

Dated: December 6, 1995.

Thomas J. Dwyer,  
Deputy Regional Director, Region 1 Portland,  
Oregon.

[FR Doc. 95-30350 Filed 12-14-95; 8:45 am]

BILLING CODE 4310-55-P

## INTERSTATE COMMERCE COMMISSION

### Notice of Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. The parent corporation and principal office is: ARR-MAZ PRODUCTS, L.P., 621 Snively Avenue, Winter Haven, FL 33880, 941-293-7884.

2. The wholly owned subsidiary which will participate in the operation is: AMP Trucking, Inc., 1001 American Superior Blvd., Winter Haven, FL 33880, 941-293-7884.

States of Incorporation are: Delaware, Florida, Louisiana, North Carolina.

Vernon A. Williams,

Secretary.

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[Finance Docket No. 32814]

### Gateway Western Railway Company; Trackage Rights Exemption; The Atchison, Topeka and Santa Fe Railway Company

The Atchison, Topeka and Santa Fe Railway Company (ATSF) has agreed to grant limited local trackage rights to Gateway Western Railway Company (GWWR) over approximately 8.3 miles of rail line from milepost 1.7 at Santa Fe Junction in Kansas City, MO, to milepost 10.0 at Morris, KS.<sup>1</sup>

GWWR contends that the trackage rights will allow it access to two shippers on ATSF's line in Kansas City, KS. Accordingly, those two shippers will obtain additional rail service options and GWWR will have new potential sources of traffic. The trackage rights were to become effective on December 1, 1995.

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. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission<sup>2</sup> and served on: Thomas J. Litwiler, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601.

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: December 8, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-30561 Filed 12-14-95; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 94-30]

#### Harold R. Schwartz, M.D.; Denial of Application

On March 2, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Harold R. Schwartz, M.D., (Respondent) of Houston, Texas, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged that:

(1) In February 1992, a DEA audit of a Houston area pharmacy, and a subsequent review of prescription records, revealed that in 1991 and early 1992, the Respondent routinely prescribed combinations of Tylenol with codeine, Valium, and Phenergan with codeine, to numerous individuals when he knew or should have known that the combination of these drugs was highly abused on the streets.

(2) On March 24, April 7, and April 21, 1992, the Respondent prescribed 24 Tylenol No. 4 and 18 Valium 10 mg. to an undercover officer for no legitimate medical reason.

(3) Following the execution of a Federal search warrant at the Respondent's office of July 7, 1992, the Respondent voluntarily surrendered his DEA Certificate of Registration, AS0873198, as well as his State of Texas Controlled Substances Registration Certificate. However, on February 1, 1993, his Texas Controlled Substances Registration Certificate was reinstated.

On March 31, 1994, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Houston, Texas, on November 9, 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 March 2, 1995, Judge Bittner issued her Opinion and Recommended Ruling, recommending that the Respondent's application be denied. Neither party filed exceptions to her decision, and on April 5, 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 of law.

The Deputy Administrator finds that on January 19, 1993, the Respondent Prepared an Application for Registration under the Controlled Substances Act of 1970 as a practitioner for handling controlled substances in Schedules II through V. The Respondent has practiced medicine in Houston, Texas, since 1951. At the hearing before Judge Bittner, the Respondent testified that he maintained a solo practice in internal medicine consisting mostly of poor patients, some of whom were covered by Medicare or Medicaid. The Respondent further stated that his wife had died in 1987, and that he resided with his son, who suffered from panic disorder and was unable to leave home.

<sup>1</sup> On December 1, 1995, GWWR filed a corrected statement with regard to the milepost markers and the approximate total mileage involved in this transaction. This notice includes the updated figures.

<sup>2</sup> Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.