

By the Commission, David M. Konschnik, Director, Office of Proceedings.  
 Vernon A. Williams,  
 Secretary.  
 [FR Doc. 95-25280 Filed 10-11-95; 8:45 am]  
 BILLING CODE 7035-01-P

**[Finance Docket No. 32780]**

**Consolidated Rail Corporation—  
 Trackage Rights Exemption—Norfolk  
 and Western Railway Company**

Norfolk and Western Railway Company (NW) has agreed to grant overhead and local trackage rights to Consolidated Rail Corporation (Conrail) as follows: (1) Overhead trackage rights between milepost 441.8± at Tolleson, IN, and the NW/Conrail property line at "CP Mike", milepost 319.2± at Ft. Wayne, IN, with the additional right to enter and exit the trackage at the connection with Conrail's Marion Branch, milepost 358.63± of NW's line, and the right to enter and exit the Warsaw Passing Track (ZTS 211), milepost 358.63±, and Conrail's West Industrial Track (Donnelley Siding, ZTS 208/210), milepost 359.68±, for the purpose of setting off and picking up cars moving to and from customers located within the local trackage rights area at Warsaw, IN; and (2) local trackage rights between milepost 356.5± and milepost 361.7± at Warsaw, with the right to enter and exit the trackage at the connection with Conrail's Marion Branch, milepost 358.63± of NW's line, at switch connection to Conrail's Engine Storage Siding, milepost 358.26±, and at those switches necessary to access Conrail's tracks and to serve Conrail's customers between milepost 358.7± and milepost 361.7±, at Warsaw (Conrail shall have the right to use the trackage between these points—including incidental headroom and tailroom—for the purpose of switching and moving cars to and from Conrail's tracks and Conrail's customers located between milepost 358.7± and milepost 361.7± and for the storage of equipment on the Warsaw Passing Track (ZTS 211) and Engine Storage Track (ZTS 817)).<sup>1</sup> The

<sup>1</sup> The rail lines involved were formerly owned by Conrail (Fort Wayne Secondary). In *Norfolk and Western Railway Company—Purchase and Operation Exemption—Consolidated Rail Corporation Between Fort Wayne and Warsaw, IN*, Finance Docket No. 32736 (ICC served Aug. 29, 1995), NW acquired 3 line segments, totaling approximately 50.15 miles. Norfolk Southern Corporation, through the offer of financial assistance procedures, acquired approximately 17.8 and 61 miles, respectively, in *Consolidated Rail Corporation—Abandonment Exemption—Between Valparaiso and Gary, IN*, Docket No. AB-167 (Sub-No. 1109X) (ICC served June 3, 1993) and *Consolidated Rail Corporation—Abandonment*

involved trackage totals approximately 125.78 miles in length.

The proposed transaction will allow Conrail to continue to serve its customers located within the local trackage area and to use the trackage for overhead movements. The trackage rights will take effect on such date as the parties may agree in writing, but not sooner than September 29, 1995.

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 automatically stay the transaction. Pleadings must be filed with the Commission and served on: John J. Paylor, 2001 Market St., 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: October 6, 1995.

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

Vernon A. Williams,  
 Secretary.

[FR Doc. 95-25453 Filed 10-11-95; 8:45 am]  
 BILLING CODE 7035-01-P

**DEPARTMENT OF JUSTICE**

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

In accordance with Department of Justice regulations 28 C.F.R. 50.7 notice is hereby given that on October 2, 1995 a proposed Consent Decree in *United States v. Eljer Manufacturing, Inc.*, Case No. 4:95CV2103, was lodged in the United States District Court for the Northern District of Ohio. The Complaint filed by the United States alleges various violations of the Clean Water Act ("the Act"), 33 U.S.C. 1319(b), including discharges without an appropriate permit issued pursuant to Section 402 of the Act, 33 U.S.C. 1342. The Consent Decree provides that Eljer shall not discharge pollutants from its facility to any stream, tributary, body

*Between Warsaw and Valparaiso, In Kosciusko, Marshall, Starke, La Porte and Porter Counties, IN*, Docket No. AB-167 (Sub-No. 1125) (ICC served Mar. 14, 1994).

Conrail is restricted from using the trackage rights for the purpose of switching, storage of cars, or the making or breaking up of trains, except as set out in the trackage rights agreement.

of water, or wetland area on Eljer's property or to any navigable waters not located on Defendant's property except in compliance with a permit issued pursuant to Section 402 of the Act, 33 U.S.C. 1342. Eljer shall also comply with all applicable industrial user regulations found within 40 C.F.R. § 403.12, and all requirements and limitations contained in its City of Salem industrial user wastewater discharge permit.

Eljer is also obligated under the proposed decree to undertake and complete a Sediment Remediation Plan and Post Sediment Remediation Verification Plan ("SRP"). The SRP provides for the removal of certain sediments in the tributary of Stone Mill Run on Eljer's property at two former discharge outfall locations and continuing downstream from such outfalls to the tributary's intersection with Stone Mill Run, to the extent necessary to achieve a cleanup level of 150 mg/kg for lead in sediments. The Consent Decree also requires Eljer Manufacturing, Inc. to pay a civil penalty of \$300,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States v. Eljer Manufacturing, Inc.*, D.J. Ref. No. 90-5-1-3815.

The proposed Consent Decree may be examined at any of the following offices: (1) The United States Attorney for the Northern District of Ohio, Room 208 U.S. Courthouse, 2 South Main St., Akron, Ohio 44308 (contact Assistant United States Attorney James L. Bickett); (2) the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590 (contact Assistant Regional Counsel Deborah Carlson); and (3) the Consent Decree Library, 1120 G Street, NW., 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, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the reference case and enclose a check in the amount of \$3.00 (25 cents per page reproduction

costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 95-25286 Filed 10-11-95; 8:45 am]

**BILLING CODE 4410-01-M**

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

Notice is hereby given that a proposed consent decree in *United States v. Ormet Primary Aluminum Corporation*, Civil Action No. C2-95-947, was lodged on September 28, 1995 with the United States District Court for the Southern District of Ohio. The consent decree settles an action brought under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, *et seq.* ("CERCLA"), for costs incurred by the United States in responding to a release or threat of release of hazardous substances at the Ormet Superfund Site in Monroe County, Ohio (the "Site") and for implementation of response action at the Site. The United States alleges that Ormet Primary Aluminum Corporation ("Ormet") owns and operates the Site at which hazardous substances were released and is liable for costs incurred by the United States in responding to such releases pursuant to Section 107(a)(1) of CERCLA. The Consent Decree requires Ormet to reimburse the United States \$128,070.73 for response costs incurred in connection with the Site and to implement a response action for the Site selected by the U.S. Environmental Protection Agency in a Record of Decision dated September 12, 1994.

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, DC 20530, and should refer to *United States v. Ormet Primary Aluminum Corporation*, DOJ Ref. #90-11-3-1423.

The proposed consent decree may be examined at the office of the United States Attorney, 280 N. High Street, 4th Floor, Columbus, Ohio; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604; and at the Consent Decree Library, 1120 G Street, NW., 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, NW., 5th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$61.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 95-25287 Filed 10-11-95; 8:45 am]

**BILLING CODE 4410-01-M**

**Notice of Lodging of a Consent Decree Pursuant to the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Mobil Chemical Company*, Civil Action No. 1:95 CV 858, was lodged on September 28, 1995, with the United States District Court for the Eastern District of Texas.

The Consent Decree between the United States and Mobil Chemical Company resolves violations of the Clean Air Act ("CAA") and the Benzene and Asbestos National Emission Standards for Hazardous Air Pollutants ("NESHAP"), the Clean Water Act ("CWA") and the company's National Pollutant Discharge Elimination System ("NPDES") Permit, and the Resource Conservation and Recovery Act ("RCRA") and the state and federal hazardous waste regulations occurring at the company's petrochemical facility in Beaumont, Texas. The Consent Decree includes a requirement that Mobil pay a civil penalty of \$250,000.

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, DC 20530, and should refer to *United States v. Mobil Chemical Company*, DOJ Ref. No. 90-7-1652.

The proposed Consent Decree may be examined at the office of the United States Attorney, 350 Magnolia Street, Suite 250, Beaumont, Texas 77701-2237; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and at the Consent Decree Library, 1120 G Street, NW., 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, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$3.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 95-25288 Filed 10-11-95; 8:45 am]

**BILLING CODE 4410-01-M**

**Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980**

In accordance with Departmental policy, notice is hereby given that a proposed Settlement Agreement in *In re: Servam Corporation, et al.*, Case No. 92-53469 (Bankr. Ct. D. Conn.), was lodged on October 2, 1995 with the United States Bankruptcy Court for the District of Connecticut. This proposed Settlement Agreement will, if entered, settle a proof of claim filed against Service America Corporation ("SAC") and The Macke Company ("Macke") (collectively "Debtors"), debtors in the above proceeding, by the United States on behalf of the Environmental Protection Agency ("EPA"), pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607, in connection with the Old City of York Landfill, York County, Springfield Township, Pennsylvania and the Elizabethtown Landfill, Lancaster County, West Donegal Township, Pennsylvania.

The proposed Settlement Agreement provides for an allowed claim by the United States, a general unsecured creditor, in the amount of \$6.3 million against Debtors. Pursuant to the Debtors' Plan of Reorganization this claim will be paid at the estimated rate of 7.431 cents on the dollar in cash plus 4.8 cents on the dollar in common stock. Waste Management, Inc., another potentially responsible party ("PRP") under CERCLA at both the Sites, is performing the response activities at both Sites. The Debtors are required to pay 80% of the cash amount to the United States within 30 days after the entry of the Settlement Agreement by the U.S. Bankruptcy Court for the District of Connecticut, Bridgeport Division. The Debtors are