

Commuter Railroad Company, a subsidiary of the Metropolitan Transit Authority, the line's lessee.

DTRR has certified that: (1) No traffic has moved over the line for at least 2 years; (2) 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 with the 2-year period; and (3) the requirements at 49 CFR 1105.11 (transmittal letter) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee affected by the discontinuance 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) has been received, this exemption will be effective on November 16, 1995, unless stayed pending reconsideration.<sup>1</sup> Petitions to stay and formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> must be filed by October 27, 1995. Petitions to reopen must be filed by November 6, 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: Robert A. Wimbish, Suite 420, 1920 N Street NW., Washington, DC 20036.

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

Decided: October 6, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-25682 Filed 10-16-95; 8:45 am]

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<sup>1</sup> Because this is a discontinuance, and not an abandonment, and the right-of-way will continue to be used for passenger service, trail use/railbanking and public use conditions are not appropriate. Likewise no environmental or historical documentation is required. 49 CFR 1105.6(b)(3).

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

### Release of Waybill Data

The Commission has received a request from Hopkins & Sutter, for permission to use certain data from the Commission's 1994 I.C.C. Waybill Sample. A copy of the request (WB486—9/28/95) may be obtained from the I.C.C. Office of Economic and Environmental Analysis.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections with the Director of the Commission's Office of Economic and Environmental Analysis within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 927-6196.

Vernon A. Williams,

Secretary.

[FR Doc. 95-25681 Filed 10-16-95; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Stipulations Pursuant to the Clean Water Act, 33 U.S.C. 1251 et seq.

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that proposed stipulations in *United States v. City of Brook Park*, Civil Action No. 1:91CV1727, *United States v. City of Middleburg Heights*, Civil Action No. 1:91CV1722, *United States v. City of Berea*, Civil Action No. 1:91CV1726, and *United States v. City of Strongsville*, Civil Action No. 1:91CV1725 were lodged on September 28, 1995 with the United States District Court for the Northern District of Ohio. The stipulations settle actions brought concurrently under the Clean Water Act, 33 U.S.C. 1251, et seq., (the "Act") to address the defendants' violations of the pollutant discharge limits set forth in the defendant cities' respective permits issued pursuant to Section 1342 of the Act. Each of the defendant cities is a suburb of Cleveland, Ohio, and located within the Rocky River Basin, which drains into Lake Erie. Since the complaints were filed on August 30, 1991, each of the defendant cities has ceased discharging their municipal wastewaters into navigable waterways of the United States by directing those wastewaters to a regional wastewater treatment plant owned and operated by the Northeast Ohio Regional Sewer District. Accordingly, the defendants are in compliance with the pollutant discharge limits of their respective

permits. Each stipulation requires the defendants in that case to pay a civil penalty of \$10,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed stipulations. 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. City of Brook Park*, DOJ Ref. #90-5-1-1-3776; *United States v. City of*

*Middleburg Heights*, DOJ Ref. #90-5-1-1-3775; *United States v. City of Berea*, DOJ Ref. #90-5-1-1-3731; and *United States v. City of Strongsville* DOJ Ref. #90-5-1-1-3729.

The proposed stipulations may be examined at the office of the United States Attorney, 1800 Bank One Center, 600 Superior Avenue East, Cleveland, Ohio; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard Chicago, IL 60604; 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 stipulations may be obtained in person or by mail from the Consent Decree Library, 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 \$3.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 95-25708 Filed 10-16-95; 8:45 am]

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### 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, notice is hereby given that a proposed *de minimis* consent decree in *United States v. Buffalo Air Handling et al.*, Civil Action No. 95-0053-L, was lodged on September 29, 1995 with the United States District Court for the Western District of Virginia. The proposed consent decree resolves claims under Section 107 of CERCLA, 42 § 9607, against certain *de minimis* waste contributors for reimbursement of response costs incurred and to be incurred by the United States at the