

subject to standard labor protective conditions.

DATES: This exemption will be effective on November 4, 1995. Petitions to stay must be filed by October 20, 1995, and petitions to reopen must be filed by October 30, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32738 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, D.C. 20423; and (2) Petitioner's representative, Robert J. Cooney, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510-2191.

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 (202) 927-5271.]

Decided: September 26, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-24779 Filed 10-4-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32771]

Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp.—Trackage Rights Exemption—The Wichita Union Terminal Railway Company Lines in Wichita, KS

The Wichita Union Terminal Railway Company (Wichita Union) has agreed to grant Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp. (collectively, SP) overhead trackage rights over Wichita Union's lines between The Atchison, Topeka and Santa Fe Railway Company's (Santa Fe) milepost 211.7 and milepost 213.2 in Wichita, KS.

These trackage rights have been granted pursuant to a settlement agreement dated April 13, 1995, which

was entered into by SP, on the one side, and by Burlington Northern Railroad Company (BN) and Santa Fe, on the other side, in connection with the consolidation proceeding in *Burlington Northern Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32549 (ICC served Aug. 23, 1995) (BN/Santa Fe).

SP's trackage rights over Wichita Union are necessary to enable SP to exercise the trackage rights which Santa Fe has granted to SP over Santa Fe's lines between Hutchinson and Winfield Junction, KS. See *Southern Pacific Transportation Company, The Denver and Rio Grande Western Railroad Company, St. Louis Southwestern Railway Company, and SPCSL Corp.—Trackage Rights Exemption—The Atchison, Topeka and Santa Fe Railway Company Lines Between Kansas City, KS, and Fort Worth, TX, and Between Hutchinson, KS, and Winfield Junction, KS*, Finance Docket No. 32722 (ICC served Sept. 1, 1995). The settlement agreement further provides that SP's trackage rights are subject to access rights. Under the terms of the settlement agreement, SP will receive access to: industries served directly or by reciprocal switching by BN or Santa Fe at Wichita; industries at Hutchinson, through the present reciprocal switching arrangements; the Central Kansas Railway at Wichita; and the South Kansas and Oklahoma Railroad at Winfield, KS.

The settlement agreement provides that the various rights granted therein will be effective upon consummation of common control of BN and Santa Fe, which occurred on September 22, 1995. See *BN/Santa Fe*, slip. op. at 117.

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: Paul A. Cunningham, Harkins Cunningham, 1300 19th Street, N.W., Suite 600, Washington, D.C. 20036.

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: September 26, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-24780 Filed 10-4-95; 8:45 am]

BILLING CODE 7035-01-P

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearings of the Judicial Conference Advisory Committees on Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure, and Rules of Evidence

AGENCY: Judicial Conference of the United States Advisory Committees on Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure, and Rules of Evidence.

ACTION: Notice of Open Hearings.

SUMMARY: The Advisory Committees on Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure, and Rules of Evidence have proposed amendments to the following rules:

Appellate Rules: 26.1, 29, 35, & 41;
Bankruptcy Rules: 1019, 2002, 2007.1, 3014, 3017, 3018, 3021, 8001, 8002, 9011, 9035, & new rules 1020, 3017.1, 8020, & 9015;
Civil Rules: 9, 26, 47, & 48;
Criminal Rules: 24; and
Evidence Rules: 103, 407, 801, 803, 804, 806, & new rule 807. Also, the committee seeks comment on its tentative decision not to amend 24 rules.

Public hearings will be held on the amendments to: Appellate Rules in Denver, Colorado on January 22, 1996; Bankruptcy Rules in Washington, DC on February 9, 1996; Civil and Criminal Rules (Joint Hearings) in Oakland California on December 15, 1995, and in New Orleans, Louisiana on February 9, 1996; Civil Rules in Atlanta, Georgia on January 26, 1996; and Evidence Rules in New York, New York on January 18, 1996.

The Judicial Conference Committee on Rules of Practice and Procedure submits these rules for public comment. All comments and suggestions with respect to them must be placed in the hands of the Secretary as soon as convenient and, in any event, no later than March 1, 1996.

Anyone interested in testifying should write to Mr. Peter G. McCabe, Secretary, Committee on Rules on Practice and Procedure, Administrative Office of the United States Courts, Washington, DC 20544, at least 30 days before the hearing.

FOR FURTHER INFORMATION CONTACT:

John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC, telephone (202) 273-1820.

Dated: September 29, 1995.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 95-24715 Filed 10-4-95; 8:45 am]

BILLING CODE 2210-01-M

DEPARTMENT OF JUSTICE

Notice of Lodging a Final Judgment by Consent Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

Notice is hereby given that on September 25, 1995, a proposed consent decree in *United States v. Edward Azrael, et al.*, Civ. A. No. WN-89-2898, was lodged with the United States District Court for the District of Maryland. The complaint in this action seeks recovery of costs and injunctive relief under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 42 U.S.C. 9606, 9607(a). This action involves the Kane & Lombard Superfund Site located in Baltimore, Maryland.

Under the proposed Consent Decree, AT&T Technologies, Inc.; Anchor Post, Inc.; Armco, Inc.; Baltimore Gas and Electric Company; Beatrice Companies, Inc.; Browning Ferris, Inc.; Canton Company; Canton Railroad Company; Container Corporation of America; General Motors Corporation; Crown Cork and Seal, Inc.; Exxon Corp.; H.M. Holdings, Inc.; International Paper Co.; O'Brien Corporation; the Mayor and City Council of Baltimore; Pori International; Roadway Express Co.; Sweetheart Cup Co.; and Allied Signal have agreed to pay to the United States \$5,927,038.90 for reimbursement of past response costs. A group of Defendants has also agreed to undertake the operation and maintenance of the containment/pump & treat system installed at the Site. In return the above listed parties will receive a covenant not to sue and contribution protection for the matters addressed in the Consent Decree. The Decree reserves the right of the United States to recover future response costs and seek further injunctive relief against the settling parties for conditions at the Site that are not known by the United States at the time of entry of this decree.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States v. Edward Azrael, et al.*, DOJ Reference No. 90-11-2-229.

The proposed consent decree may be examined at the Office of the United States Attorney for the District of Maryland, 101 W. Lombard Street, Eighth Floor, Baltimore, Md. 21201; Region III Office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, Pa.; 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 decree may be obtained in person or by mail from the Consent Decree Library at the address listed above. In requesting a copy, please refer to the referenced case and number, and enclose a check in the amount of \$140.25 (25 cents per page reproduction costs including appendices), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 95-24752 Filed 10-4-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that a proposed consent decree in *United States v. Neville Chemical Company*, Civil Action No. 94-288, was lodged on September 19, 1995, with the United States District Court for the Western District of Pennsylvania. The proposed consent decree would settle an action brought under Section 3008(a) and (g) of the Resource Conservation and Recovery Act of 1976, as amended ("RCRA"), 42 U.S.C. 6928(a) and (g), against the defendant, Neville Chemical Company ("Neville"), for alleged violations of RCRA regulations at Neville's resin and fuel oil distillate manufacturing facility located on Neville Island in the Ohio River, Pittsburgh, Pennsylvania. The claims that would be resolved under the proposed consent decree allege Neville's violations of certain waste management, paperwork and filing requirements for generators of hazardous waste and/or

hazardous waste treatment, storage or disposal (TSD) facilities.

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. Neville Chemical Company*, DOJ Ref. #90-7-1-689.

The proposed consent decree may be examined at the office of the United States Attorney, 14th Floor, Gulf Tower, 7th Avenue and Grant Street, Pittsburgh, Pennsylvania 15219; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; 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 refer to the referenced case and enclose a check in the amount of \$4.25 (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. 95-24753 Filed 10-4-95; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

United States v. Lykes Bros. Steamship Co., Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States v. Lykes Bros. Steamship Co., Inc.*, Civil No. 95-CV01839 as to Lykes Bros. Steamship Co., Inc.

The Complaint alleges that the defendant and Universal Shippers Association entered into a contract containing an automatic rate differential clause, which required defendant to charge competing shippers of wine and spirits from Europe to the United States rates for ocean transportation services that were at least 5% higher than