

background, see the Commission Opinion, *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed, if remedial orders are issued.

Written Submissions

The parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorneys are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than the close of business on February 13, 1995. Reply submissions must be filed no later than the close of business on February 21, 1995. No further submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such

treatment. See 19 C.F.R. 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and sections 210.53 and 210.58 of the Commission's Interim Rules of Practice and Procedure (19 C.F.R. 210.53 and 210.58).

Issued: February 2, 1995.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 95-3142 Filed 2-7-95; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Docket No. AB-52 (Sub-No. 81X)]

The Atchison, Topeka and Santa Fe Railway Company—Abandonment Exemption—in Cowley County, KS

The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon approximately 1.6 miles of main line from a common point at milepost 264.2 at the intersection of Chestnut Avenue and the centerline of the main line to be abandoned (1) southeasterly to Madison Avenue and (2) southwesterly to Washington Avenue, in Arkansas City, Cowley County, KS.

Santa Fe has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under Oregon Short Line R. Co.—

Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on March 10, 1995 (unless stayed pending reconsideration).¹ Petitions to stay that do not involve environmental issues,² formal expressions of intent to file offers of financial assistance under 49 CFR 1152.27(c)(2),³ and trail use/rail banking statements under 49 CFR 1152.29 must be filed by February 21, 1995.⁴ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 28, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Peter M. Olson, The Atchison, Topeka and Santa Fe Railway Company, 1700 East Golf Road, Schaumburg, IL 60173.

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

Santa Fe has filed an environmental report which addresses the abandonment's effects, if any, on the environmental or historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 13, 1995. Interested persons may obtain a copy of the EA from SEA by writing to it at (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEA at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days

¹ The notice of exemption incorrectly named February 12, 1995, as the transaction consummation date. The consummation date cannot be earlier than the notice's effective date (50 days from the filing date). This notice of exemption was scheduled to become effective on March 8, 1995, but this date was extended to March 10, 1995, because Santa Fe filed a corrected line description on February 1, 1995.

² A stay will be issued routinely where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental grounds is encouraged to file promptly so that the Commission may act on the request before the effective date.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Commission will accept late-filed trail use statements so long as it retains jurisdiction.

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: February 2, 1995.

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

Vernon A. Williams,

Secretary.

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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 refer to the referenced case and enclose a check in the amount of \$1.75 (25 cent per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

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

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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, DC 20005, (202) 624-0892. In requesting copies, please enclose a check in the amount of \$8.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bruce Gelber,

Acting Chief, Environmental Enforcement Section.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

In accordance with Departmental policy, 28 CFR 50.7 notice is hereby given that a proposed consent decree in *In Catherine and Philip J. Celestin*, Bankruptcy No. A-B-87-00183, Chapter 11, was lodged on January 20, 1995 with the United States Bankruptcy Court for the Western District of North Carolina.

Under the proposed Consent Order, the bankruptcy estate of the Celestins agrees to pay 80% of the net sales proceeds from the sale of the Carolina Production Plating facility located in Asheville, North Carolina to the Hazardous Substance Superfund. The lien holder, North Carolina National Bank also agrees to these terms. These funds are being paid to reimburse the United States for environmental response actions taken at the Carolina Production Plating facility in Asheville, North Carolina. No further response activities are anticipated at this site.

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, Washington, D.C. 20530, and should refer to *IN Catherine and Philip J. Celestin*, DOJ Ref. # 90-11-2-405A.

The proposed consent decree may be examined at the office of the United States Attorney, Room 306, U.S. Courthouse, 100 Otis Street, Asheville, North Carolina; the Region IV Office of the Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia; 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

Notice of Lodging of Consent Decree Under the Clean Water Act

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on January 23, 1995, a proposed consent decree in *United States v. Citizens Utilities Co. of Illinois*, Civil Action No. 92 C 5132 (N.D. Ill.), was lodged with the United States District Court for the Northern District of Illinois. The proposed decree resolves the United States' claims against the defendant under the Clean Water Act, 33 U.S.C. 1251 *et seq.*, with respect to violations of Citizens' National Pollutant Discharge Elimination System ("NPDES") permit at its West Suburban Treatment Plant #1 ("WSB #1") in Bolingbrook, Will County, Illinois. Under the proposed decree, Citizens agrees to construct improvements and implement operational changes at WSB #1 to achieve and maintain compliance with its NPDES permit limits and to pay \$490,000 to resolve the claims for civil penalties under the Act.

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, DC 20530, and should refer to *United States v. Citizens Utilities Co. of Illinois*, Civil Action No. 92 C 5132 (N.D. Ill.) and D.J. reference no. 90-5-1-1-3653.

The proposed Consent Decree may be examined at the office of the United States Attorney, Northern District of Illinois, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Illinois 60604; 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, DC 20005. Copies of

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

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. District of Columbia*, Civil Action Nos. 84-2842 and 90-1643, was lodged on January 24, 1995 with the United States District Court for the District of Columbia. The Consent Decree settles two actions brought under the Clean Water Act (the "Act"), 33 U.S.C. 1251, *et seq.*, seeking injunctions and civil penalties for the District's violations of the Act, its National Pollutant Discharge Elimination System permit for operation of the Blue Plains sewage treatment plant, and an earlier consent decree covering the Blue Plains plant. Pursuant to the Consent Decree, defendant has agreed to pay a civil penalty of \$500,000, to test and implement an experimental technology for reducing nitrogen discharges harmful to the Potomac River and the Chesapeake Bay, and to undertake additional actions to improve operation of the plant.

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, Washington, D.C. 20530, and should refer to *United States v. District of Columbia*, DOJ Refs. #90-5-1-1-3598 and #90-5-1-1-2181A.

The proposed consent decree may be examined at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 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, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$55.00 (25