

between milepost 240.15, at Goshen Junction, and milepost 293.60, near Turk; (3) the Stratford Branch, between milepost 263.44, at Rossi, and milepost 271.69, at Stratford; (4) the Visalia Branch, between milepost 246.01, at Goshen Junction, and milepost 262.67, at Exeter; (5) those segments of the Clovis Branch, between milepost 206.15, near Fresno, and milepost 206.99, and between milepost 212.50 and milepost 223.15, near Clovis; and (6) the Richgrove Branch, between milepost 295.01, at Richgrove, and milepost 299.17, at Jovista. SJVR will lease VE's line between milepost 0.00, at Exeter, and milepost 1.13, near Citrus Junction.

SJVR will assume SP's trackage rights over: (1) That segment of the Exeter Branch between mileposts 228.05 and 229.20, at Lacjac; (2) those segments of the Clovis Branch between mileposts 996.8 and 999.67 and (includes switching rights) between Fresno Interurban Railway Company mileposts 0.00 and 5.13; and (3) the following lines owned jointly by SP and ATSF, (i) the Arvin Branch, between milepost 316.80, at Magunden, and milepost 333.55, at Arvin, and (ii) the Oil City Branch, between milepost 308.74, at Oil Junction, and milepost 312.50, at Maltha.² Finally, SP is granting SJVR incidental trackage rights over a line between milepost 196.0, near Biola Junction, and milepost 316.6, at Magunden.

This proceeding is related to Finance Docket No. 31994, *Kyle Railways, Inc.—Continuance in Control Exemption—San Joaquin Valley Railroad Co.*, wherein SJVR's parent, Kyle Railways, Inc., has concurrently filed a verified notice to exempt its continuance in control of SJVR upon the latter's becoming a carrier.

Any comments must be filed with the Commission and served on: Fritz R. Kahn, Verner, Lipfert, Bernhard McPherson and Hand, suite 700, The McPherson Building, 901 15th Street, NW., Washington, DC 20005-2301.

This notice is filed under 49 CFR 1150.31. 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.

Decided: January 14, 1992.

² The parties indicate that some of the lines to be leased and operated by SJVR have not generated sufficient revenue freight to justify continued operation of them, and, unless there are significant improvements in the traffic moving over the lines in the near future, SJVR will seek the Commission's authorization to discontinue operations over such lines, coupled with requests by SP and/or VE, as the case may be, to abandon the properties.

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

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-1591 Filed 1-22-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31981]

Temple-Inland, Inc.—Control Exemption—Texas South-Eastern Railroad Co.

Temple-Inland, Inc. (Temple), a noncarrier, has filed a notice of exemption to acquire control, through stock purchase, of class III rail carrier Texas South-Eastern Railroad Company (TSR). TSR operates an approximately 18-mile line between mileposts 1± and 18±, in Angelina County, TX.

Temple indirectly controls nonconnecting class III rail carrier Sabine River & Northern Railroad Company (SRN), also operating in Texas.¹ Temple will acquire indirect control of TSR through Temple subsidiary and noncarrier Temple Inland Forest Products Corporation (TIFFP). TIFFP has entered into an agreement to purchase all of the outstanding stock of TSR.

Temple indicates that: (1) The properties operated by SRN and TSR will not connect with each other; (2) the acquisition of control is not part of a series of anticipated transactions that would connect the rail carriers with each other; and (3) the transaction does not involve a Class I carrier. Therefore, this transaction involves control of a nonconnecting carrier and is exempt from the prior review requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

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 and served on: Suzanne M. Te Beau, Weiner, McCaffrey, Brodsky, Kaplan & Levin, P.C., suite 800, 1350 New York Avenue, NW., Washington, DC 20005.

Decided: January 16, 1992.

¹ Temple subsidiary and noncarrier Inland Container Corporation is the parent company of noncarrier Inland-Orange, Inc., which, in turn, is SRN's parent.

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

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-1592 Filed 1-22-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

- (1) The title of the form/collection;
- (2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
- (3) How often the form must be filled out or the information is collected;
- (4) Who will be asked or required to respond, as well as a brief abstract;
- (5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
- (6) An estimate of the total public burden (in hours) associated with the collection; and,
- (7) An indication as to whether section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514-4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

- (1) Certification of Identity.
- (2) DOJ-361, Justice Management Division.
- (3) On occasion.
- (4) Individuals or households, state or local governments, farms, businesses or other for-profit, Federal agencies or employees, non-profit institutions, small businesses or organizations. This form is used to identify individuals requesting certain data under the Privacy Act. Without this form an individual can not obtain the information requested.
- (5) 41,000 annual responses at 1 hour per response.
- (6) 41,000 annual burden hours.
- (7) Not applicable under 3504(h).

(1) Department of Justice Procurement Blanket Clearance.

(2) None, Justice Management Division.

(3) On occasion.

(4) Business or other for-profit, non-profit institutions, small businesses or organizations. 48 CFR requires contractors to submit data in response to solicitation requirements. These representations and certifications pertain to the contractor's business status and eligibility for contract awards.

(5) 3,000 annual responses at 20 hours per response.

(6) 60,000 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 92-1554 Filed 1-22-92; 8:45 am]

BILLING CODE 4410-02-M.

Drug Enforcement Administration

[Docket No. 91-21]

Liberty Discount Drugs, Inc.; Granting Application for Registration

On May 15, 1991, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Liberty Discount Drugs, Inc. (Respondent) proposing to deny its application, executed on January 31, 1990, for registration as a retail pharmacy under 21 U.S.C. 823(f). The Order to Show Cause alleged that Respondent's registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f).

Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Paul A. Tenney. Following prehearing procedures, a hearing was held in Detroit, Michigan on September 25, 1991. On November 13, 1991, Judge Tenney issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. No exceptions were filed to Judge Tenney's opinion and recommended ruling, and on December 5, 1991, the record was transmitted to the Administrator. The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon the findings of fact and conclusions of law as hereinafter set forth.

Respondent pharmacy previously possessed DEA Certificate of Registration, BL0809523. On July 22, 1988, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration issued an Order to Show Cause proposing to revoke that Certificate of Registration alleging that the continued registration of the pharmacy would be inconsistent with the public interest. Following a hearing held by Administrative Law Judge Mary Ellen Bittner, the then-Administrator revoked the Respondent's DEA registration effective August 17, 1989. See, Liberty Discount Drugs, Inc., Docket No. 88-73, 54 FR 30116 (1989). The then-Administrator concluded that "from the pattern of dispensing in this case, Respondent knew or should have known that the cough syrup he dispensed was being obtained for other than legitimate medical purposes."

The Administrative Law Judge concluded that the previous Administrator's decision in regard to Respondent is *res judicata* for purposes of this proceeding. The then-Administrator's determination of the facts relating to the previous revocation of the Respondent's DEA registration is conclusive, and accordingly, the Administrator hereby adopts the above-referenced final order in its entirety.

In this proceeding, no new allegations of improper handling of controlled substances were introduced. As a result, the critical issue is whether the circumstances, which existed at the time of the prior proceeding, have changed sufficiently to support a conclusion that Respondent's registration is now in the public interest.

The Government contends that the circumstances leading to the previous revocation of Respondent's DEA

registration persist, and that the attitudes of George Esho, the owner and pharmacist of Respondent, have not changed. In support of this contention, the Government cites Respondent's current application for registration wherein Mr. Esho stated that he, "believes that Judge Bittner, in all due respect, erred in finding a violation of 21 U.S.C. 829(c) based upon 'excessive' distributions of a nonprescription substance." George Esho contends that he has learned his lesson and asserts that the revocation of Respondent's DEA registration for a period of two years is sufficient corrective action.

The Administrator may deny an application for a DEA Certificate of Registration if he determines that the registration would be inconsistent with the public interest. Pursuant to 21 U.S.C. 823(f), "(i)n determining the public interest, the following factors will be considered:

- (1) The recommendation of the appropriate State licensing board or 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, local laws relating to controlled substances.
- (5) Such other conduct which may threaten the public health or safety."

It is well established that these factors are to be considered in the disjunctive, i.e., the Administrator may properly rely on any one or a combination of factors, and give each factor the weight he deems appropriate. See, Henry J. Schwarz, Jr., M.D., Docket No. 88-42, 54 FR 16422 (1989); Neville H. Williams, D.D.S., Docket No. 87-47, 53 FR 23465 (1988); David E. Trawick, D.D.S., Docket No. 86-69, 53 FR 5326 (1988).

In this proceeding factors two, four and five apply. Respondent has had a DEA registration revoked in the past. Respondent violated 21 CFR 1306.32(b), several times by dispensing more than four ounces of codeine-based syrup to the same individual within a 48 hour period. Pursuant to this regulation, Schedule V controlled substances may be dispensed, subject to certain conditions, without a prescription from a physician. In addition, Respondent's overall dispensing practice involving codeine-based cough syrup violated 21 U.S.C. 829(c)'s requirement that all Schedule V controlled substances must be dispensed for a legitimate medical

purpose. During the relevant time period, the average pharmacy in Michigan dispensed only 14 four ounce bottles of codeine-based cough preparations per month, while Respondent dispensed an average of 341 bottles per month.

The Administrative Law Judge found that George Esho credibly testified that he has learned his lesson from the previous proceeding, and that he is now aware that he must determine whether a Schedule V cough preparation is being sought by a customer for a legitimate medical purpose.

Judge Tenney concluded that unqualified registration is not yet fully consistent with the public interest. The sheer volume of codeine-based cough preparations dispensed by Respondent pharmacy indicated obvious abuse. However, Judge Tenney concluded that Respondent should be registered with DEA. Accordingly, Judge Tenney recommended that the Administrator grant Respondent's application for DEA registration subject to the condition that for one year thereafter, Respondent shall not be permitted to dispense any Schedule V controlled substance without a prescription from a physician.

The Administrator adopts the opinion and recommended ruling, findings of fact, conclusions of law and decision of the Administrative Law Judge with one exception. The Administrator does not adopt Judge Tenney's statement that, "the Administrator need not exact a full measure of retribution available in each case." The Administrator's role in granting registration is not to punish, but to assure that the registrant will faithfully discharge his duties consistent with the public interest.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b), hereby orders that the application for registration, executed on January 31, 1990, by Liberty Discount Drugs, Inc., be, and it hereby is, granted subject to the condition that for one year, the pharmacy shall not dispense any Schedule V controlled substance without a prescription from a physician. This order is effective January 23, 1992.

Dated: January 15, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-1572 Filed 1-22-92; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-25,676]

K.T. Swasey a/k/a/ Giddings & Lewis, Solon, OH; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a certification of Eligibility to Apply for Worker Adjustment Assistance on June 7, 1991, applicable to all workers of K.T. Swasey, Solon, Ohio. The notice was published in the *Federal Register* on June 21, 1991 (56 FR 28576).

New information received by the Department indicates that K.T. Swasey was sold on October 31, 1991 to Giddings & Lewis. The Solon facility continues to produce the same product with the same work force and to the same customers. Accordingly, the Department is amending the subject certification by indicating the new name of Giddings & Lewis.

The amended notice applicable to TA-W-25,676 is hereby issued as follows:

All workers of K.T. Swasey also known as (a/k/a) Giddings & Lewis, Solon Ohio who became totally or partially separated from employment on or after April 4, 1990 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC this 14th day of January 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-1607 Filed 1-22-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-25,678]

Liz Ann Manufacturing Co.; a Division of Jerell, Inc.; New Braunfels, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 19, 1991, applicable to all workers of Liz Ann Manufacturing Company, New Braunfels, Texas. The notice was published in the *Federal Register* on June 28, 1991 (56 FR 29718).

At the request of the Regional Office, the Department reviewed the subject certification. The Investigation files

show that the subject firm is a division of Jerell, Inc. Other findings show that the name used to report wages paid and taxes as well as the employer ID number is Jerell, Inc. The notice, therefore, is amended to properly reflect this finding.

The amended notice applicable to TA-W-25,678 is hereby issued as follows:

All workers of Liz Ann Manufacturing Company, a division of Jerell, Inc., New Braunfels, Texas who became totally or partially separated from employment on or after April 3, 1990 and before September 30, 1990 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 14th day of January 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-1606 Filed 1-22-92; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 92-03]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, High-Speed Rotorcraft Technology Task Force.

DATES: February 20, 1992, 8 a.m. to 4:30 p.m.

ADDRESSES: Atlantic Research Corporation, suite 700, Staff Room, 600 Maryland Avenue SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Mr. George Unger, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-5420.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee (AAC) was established to provide overall guidance to the Office of Aeronautics and Space Technology (OAST) on aeronautics research and technology activities. Special task forces are formed to address specific topics. The High-Speed Rotorcraft Technology Task Force, chaired by Mr. Stan Martin,