The Comments

In response to our notice, we received comments only from ACHP and from the Minnesota and Michigan SHPOs. ACHP expresses disappointment that it and the Commission were not able to work out some kind of programmatic agreement. ACHP maintains that it would be premature to remove the condition without requiring that the Commission and the Wisconsin Central demonstrate that they have made a good faith effort to reach a programmatic agreement.

The Michigan SHPO argues that removal of the historic preservation condition now would nullify the Commission's compliance with the National Historic Preservation Act, and that the agency should continue to attempt to reach a suitable programmatic agreement. The Minnesota SHPO is concerned that there is at least one historic property on the 20-mile segment of the Wisconsin Central that is in Minnesota that may be adversely affected by the proposal.

Discussion and Conclusions

Eight years have now passed since Wisconsin Central acquired these properties. No comment has been filed challenging our assertion that from this point forward, Wisconsin Central's sale or demolition of properties should no longer be considered to be the result of the original purchase from the Soo. Rather, because of the passage of time, these decisions more appropriately are considered to be the normal result of the carrier's continuing ownership and management of these properties. If this transaction were to take place today, we would impose a historic condition only with regard to particular properties that the carrier identifies at the outset that it contemplates selling or altering. Thus, it would be unfair to continue to impose a greater burden on Wisconsin Central than we would now impose on other railroads.

There would be no point in entering into a programmatic or a memorandum of agreement now, nor do we believe that continuing the condition is necessary for compliance with NHPA. SEA and Wisconsin Central have already undertaken the historic preservation process for every property that the carrier has altered or disposed of since these properties were acquired. That should cover all of the properties that are affected by the sale. Future property dispositions, with the exception set forth in the following paragraph, will not be deemed to result from the sale.

Accordingly, we are reopening this proceeding and modifying the condition to require completion of the historic review process only with regard to specific properties for which that process is already underway or of which the carrier has already informed SEA that it plans to dispose.[6] The disposal or alteration of other properties is outside the scope of this proceeding.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources. This proposal should not have any adverse impact on small entities.

Decided: December 1, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioner Simmons.

Vernon A. Williams,

Secretary.

[FR Doc. 95–30240 Filed 12–12–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that a proposed Consent Decree in *United States* versus *Wheeling-Pittsburgh Steel Corp.*, Civil Action No. 93–0195W (N.D.WVA), was lodged on December 6, 1995, with the United States District Court for the Northern District of West Virginia. The decree addresses the violations of Wheeling-Pittsburgh (''Wheeling-Pitt''), at its Follansbee Coke Plant in Follansbee, West Virginia, of the West Virginia State Implementation Plan (''SIP''), enforced pursuant to Section 113 of the Clean Air Act, 42 U.S.C. 7413, and certain reporting requirements contained in the National Emission Standard for Hazardous Air Pollutants (''NESHAP'') for Benzene Emissions from Coke By-Product Recovery Plants, 40 C.F.R. Part 61, Subpart L. Wheeling-Pitt violated the SIP by combusting coke oven gas which had not been desulfurized (as a result of unplanned outages at the Follansbee furnace by-product recovery plant, where hydrogen sulfide is stripped from coke oven gas during normal operations), by allowing raw coke oven gas to be emitted (''vented'') into the ambient air during two emergencies caused by elevated gas pressure within coke oven batteries, and by occasional failures to comply with the SIP's pushing standards.

Under the proposed Consent Decree, Wheeling-Pitt will pay a civil penalty of $700,000 and has agreed to detailed injunctive provisions. Wheeling-Pitt has abated all of the SIP violations. As to the SIP's desulfurization requirements, the Decree requires that, within 45 days of entry of the Decree, Wheeling-Pitt must have demonstrated full compliance with the SIP for seven consecutive days. Further, if the continuous emissions monitor (''CEM'') used to measure compliance with the desulfurization standards should malfunction, and is out of service for two consecutive hours, then Wheeling-Pitt must use a backup CEM, or, failing that, must measure and report certain parameters of the desulfurization process so that EPA may gauge Wheeling-Pitt's compliance. The Decree contains, in addition, requirements for Wheeling-Pitt to install, and properly operate and maintain, a new hydrogen sulfide scrubber and CEM at the recovery plant. Finally, to ensure that the recovery plant is operated and maintained adequately, the Decree contains detailed requirements regarding preventative maintenance, spare parts inventories, and standard operating procedures.

As to pushing, Wheeling-Pitt must, within 45 days of entry of the Decree, demonstrate compliance with the SIP's pushing standard for five consecutive days. Further, the company must continue to monitor its pushing operations weekly until it has produced twelve consecutive weeks of data showing 100% compliance. To correct its violations of the SIP's pushing standards, Wheeling-Pitt has installed a number of improvements, including tighter boot seals at the top of the coke battery wall and a modified hood for the quench car. To abate its venting violations, Wheeling-Pitt has installed flares at its coke batteries, as now required under the Coke Oven Battery NESHAP.

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* versus *Wheeling-Pittsburgh Steel Corp.*, DOJ Ref. #90–5–2–1–1868.

The proposed consent decree may be examined at the office of the United States Attorney, 1100 Main Street, Suite 200, Wheeling, West Virginia 26003; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania

[6] Wisconsin Central should submit a list of such properties within 30 days.

19107; 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 $12.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 95–30395 Filed 12–12–95; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

United States v. American Bar Association, Civ. No. 95–1211 (CR) (D.D.C.); Supplemental Response of the United States to Two Additional Public Comments Concerning the Proposed Final Judgment

Pursuant to Section 2(d) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(d), the United States publishes below two additional written comments received on the proposed Final Judgment in *United States* v. *American Bar Association,* Civil Action No. 95–1211 (CR), United States District Court for the District of Columbia, together with its response thereto.

Copies of the written comments and the response are available for inspection and copying in Room 3235 of the Antitrust Division, United States Department of Justice, Tenth Street and Constitution Avenue, N.W., Washington, D.C. 20530 (telephone 202/514–2481) and the inspection at the Office of the Clerk of the United States District Court for the District of Columbia, Room 1825A, United States Courthouse, Third Street & Constitution Avenue, N.W., Washington, D.C. 20001.

Rebecca P. Dick,

Deputy Director of Operations.

United States' Supplemental Response to Two Additional Public Comments

The United States is filing this Supplemental Response to respond to letters from law professors Marina Angel and Leslie Espinoza to the Attorney General about the proposed Final Judgment. The Antitrust Division's notice under the Antitrust Procedures and Penalties Act (''APPA'') directed that public comments be sent to John F. Greaney, Chief, Computers and Finance Section, Department of Justice, Antitrust Division. Because Professors Angel and Espinoza sent their letters to the Attorney General instead of Mr. Greaney, we had not received those letters when we filed our ''Response To Public Comments'' on October 27. Since the Government's Response states that it will treat as timely all comments received up to the time of filing that response, we provide this Supplemental Response to these two letters from law faculty.[1]

The Government has carefully reviewed the letters from Professors Angel and Espinoza. Entry of the proposed Final Judgment remains in the public interest.

1. Professor Marina Angel (Exhibit 1)

Professor Angel is under the impression that the Antitrust Division seeks to eliminate enforcement of the American Bar Association's (''ABA'') antidiscrimination accreditation standards. ABA Accreditation standards 211–213, dealing with discrimination, are not affected by the proposed Final Judgment. Nor is the enforcement of those standards. Law schools will continue to maintain faculty salary records. Accreditation inspection teams may review these records to investigate discrimination complaints. The proposed Final Judgment prevents the ABA, but not other organizations, from collecting and disseminating salary data. Additionally, site inspection teams may not compare salary levels at one law school with those at another, since the Complaint alleges that this had been done to raise salaries illegally, but may review the records of the inspected school to resolve discrimination allegations.

2. Professor Leslie G. Espinoza (Exhibit 2)

Professor Espinoza is concerned that the consent decree would prevent the Society of American Law Teachers from collecting salary data from law schools that may be used to determine if salary levels are discriminatory. The consent decree is not intended to relax the ABA's antidiscrimination accreditation standards, and it will not have that effect. The Society of American Law Teachers procures salary data from law school deans that may be used to ascertain whether salary levels are discriminatory. While the ABA will no longer be permitted to collect and disseminate faculty salary data and to use it in the accreditation process to increase faculty salaries, law schools will continue to maintain salary data and other organizations may collect it. In this regard, we realize that organizations, such as the American Association of University Professors, have collected and published faculty salary data for many years. While the ABA may not collect and use salary data to raise general salary levels, accreditation inspection teams may fully investigate allegations of discrimination at a law school, including allegations of discriminatory salaries, and may review salary records at that law school to resolve the discrimination allegations.

Conclusion

The ABA used the accreditation process to fix and raise faculty salaries. They collected extensive salary data and used it to pressure schools to raise their salaries to an artificial level. The consent decree is narrowly tailored to prevent such illegal collusion in the future. It does not affect the ABA's enforcement of antidiscrimination accreditation standards.

Dated: November 3, 1995.

Respectfully submitted,

Anne K. Bingaman,

Assistant Attorney General, Antitrust Division.

John F. Greaney,

D. Bruce Pearson,

Jessica N. Cohen,

James J. Tierney,

Molly L. DeBusschere,

U.S. Department of Justice, Antitrust Division, Computers and Finance Section, Judiciary Center Building, 555 Fourth Street, N.W., Washington, DC 20001, 202/307–6122.

Temple University, School of Law

1719 N. Broad Street (055–00), A Commonwealth University, Philadelphia, Pennsylvania 19122, (215) 204–7861, Fax: (215) 204–1185

October 16, 1995.

The Honorable Janet Reno,

Attorney General, Department of Justice, R. 4400, Tenth and Constitution Avenue, N.W., Washington, DC 20530, FAX 202–514–4371

Dear Attorney General Reno: I was shocked to learn that the Justice Department is seeking to eliminate enforcement of the antidiscrimination Accreditation Standards of the ABA.

I didn't substantially financially support the election of President Clinton to have you destroy what limited antidiscrimination protection law school faculty, staff and students currently enjoy.

I suggest you explain your antidiscrimination position to your Antitrust Division.

[1] As the deadline for public comments has expired, any future letters received by the Justice Department will be treated as citizen letters and will not be filed with the Court.