

scheduled to become effective on September 15, 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: Gary A. Laakso, Southern Pacific Transportation Company, One Market Plaza, Room 846, San Francisco, CA 94105.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *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: September 18, 1995.

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

Vernon A. Williams,  
Secretary.

[FR Doc. 95-24100 Filed 9-27-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32770]

**Union Pacific Railroad Company—  
Trackage Rights Exemption—The  
Atchison, Topeka and Santa Fe  
Railway Company and Burlington  
Northern Railroad Company**

The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) has agreed to grant overhead trackage rights to the Union Pacific Railroad Company (UP) over a rail line between milepost 59+550 near Abilene, KS, and milepost 154+1980, near Superior, NE.<sup>1</sup> Also, the Burlington Northern Railroad Company (BN) has agreed to grant local trackage rights over a rail line between milepost 169.7 and milepost 171.0, near Superior, NE. The total distance is approximately 97 miles.<sup>2</sup> The trackage rights transaction is located in Dickinson, Clay, Ottawa, Cloud, Republic and Jewell Counties, KS, and Nucholls County, NE. The trackage rights will allow UP overhead trackage rights operation over the Santa Fe line between Abilene, KS, and Superior, NE, and permit UP's local service to

<sup>1</sup> The parties have agreed that 97 miles is the average distance between Abilene and all locations in Superior. Accordingly, a subtraction of the mileposts may provide a slightly different figure.

<sup>2</sup> UP has the option to use Kyle Railroad Company (Kyle) as its operating agent. Kyle has the right of ingress and egress at Concordia, KS, in order to move both UP and its own traffic to and from points on former UP trackage which is now part of Kyle.

facilities in Superior that are served by BN and Santa Fe. The trackage rights were to become effective on or after September 22, 1995.<sup>3</sup>

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: Louise A. Rinn, General Attorney, 1416 Dodge Street, #830, Omaha, NE 68179.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *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: September 22, 1995.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,  
Secretary.

[FR Doc. 95-24102 Filed 9-27-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-55 (Sub-No. 512X)]

**CSX Transportation, Inc.;  
Abandonment Exemption; in Ohio  
County, KY**

CSX Transportation, Inc. (CSXT) has filed a verified notice under 49 CFR part 1152 subpart F—Exempt Abandonments to abandon 5.38-miles of rail line between milepost LHE-114.22 at Kronos and milepost LHE-108.84 at Centertown, in Ohio County, KY.

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

<sup>3</sup> This date coincides with the effective date of the merger in *Burlington Northern, Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32549 (ICC served Aug. 23, 1995). The trackage have been granted pursuant to a settlement agreement dated March 27, 1995, entered into in connection with the merger proceeding.

CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) 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 employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective on October 25, 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,<sup>1</sup> statements 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<sup>3</sup> must be filed by October 5, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 16, 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 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 Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by August 29, 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

<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 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.

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

conditions will be imposed, where appropriate, in a subsequent decision.

Decided: September 20, 1995.

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

Vernon A. Williams,  
Secretary.

[FR Doc. 95-24099 Filed 9-27-95; 8:45 am]

BILLING CODE 7035-01-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging a Final Judgment by Consent Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

Notice is hereby given that on September 14, 1995, a proposed consent decree in *United States v. Viacom International Inc.* Civ. A. No. 95-N-2360, was lodged with the United States District Court for the District of Colorado. The complaint in this action seeks recovery of costs under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 42 U.S.C. 9606, 9607(a). This action involves the Eagle Mine Superfund Site in near Minturn, Colorado.

The consent decree requires that Viacom International perform future remedial action at the Site and reimburse the United States \$3,428,581 for past response costs.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States v. Viacom International Inc.*, DOJ Reference No. 90-11-3-1044. In accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d), commenters may request a public meeting in the affected areas.

The proposed consent decree may be examined at the Office of the United States Attorney for the District of Colorado, 1961 Stout Street, Suite 1100, Denver, Colorado 80294; the Region VIII office of the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202; and at the Consent Decree Library, 1120 "G" Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of

the proposed decree may be obtained in person or by mail from the Consent Decree Library at the address listed above. In requesting a copy, please refer to the referenced case and number, and enclose a check in the amount of \$24.50 (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 Div.*

[FR Doc. 95-24131 Filed 9-27-95; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### National Advisory Committee on Occupational Safety and Health; HazCom Workgroup Meeting

Notice is hereby given that a workgroup of the National Advisory Committee on Occupational Safety and Health (NACOSH), established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 646) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act, will meet on October 19 and 20, 1995, in S4215 A-C of the Department of Labor Building located at 200 Constitution Avenue NW, Washington, DC. The meeting is open to the public and will begin at 9 a.m. each day lasting until approximately 4:30 p.m. on October 19 and 2:30 p.m. on October 20.

The Occupational Safety and Health Administration (OSHA) has asked NACOSH to form a workgroup to identify ways to improve chemical hazard communication and the right to know in the workplace. OSHA has asked the Committee to provide OSHA with recommendations in approximately six months to simplify material safety data sheets, reduce the amount of required paperwork, improve the effectiveness of worker training, and revise enforcement policies so that they focus on the most serious hazards. Four members of NACOSH have been assigned to the HazCom Workgroup which will be assisted by a variety of specialists in all aspects of hazard communication. In addition, two of the workgroup meetings will be devoted to hearing from representatives of labor organizations, employers, and the public. The workgroup will meet approximately once a month for several months and will prepare draft recommendations which will be

submitted to the full committee for its deliberation in public session.

The agenda for the morning of October 19 will include a review of issues to be covered by the HazCom Workgroup and the confirmation of dates and agenda items for the remaining workgroup meetings. Beginning at 1:00 p.m. on October 19 and continuing the morning of October 20, representatives of small businesses and labor organizations are invited to address the workgroup. Presentations will be limited to 10 minutes with time allowed for questions from the workgroup members. Additional information and/or documentation may be submitted and will be entered into the record. A verbatim transcript will be made of the proceedings which will be available to the public in the OSHA Technical Data Center (TDC) located in Room N2625 of the Department of Labor Building (202)-219-7500).

Members of labor organizations and small businesses wishing to make presentations before the HazCom Workgroup on October 19 and 20 should notify, no later than October 13, Joanne Goodell, Directorate of Policy, OSHA, Room N-3641, 200 Constitution Avenue NW, Washington, DC, 20210, telephone (202) 219-8021, ext. 107, or FAX (202) 219-4383. Presenters must provide their name, the capacity in which the person will appear, a brief outline of the content of the presentation, their preference of appearance date, mail address, telephone and FAX numbers. Presenters' specific requests to appear on either the October 19 afternoon session or the October 20 morning session will be honored to the extent the schedule allows. If there is sufficient time, others who have not notified OSHA will be permitted to make presentations on October 20 after all those on the schedule have been heard.

Written data, views or comments for consideration by the workgroup may be submitted, preferably with 20 copies, to Joanne Goodell at the address provided above. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Individuals with disabilities who need special accommodations should contact Tom Hall by October 16 at the address indicated below.

For additional information contact: Joanne Goodell, Directorate of Policy, Occupational Safety and Health Administration, Room N-3641, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 219-8021.