

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 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 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 21, 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 requests under 49 CFR 1152.29³ must be filed by December 1, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 11, 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 St., J150, Jacksonville, FL 32202.

¹ 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 before 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 before the effective date of this exemption.

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 as long as it retains jurisdiction to do so.

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 24, 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 is 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: November 16, 1995.

By the Commission, David M. Konschnick, Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 95-28528 Filed 11-22-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-39 (Sub-No. 19X)]

St. Louis Southwestern Railway Company—Abandonment Exemption—in Smith County, TX

St. Louis Southwestern Railway Company (Cotton Belt) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 3.54-mile line of railroad, known as the Lufkin Branch, from milepost 549.46 near rail station Lufkin Junction, to the end of the line at milepost 553.0, in Tyler, Smith County, TX. Cotton Belt proposes to consummate the abandonment on December 22, 1995.¹

Cotton Belt has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) overhead traffic is non-existent since this is a stub-end of a branchline; (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

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 December 21, 1995. Because the verified notice was not filed until November 2, 1995, consummation should not have been proposed to take place before December 22, 1995. Applicant's representative has subsequently agreed that the proposed consummation date is December 22, 1995.

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 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 24, 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 December 4, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 14, 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: Gary A. Laakso, One Market Plaza, Room 846, San Francisco, CA 94105.

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

Cotton Belt has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis

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 before 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.

(SEA) will issue an environmental assessment (EA) by November 29, 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 is 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: November 17, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-28462 Filed 11-22-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. 9622(d), notice is hereby given that a proposed consent decree in *United States v. Commander Oil Corporation, et al.*, Civil Action No. 95-4489 (JM), was lodged on November 2, 1995, with the United States District Court for the Eastern District of New York. The Consent Decree addresses the hazardous waste contamination at the Pasley Solvents and Chemicals Superfund Site ("Pasley Site") in the Town of Hempstead, Nassau County, New York. The Consent Decree requires Defendant Commander Oil Corporation ("Commander") to implement the remedial action selected by the Environmental Protection Agency in the Record of Decision dated April 24, 1992 and the Amended Record of Decision dated May 22, 1995. Commander is also required to reimburse the United States for \$750,000 in U.S. EPA past costs at the Pasley Site. Additionally, sixteen other defendants are required to pay \$1,849,127.71 into the Pasley Solvents and Chemicals Superfund Site Remedial Trust, which will be used by Commander to implement the remedial action.

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. Commander Oil Corporation, et al.*, DOJ Ref. #90-11-2-762.

The proposed consent decree may be examined at the office of the United States Attorney for the Eastern District of New York, 1 Pierrepont Plaza, Brooklyn, New York, 11201; the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York, 10007-1866 (contact Assistant Regional Counsel Beverly Kolenberg); 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 \$29.50 (25 cents per page reproduction costs) for the Consent Decree, and \$50.50 for the Attachments to the Decree, payable to the Consent Decree Library.

Bruce S. Gelber,

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

[FR Doc. 95-28680 Filed 11-22-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States of America v. Roger J. Gautreau*, Civ. Act. No. 95-1859-A-M1 (M.D. La.), was lodged with the United States District Court for the Middle District of Louisiana on October 27, 1995. The proposed decree concerns alleged violations of the Clean Water Act, 33 U.S.C. 1311, as a result of the discharge of fill materials onto approximately 2.75 acres of wetlands by Roger J. Gautreau ("Gautreau"), in St. Amant, Ascension Parish, Louisiana.

The Consent Decree provides for the payment of a \$2,500.00 civil penalty to the United States and requires partial restoration of the violation site in accord with a partial restoration plan approved by the United States Environmental Protection Agency ("EPA").

The Department of Justice will receive written comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General,

Environment and Natural Resources Division, U.S. Department of Justice, Attention: Jeffrey K. Lee, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and should refer to *United States v. Roger J. Gautreau*, DJ Reference No. 90-5-1-1-4276.

The proposed consent decree may be examined at the Office of the United States Attorney for the Middle District of Louisiana, Russell Long Federal Building, Suite 208, 777 Florida Street, Baton Rouge, Louisiana 70801; the offices of Region VI of the United States Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202, and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$7.75 for a copy of the consent decree with attachments.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice.

[FR Doc. 95-28681 Filed 11-22-95; 8:45 am]

BILLING CODE 4410-01-M

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

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that on October 31, 1995, a proposed Consent Decree in *United States v. Kaiser Aluminum & Chemical Corporation*, Civil Action No. CS-95-0468-JLQ, was lodged with the United States District Court for the Eastern District of Washington. This consent decree represents a settlement of claims by the United States against Kaiser Aluminum for violations of the Clean Air Act.

Under the settlement, Kaiser Aluminum will pay the United States a civil penalty of \$500,000. In addition, the Consent Decree requires Kaiser Aluminum to come into compliance with the Clean Air Act. More specifically, the Consent Decree requires Kaiser Aluminum to complete a program of plant improvements and operational changes in order to bring stack emissions from its melter and holder furnaces into compliance with the opacity standard in the federally-approved Washington State Implementation Plan or SIP by February 28, 1997, including installation of a baghouse emission control system, new burners and computerized combustion controls and new mass flow controls on the holders; utilization of a new molten metal charging system and new skimming procedures on the melters;