

the state has met certain conditions and the river meets eligibility criteria.

These preconditions are:

- (1) The river is already designated into a state river protection system.
- (2) The state has the ability to manage the river at no cost to the federal government, except for those lands managed by a federal agency.
- (3) The river has resources of regional or national significance and is free-flowing as defined by the Departments of the Interior and Agriculture.
- (4) The state has adequate mechanisms in place to protect the resources for which the river is eligible in the first place.

Upon the request of a state governor to the Secretary, the National Park Service, acting for the Secretary, undertakes an evaluation of the state's request. The National Park Service requested the assistance of the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) in the preparation of the report. This was done for two reasons: (1) The BLM currently administers 41% of the area under consideration; and (2) the USFS recently completed a wild and scenic assessment—and an environmental impact statement on the impacts of designation—at the request of Congress through the 1988 Oregon Omnibus Rivers Act. The National Park Service acted as a cooperating agency in the preparation of the USFS report. In addition, the BLM and USFS have an adopted river management plan in place for the Wallowa River. Both the BLM and the USFS acted as cooperating agencies in this assessment on behalf of the state.

Under the 1988 Oregon Omnibus Rivers Act, the USFS was directed to study the Wallowa River for possible inclusion into the National Wild and Scenic Rivers System. In September of 1994, the USFS released their final study and environmental impact statement (EIS). In the EIS, the preferred alternative was identified as wild and scenic river designation through section 2(a)(ii) of the Wild and Scenic Rivers Act. This would permanently protect the nationally significant resources of the Wallowa River, while leaving the river in state management and having the least impact to area residents. Following the release of the EIS, Governor Roberts, acting on the recommendations of the USFS, petitioned Secretary Babbitt to designate the Wallowa River through section 2(a)(ii). As the agency responsible for section 2(a)(ii) determinations, the National Park Service undertook an assessment of the river and the state of Oregon's petition.

As a result of the assessment, the National Park Service has concluded that the state of Oregon has met all requirements to include the Wallowa River in the national system and the river itself meets all eligibility criteria. The National Park Service is recommending that the Secretary designate the Wallowa as a National Recreational River.

Dated: August 18, 1995.

**William C. Walters,**

*Deputy Field Director, Pacific West Field Area, National Park Service.*

[FR Doc. 95-21088 Filed 8-23-95; 8:45 am]

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## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32703]

### The Kansas City Southern Railway Company; Trackage Rights Exemption; Dallas Area Rapid Transit Property Acquisition Corporation and the Atchison, Topeka & Santa Fe Railway Company

Dallas Area Rapid Transit Property Acquisition Corporation (DART) has agreed to grant overhead trackage rights to The Kansas City Southern Railway Company (KCS) over 15 miles of rail line beginning at the connection of The Atchinson, Topeka and Santa Fe Railway Company (Santa Fe) and DART's rail lien at Santa Fe's milepost 77.35, at or near Wylie, TX, then westerly to the connection at Santa Fe's and DART's rail lien at milepost 73.35, near Renner, TX. In conjunction with the above agreement, Santa Fe has also agreed to grant overhead trackage rights to KCS over 21 miles of rail line between Santa Fe's milepost 385.6 at Dalton Junction, TX, and milepost 364.6 at Santa Fe's new rail yard facility at or near Alliance, TX. The trackage rights were to become effective on August 10, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: (1) Lonnie E. Blydes, Jr., Director, Dallas Area Rapid Transit Property Acquisition Corporation, P.O. Box 660163, Dallas, TX 75266-7210; (2) Richard E. Weicher, Esq., General Counsel, The Atchison, Topeka and Santa Fe Railway Company, 1700 East Golf Road, Schaumburg, IL 60173; (3)

Robert K. Dreiling, Esq., Assistant General Counsel, The Kansas City Southern Railway Company, 114 West Eleventh St., Kansas City, MO 64105; and (4) William A. Mullins, Esq., Troutman Sanders, 601 Pennsylvania Ave., N.W., Suite 640, Washington, DC 20004-2608.

As a condition to use of this exemption, any employees adversely affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: August 18, 1995.

By the Commission, Julia M. Farr, Acting Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95-21060 Filed 8-23-95; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Lodging of Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that two proposed consent decrees in *United States v. Velsicol Chemical Corporation, et al.*, Civil Action No. 92-2214-FBRO (W.D. Tenn.), where lodged on August 15, 1995 with the United States District Court for the Western District of Tennessee. The proposed consent decrees settle an action brought under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9607, as amended, against Velsicol Chemical Corporation, the City of Memphis, and The Procter & Gamble Cellulose Corporation for recovery of costs incurred by the United States in responding to the release and threatened release of hazardous substances at the North Hollywood Landfill located in Memphis, Shelby County, Tennessee.

The proposed consent decree with Velsicol Chemical Corporation and the City of Memphis, Tennessee provides that those entities will collectively pay \$1,595,000 to resolve their liability to the United States for past costs incurred at the North Hollywood Landfill. The proposed consent decree with The Procter & Gamble Cellulose Corporation provides for a payment of \$300,000 to resolve The Procter & Gamble Cellulose Corporation's liability with the United States for costs incurred at the North Hollywood Landfill. The proposed

consent decree with The Procter & Gamble Cellulose Corporation includes a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the two proposed consent decrees. With respect to the consent decree with The Procter & Gamble Cellulose Corporation, commenters may request an opportunity for a public meeting in the affected area, in accordance with section 7003(d) of RCRA. 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 the *United States v. Velsicol Chemical Corporation, et al.*, DOJ Ref. #90-11-2-629A.

The proposed consent decrees may be examined at the office of the United States Attorney, Western district of Tennessee, 1026 Federal Office Building, 167 N. Main Street, Memphis, Tennessee 38103; the Region IV Office of the Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting copies please refer to the referenced case and enclose a check in the amount of \$9.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

[FR Doc. 95-21080 Filed 8-23-95; 8:45 am]

BILLING CODE 4410-01-M

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

Notice is hereby given that on July 19, 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 K & K Recycling, Inc. regarding its liability under sections 107(a) and 113(g) of CERCLA, 42 U.S.C. 9607(a) and 9613(g), for response costs incurred by the United States in connection with the Alaskan Battery Enterprises Superfund Site in Fairbanks, Alaska. The Decree also resolves the liability of the Defense Reutilization and Marketing Service ("DRMS") and the Army & Air Force Exchange Service ("AAFES"), counterclaim defendants in this matter.

The Decree requires, *inter alia*, that K & K Recycling, Inc. reimburse the United States' response costs in the amount of \$100,000 plus interest through the date of payment. The DRMS and AAFES are required under this Decree to reimburse the United States' response costs in the amounts \$1,169,528.00 and \$636,671.00 plus prejudgment interest from May 1, 1994 through the date of payment, respectively. K & K Recycling, Inc. is obligated, ten days after entry of the Decree, to stipulate to the dismissal with prejudice of its counterclaims against the United States; the United States is obligated, ten days after all payments have been received, to dismiss its claims against K & K Recycling, Inc. with prejudice. The Decree provides to K & K Recycling, Inc., DRMS, and AAFES the contribution protection afforded by section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2). The Decree also contains a reopener that permits the United States, in certain situations, to institute additional proceedings to require that these defendants perform further response actions or to reimburse the United States for additional costs of response.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) 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, D.C. 20530, and should refer to *United States v. Alaskan Battery Enterprises, Inc.*, D.J. No. 90-11-3-726A.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Alaska, Room 253, Federal Building and U.S. Courthouse, 222 West Seventh Avenue, Anchorage, Alaska 99513-7567; the Region 10 Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; and at the Consent Decree Library, 1120 G Street NW, 4th Floor,

Washington, DC 20005 (Tel: 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 enclose a check in the amount of \$6.50 (25 cents per page reproduction cost) payable to Consent Decree Library.

**Bruce Gelber,**

*Acting Chief, Environmental Enforcement Section, Environment & Natural Resources Division.*

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BILLING CODE 4410-01-M

**Lodging of Consent Decree Pursuant to CERCLA**

Notice is hereby given that a proposed consent decree in *United States v. City of Marianna, Florida*, Case No. 94-50092/RV was lodged on August 9, 1995, with the United States District Court for the Northern District of Florida, Panama City Division. The consent decree settles a claim for reimbursement of response costs brought against the City of Marianna under section 107(a) of the Comprehensive Environmental Response, Compensation, and Recovery Act of 1980, as amended, 42 U.S.C. 9607(a), in response to the release or threatened release of hazardous substances into the environment from a three-acre facility located at the City of Marianna Municipal Airport Industrial Park, and counterclaims brought by the City of Marianna, Florida against the United States. Under the consent decree, the City of Marianna agrees to reimburse the United States \$500,000 plus interest within three years of the date on which the consent decree is entered by the Court and the defendants agree to dismiss the counterclaims.

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. City of Marianna, Florida*, DOJ Ref. #90-11-3-774.

The proposed consent decree may be examined at the office of the United States Attorney, Northern District of Florida, Panama City Division, 114 East Gregory Street, Pensacola, Florida 32501; the Region IV Office of the United States Environmental Protection Agency, 345 Courtland Street, NE