

**Receipt of Application(s) for Permit**

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*)

**PRT-796164**

*Applicant:* Dr. Keith A. Arnold, Keith A. Arnold Company, Bryan, Texas

The applicant requests a permit to include take activities for the Back-capped vireo (*Vireo atricapillus*) and Golden-cheeked warbler (*Dendroica chrysoparia*) for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

**ADDRESSES:** Written data or comments should be submitted to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and must be received by the Assistant Regional Director within 30 days for the date of this publication.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the above office within 30 days of the date of publication of this notice. (See **ADDRESSES** above.)

**Susan MacMullin,**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. 95-1946 Filed 1-25-95; 8:45 am]

**BILLING CODE 4310-55-M**

**Receipt of Application(s) for Permit**

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*)

**PRT-797464**

*Applicant:* Kenneth Ward Kreitner, Bastrop, Texas

The applicant requests a permit to include take activities for Houston toad (*Bufo houstonensis*) for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

**PRT-798170**

*Applicant:* Patricia S. Roller

The applicant requests a permit to include taken activities for the Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*) for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

**ADDRESS:** Written data or comments should be submitted to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and must be received by the Assistant Regional Director within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the above office within 30 days of the date of publication of this notice. (See **ADDRESS** above.)

**Susan MacMullin,**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. 95-1947 Filed 1-25-95; 8:45 am]

**BILLING CODE 4310-55-M**

**U.S. Geological Survey****Studies of Chemical Mobility of Gold and Ore-Related Elements; Nevada**

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. Geological Survey has accepted from Pinson Mining Company a contribution of \$5,000 to support hydrogeochemical studies of the chemical mobility of gold and ore-related elements to ground-water systems associated with buried gold deposits in northern Nevada.

**DATES:** This notice is effective January 26, 1995.

**ADDRESSES:** Information on the work is available to the public upon request at the following location: U.S. Geological Survey, Branch of Geochemistry, Box 25046, Denver Federal Center, MS-973, Lakewood, Colorado 80225-0046.

**FOR FURTHER INFORMATION CONTACT:**

Dr. David Grimes of the U.S. Geological Survey, Branch of Geochemistry, at the address given above; telephone 303/236-5510.

**John R. Filson,**

*Acting Chief Geologist.*

[FR Doc. 95-1898 Filed 1-25-95; 8:45 am]

**BILLING CODE 4310-31-M**

**INTERSTATE COMMERCE COMMISSION**

[Docket No. AB-434 (Sub. No. 1X)]

**Winchester & Western Railroad Company—Abandonment Exemption—in Cumberland County, NJ**

Winchester & Western Railroad Company (WVW), a class III railroad, has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 7000 feet of rail line, between milepost 47.5 and milepost 49.5, in Cumberland County, NJ.

WVW has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic that will need to be rerouted; (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 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 1105.08 (historic report), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to 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) is filed, this exemption will be effective on February 25, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 6, 1995.<sup>3</sup> Petitions to reopen and requests

<sup>1</sup> 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 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 request for a stay should be filed as soon as possible so that the Commission may review and act on the request before the exemption's effective date.

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

<sup>3</sup> The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

for public use conditions under 49 CFR 1152.28 must be filed by February 15, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Jo A. DeRoche, Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Ave., N.W., Suite 800, Washington, DC 20005.

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

WWNJ 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 January 31, 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: January 20, 1995.

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

**Vernon A. Williams,**  
Secretary.

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the New Source Performance Standards for Petroleum Refineries and the Regulation for the Control of Atmospheric Pollution alleged in the complaint to have been violated.

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 of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Caribbean Petroleum Corporation*, D.O.J. Ref. 90-5-2-1-1848.

The proposed Consent Decree may be examined at the Region II Office of the United States Environmental Protection Agency, 26 Federal Plaza, New York, NY 10278 and at the Environmental Enforcement Section Document Center, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (202 624-0892). A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$6.25 (25 cents per page reproduction cost) made payable to Consent Decree Library.

**Bruce S. Gelber,**

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

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comply with specified emissions limits and operating practices until issuance of the permit, to comply with the terms of its boiler permit, and to pay a civil penalty of \$600,000.

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, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044; and refer to *United States v. Masonite Corporation*, DOJ Ref. # 90-5-2-1-1847.

The proposed consent decree may be examined at the office of the United States Attorney, Northern District of California, 450 Golden Gate Avenue, San Francisco, California 94102; at the Region IX office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; and at the Consent Decree Library, 1120 G Street, N.W., 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, N.W., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$8.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel M. Cross,**

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

[FR Doc. 95-1996 Filed 1-25-95; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that on January 11, 1995, a proposed Consent Decree in *United States v. Caribbean Petroleum Corporation*, Civil No. 95-1028(PG), was lodged with the United States District Court for the District of Puerto Rico. The proposed Consent Decree settles the United States' claims that the defendant had violated provisions of the Clean Air Act. The defendant operates a crude oil refinery located in Bayamon, Puerto Rico.

Under the terms of the Consent Decree, the defendant will pay a \$350,000 civil penalty. The defendant will also be required to comply with the terms of the fuel oil and gas limitations and record-keeping requirements of its PSD Permit and with those provisions of

### 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 v. Masonite Corporation*, Civil Action No. C 95 0189 DLJ (N.D. Cal.), was lodged on January 17, 1995 with the United States District Court for the Northern District of California. In the complaint in that action, the United States seeks from defendant Masonite Corporation ("Masonite") civil penalties and injunctive relief under Section 113(b) of the Clean Air Act (the "Act"), 42 U.S.C. 7413(b), for Masonite's failure to obtain a prevention of significant deterioration permit before commencing construction activities for a major modification to its Ukiah, California facility and for violations of a permit governing operations of a boiler at the facility.

The proposed consent decree requires Masonite to obtain a PSD permit, to

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Consistent with the policies expressed in Section 122(d)(2)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9622(d)(2)(B), and 28 C.F.R. § 50.7, notice is hereby given that on January 10, 1995, a proposed Consent Decree in *United States v. Alaskan Battery Enterprises, Inc.*, Civil Action No. A92-606 (D. Alaska), was lodged with the United States District Court for the District of Alaska. This Consent Decree resolves the United States' claims in this action against Sears, Roebuck and Co. ("Sears") regarding its liability under Sections 107(a) and 113(g) of CERCLA, 42 U.S.C. §§ 9607(a) and 9613(g), for