(ICC served Aug. 23, 1995) (*BN/Santa Fe*).

The settlement agreement provides that SP may employ the Hutchinson-Chicago trackage rights only for trains comprised of not less than 90 percent intermodal or automotive traffic. The settlement agreement also provides that SP may not employ the Hutchinson-Chicago trackage rights to interchange with or connect with its own lines or the lines of any other carrier, with certain specified exceptions indicated in the next sentence. Under the terms of the settlement agreement, SP: may enter and exit Santa Fe's line at Kansas City solely to access the Kansas City Terminal Railroad and, through it, its connections; may enter and exit the Santa Fe line at Lomax, IL, solely for the purpose of accessing the Toledo, Peoria and Western Railway Corporation for intermodal and automotive traffic; may connect and interchange with other carriers at Streator, IL, solely for the purpose of movement to and from Chicago of traffic originating, terminating, or interchanged with other carriers in the Chicago area; and may connect with the Illinois Central Railroad at Joliet, IL, for movement over its lines to and from facilities at Chicago, for traffic originating or terminating at Chicago or interchanged with other carriers at Chicago.

The settlement agreement allows Santa Fe and BN to coordinate operations over their respective lines between Kansas City and Chicago, so that SP traffic moving over BN's lines between Kansas City and Chicago pursuant to trackage rights granted by BN in 1990 [1] may be rerouted over Santa Fe's lines, for the operational convenience of BN and Santa Fe.[2]

The settlement agreement provides that the various rights granted therein will be effective upon consummation of common control of BN and Santa Fe, which can occur no earlier than September 22, 1995. *See BN/Santa Fe,* slip op. at 117.

[1] *See Rio Grande Industries, Inc., Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, SPCSL Corp.—Trackage Rights—Burlington Northern Railroad Company Lines Between Kansas City, MO, and Chicago, IL,* Finance Docket No. 31730 (ICC served Oct. 26, 1990).

[2] Certain modifications to the trackage rights granted by BN in 1990 are the subject of a separate exemption notice. *See* Finance Docket No. 31730 (Sub-No. 1), *Rio Grande Industries, Inc., Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp.—Trackage Rights Exemption—Burlington Northern Railroad Company Lines Between Kansas City, MO, and Chicago, IL.*

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 stay the transaction. Pleadings must be filed with the Commission and served on: Paul A. Cunningham, Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, D.C. 20036.

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: August 25, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95–21749 Filed 8–31–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32720]

Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp.—Trackage Rights Exemption—Burlington Northern Railroad Company Lines Between Dalhart, TX, and Fort Worth, TX

Burlington Northern Railroad Company (BN) has agreed to grant Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp. (collectively, SP) overhead trackage rights over BN's lines between Dalhart, TX (in the vicinity of BN's Milepost 417.5) and Fort Worth TX (in the vicinity of BN's Milepost 5.1).

These trackage rights have been granted pursuant to a settlement agreement dated April 13, 1995, which was entered into by SP, on the one side, and by BN and The Atchison, Topeka and Santa Fe Railway Company (Santa Fe), on the other side, in connection with the Finance Docket No. 32549 proceeding. *See Burlington Northern Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company,* Finance Docket No. 32549 (ICC served Aug. 23, 1995) (*BN/Santa Fe*).

The settlement agreement also provides that Santa Fe will grant SP: (1) Overhead trackage rights over Santa Fe's lines between Pueblo, CO, and Stratford, TX; and (2) overhead trackage rights over Santa Fe's lines between Pueblo, CO, and Amarillo, TX, solely for the purpose of serving industries located at Amarillo, TX. This is the subject of a separate exemption notice. See Finance Docket No. 32719, *Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp.—Trackage Rights Exemption—The Atchison, Topeka and Santa Fe Railway Company Lines Between Pueblo, CO, and Amarillo, TX.* The settlement agreement further provides that SP shall also be granted: access to all industries which are served directly or by reciprocal switching by either BN or Santa Fe at Amarillo, TX, at Plainview, TX, and at Lubbock, TX; and access to the Seagraves, Whiteface and Lubbock Railroad at Lubbock, TX. *See BN/Santa Fe,* slip op. at 85.

The settlement agreement provides that the various rights granted therein will be effective upon consummation of common control of BN and Santa Fe, which can occur no earlier than September 22, 1995. *See BN/Santa Fe,* slip op. at 117.

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 stay the transaction. Pleadings must be filed with the Commission and served on: Paul A. Cunningham, Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, D.C. 20036.

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: August 25, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95–21750 Filed 8–31–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32760]

Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp. and the Denver and Rio Grande Western Railroad Company

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 1; Notice of prefiling notification and request for comments.

SUMMARY: Pursuant to 49 CFR 1180.4(b), Union Pacific Corporation (UPC), Union Pacific Railroad Company (UPRR), Missouri Pacific Railroad Company (MPRR), Southern Pacific Rail Corporation (SPR), Southern Pacific Transportation Company (SPT), St. Louis Southwestern Railway Company (SSW), SPCSL Corp. (SPCSL), and the Denver and Rio Grande Western Railroad Company (DRGW) [1] have notified the Commission of their intent to file an application seeking authority under 49 U.S.C. 11343–45 for: (1) The acquisition of control of SPR by UP Acquisition Corporation (Acquisition), an indirect wholly owned subsidiary of UPC; (2) the merger of SPR into UPRR; and (3) the resulting common control of UP and SP by UPC. The Commission finds this to be a major transaction as defined in 49 CFR Part 1180. The applicants have proposed a procedural schedule, on which the Commission invites comments by interested persons.

DATES: Written comments on the proposed schedule must be filed with the Interstate Commerce Commission no later than September 18, 1995. The applicants' reply is due by September 28, 1995.

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32760 and must be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32760, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423.

In addition, one copy of all documents in this proceeding must be sent to each of the applicants' representatives: (1) Arvid E. Roach II, Esq., Covington & Burling, 1201 Pennsylvania Avenue, NW., PO Box 7566, Washington, DC 20044; and (2) Paul A. Cunningham, Esq., Harkins Cunningham, 1300 Nineteenth Street, NW., Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: In the notice of intent filed August 4, 1995, the applicants state that under an Agreement and Plan of Merger dated August 3, 1995, UPC, Acquisition, UPRR and SPR have agreed that Acquisition will acquire all of the common stock of SPR. Acquisition plans first to acquire 25% of the stock of SPR for cash in a tender offer and place that stock in a voting trust pending review of the merger by the Commission.[2] Upon the satisfaction of certain conditions, including approval of the merger by the Commission, the remainder of the SPR stock will then be acquired for a combination of UPC stock and cash, and SPR will be merged into UPRR. The UP and SP railroads will then be consolidated.

The applicants state that they will use the year 1993 for purposes of their impact analyses to be filed in the application, and that they anticipate filing their application on or before December 1, 1995. On August 11, 1995, Santa Fe Pacific Corporation and The Atchison, Topeka, and Santa Fe Railway Company (collectively, Santa Fe) filed a partial objection to the notice of intent, objecting to the use of 1993 data in this proceeding (SF–2).[3] Also on August 11, 1995, the applicants filed a modification of their notice of intent (UP/SP–5). The applicants state that, if the 1994 ICC Waybill Sample is available by September 1, 1995, they will use 1994 as the base year, and that, if it is not, they will use 1993. Consultation with the Commission's Office of Economics and Environmental Analysis (OEEA) indicates that the 1994 data will be available by September 5, 1995. That being the case, we will require the applicants to use the 1994 data. If, for some reason, the data are not available on that date, we will reconsider this issue at that time.

The Commission finds that this is a major transaction, as defined at 49 CFR 1180.2(a), as it is a control and merger transaction involving two or more class I railroads. The application must conform to the regulations set forth at 49 CFR Part 1180 and must contain all information required therein for major transactions, except as modified by any advance waiver. The carriers are also required to submit maps with overlays that show the existing routes of both carriers and their competitors.

By petition also filed August 4, 1995, the applicants seek a protective order to protect confidential, highly confidential, and proprietary information, including contract terms, shipper-specific traffic data, and other traffic data to be submitted in connection with the control application (UP/SP–2). A protective order will be entered in a subsequent decision.

Also on August 4, 1995, the applicants filed a petition to establish a proposed procedural schedule (UP/SP–4). The Commission seeks comments now on the applicants' proposed procedural schedule, which is as follows:

Proposed Procedural Schedule

F Primary application and related applications filed.
F + 30 Commission notice of acceptance of primary application and related applications published.
F + 60 Description of anticipated inconsistent and responsive applications due; petitions for waiver or clarification with regard to such applications due.
F + 90 Inconsistent and responsive applications due. All comments, protests, requests for conditions, and any other opposition evidence

[1] UPC, UPRR, and MPRR are referred to collectively as Union Pacific. UPRR and MPRR are referred to collectively as UP.

SPR, SPT, SSW, SPCSL, and DRGW are referred to collectively as Southern Pacific. SPT, SSW, SPCSL, and DRGW are referred to collectively as SP.

UPC, UPRR, MPRR, SPR, SPT, SSW, SPCSL, and DRGW are referred to collectively as applicants or petitioners.

Applicants have petitioned for waiver or clarification of the definition of applicants so as to exclude Chicago and North Western Transportation Company (CNWT), Chicago and North Western Railway Company (CNW), and Western Railroad Properties Incorporated (WRPI), thus eliminating the necessity of their joining in the filing of the application. CNWT and CNW are scheduled to be merged into UPRR on October 1, 1995; WRPI was merged into UPRR on August 1, 1995.

[2] On August 4, 1995, the applicants filed a copy of the voting trust agreement proposed to be entered into by and between UPC, Acquisition, and Southwest Bank of St. Louis, an institutional trustee. The applicants state that they believe that Acquisition's planned purchase of 25% of the outstanding voting stock of SPR will not give UPC and its affiliates the power to exercise control of SPR and its affiliates. However, the applicants request that Commission staff issue an informal, non-binding opinion stating whether the voting trust agreement and the arrangements contained therein will effectively insulate UPC and its affiliates from any violation of the Interstate Commerce Act and Commission policy against unauthorized acquisition of control of SPR's carrier subsidiaries.

[3] Santa Fe essentially argues that, for a transaction as significant as this one, the Commission should have available the most relevant information necessary to assess changes in railroad operations and competitive impacts that will result from the proposed transaction. It is Santa Fe's position that more recent data would provide the Commission with the most relevant information, and that 1994 data will be available in ample time for use in this proceeding.

and arguments due. DOJ and DOT comments due.
F + 105 Notice of acceptance (if required) of inconsistent and responsive applications published in the **Federal Register**.
F + 120 Response to inconsistent and responsive applications due. Response to comments, protests, requested conditions, and other opposition due. Rebuttal in support of primary application and related applications due.
F + 130 Rebuttal in support of inconsistent and responsive applications due.
F + 140 Briefs due, all parties (not to exceed 50 pages).
F + 155 Oral argument.
F + 156 Voting conference.
F + 195 Date for service of final decision.

Under the applicants' proposal, immediately upon each evidentiary filing, the filing party shall place all documents relevant to the filing (other than documents that are privileged or otherwise protected from discovery) in a depository open to all parties, and shall make its witnesses available for discovery depositions. Access to documents subject to the protective order shall be appropriately restricted. Parties seeking discovery depositions may proceed by agreement. Relevant excerpts of transcripts will be received in lieu of cross-examination at the hearing, unless cross-examination is needed to resolve material issues of disputed fact.[4] Discovery on responsive and inconsistent applications, comments, protests, and requests for conditions shall begin immediately upon their filing.

The proposed schedule is substantially similar to that adopted recently in *Burlington Northern Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchinson, Topeka and Santa Fe Railway Company,* Finance Docket No. 32549 (ICC served March 7, 1995) (*BN/Santa Fe*).

We would also like comments from the public on a variation of the proposed procedural schedule.[5] Based on our recent experience in *BN/Santa Fe,* we believe that parties filing inconsistent and responsive applications, comments, protests, requests for conditions, and other opposition evidence and arguments, may not need 90 days from the date the primary application is filed to prepare their submissions. We seek comments on the feasibility of parties filing descriptions of anticipated inconsistent and responsive applications, and petitions for waiver or clarification with regard to such applications, 10 days after the publication of the notice accepting the primary application. All inconsistent and responsive applications, comments, protests, requested conditions, and other opposition evidence and argument would be due 30 days after the acceptance of the primary application. Comments from the United States Department of Justice (DOJ) and the United States Department of Transportation (USDOT) would also be due on that day. The 30 days taken from the segment of time in which protesting parties would prepare their submissions would be inserted later in the schedule.

The applicants are proposing that any applications for authority for, or for exemption of, merger-related abandonments, and any supporting verified statements, be filed with the primary application, and be treated as related applications. The applicants filed, on August 4, 1995, a petition for waiver or clarification of the Railroad Consolidation Procedures, and for related relief (UP/SP–3), in which they ask for a waiver under 49 CFR 1152.24(e)(5) to permit modifications to the procedures and timetables prescribed in our rules at 49 CFR 1152.25(d) (6) and (7), and other relief, seeking to ensure that they are able to make the referenced filings pertaining to merger-related abandonments with the primary application. Consequently, the applicants desire that all opposition evidence, comments, rebuttal, and briefing on those applications be submitted under the same schedule as the primary application. We will discuss the applicants' request for relief with regard to merger-related abandonments in a subsequent decision addressing all of the requests in UP/SP–3.

The applicants also request that the Commission establish certain guidelines to govern discovery in this proceeding. The applicants note that their proposed guidelines are similar to those developed by the parties and the presiding Administrative Law Judge in *BN/Santa Fe*, and assert that the guidelines were central to the progress of that proceeding. In the applicants' view, the guidelines provided all of the parties in *BN/Santa Fe* with a fair opportunity to conduct discovery and curtailed abusive practices that had caused delays in prior control proceedings. The applicants assert that similar early establishment of discovery guidelines at the outset of this proceeding will provide guidance to all parties and will promote an efficient and orderly proceeding. The process of assigning an Administrative Law Judge (ALJ) to this proceeding is underway. While we think the *BN/Santa Fe* discovery guidelines worked exceedingly well, we will leave all discovery matters, including the adoption of any guidelines governing discovery initially, to the discretion of the ALJ.[6] A decision naming that judge will be issued as soon as possible.

We invite interested persons to submit written comments on the proposed procedural schedule. Comments must be filed by September 18, 1995. The applicants may reply by September 28, 1995.[7]

This action will not significantly affect either the quality of the human

[4] It is not clear to what hearing the applications are referring. Their proposed schedule provides for no evidentiary hearing, and we see no need for one at this time.

[5] On August 14, 1995, The Kansas City Southern Railway Company (KCS) filed comments on the proposed procedural schedule (KCS–1). KCS claims that the applicants have not presented any justification for expediting the schedule in this proceeding without first seeking public comments on the proposed schedule. KCS alleges that it has concerns regarding its ability to conduct discovery and sufficiently analyze the competitive concerns within the time frame applicants propose. KCS would like time to develop an alternative procedural schedule. Because we are, in fact, asking for comments regarding the applicants' proposed schedule, KCS will have the opportunity to submit further comments on the schedule in response to this notice. The applicants filed a reply to KCS's comments on the proposed procedural schedule and discovery guidelines on August 18, 1995 (UP/SP–6).

[6] KCS also raises concerns about the applicants' proposed discovery guidelines in KCS–1, stating that the applicants have not established any reason why this proceeding cannot be conducted under the Commission's normal rules of discovery found at 49 CFR 1114. KCS notes that, in *BN/Santa Fe,* the Commission did not rule on discovery guidelines and instead deferred that decision to the ALJ. The ALJ conducted a conference where all parties could comment, and then issued discovery guidelines. KCS recommends that we follow the same procedure here, rather than simply adopting the same guidelines used in *BN/Santa Fe.* Because we are initially turning all discovery matters over to an ALJ, nothing more need be said regarding KCS's concerns at this time. KCS also filed a pleading in opposition to the applicants' proposed protective order (KCS–2). That pleading will be addressed in a separate decision entering the protective order.

[7] In addition to submitting an original and 20 copies of all documents filed with the Commission, the parties are encouraged to submit all pleadings and attachments as computer data contained on a 3.5-inch floppy diskette which is formatted for WordPerfect 5.1 (or formatted so that it can be converted by WordPerfect 5.1). The computer data contained on the computer diskettes submitted will be subject to the protective order to be entered shortly in this proceeding, and is for the exclusive use of Commission employees reviewing substantive matters in this proceeding. The flexibility provided by such computer file data will facilitate expedited review by the Commission and its staff.

environment or the conservation of energy resources.

Decided: August 24, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95–21746 Filed 8–31–95; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94–7]

David W. Davis, D.O., Revocation of Registration

On October 7, 1993, the Deputy Assistant Administrator (then-Director), Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to David W. Davis, D.O., of Houston, Texas (Respondent), proposing to revoke his DEA Certificate of Registration, AD7600631, and deny any pending applications for registration as a practitioner. The statutory basis for the Order to Show Cause was that the continued registration of Respondent was inconsistent with the public interest as that term is set forth in 21 U.S.C. 823(f) and 824(a)(4).

On November 5, 1993, 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 Paul A. Tenney. Following prehearing proceedings, a hearing was held in Houston, Texas on October 20, 1994. The administrative law judge issued his findings of fact, conclusions of law and recommended ruling on January 17, 1995, recommending that Respondent's registration be revoked. No exceptions to the ruling were filed by either party. On February 17, 1995, the administrative law judge transmitted the record of the proceeding to the Deputy Administrator of DEA. After careful consideration of the record in its entirety, the Deputy Administrator enters his final order in this matter, in accordance with 21 CFR 1316.67, based on findings of fact and conclusions of law as set forth herein.

The administrative law judge found that DEA initiated an investigation of Respondent after receiving reports from Houston area pharmacies that Respondent prescribed large amounts of controlled substances, particularly the combination of Tylenol No. 4 (a Schedule III controlled substance) and Valium or Xanax (Schedule IV controlled substances). DEA additionally was concerned about Respondent's prescribing practices because he was listed as one of the top 1,000 Medicaid prescribers for the period of January 1991 to February 1992.

The administrative law judge further found that an undercover officer from the Houston Police Department visited Respondent's office on three occasions. The undercover officer's conversations with Respondent were recorded and monitored by a DEA Diversion Investigator.

On the undercover officer's first visit, on May 14, 1991, the officer asked Respondent for something "to mellow out" with, specifically requesting Tylenol. Respondent asked the undercover officer if he wanted Xanax or Valium and prescribed 30 dosage units of Valium (10 mg) and 30 dosage units of Tylenol No. 4. There was no discussion concerning any pain or anxiety experienced by the undercover officer.

On June 21, 1991, the undercover officer made a second visit to Respondent's office and, again, expressed his need for medication to "chill out, mellow out." Although there was no previous discussion concerning whether the undercover officer had experienced any pain. Respondent, on this visit, inquired whether the officer still experienced pain. The undercover officer responded "No . . . I'm fine doc." Respondent prescribed 30 dosage units of Valium (10 mg) and 30 dosage units of Tylenol No. 4. However, Respondent denied the undercover officer's request for additional medication and warned him against developing a drug habit.

On the third visit, on July 30, 1991, the undercover officer requested Tylenol No. 4 and Valium, and specified that he did not have any pain. Respondent again prescribed 30 dosage units of Valium (10 mg) and 30 dosage units of Tylenol No. 4.

The administrative law judge found that each of the three visits lasted no longer than ten minutes and that during that time the undercover officer's blood pressure was taken on one visit and his weight may have been taken. Respondent also examined the officer's chest with a stethoscope. The undercover officer was in good health at the time of the visits and exhibited no outward manifestations of a drug abuser. At no point during any of the three office visits did the undercover officer complain of any pain.

The administrative law judge found that, subsequent to the execution of a search warrant, Respondent was indicted on three counts of prescribing a Schedule III controlled substance to an undercover officer without a valid medical purpose. On April 23, 1992, Respondent pled *nolo contendere* to the first count, and the remaining two counts were dismissed. An adjudication of guilt was withheld in favor of two years probation and a $2,000 fine, notwithstanding the fact that the District Court of Harris County, Texas, found that the evidence substantiated Respondent's guilt.

Judge Tenney additionally found that DEA obtained copies of Respondent's controlled substance prescriptions from a local pharmacy for the year of 1991. These prescriptions revealed that Respondent frequently prescribed combinations of Valium or Xanax with Tylenol No. 4, and that multiple individuals in the same household would receive similar prescriptions. DEA also obtained written statements from several Houston area pharmacists declaring that they refused to fill prescriptions issued by Respondent.

Pursuant to 21 U.S.C. 824(a)(4), the Deputy Administrator of the DEA may revoke the registration of a practitioner upon a finding that the registrant has committed such acts as would render his registration inconsistent with the public interest as that term is used in 21 U.S.C. 823(f). In determining the public interest, the following factors will be considered:

(1) The recommendation of the appropriate State licensing board or disciplinary authority.

(2) The [registrant]'s experience in dispensing, or conducting research with respect to controlled substances.

(3) The [registrant]'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 with may threaten the public health and safety. 21 U.S.C. 823(f).

It is well established that these factors are to be considered in the disjunctive, i.e., the Deputy Administrator may properly rely on any one or a combination of factors, and give each factor the weight he deems appropriate in assessing the public interest. *See Mukand Lal Arora, M.D.*, 60 FR 4447 (1995); *Henry J. Schwartz, Jr., M.D.*, 54 FR 16422 (1989). The administrative law judge found that factors (2) through (5) were relevant in determining whether to revoke Respondent's registration, and that the Government