

	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]

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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.