1995.²

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d)

¹ PNWR states that the trackage rights are a temporary measure pending action on its petition for exemption to lease and operate that it filed under 49 U.S.C. 10505. See *Portland & Western Railroad, Inc.—Lease and Operation Exemption—Lines of Burlington Northern Railroad Company*, Finance Docket No. 32766.

² A petition to stay the effective date filed by John D. Fitzgerald, for and on behalf of the United Transportation Union, General Committee of Adjustment (UTU), was denied in a decision served September 29, 1995. UTU's petition to reject or revoke the class exemption as well as its separately filed appeal to the stay denial and its appeal of the permission granted PNWR to file a redacted copy of the trackage rights agreement will be resolved in a future decision.

may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Eric M. Hocky, Gollatz, Griffin & Ewing, P.C., PO Box 796, 213 West Miner St., West Chester, PA 19381-0796.

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: October 6, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-25454 Filed 10-12-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94-6]

Marta I. Blesa, M.D., Continuation of Registration

On October 14, 1993, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Marta I. Blesa, M.D., (Respondent) of Temple City, California, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, AB8787799, and should not deny any pending application for renewal of her registration, under 21 U.S.C. 823(f) and 824(a)(4), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged that: (1) On at least five occasions in February and March 1991, the Respondent provided prescriptions for controlled substances to undercover agents without a legitimate medical purpose and not in the usual course of professional treatment; and (2) on March 13, 1992, in the Superior Court of California, County of Los Angeles, the Respondent pled *nolo contendere* to, and was convicted of, three felony counts of willfully and unlawfully issuing a prescription for a controlled substance without a legitimate medical need and not in the usual course of professional treatment in violation of California Health and Safety Code Section 11153. On November 4, 1993, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Los

Angeles, California, on June 14 and 15, 1994, before Administrative Law Judge Mary Ellen Bittner. At the hearing both parties called witnesses to testify and introduced documentary evidence, and after the hearing, counsel for both sides submitted proposed findings of fact, conclusions of law and argument. On December 14, 1994, Judge Bittner issued her Opinion and Recommended Ruling, recommending that the Respondent's DEA registration not be revoked, subject to specified conditions. Neither party filed exceptions to her decision, and on January 17, 1995, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, 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 Deputy Administrator adopts, in full, the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision 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 Deputy Administrator finds that a Special Agent of the California Department of Justice, Bureau of Narcotic Enforcement, as a result of information received from an informant, conducted an investigation of the Respondent. The informant told the Special Agent that he abused opiates, specifically Dilaudid, which is a Schedule II controlled substance, and that he was addicted to heroin. He also stated that he had obtained triplicate prescriptions from the Respondent using his own and several other names, and that he had paid the Respondent for these prescriptions. Judge Bittner noted that California law requires that prescriptions for most Schedule II controlled substances be written on triplicate forms. The Special Agent then contacted California's triplicate prescription database and obtained information showing that between July 1987b and April 1990, the Respondent had issued triplicate prescriptions in the names provided by the informant, for over 3,400 dosage units, the majority of which were for Dilaudid or Percodan, also a Schedule II controlled substance.

Next, the informant placed a recorded phone call to the Respondent's office on January 25, 1991, advised a member of the Respondent's staff that he wanted to purchase two triplicate prescriptions for two named individuals, neither of which was the informant, and that the

informant would pick up the prescriptions later that day. In the presence of the Special Agent, the informant obtained four prescriptions that day in the name of the two previously identified individuals, and two of these prescriptions were for Dilaudid. The Special Agent testified that about \$96 was paid for these prescriptions. On January 29, 1991, February 5, 1991, March 4, 1991, March 8, 1991, March 22, 1991, and March 27, 1991, the Special Agent either observed the informant pay for and receive triplicate prescriptions for controlled substances in the name of other individuals, or he actually paid for and received triplicate prescriptions for controlled substances for himself or on behalf of other named individuals, all issued by the Respondent. The prescriptions were for various drugs containing controlled substances, to include Dilaudid, Percodan, Valium, a Schedule IV controlled substance, and Tylenol No. 4 which contains codeine, a Schedule III controlled substance. At all times, neither the informant nor the Special Agent complained, or presented symptoms for, a medical condition.

On May 8, 1991, the Special Agent served a search warrant at the Respondent's office and obtained a number of patients' records. He then forwarded those records to Dr. Escondon, who reviewed them, the Special Agent's reports of his undercover visits, and transcripts of his conversations with the Respondent. By letter dated July 16, 1991, Dr. Escondon advised the Special Agent that in his opinion none of the prescriptions reviewed were for legitimate medical purposes, that the Respondent knowingly wrote prescriptions for fictitious individuals, that the patient records indicated that the Respondent had failed to take adequate medical histories or perform appropriate physical examinations, and that she did not attempt to determine the etiology of the patients' conditions. He also wrote that in his opinion the Respondent was aware that the drugs she prescribed were not being used for legitimate medical reasons. This letter was made part of the record over the Respondent's objection and was considered by the Deputy Administrator with the Judge's noted caveat that Dr. Escondon's only qualification of record was his M.D. degree.

On May 3, 1991, a complaint was issued based upon the prescriptions the Respondent had issued to the Special Agent, charging her with ten felony counts of unlawful prescribing in violation of Section 11153 of California's Health and Safety Code. In

March 1992, the Respondent entered a plea of *nolo contendere*, and, among other things, she was sentenced to surrender her triplicate prescription blanks.

At the hearing before Judge Bittner, the Respondent testified about her professional credentials and about her family, to include two young daughters. She also testified concerning specific instances in which the informant, a man over six feet tall, had intimidated her by harassing and threatening her and her family. She testified that there was no police department in Temple City, but that she had talked to someone at the Sheriff's Department on two occasions, and on both occasions she had not received any assistance. She also testified that in September 1989 her home had been burglarized, that the police had told her that the burglary was drug-related, but that there was no proof that the informant had been involved. The Respondent testified that in late 1988 or in early 1989, she believed that the informant was armed with an Army knife, and she was afraid he might kill someone to obtain the prescriptions. However, the Respondent stated that in 1990 she stopped issuing triplicate prescriptions to the informant.

The Respondent also testified that, prior to issuing the informant triplicate prescriptions for Dilaudid, she had never prescribed Dilaudid to any other patient, and that in total she had issued triplicate prescriptions no more than two or three times to two patients, both of whom had cancer. However, the Respondent testified that she did not think her triplicate prescription practices pertaining to the informant and others associated with the informant were appropriate, and that in order to prevent further situations such as those involving the informant, she had undergone therapy and had taken seminars about issuing prescriptions and medications. Respondent testified that she was shy, but that her experience with the informant and resulting therapy made her confident that such a situation would not happen again. She emphasized that she knew the correct procedures to use to issue triplicate prescriptions.

The record also contains testimony from the Respondent's staff and patients, corroborating the Respondent's description of the informant's intimidating and harassing manner in his treatment of her, her staff members, and patients. These witnesses provided descriptions of specific instances of the informant's aggressive and threatening behavior, to include staff members' testimony about waiting after work to go to their cars together if the informant

was in the vicinity, because they were afraid of him. The Respondent's office manager testified about letters the Respondent gave or mailed to the informant, advising him that she would no longer issue prescriptions to him and that he should consult another physician for treatment. However, she testified that, unlike other patients Respondent so advised, the informant merely ignored the letters.

The record also contains testimony from the Respondent's colleagues who had covered the Respondent's practice in her absence. One colleague testified that she had had a threatening confrontation with the informant after he had followed her to her home. This colleague further testified about the Respondent's practice, and gave her opinion that the Respondent was a competent doctor. Another colleague also testified about the Respondent's practice, having had first-hand experience in covering for the Respondent in her absence, and he gave his opinion that the Respondent was conscientious in prescribing controlled substances. Finally, the Respondent introduced into evidence approximately fifty letters from colleagues, patients, friends, and acquaintances attesting to her abilities as a physician and the contribution her medical practice made to the community.

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Deputy Administrator may revoke a DEA Certificate of Registration and deny any application for such registration, if he determines that the continued 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.*, Docket No. 88-42, 54 FR 16422 (1989).

In this case, factors two, three, and four are relevant in determining whether the Respondent's continued DEA registration would be inconsistent with the public interest. First, the record clearly establishes that part of the Respondent's experience in dispensing controlled substances includes dispensing such substances on numerous occasions between 1987 and 1990 to the informant and his associates without legitimate medical purpose and not in the usual course of professional treatment. The lack of adequate treatment record documentation of clinical justification for continued dispensing of controlled substances over a long period of time in individual patient treatment plans, the issuing of prescriptions without medical examination, and the knowing issuance of prescriptions for fictitious individuals are documented examples of Respondent's experience in dispensing controlled substances. Further, the record also establishes that, during January through March 1991, the Respondent had dispensed controlled substances to a Special Agent on several occasions, again without legitimate medical purpose or in the usual course of professional treatment. However, the Respondent testified that prior to issuing prescriptions to the informant and his associates, she had never prescribed Dilaudid, and in fact had only issued triplicate prescriptions on no more than two or three occasions. These acts relate to factor two, demonstrating the Respondent's experience in dispensing controlled substances.

As to factor three, the Respondent's plea of *nolo contendere* and resulting conviction on three counts of willfully and unlawfully issuing a prescription for a controlled substance in violation of California Health and Safety Code Section 11153, establishes a basis for revoking the Respondent's registration by demonstrating her inability to comply with state laws relating to the distribution of controlled substances. See, e.g., *Noell v. Bensinger*, 586 F.2d 554, 557 (5th Cir. 1978) (holding that a federal conviction based on a plea of *nolo contendere* was a sufficient basis for revocation of a DEA certificate of registration).

Finally, the Respondent's conduct in dispensing controlled substances to the informant, his associates, and the Special Agent without legitimate medical purpose establishes that the Respondent did not issue triplicate prescriptions in compliance with applicable State law, and did not dispense controlled substances in compliance with Federal law. This

conduct is clearly relevant as to factor four.

The record contains other evidence which does not justify the Respondent's misconduct, but is appropriately considered in determining the public interest. Specifically, the Respondent acknowledged that her conduct in response to the informant's demands was inappropriate, and that she had taken corrective action in seeking therapy and professional training about dispensing controlled substances. Further, the record contains multiple letters recording observations of her colleagues and patients as to the nature of her practice, her professional level of medical competency, and her high level of ethical and moral conduct. Also evidence of the extremely intimidating nature of the informant and corroborated instances of threatening conduct provides additional factors which do not justify the Respondent's acts, but impact upon an analysis of the Respondent's conduct. Finally, testimony given which described the medical services provided by the Respondent to her community impacts upon the need for her continued medical contributions to that community. Therefore, the Deputy Administrator finds that the public interest is best served by not revoking the Respondent's registration under 21 U.S.C. 823(f) and 824(a)(4) subject to the following restrictions: (1) The Respondent shall not dispense directly or administer any controlled substance except in a hospital setting; (2) the Respondent shall not issue prescriptions for any Schedule II controlled substances unless another physician has reviewed the patient record and concurs that the prescription is medically necessary; (3) the Respondent shall transmit quarterly to the Special Agent in Charge of DEA's Los Angeles Field Division or his designee a list of all controlled substance prescriptions she has issued; and (4) the Respondent shall consent to inspections of her registered premises pursuant to notices of inspection as described in 21 U.S.C. 880. These restrictions shall remain in place for three years beginning on the date of this order.

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 21 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AB8787799, issued to Marta I. Blesa, M.D., be, and it hereby is, continued subject to the conditions enumerated above. This order is effective November 13, 1995.

Dated: October 6, 1995.
 Stephen H. Greene,
Deputy Administrator.
 [FR Doc. 95-25339 Filed 10-12-95; 8:45 am]
 BILLING CODE 4410-09-M

National Institute of Justice

[OJP (NIJ) No.1067]

RIN 1121-ZA26

National Institute of Justice Solicitation for the Drug Court Research and Evaluation Program

AGENCY: U.S. Department of Justice,
Office of Justice Programs, National
Institute of Justice.

ACTION: Announcement of the
availability of the National Institute of
Justice "Solicitation for the Drug Court
Research and Evaluation Program."

ADDRESSES: National Institute of Justice,
633 Indiana Avenue, NW., Washington,
DC 20531.

DATES: The deadline for receipt of
proposals is close of business on
November 30, 1995.

FOR FURTHER INFORMATION: Call the
National Criminal Justice Reference
Service (NCJRS) at 1-800-851-3420 to
obtain a copy of NIJ's "Solicitation for
the Drug Court Research and Evaluation
Program."

SUPPLEMENTARY INFORMATION: The
following supplementary information is
provided:

Authority

This action is authorized under the
Omnibus Crime Control and Safe Streets
Act of 1968, §§ 201-03, as amended, 42
U.S.C. 3721-23 (1988).

Background

The National Institute of Justice is
soliciting proposals to evaluate drug
court programs funded by the Crime Act
of 1994. Interested organizations should
call the National Criminal Justice
Reference Service (NCJRS) at 1-800-
851-3420 to obtain a copy of the
"Solicitation for the Drug Court
Research and Evaluation Program"
(refer to document no. SL000-126). The
solicitation is available electronically
via the NCJRS Bulletin Board, which
can be accessed via Internet. Telnet to
ncjrsbbs.aspensys.com, or gopher to
ncjrs.aspensys.com 71. Those without
Internet access can dial the NCJRS
Bulletin Board via modem: dial 301-

738-8895. Set modem at 9600 baud, 8-
N-1.

Jeremy Travis,
Director, National Institute of Justice.
 [FR Doc. 95-25335 Filed 10-12-95; 8:45 am]
 BILLING CODE 4410-18-P

[OJP (NIJ) No.1061]

RIN 1121-ZA23

Deadline Extension for the National Institute of Justice "Solicitation for the Operation of the National Law Enforcement and Corrections Technology Center"

AGENCY: U.S. Department of Justice,
Office of Justice Programs, National
Institute of Justice.

ACTION: Extension of the deadline for
proposals responding to the National
Institute of Justice's "Solicitation for the
Operation of the National Law
Enforcement and Corrections
Technology Center."

ADDRESSES: National Institute of Justice,
633 Indiana Avenue, NW., Washington,
D.C. 20531.

DATES: The revised deadline for receipt
of proposals is close of business on
October 27, 1995.

FOR FURTHER INFORMATION CONTACT:
Kevin Jackson, National Institute of
Justice, at (202) 307-2956

SUPPLEMENTARY INFORMATION: The
following supplementary information is
provided:

Authority

This action is authorized under the
Omnibus Crime Control and Safe Streets
Act of 1968, §§ 201-03, as amended, 42
U.S.C. 3721-23 (1988).

Background

The purpose of this solicitation is to
support the continued operation of the
National Institute of Justice's National
Law Enforcement and Corrections
Technology Center. This Center was
established to coordinate and support
the identification, development, and
application of technology and
information to meet the needs of
criminal justice. This solicitation
applies solely to the operation of the
National Law Enforcement and
Corrections Technology Center, and
does not include the operation of any of
the regional centers, the Border
Research and Technology Center, the
Office of Law Enforcement
Commercialization, or the Office of Law
Enforcement Standards. For a copy of
the solicitation, call Kevin Jackson at

the National Institute of Justice, 202-
307-2956.

Jeremy Travis,
Director, National Institute of Justice.
 [FR Doc. 95-25336 Filed 10-12-95; 8:45 am]
 BILLING CODE 4410-18-P

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions
of the Secretary of Labor are issued in
accordance with applicable law and are
based on the information obtained by
the Department of Labor from its study
of local wage conditions and data made
available from other sources. They
specify the basic hourly wage rates and
fringe benefits which are determined to
be prevailing for the described classes of
laborers and mechanics employed on
construction projects of a similar
character and in the localities specified
therein.

The determinations in these decisions
of prevailing rates and fringe benefits
have been made in accordance with 29
CFR Part 1, by authority of the Secretary
of Labor pursuant to the provisions of
the Davis-Bacon Act of March 3, 1931,
as amended (46 Stat. 1494, as amended,
40 U.S.C. 276a) and of other Federal
statutes referred to in 29 CFR Part 1,
Appendix, as well as such additional
statutes as may from time to time be
enacted containing provisions for the
payment of wages determined to be
prevailing by the Secretary of Labor in
accordance with the Davis-Bacon Act.
The prevailing rates and fringe benefits
determined in these decisions shall, in
accordance with the provisions of the
foregoing statutes, constitute the
minimum wages payable on Federal and
federally assisted construction projects
to laborers and mechanics of the
specified classes engaged on contract
work of the character and in the
localities described therein.

Good cause is hereby found for not
utilizing notice and public comment
procedure thereon prior to the issuance
of these determinations as prescribed in
5 U.S.C. 553 and not providing for delay
in the effective date as prescribed in that
section, because the necessity to issue
current construction industry wage
determinations frequently and in large
volume causes procedures to be
impractical and contrary to the public
interest.