

Any financial assistance offer must be filed with the Commission and served on the applicant no later than 10 days after publication of this notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Office of Proceedings, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: July 10, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-17332 Filed 7-13-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-55 (Sub-No. 510X)]

**CSX Transportation, Inc.—
Abandonment Exemption—in St. Clair
County, MI**

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 1.5 miles of its float operation over the St. Clair River between milepost CBD-90.01 at Port Huron and the United States-Canada Boundary line, in St. Clair County, MI.¹

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 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 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

¹ The full scope of the operation extends to milepost CUB-70.33 at Sarnia in the Province of Ontario, Canada. The Commission does not have jurisdiction to exempt operations outside of the United States. CSXT must file its request for any necessary approvals relating to service in Canada with the National Transportation Agency of Canada.

(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 August 13, 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 July 26, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 3, 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, Senior Counsel, CSX Transportation, Inc. 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 environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by July 19, 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: July 10, 1995.

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 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.

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.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-17330 Filed 7-13-95; 8:45 am]

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[Docket No. AB-55 (Sub-No. 508X)]

**CSX Transportation, Inc.—
Abandonment Exemption—in
Dickenson County, VA**

CSX Transportation, Inc. (CSXT) has filed a verified notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon 4.1-miles of rail line between milepost ZN-2.2 near Nora and milepost ZN-6.3 at the end of the Nora Branch, in Dickenson County, VA.

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 with any U.S. District Court or has been decided in complainant's favor within the last 2 years; 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 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) 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 employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective August 13, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,¹ statements of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking

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 a 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).

requests under 49 CFR 1152.29³ must be filed by July 26, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 3, 1995. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. In addition, one copy must be served on Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice 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 Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by July 19, 1995. A copy of the EA may be obtained by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser 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 trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: July 10, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-17331 Filed 7-13-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with the policy of the Department of Justice, 28 CFR 50.7, and 42 U.S.C. 9622(d)(2)(B), notice is hereby given that a proposed Consent Decree in *United States v. American National Can Company, et al.*, Civil Action No. 95-585-CIV-5-16, was lodged on July 5, 1995, with the United States District Court for the Middle District of Florida. That action was brought pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), and the Resource

Conservation and Recovery Act ("RCRA") for cleanup and cost recovery at the Yellow Water Road Superfund site near Baldwin, Florida.

Pursuant to the Consent Decree, the settling parties will perform remedial actions at the site selected by the Environmental Protection Agency for soil and groundwater, will reimburse the United States for its past costs expended at the site, and agree to pay future costs incurred by the United States. Among the settling parties are the United States Department of Defense, and other agencies, who will participate in the cleanup and reimbursement of costs, and will take on responsibility for the site 30 years after the effective date of the Consent Decree. The Consent Decree includes a covenant not to sue by the United States under sections 106 and 107 of CERCLA and under section 7003 of RCRA.

As provided in 28 CFR 50.7 and 42 U.S.C. 9622(d)(2)(B), the Department of Justice will receive comments from persons who are not named as parties to this action relating to the proposed Consent Decree for a period of thirty days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States v. American National Can Company, et al.*, D.J. Ref. 90-11-3-178B. Commenters may request an opportunity for a public meeting in the affected area, in accordance with section 7003(d) of RCRA.

The proposed Consent Decree may be examined at the office of the United States Attorney, 200 W. Forsyth St., Suite 700, Jacksonville, Florida 32201, and at the Region IV office of the U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. A copy of the proposed Consent Decree may also be examined 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. In requesting a copy, please enclose a check in the amount of \$32.50 for a copy of the consent decree (25 cents per page reproduction costs, without any appendices to the Decree), or \$86.00 for a copy of the consent

decree and all appendices, payable to "Consent Decree Library."

Bruce S. Gelber,

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

[FR Doc. 95-17339 Filed 7-13-95; 8:45 am]

BILLING CODE 4410-01-M

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, and 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed consent decree in *United States v. Olin Corporation*, Civil Action No. 95-0256-BH-S was lodged on July 5, 1995, with the United States District Court for the Southern District of Alabama, Southern Division. This agreement resolves a judicial enforcement action brought by the United States against Olin Corporation pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, for injunctive relief, and for the recovery of response costs incurred and to be incurred by the United States in connection with the first Operable Unit ("OU1") at the Olin Chemical/McIntosh Plant Superfund Site, in McIntosh, Washington County, Alabama.

Under the proposed Consent Decree, the United States has obtained 100 percent of its past response costs incurred with respect to response actions conducted at OU1, including prejudgment interest, and has obtained a commitment for payment of all EPA's future oversight costs with respect to OU1. Olin Corporation will also assume full responsibility for the remedy to be conducted at OU1 pursuant to the Record of Decision executed by EPA on December 16, 1994.

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 v. Olin Corporation*, DOJ Ref. # 90-11-2-1001.

The proposed consent decree may be examined at the office of the United States Attorney, 1st Union Building, 1441 Main Street, Suite 500, Columbia, South Carolina; the Region IV Office of the Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365; and the Consent Decree

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