

temporary foraging, nesting, and roosting habitat. Construction within RCW habitat will not occur until translocation success is noted at the mitigation site or for 3 years, whichever comes first. If young birds are not available for 3 years, the HCP period will be extended to 5 years.

2. Three new cluster sites will be created at the Hal Scott Preserve in Orange County. Each cluster site will consist of three completed cavities and two start holes. New cavities will be caged and inspected for 6 months for sap leakage. Any trees leaking sap will not be opened for use by RCW.

3. Annual monitoring of nesting and roosting activity will be conducted at the project sites. During nesting season, weekly visits to occupied cavity trees will be conducted.

4. At Windover Farms, the single male RCW will be relocated to the newly created clusters at Hal Scott Preserve, along with a young female from Pineda Crossing, (if available) or from the Big Econlockhatchee population, of which the RCWs occupying Hal Scott are a part.

5. The young birds from Pineda Crossing will be translocated to the newly created clusters at Hal Scott Preserve. Weekly visits will be conducted to the mitigation site once a week for 1 month after translocation to inspect the cavity and the surrounding area for the presence of these birds. Checks of the cluster sites will also be made four times during the following nesting season to monitor reproductive status and success.

6. Young birds from the surrounding population in the Big Econ River area will be used, if necessary, to augment these created cluster sites during years of no reproduction on the Pineda Crossing site.

7. At the mitigation site, inspections will be conducted in the fall and winter to locate the roost sites.

Dated: November 7, 1995.

Noreen K. Clough,

Regional Director.

[FR Doc. 95-28016 Filed 11-13-95; 8:45 am]

BILLING CODE 4310-55-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-725 (Final)]

Manganese Sulfate from the People's Republic of China

Determination

On the basis of the record¹ developed in the subject investigation, the Commission unanimously determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from the People's Republic of China (China) of manganese sulfate, provided for in subheading 2833.29.50 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).²

Background

The Commission instituted this investigation effective May 11, 1995, following a preliminary determination by the Department of Commerce that imports of manganese sulfate from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). The petition in this investigation was filed on November 30, 1994, prior to the effective date of the Uruguay Round Agreements Act. Thus, this investigation was subject to the substantive and procedural rules of the Tariff Act of 1930 as it existed prior to the Uruguay Round Agreements Act.³ Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of May 24, 1995 (60 F.R. 27555). The hearing was held in Washington, DC, on October 3, 1995, and all persons who requested the

¹The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

²The product covered by this investigation is manganese sulfate, including manganese sulfate monohydrate (MnSO₄·H₂O) and any other forms, whether or not hydrated, without regard to form, shape, or size, the addition of other elements, the presence of other elements as impurities, and/or the method of manufacture.

³See P.L. 103-465, approved December 8, 1994, 108 Stat. 4809, at § 291.

opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on November 6, 1995. The views of the Commission are contained in USITC Publication 2932 (November 1995), entitled "Manganese Sulfate from the People's Republic of China: Investigation No. 731-TA-725 (Final)."

Issued: November 2, 1995.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 95-28054 Filed 11-13-95; 8:45 am]

BILLING CODE 7020-02-P

INTERSTATE COMMERCE COMMISSION

Indexing the Annual Operating Revenues of Railroads, Motor Carriers of Property and Motor Carriers of Passengers

This Notice sets forth the annual inflation adjusting index numbers which are used to adjust gross annual operating revenues of railroads, motor carriers of property and motor carriers of passengers for classification purposes. This indexing methodology will insure that regulated carriers are classified based on real business expansion and not from the effects of inflation. Classification is important because it determines the extent of reporting for each carrier.

The railroad's inflation factors are based on the annual average Railroad's Freight Price Index. For both motor carriers of property and motor carriers of passengers, the inflation factors are based on the annual average Producer Price Index for all commodities. The indexes are developed by the Bureau of Labor Statistics (BLS).

The base years for railroads, motor carriers of property, and passenger motor carriers are 1991, 1993, and 1988 respectively. The inflation index factors are presented as follows:

| | Index | Deflator percent |
|------------|---|---------------------|
| | Railroads—Railroad Freight Index | |
| 1991 | 409.5 | ¹ 100.00 |
| 1992 | 411.8 | 99.45 |
| 1993 | 415.5 | 98.55 |
| 1994 | 418.8 | 97.70 |
| | Motor Carriers of Property Producer Price Index | |
| 1993 | 118.9 | ² 100.00 |
| 1994 | 120.4 | 98.70 |

| | Index | Deflator percent |
|------------|---|------------------|
| | Motor Carriers of Passengers Producer Price Index | |
| 1988 | 106.9 | |
| 1991 | 116.5 | 91.76 |
| 1992 | 117.2 | 91.21 |
| 1993 | 118.9 | 89.90 |
| 1994 | 120.4 | 88.70 |

¹ Ex Parte No. 492, *Montana Rail Link, Inc., and Wisconsin Central Ltd., Joint Petition For Rulemaking With Respect To 49 CFR 1201*, served June 17, 1992, raised the revenue classification level for Class I railroads from \$50 million to \$250 million (1991 dollars), effective for the reporting year beginning January 1, 1992.

² Ex Parte No. MC-206, *Revisions to Accounting and Reporting Requirements for Motor Carriers of Property*, served January 27, 1994, raised the revenue classification level for Class I motor carriers of property from \$5 million to \$10 million (1993 dollars), effective for the reporting year beginning January 1, 1994.

EFFECTIVE DATE: January 1, 1995.

FOR FURTHER INFORMATION CONTACT:

Ward L. Ginn Jr., (202) 927-5740.

Vernon A. Williams,

Secretary.

[FR Doc. 95-28045 Filed 11-13-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-55 (Sub-No. 516X)]

CSX Transportation, Inc.— Abandonment Exemption—in Floyd County, KY

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.96-mile portion of its rail line (known as the Stephens Branch) between milepost COP-0.0 and milepost COP-1.96 at the end of the track, near Marrs, in Floyd County, KY.

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 this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either 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 report), 49 CFR 1105.8 (historic report), 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 adversely

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 December 14, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by November 24, 1995.³ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 4, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423-2191.

A copy of any petition 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 has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by November 17, 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 other trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

¹ The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

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

³ The Commission will accept a late-filed trail use request so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Decided: November 6, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-28046 Filed 11-13-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlements Pursuant to the Clean Water Act and the National Wildlife Refuge Administration Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that two settlements in *United States v. Leitheiser*, Civil No. 92-4143 (D.S.D.), were lodged with the United States District Court for the District of South Dakota, Southern Division, on or about November 7, 1995.

The first settlement is in the form of a proposed Consent Decree resolving alleged violations of Clean Water Act section 301(a), 33 U.S.C. 1311(a), and alleged violations of the National Wildlife Refuge Administration Act, 16 U.S.C. 668dd(c) ("Refuge Act"), by Merle Hoiten, Merle Hoiten, Jr., and the Hoiten Construction Company ("Hoitens"). Under the terms of the agreement, the Hoiten defendants will pay a civil penalty to the United States.

The second settlement is in the form of a Stipulation to Dismiss resolving alleged violations of the Refuge Act by the Leitheisers. Under the terms of the Stipulation to Dismiss, the Leitheisers will perform certain restoration work adjacent to the Hyde Waterfowl Protection Area ("WPA"), and pay money to the Fish and Wildlife Service for the maintenance of the Hyde WPA. Any remaining claims would also be dismissed.

The Department of Justice will receive written comments relating to the proposed settlements for a period of 30 days from the date of publication of this notice. Comments should be addressed to Rebecca A. Lloyd, Esquire, U.S. Department of Justice, Environmental Defense Section, Suite 945—North Tower, 999 18th Street, Denver, CO 80202, should refer to *United States v. Leitheiser*, Civil No. 92-4143 (D.S.D.), and should also make reference to DJ# 90-5-1-1-3600.

The proposed settlements may be examined at the Clerk's Office, United States District Court for the District of South Dakota, Southern Division, 400 S.