

Yard, in Ayer, MA. The trackage rights are to become effective on July 9, 1995.²

This notice is filed under 49 CFR 1180.2(d)(7). 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 stay the transaction. Pleadings must be filed with the Commission and served on: John J. Paylor, Consolidated Rail Corporation, 2001 Market Street, 16A, P.O. Box 41416, Philadelphia, PA 19101-1416.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: June 30, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-16723 Filed 7-6-95; 8:45 am]

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[Docket No. AB-55 (Sub-No. 509X)]

**CSX Transportation, Inc.—
Abandonment Exemption—in Belmont
County, OH**

CSX Transportation, Inc. (CSXT), has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon 15.04 miles of rail line between milepost BP-0.19 at Bellaire and milepost BP-15.23 at Lamira, in Belmont County, OH.¹

CSXT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by 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 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to 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 (OFA) has been received, this exemption will be effective on August 6, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by July 17, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 27, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

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

CSXT filed an environmental report which addresses the effects of the abandonment, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by July 12, 1995. Interested persons may obtain

a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, 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: June 27, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-16724 Filed 7-6-95; 8:45 am]

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[Finance Docket No. 32306]

**Wertheim Schroder & Co.,
Incorporated, and Gateway Western
Railway Company—Continuance in
Control Exemption—Gateway Eastern
Railway Company**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 11343-11345 the assumption of direct control of Gateway Eastern Railway Company (Gateway Eastern) by petitioners Gateway Western Railway Company (Gateway Western), Gateway Management Partners, L.P. (Partners), McCarren Corporation, and J. Reilly McCarren, upon dissolution of the current independent voting trust.¹ The control is subject to standard labor protective conditions.

DATES: The exemption is effective on July 27, 1995. Petitions to stay must be filed by July 17, 1995, and petitions to reopen must be filed by July 27, 1995.

ADDRESSES: Send pleadings, referring to Finance Docket No. 32306, to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington,

² The United Transportation Union (UTU) has petitioned to revoke the notice of exemption or, in the alternative, to stay the exemption. Because the exemption became effective 7 days after filing, the UTU filing will be handled as a petition to revoke in a separate decision.

¹ Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Commission at least 50 days before the abandonment or discontinuance is to be consummated. The applicant, in its verified notice, indicated a proposed consummation date of June 28, 1995. Because the verified notice was not filed until June 19, 1995, consummation should not have been proposed to take place before August 8, 1995. Applicant's representative has corrected the notice on June 27, 1995, and stated that the proposed consummation date is August 14, 1995.

² A stay will be issued routinely by the Commission in those proceedings 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 concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request prior to the effective date of this exemption.

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

⁴ The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

¹ Gateway Western, a connecting class II carrier, is Gateway Eastern's corporate parent. When the exemption petition was originally filed, Wertheim Schroder & Co., Inc. (WSI), was the noncarrier parent of both Gateway Western and Gateway Eastern. Gateway Western is now owned by Partners, of which McCarren Corporation is the sole general partner and WSI is one of several non-voting limited partners. Mr. McCarren, Gateway Western's president, is the sole shareholder of McCarren Corporation. Thus, Partners, McCarren Corporation, and Mr. McCarren are substituted as parties for WSI.

DC 20423; and (2) petitioners' representative, Thomas J. Litwiler, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Ave., Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT:

Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: June 21, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95-16782 Filed 7-6-95; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1733-95]

Special Filing Instructions for ABC Class Members

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The Immigration and Naturalization Service (INS) announces the issuance to all affected parties of special instructions for class members eligible for benefits under the settlement reached in *American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991) (ABC class members). These instructions describe who is currently eligible for settlement benefits and which class members will be required to file an Application for Asylum (INS Form I-589) to maintain eligibility for those benefits.

EFFECTIVE DATE: July 7, 1995.

FOR FURTHER INFORMATION CONTACT:

Christine Davidson, Senior Policy Analyst, Office of International Affairs, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536, Attn: ULLICO, Third Floor; Telephone (202) 633-4389.

SUPPLEMENTARY INFORMATION: The settlement in *American Baptist Churches v. Thornburgh* resolved an action filed against the United States Department of Justice and the United States Department of State challenging the processing of asylum claims by Salvadoran and Guatemalan nationals pursuant to the Refugee Act of 1980. Under the settlement, eligible nationals of Guatemala and El Salvador are entitled to a new asylum interview before an INS asylum officer under the regulations in effect on October 1, 1990.

This notice provides for the issuance of special instructions, entitled "Special Filing Instructions for ABC Class Members," Form I-855. These instructions outline the eligibility criteria for settlement benefits, as well as specific procedures ABC class members should follow in filing an

Application for Asylum, Form I-589, or an Application for Employment Authorization, Form I-765. The instructions listed on Form I-855 only supplement, and do not replace, the filing instructions on INS Forms I-589 and I-765.

As specified in the Form I-855, class members are to file all applications for asylum and employment authorization with the appropriate INS Service Center. This instruction supersedes a prior instruction published at 59 FR 62751, dated December 6, 1994, that such applications should be filed at the appropriate local INS office if the class member had originally filed an asylum application with an immigration judge in exclusion or deportation proceedings. Additionally, for those who have questions or need advice, the INS will distribute with the Form I-855 a list of legal service providers developed by class counsel. This list is not intended in any way to limit class members in seeking legal advice.

The Form I-855 is reproduced below, with the exception of the legal services list. The information collection requirement contained in this notice has been submitted to the Office of Management and Budget for review and approval under the Paperwork Reduction Act.

Dated: June 27, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

Note: The Special Filing Instructions for ABC class members will not appear in the Code of Federal Regulations.

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