

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.

[FR Doc. 95-2451 Filed 1-31-95; 8:45 am]

BILLING CODE 7035-01-P

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 NW., 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 NW., 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.

[FR Doc. 95-2462 Filed 1-31-95; 8:45 am]

BILLING CODE 4410-01-M

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

(25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel Gross,

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

[FR Doc. 95-2463 Filed 1-31-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree for Claims Under the Federal Insecticide, Fungicide, and Rodenticide Act

Notice is hereby given that on January 20, 1995, a proposed Consent Decree between the United States, Michael J. Levine and MIBAR, Inc. in *United States v. Levine, et al.*, Civil Action Nos. 89-M-42 and 96-M-1074, was lodged with the United States District Court for the District of Colorado. The Complaint in this case was brought for violations of a prior administrative settlement between the United States, Michael J. Levine and MIBAR, Inc. which resolved claims for multiple violations of the Federal Insecticide, Fungicide, and Rodenticide Act (Act), 7 U.S.C. 136, *et seq.* The United States' Complaint in this action sought recovery of the full amount of the civil penalty which was agreed to by settling defendants in the administrative settlement between Michael J. Levine, MIBAR, Inc. and the Environmental Protection Agency.

The proposed decree provides that defendants will pay \$10,000 in satisfaction of the violations addressed in the prior administrative settlement. The decree also enjoins the settling defendants either individually, or as a business enterprise or participant therein, from any conduct or business regulated under the Act, the Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.*, the Federal Water Pollution and Control Act, 33 U.S.C. *seq.*, the Federal Water Pollution and Control Act, 33 U.S.C. 1251, *et seq.*, the Public Health Service Act, 42 U.S.C. 300f *et seq.*, the Solid Waste Disposal Act, 42 U.S.C. 6901 *et seq.*, the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*

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 for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044, and should refer to *United States v. Levine, et al.*, DJ# 1-13-34B.

The proposed Consent Decree may be examined at the Environment and Natural Resources Division, Department of Justice Field Office, Suite 945, 999 18th Street—North Tower; and at the Region VIII Office of the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202. A copy of the proposed Consent Decree may also be examined at or obtained by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$2.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

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

[FR Doc. 95-2464 Filed 1-31-95; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—AWSC Consortium

Notice is hereby given that, on December 20, 1994, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the American Waterways Shipyard Conference Consortium ("AWSC Consortium") filed notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Bender Shipbuilding and Repair Company, Inc., Mobile, AL; Trinity Marine Group, Gulfport, MS; McDermott Shipbuilding, Inc., New Orleans, LA; Steiner Shipyard, Inc., Bayou La Batre, AL; Bird-Johnson Company, Inc., Walpole, MA; and Wartsila Diesel, Inc., Annapolis, MD. The objectives of the AWSC Consortium are to engage in a collaborative research effort of limited duration to gain further knowledge and understanding of the technologies, market strategies, and financing options for the construction of small ships for the export commerce. The Advanced Research Projects Agency ("ARPA") of the Department of Defense has awarded a MARITECH

grant to the Consortium to assist in this effort. The Consortium has entered into a collaboration agreement among the parties effective October 13, 1994. Actual collaboration will not begin until the final award of the MARITECH grant to the Consortium by ARPA.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95-2465 Filed 1-31-95; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Automotive Emissions Cooperative Research Venture

Notice is hereby given that, on December 22, 1994, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Automotive Emissions Cooperative Research Venture (known as the Auto/Oil Air Quality Improvement Research Program) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing that the agreement establishing the venture was amended, effective as of December 9, 1994, to extend its term for an additional two years, to December 31, 1996, in order to permit the completion of ongoing work which had been the subject of prior notifications under the Act. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

No other changes have been made in either the membership or planned activity of the Auto/Oil Air Quality Improvement Research Program.

On October 18, 1989, Auto/Oil Air Quality Improvement Research Program filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 29, 1989, (54 FR 49122).

The last notification was filed with the Department on July 6, 1992. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 20, 1992, (57 FR 37840).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 95-2466 Filed 1-31-95; 8:45 am]

BILLING CODE 4410-01-M