

received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist). Telephone: 404/679-7313; Fax: 404/679-7081.

Dated: October 19, 1995.

Noreen K. Clough,

Regional Director.

[FR Doc. 95-26724 Filed 10-26-95; 8:45 am]

BILLING CODE 4310-55-P

National Park Service

Notice of Intent to Repatriate Cultural Items within the Rainbow House Collection, Bandelier National Monument, Los Alamos County, NM

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3005(a)(2), of the intent to repatriate cultural items from Bandelier National Monument, Los Alamos County, NM, which meet the definition of "sacred object" as defined in section 2 of the Act.

The detailed inventory and assessment of these objects has been made by National Park Service professional staff, in consultation with representatives of the Pueblo of Santa Clara; Pueblo of San Ildefonso; Pueblo of Cochiti; Pueblo of Zia; Pueblo of San Felipe; Pueblo of Isleta; Pueblo of Tesuque; Pueblo of Jemez; Pueblo of Laguna; Pueblo of Acoma; Pueblo of Santa Ana; Pueblo of Sandia; Pueblo of Santo Domingo; Pueblo of Zuni; Ysleta del Sur Pueblo; and Tewa representatives of the Hopi Tribe.

Between 1948 and 1955, Fredrick Worman of Adams State College, CO and Louis Caywood of the National Park Service, carried out legally authorized archeological excavations on Federal public lands, including the Rainbow House archeological site [LA 217] within Bandelier National Monument. At Rainbow House one hundred rooms were excavated, as well as a kiva and an associated plaza. The occupation date assigned to Rainbow House was between AD 1412-1453.

The thirty-two objects include: eight pipes, three figurines, one bowl, four pendants, two cylinders, one shell tinkler, one axe, one groundstone, two kiva bells, one hoe, one stone artifact, two stone balls, three bone whistles, one bone rasp, one flute. All of these items were recovered from the kiva and plaza area. Pueblo traditional religious leaders and other official tribal representatives have stated that these specific objects are, and were at the time they were separated from the Pueblo, needed for the practice of traditional Pueblo religion by present-day adherents.

Based on provenience data from the original field notes prepared during excavation, the anthropological literature pertinent to Rainbow House and other Ancestral Puebloan sites in the surrounding area, and in consultation with Pueblo representatives and traditional religious leaders, officials of the National Park Service have determined that these thirty-two objects are specific ceremonial objects which are needed by Pueblo religious leaders for the practice of traditional Pueblo religion by their present-day adherents.

Artifactual evidence does not allow specific identification of a single culturally affiliated Indian tribe. However, examination of the objects specified above and oral history regarding traditional and religious practices indicate probable cultural affiliation between the objects and various Pueblo Indian groups. Based on the above-mentioned information, officials of the National Park Service have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these sacred objects and the Pueblo of Santa Clara; Pueblo of San Ildefonso; Pueblo of Cochiti; Pueblo of Zia; Pueblo of San Felipe; Pueblo of Isleta; Pueblo of Tesuque; Pueblo of Jemez; Pueblo of Laguna; Pueblo of Zuni and Tewa of the Hopi Tribe. Other Pueblo peoples may also be culturally affiliated with these cultural items. The Pueblo of Taos; Pueblo of Picuris; Pueblo of San Juan; Pueblo of Nambe; and Pueblo of Pojoaque have declined to participate in consultation efforts to date.

This notice has been sent to consultation representatives of the following Indian tribes: Pueblo of Santa Clara; Pueblo of San Ildefonso; Pueblo of Cochiti; Pueblo of Zia; Pueblo of San Felipe; Pueblo of Isleta; Pueblo of Tesuque; Pueblo of Jemez; Pueblo of Laguna; Pueblo of Acoma; Pueblo of Santa Ana; Pueblo of Sandia; Pueblo of Santo Domingo; Pueblo of Zuni; Ysleta del Sur Pueblo; and the Hopi Tribe.

Representatives of any other Indian tribe which believes itself to be culturally affiliated with these objects should contact Superintendent Roy W. Weaver, Bandelier National Monument, HCR 1 Box 1 Suite 15, Los Alamos, NM, 87544, telephone: (505) 672-3861 fax (505) 672-9607, before November 27, 1995. Repatriation of these objects may begin after that date if no additional claimants come forward.

Dated: October 23, 1995

Veletta Canouts

Acting Departmental Consulting Archeologist,

Archeology and Ethnography Program

[FR Doc. 95-26703 Filed 10-26-95; 8:45 am]

BILLING CODE 4310-70-F

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. Parent Corporation and Address of Principal Office

Pine Bluff Sand and Gravel Company,
Post Office Box 7008, 1501 Port Road,
Pine Bluff, Arkansas 71611

2. Wholly Owned Subsidiaries Which Will Participate in the Operations, and State of Incorporation

- (a) Mobley Construction Company, Inc.,
Arkansas Corporation
- (b) Mobley Transport Company, Inc.,
Arkansas Corporation.

Vernon A. Williams,
Secretary.

[FR Doc. 95-26689 Filed 10-26-95; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32768]

CSX Transportation, Inc.; Lease and Operation Exemption; Norfolk and Western Railway Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, pursuant to 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 11343-45 the lease and operation by CSX Transportation, Inc. (CSXT), of 13.5 miles of railroad owned by Norfolk and

Western Railway Company, subject to standard labor protective conditions. The line runs from milepost WG-12.0 near Helen, WV, to milepost WG-25.5 at McVey, WV, including access to the CSXT connection at milepost WG-23.6 at Pemberton, WV.

DATES: This exemption will be effective on November 26, 1995. Petitions to stay must be filed by November 13, 1995. Petitions to reopen must be filed by November 21, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32768 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington, DC 20423; and (2) Petitioner's representative: John W. Humes, Jr., 500 Water Street, J-150, Jacksonville, FL 32202.

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 obtain 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 Ave., 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: October 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald. Vernon A. Williams, Secretary.

[FR Doc. 95-26688 Filed 10-26-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94-63]

Robert L. Dougherty, Jr., M.D.; Revocation of Registration

On July 29, 1993, the Deputy Assistant Administrator (formerly Director), Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Robert L. Dougherty, Jr., M.D. (Respondent), of Poway, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AD1048861, and deny any pending applications for renewal of such

registration as a practitioner, 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) Between January 1990 and March 1992, the Respondent prescribed the following controlled substances, Demerol, Percocet, Percodan, Preludin, Nembutal, Fastin, Tenuate, Valium, and Xanax, to an individual for no legitimate medical purpose and outside the scope of his professional practice; (2) between December 1990 and December 1991, the Respondent prescribed the following controlled substances, Lortab, Vicodin, Darvocet, and other dextropropoxyphene combination products, to an individual for no legitimate medical purpose and outside the scope of his professional practice; (3) between January 1991 and April 1992, the Respondent prescribed the following controlled substances, Lortab, Vicodin, and Oxazepam, to an individual for no legitimate medical purpose and outside the scope of his professional practice; (4) between April 1990 and July 1990, the Respondent ordered the following controlled substances, Demerol, morphine, Lortab, Vicodin, Xanax, and Halcion, without maintaining receipt or dispensing records of such orders; (5) in April 1992, various controlled substances were located at the Respondent's residence although the residence was not a registered location at that time.

On August 18, 1993, the Respondent filed a timely request for a hearing, and following prehearing procedures, a hearing was held in San Diego, California, on July 26, 27, and 28, 1994, before Administrative Law Judge Paul A. Tenney. At the hearing the Respondent was represented by counsel, 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 DEA Certificate of Registration be suspended for a period of one year. On January 23, 1995, the Government filed Exceptions to the Opinion and Recommended Decision of the Administrative Law Judge, and on March 20, 1995, the Respondent filed a Response to the Government's Exceptions.

On March 22, 1995, Judge Tenney transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record and the

submissions of the parties in their 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 the findings of fact and conclusions of law of Judge Tenney, except as noted below, and his adoption is in no manner diminished by any recitation of facts issues and legal conclusions herein, or of any failure to mention a matter of fact or law. However, for reasons explained below, the Deputy Administrator rejects Judge Tenney's recommendation as to the appropriate disposition of this case.

The Deputy Administrator finds that in February 1992, as a result of a call from a local pharmacist, a DEA Diversion Investigator (Investigator) opened a case to investigate allegations that the Respondent was prescribing excessive amounts of controlled substances to a named individual, Patient #1. In March 1992, an employee of the Respondent also called the Investigator concerning the Respondent's prescription practices relevant to Patient #1. Next, an agent from the California Department of Justice, Bureau of Narcotic Enforcement (Agent) obtained a listing of triplicate prescriptions written for Schedule II controlled substances for a two year period under the Respondent's DEA Certificate of Registration number. She testified before Judge Tenney that the overall number was "fairly modest," except for those pertaining to Patient #1, which appeared excessive. The Investigator sent this listing to a medical doctor, Dr. Denes, for review. Without benefit of Patient #1's treatment record, in a letter dated March 18, 1992, Dr. Denes wrote that the prescription pattern for Patient #1 was highly suspect. For example, Dr. Denes wrote that Percodan and Demerol, both Schedule II controlled substances, are typically used on a short term basis and prescribed at a maximum of four doses per day. However, the Respondent has prescribed enough of this substance for Patient #1 to take an average of 3.7 doses per day during all of 1990, and 11.4 doses per day in 1991. Dr. Denes also wrote that the Respondent's practice of prescribing large quantities of both nervous system depressants and nervous system stimulants "is highly irregular in the medical profession and raises the very strong likelihood of drug abuse. I cannot conceive of any legitimate medical condition which would require the prescribing of these drugs, in these quantities, to any patient." Relying upon the information received from Dr. Denes, DEA obtained