

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32547]

Kansas City Southern Railway Company—Construction and Operation Exemption—to Exxon Corporation's Plastics Plant Near Baton Rouge and Baker, LA

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of conditional
exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 10901 Kansas City Southern Railway Company's (KCS) construction and operation of a line of railroad. The proposed line would be about .375 miles long, beginning at KCS milepost 40 + 07.2 on the KCS Stupp lead, located near the intersection of U.S. Highway 61 and Thomas Road (LA Hwy 423), near Baker, LA, and connecting with the industry track facilities of the Exxon Corporation's Baton Rouge Plastics Plant located south of Thomas Road (LA Hwy 423) near Baker, LA, (milepost 17 + 99.8 of the Stupp lead).

DATES: Petitions to reopen must be filed by November 28, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32547 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Petitioner's representative: John R. Molm, Troutman Sanders, 601 Pennsylvania Avenue, N.W., Suite 640, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [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 & DATA, INC., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359.

Decided: October 30, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioner Simmons.

Vernon A. Williams,
Secretary.

[FR Doc. 95-27677 Filed 11-7-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on September 22, 1995, Hoffmann-LaRoche, Inc., 340 Kingsland Street, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance levorphanol (9220).

The firm plans to manufacture finished dosage forms for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than January 8, 1996.

Dated: October 24, 1995.

Gene R. Haislip,

*Deputy Assistant Administrator, Office of
Diversion Control, Drug Enforcement
Administration.*

[FR Doc. 95-27675 Filed 11-7-95; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 94-27]

Hugh I. Schade, M.D.; Denial of Application

On February 25, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Hugh I. Schade, M.D., (Respondent) of San Jose, California, notifying him of an opportunity to show cause as to why DEA should not deny his pending application, executed on August 28, 1992, 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 September and October 1987 a DEA inspection of the Respondent's registered location revealed discrepancies in his recordkeeping and security, including the storage of controlled substances at an unregistered location, and an audit revealed overages and shortages of controlled substances, including a

shortage of 4,193 dosage units of Diazepam, a Schedule IV controlled substance; (2) during the DEA audit, the Respondent and his wife admitted to personally using acetaminophen with codeine products and Anexsia, a Schedule III controlled substance, out of office stock, since 1985, without recording the usage; (3) on September 12, 1989, the Respondent was arrested on thirty-one counts of violating the California Health and Safety Code by prescribing controlled substances without a legitimate medical purpose and not in the usual course of professional practice; (4) on December 18, 1991, the Respondent was convicted in the Superior Court of California, Santa Clara County, of thirteen felony counts of issuing controlled substance prescriptions without medical cause and one count of manslaughter, arising out of a patient's drug overdose death.

On March 1, 1994, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in San Francisco, California, on October 26 and 27, 1994, before Administrative Law Judge Paul A. Tenney. 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 January 12, 1995, Judge Tenney issued his Findings of Fact, Conclusions of Law, and Recommended Ruling, recommending that the Respondent's application for registration be denied, and also writing that "the Respondent is encouraged to reapply in about one year from the effective date of any final decision in this case." Neither party filed exceptions to his decision, and on February 15, 1995, Judge Tenney 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 the parties have stipulated to the following: (1) That Anexsia, a brand name for a product containing hydrocodone, is a Schedule III narcotic