

be filed by February 13, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 21, 1995. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. In addition, one copy must be served on Robert J. Koch, P.O. Box 68, 135 Jamison Lane, Monroeville, PA 15146.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

DM&R has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 6, 1995. A copy of the EA may be obtained by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser at (202) 927-6248.

Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: January 23, 1995.

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

Vernon A. Williams,
Secretary.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental Policy, 28 C.F.R. § 50.7, 38 Fed. Reg. 19029, and 42 U.S.C. § 7413(g) notice is hereby given that on January 10, 1995, a proposed Consent Decree in *United States v. Borden, Inc.*, Civil Action No. 95-10054REK, was lodged with the United States district Court for the District of Massachusetts resolving the matters alleged in the United States' complaint file on that date. The proposed Consent Decree represents a settlement of the United States' claims against Borden under the Clean Air Act and the Massachusetts SIP for emissions of violative organic compounds ("VOCs") in excess of the emission limit

consummated and the abandoning railroad is willing to negotiate an agreement.

provided in 310 CMR § 7.18(16), from the vinyl coating lines at Borden's Vernon Plastics Division (the "Vernon facility") located on Shelley Road in Haverhill, Massachusetts.

Under the proposed Consent Decree the Defendant shall pay to the United States a civil penalty in the amount of eighty-two thousand, two hundred and seventy eight dollars (\$82,278), plus interest, within fifteen (15) days of entry of the Consent Decree. The proposed Consent Decree also requires that Borden shall (1) comply with the VOC emissions limitations for vinyl surface coating contained in the Massachusetts federally approved SIP, 310 CMR § 7.18(16), including any amendments thereto; (2) provide written certification to EPA throughout the period the Consent Decree remains in effect that documents the emissions capture, enclosure, and/or incinerator devices are performing adequately; and (3) submit protocols for emissions and performance testing and perform any emissions and performance testing within thirty days of receipt of notification from EPA of a testing requirement.

The Department of Justice will receive, for thirty (30) days from the date of publication of this notice, written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530 and should refer to *United States v. Borden, Inc.*, D.O.J. Ref. No. 90-5-2-1-1525.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Massachusetts, 1107 J.W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109; at the Region I Office of the Environmental Protection Agency, JFK Federal Building, Boston, Massachusetts, 02203; and at the Consent Decree Library, 1120 G Street N.W., 4th Floor, Washington, D.C., 20005, (202)-624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street N.W., 4th Floor, Washington, D.C., 20005. In requesting a copy, please enclose a check in the amount of \$3.72 (25 cents per page reproduction charge) payable to Consent Decree Library.

Bruce S. Gelber,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, notice is hereby given that on January 17, 1995, a proposed Consent Decree in *United States v. Container Corporation of America*, Civil Action No. C-3-91-469 (S.D. Ohio) was lodged with the United States District Court for the Southern District of Ohio. The proposed Consent Decree concerns the hazardous waste site known as the Miami County Incinerator and Landfill Site near Troy, Miami County, Ohio. Under the proposed decree, CCA will pay \$3.1 million to the Hazardous Substances Superfund to resolve claims for past response costs and future oversight costs under Section 107 of CERCLA, 42 U.S.C. 9607. The Decree reserves the right of the United States to assert claims against CCA for all other matters, including liability for future response costs other than oversight costs and liability to perform response actions at the Site pursuant to Section 106 of CERCLA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20530, and should refer to *United States v. Container Corporation of America*, Civil Action No. C-3-91-469 (S.D. Ohio) and D.J. reference No. 90-11-3-759. The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Ohio, 602 Federal Building 200 West Second Street, Dayton, Ohio 45402; at the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. Copies of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting copies, please enclose a check in the amount of \$3.75