Telephone (202) 260–1023; Fax (202) 260–0178. Or, review the report on the DfE home page at http://es.inel.gov/dfe.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–00194]. No CBI should be submitted through e-mail. Electronic comments may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: Jed Meline, telephone (202) 260–1678, Design for the Environment Program, Office of Pollution Prevention and Toxics, Mail Code 7406, 401 M St., SW., Washington, DC. 20460, e-mail: meline.jed@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability: Electronic copies of the draft document are available from the EPA Public Access gopher (gopher.epa.gov) at the Environmental Sub-Set entry for this document under ''Rules and Regulations.''

The EPA's Design for the Environment (DfE) Program began working with the lithographic sector of the printing industry In 1993. This work ultimately formed the basis of the DfE Lithography Project. Concentrating on the process of blanket washing, the partners of the Lithography Project, in a voluntary cooperative effort, evaluated 37 different blanket wash products. Information was gathered on the performance, cost, and health and environmental risk trade-offs of each blanket wash. The goal of the Project is to provide information that will help lithographers make more informed decisions about the blanket wash products they bring into their facilities, and thus, help them design an operation which is more environmentally sound, safer for workers, and more cost effective. With this notice, EPA is announcing the availability of the draft document entitled ''Cleaner Technologies Substitutes Assessment: Lithographic Blanket Washes,'' detailing the information and data gathered throughout the course of the Lithography Project.

A record has been established for this notice of availability under docket number [OPPTS–00194] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice of availability, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

Dated: July 31, 1996.

William H. Sanders III

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 96–20104 Filed 8–6–96; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5548–4]

Southern Crop Site; Notice of Proposed Purchaser Agreement

Notice is hereby given that a proposed prospective purchaser agreement associated with Southern Crop Superfund Site in Palm Beach, Florida has been approved by the Agency and by the Department of Justice. The Prospective Purchaser Agreement would resolve certain potential EPA claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Action on 1986 (''CERCLA''), against John McCrocklin, the prospective purchaser (''the purchaser'').

The settlement would require the purchaser to provide for proper disposal of any wastes, debris, or other materials generated by a proposed railroad realignment over a portion of the Southern Crop Site within 90 days for any wastes so generated, and to provide EPA access to the Site. EPA will consider public comments on the proposed agreement for thirty (30) days. EPA may withdraw from or modify the proposed purchaser agreement should such comments disclose facts or considerations which indicate the proposed agreement is inappropriate, improper, or inadequate.

Copies of the agreement are available from: Paula V. Batchelor, U.S. Environmental Protection Agency, Region 4, Waste Management Division, 345 Courtland Street, N.E., Atlanta, Georgia 30365, 404/347–5059, vmx. 6169.

Written comments must be submitted to Ms. Batchelor at the above address by September 6, 1996.

Dated: July 19, 1996.

James S. Kutzman,

Acting Director, Waste Management Division.

[FR Doc. 96–20113 Filed 8–6–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5548–7]

Notice of Availability of and Initiation of a 30 Day Public Comment Period for an Administrative Order on Consent for De Minimis Waste Contributors Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

Notice is hereby given that on July 24, 1996, an administrative order on consent (''Order'') between the United States Environmental Protection Agency, Region VIII and The Cleveland-Cliffs Iron Company, Union Pacific Resources Company and Union Pacific Resources Group, Inc. (collectively, ''the Settling Parties'') was approved by the Department of Justice, Environmental and Natural Resources Division, on behalf of the Attorney General of the United States, for the Summitville Mine Superfund Site (''Site'').

Because of the minimal nature, by volume and toxicity, of the hazardous substances allegedly contributed by the Settling Parties to the Site, EPA determined that the Settling Parties are eligible for a *de minimis* settlement in accordance with Section 122(g) of CERCLA. According to the terms of the Order, in exchange for a cash payment of $700,000, including a premium, the Settling Parties have resolved their potential civil liability under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607 and Section 7003 of the Resource Conservation and Recovery

Act, as amended, 42 U.S.C. 6973 for the Site.

EPA Region VIII will receive comments relating to the proposed Order for a period of thirty days from the date of publication of this notice. Comments should be addressed to Nancy Mangone, Enforcement Attorney (8ENF–L), U.S. EPA Region VIII, 999 18th Street, Denver, Colorado 80202 and should refer to the Summitville Mine Superfund Site, EPA Docket No. CERCLA–VIII–96–23, Administrative Order an Consent between U.S. EPA Region VIII and The Cleveland-Cliffs Iron Company, Union Pacific Resources Group, Inc. and Union Pacific Resources Company. 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 Order may be examined in person at the Superfund Records Center, EPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202, (303) 312–6111. A copy of the Order may also be obtained by mail from Mr. James Worden of the EPA Region VIII Superfund Records Center (8EPR–PS) at the address listed above. In requesting a copy, please refer to the referenced case and number. There is no cost for requesting this document.

Max H. Dodson,

Assistant Regional Administrator, Office of Ecosystems Protection and Remediation, U.S. EPA Region VIII.

In the Matter of: Summitville Mine Superfund Site, Site No. Y3; The Cleveland-Cliffs Iron Company, Union Pacific Resources Group, Inc. and Union Pacific Resources Company, Respondents. Proceeding Under Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. § 9622(g)(4)). EPA Docket No. CERCLA–VIII–96–23.

CERCLA Section 122(G)(4) De Minimis Waste Contributor Administrative Order

I. Jurisdiction

1. This Administrative Order on Consent (''Consent Order'' or ''Order'') is issued pursuant to the authority vested in the President of the United States by Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. § 9622(g)(4), to reach settlements in actions under Section 106 or 107 of CERCLA, 42 U.S.C. §§ 9606 or 9607. The authority vested in the President has been delegated to the Administrator of the United States Environmental Protection Agency (''EPA'') by Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 29, 1987), and further delegated to the Regional Administrators of the EPA by EPA Delegation No. 14–14–E. This authority has been redelegated to the Assistant Regional Administrator for Ecosystem Protection and Remediation.

2. This Order is issued to The Cleveland-Cliffs Iron Company, Union Pacific Resources Company and Union Pacific Resources Group, Inc. Each Respondent agrees to undertake all actions required by this Consent Order. Each Respondent further consents to and will not contest EPA's jurisdiction to issue this Consent Order or the implement or enforce its terms.

II. Statement of Purpose

3. By entering into this Consent Order, the mutual objectives of the Parties are:

a. to reach a final settlement among the Parties with respect to the Site pursuant to Section 122(g) of CERCLA, 42 U.S.C. 9622(g), that allows Respondents to make a cash payment, including a premium, to resolve their alleged civil liability under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607 and Section 7003 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6973, for injunctive relief with regard to the Site, and for response costs incurred and to be incurred at or in connection with the Site, thereby reducing litigation relating to the Site;

b. to simplify any remaining administrative and judicial enforcement activities concerning the Site by eliminating three of the potentially responsible parties from further involvement at the Site; and

c. to obtain settlement with Respondents for their fair share, as determined by EPA, of response costs incurred and to be incurred at or in connection with the Site by the EPA Hazardous Substance Superfund, and to provide full and complete contribution protection for Respondents with regard to the Site pursuant to Sections 122(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. 9622(f)(2) and 9622(g)(5).

III. Definitions

4. Unless otherwise expressly provided herein, terms used in this Consent Order that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in the statute or regulations. Whenever the terms listed below are used in this Consent Order, the following definitions shall apply:

''CERCLA'' shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

''Consent Order'' or ''Order'' shall mean this Administrative Order on Consent and all appendices attached hereto. In the event of conflict between this Order and any appendix, the Order shall control.

''Day'' shall mean a calendar day. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or Federal holiday, the period shall run until the close of business of the next working day.

''EPA'' shall mean the United States Environmental Protection Agency and any successor departments or agencies.

''EPA Hazardous Substance Superfund'' shall mean the Hazardous Substance Superfund established by the Internal Revenue Code, 26 U.S.C. 9507.

''Information currently known to the United States'' shall mean that information and those documents contained in the Administrative Record and Site File for the Site as of the effective date of this Order.

''Interest'' shall mean interest at the rate specified for interest on investments of the EPA Hazardous Substance Superfund established by 26 U.S.C. 9507, compounded on October 1 of each year, in accordance with 42 U.S.C. 9607(a).

''New Information'' shall mean information not contained in the Administrative Record or Site File for the Site as of the effective date of this Order.

''Paragraph'' shall mean a portion of this Consent Order identified by an arabic numeral.

''Parties'' shall mean EPA and the Respondents.

''Respondents'' shall mean The Cleveland-Cliffs Iron Company (CC), Union Pacific Resources Company and Union Pacific Resources Group, Inc. (together, UP).

''Response Costs'' shall mean all costs of ''response'' as that term is defined by Section 101(25) of CERCLA.

''Section'' shall mean a portion of this Consent Order identified by a roman numeral.

''Site'' shall mean the Summitville Mine Superfund Site Remedial Investigation/Feasibility Study Area within Rio Grande County, Colorado. Approximately 550 acres of the Site, known a the Summitville Minesite, have been disturbed by mining activities and is currently undergoing remedial action. As depicted on the map attached as Appendix A, the Site consists of portions of the Alamosa River Watershed EPA believes may have been impacted by releases of hazardous

substances from the Summitville Minesite. More specifically, the Site includes the following areas: Area 1—*Summitville Mine Site*—The area within the mine permit boundaries; Area 2—*Wightman Fork*—The Wightman Fork and associated wetlands between the down stream mine permit boundary to the confluence with the Alamosa River; Area 3—*Alamosa River*—The Alamosa River and associated wetlands from the confluence with the Wightman Fork downstream to the inlet of the Terrace Reservoir; Area 4—*Terrace Reservior*—The area which contains the Terrace Reservoir; and Area 5—*Below Terrace Reservior*—The area below the Terrace Reservoir which has been impacted by contamination transported by the Alamosa River and irrigation canals.

''United States'' shall mean the United States of America, including its departments, agencies and instrumentalities.

IV. Statement of Facts

5. The United States Environmental Protection Agency (EPA) initiated removal response actions at the Site on December 18, 1992 to address releases or threatened releases of hazardous substances into the Alamosa River and surrounding environment pursuant to the President's authority under Sections 104 and 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99–499, 42 U.S.C. 9604 and 9606(a) (CERCLA).

6. On May 31, 1994, EPA listed the Site on the National Priorities List as a result of releases or threatened releases of hazardous substances at or from the Site.

7. On December 15, 1994, EPA issued 4 Interim Records of Decision selecting the interim remedial actions to be implemented for the following activities and/or areas at the Summitville Mine Site: Water Treatment (WT IROD), Reclamation, the Heap Leach Pad (HLP IROD) and the Cropsy Waste Pile, Beaver Mud Dump/Summitville Dam Impoundment, and Mine Pits (CWP IROD).

8. As of September 30, 1995, the United States incurred $77 million in response costs responding to the release or threatened release of hazardous substances at or in connection with the Site. The United States continues to incur response costs in responding to the release or threat of release of hazardous substances at or in connection with the Site.

9. EPA alleges that the Respondents are liable for reimbursement of the United States' response costs pursuant to Section 107 of CERCLA, 42 U.S.C. 9607.

10. Between April 1, 1996 and December 31, 1969, CC, UP and the W.S. Moore Co. participated in exploration and related activities at the Site. These activities initially were conducted by only W.S. Moore and UP. On October 1, 1967, CC acquired a working interest in the exploration and related activities at the Site pursuant to an Interim Management Agreement. In August 1, 1968, the Interim Management Agreement was replaced by the Management Agreement. On December 31, 1969, the three participants ceased these exploration and related activities by terminating the Management Agreement.

11. The exploration and related activities at the Site referred to in Paragraph 10 above included: (1) Sinking of one exploratory shaft, referred to herein as the Missionary Shaft, approximately 400 ft. to provide access to the Missionary Vein; (2) underground drifting from the Missionary Shaft to explore the extent of the Missionary Vein; (3) construction of a dam for the future impoundment of tailings; (4) partial construction of an ore crusher and mill facility (the ore crusher was shipped and uncrated, but never installed or used); (5) implementation of an exploratory sampling program that included core and channel sampling; and (6) rehabilitation and renovation of 2200 ft. of the Reynolds tunnel. CC and UP did not, however, complete or operate the crusher and mill facility and did not generate or dispose of tailings at the Site.

12. These activities caused the generation or disposal of approximately 12,000 cubic yards (yds.^{3}) of waste rock and other mine waste material. Based on Information currently known to the United States, EPA and the Respondents agree that not more than 7,500 yds.^{3} of this material was waste rock containing hazardous substances. The Parties agree that the remainder of this material was inert, non-hazardous substance-bearing andesite. EPA alleges that the waste rock generated during the Respondents' activities at the Site is a source of hazardous substances that have been released into the disturbed surface area of the Site and have adversely impacted the quality of water at or emanating from the Site.

13. The total volume of waste rock, tailings and other mine waste (including the Heap Leach Pad) requiring remediation at the Site is approximately 11 million yds.^{3} According to the WT IROD, approximately 321,000 pounds of copper per year, if left untreated would contaminate the receiving waters surrounding the Site, including the Wightman Fork and Alamosa River. EPA has determined parties are eligible for a *de minimis* settlement if their contribution of mine waste and metals loading is equal to or less than 3% of the total volume of hazardous substances contributed to each of these media. The Respondents' contributions of hazardous substances to these media are below the 3% *de minimis* cut-off established by EPA for the Site.

14. Based on Information currently known to the United States, EPA calculated the Respondents *de minimis* eligibility as follows: EPA has estimated that the amount of hazardous substances allegedly contributed to the Site by Respondents constitutes .0007% of the total volume of waste rock, tailings or mine waste requiring remediation at the Site and .65% of the copper loading to the waters at or emanating from the Site.

15. The material allegedly generated and disposed of by the Respondents therefore involves only a minor portion of the total hazardous substances generated or disposed of at the Site. EPA has also concluded that the hazardous substances allegedly contributed to the Site by Respondents are not significantly more toxic or of significantly greater hazardous effect than other hazardous substances at the Site.

16. EPA calculated the settlement amount to be paid by the Respondents based on the volume and toxicity of the Respondents' contribution of hazardous substances at the Site, the cost to remediate that contribution, a percentage of sitewide costs and an appropriate ''premium'' payment. EPA believes that the 7,500 yds.^{3} of waste rock containing hazardous substances generated by the Respondents was disposed of in the general area between the Beaver Mud Dump and the Summitville Dam Impoundment. The amount of waste rock, tailings, and other mine waste being remediated pursuant to the CWP IROD is estimated to have a volume of 4,500,000 yds.^{3} The Respondents' alleged contribution of hazardous substances to be remediated pursuant to the CWP IROD is .16%. The cost to remediate the Respondents' contribution of mine waste was therefore calculated based on its fair share of the actual cost of performing the CWP removal action and the estimated future cost of performing the CWP IROD remedy. The cost to remediate the Respondents' contribution of copper loading to waters at and emanating from the Site was calculated based on its fair share of past

and estimated future costs of performing water treatment.

17. EPA estimates that the total response costs incurred and to be incurred at or in connection with the Site by the EPA Hazardous Substance Superfund will be $120 million. The payment required to be made by the Respondents pursuant to this Order represents only a minor portion of the response costs to be recovered for the cleanup of the Site.

V. Determinations

18. Based upon the Statement of Facts set forth above and on the Information currently known to the United States, EPA has determined that:

a. The Site is a ''facility'' as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. 9601(9).

b. Each Respondent is a ''person'' as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. 9601(21).

c. Each Respondent is a ''potentially responsible party'' within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. 9622(g)(1).

d. There has been an actual or threatened ''release'' of a ''hazardous substance'' from the Site as those terms are defined in Sections 101(22) and (14) of CERCLA, 42 U.S.C. 9601(22) and (14).

e. The amount of hazardous substances contributed to the Site by each Respondent and the toxic or other hazardous effects of the hazardous substances contributed to the Site by each Respondent are minimal in comparison to other hazardous substances at the Site within the meaning of Section 122(g)(1)(A) of CERCLA, 42 U.S.C. 9622(g)(1)(A).

f. As to each Respondent, this Consent Order involves only a minor portion of the response costs at the Site within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. 9622(g)(1).

g. The terms of this Consent Order are consistent with EPA policy and guidance for settlements with *de minimis* waste contributors, including but not limited to, ''Standardizing the *De Minimis* Premium,'' (July 7, 1995), ''Streamlined Approach for Settling with *De Minimis* Waste Contributors under CERCLA Section 122(g)(1)(A),'' OSWER Directive No. 9834.7–1D (July 30, 1993), and ''Methodology for Early *De Minimis* Waste Contributor Settlements under CERCLA Section 122(g)(1)(A),'' OSWER Directive No. 9834.7–1C (June 2, 1992).

h. Prompt settlement with each Respondent is practicable and in the public interest within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

i. The settlement of this case without litigation and without the admission or adjudication of any issue of fact or law is the most appropriate means of resolving any liability that the Respondents may have for response actions and response costs with respect to all releases or threatened releases at or in connection with the Site.

V. Order

19. Based upon the Information currently known to the United States and the Statement of Facts and Determinations set forth above, and in consideration of the promises and covenants set forth herein, the following is hereby *Agreed to and ordered*:

VI. Parties Bound

20. This Consent Order shall apply to and be binding upon EPA and upon Respondents and their successors and assigns. Any change in ownership or corporate or other legal status of a Respondent including, but not limited to, any transfer of assets or real or personal property, shall in no way alter such Respondent's responsibilities under this Consent Order. Each signatory to this Consent Order certifies that he or she is authorized to enter into the terms and conditions of this Consent Order and to execute and bind legally the party represented by him or her.

VII. Payment

21. Within 10 days of the effective date of this Order, Respondents shall pay a total of $700,000 to the Hazardous Substance Superfund as provided below. The obligation to pay the United States this amount is joint and several among the Respondents.

22. Payment shall be made by cashier's check(s) made payable to ''EPA Hazardous Substance Superfund.'' Each check shall reference the Site name, the name and address of the Respondent, EPA CERCLA Number 08–Y3 and DOJ Case No. 90–11–1133A and shall be sent to: Mellon Bank, EPA Region VIII, Attn: Superfund Accounting, P.O. Box 360859M, Pittsburgh, PA 15251.

23. If the Respondents fail to make full payment within the time required by Paragraph 21. Respondents shall pay Interest on the unpaid balance. In addition, if Respondents fail to make full payment as required by Paragraph 21, the United States may, in addition to any other available remedies or sanctions, bring an action against the Respondents seeking injunctive relief to compel payment and/or seeking civil penalties under Section 122(l) of CERCLA, 42 U.S.C. 9622(l), for failure to make timely payment.

24. The Respondents' payment includes an amount representing the Respondents' fair share of: (a) past response costs incurred at or in connection with the Site; (b) projected future response costs to be incurred at or in connection with the Site; and (c) a premium to cover the risks associated with this settlement, including but not limited to, the risk that total response costs incurred or to be incurred at or in connection with the Site by the EPA Hazardous Substance Superfund, or by any private party, will exceed the estimated total response costs upon which Respondents' payment is based.

25. Payments made under this Section shall be placed in a site-specific ''special'' or ''reimbursable'' account by EPA. This site-specific reimbursable account within the EPA Hazardous Substance Superfund shall be known as the Summitville Mine Superfund Site Special Account and shall be retained and used by EPA to conduct or finance the response actions at or in connection with the Site. Upon completion of the final remedial action for the Site, any balance remaining in the Summitville Mine Superfund Site Special Account shall be transferred by EPA to the general EPA Hazardous Substance Superfund.

VIII. Certification of Respondents

26. By signing this Consent Order, each Respondent certifies, individually, that, to the best of its knowledge and belief, it has:

a. conducted a thorough, comprehensive, good faith search for documents, and has fully and accurately disclosed to EPA, all non-privileged documents currently in its possession, or in the possession of its officers, directors, employees, contractors or agents, which relates in any way to its liability under CERCLA and RCRA for ownership, operation, exploration activities or control of the Site;

b. not altered, mutilated, discarded, destroyed or otherwise disposed of any records, documents, or other information relating to its potential CERCLA and RCRA liability regarding the Site after notification of such potential liability; and

c. fully complied to EPA's satisfaction with any and all EPA requests for information pursuant to Sections 104(e) and 122(e) of CERCLA, 42 U.S.C. 9604(e) and 9622(e).

IX. Covenants Not Yo Sue

27. a. Except as provided in Section XI (Reservation of Rights) of this Order, the United States covenants not to sue or take any other civil or administrative action against each Respondent for

reimbursement of response costs or for injunctive relief pursuant to Section 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a) or Section 7003 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6973, relating to the Site. With respect to present and future liability, this covenant not to sue shall take effect upon full payment of the amount specified in Section VII (Payment) of this Order.

b. The United States' covenant not to sue extends to Respondents, and to their predecessors-it-interest, affiliates, successors and assigns only to the extent that the liability of such predecessors-in-interest, affiliates, successors and assigns is derivative of Respondents' liability for those acts set forth in Paragraph 11, Section IV of this Order. The United States' covenant not to sue does not extend to any other person.

X. Reservation of Rights

28. The covenants not to sue by the United States set forth in Paragraph 27 of this Order do not pertain to any matters other than those expressly specified in Paragraph 27. The United States reserves, and this Order is without prejudice to, all rights against any Respondent with respect to all other matters, including but not limited to the following:

(a) Claims based on a failure to make the payments required by Section VII (Payment) of this Order;

(b) Criminal liability;

(c) Any liability against a Respondent that results from its future disposal activities at the Site; or

(d) Liability for damages for injury to, destruction of, or loss of natural resources, including any cost of assessing the injury to, destruction of, or loss of such natural resources.

29. a. Notwithstanding any other provision in this Consent Order, the United States reserves, and this Consent Order is without prejudice to, the right to institute judicial or administrative proceedings against any Respondent seeking to compel that Respondent to perform response actions at the Site and/or to reimburse the United States for additional costs of response if New Information is discovered that such Respondent contributed: (a) hazardous substances in an amount greater than 1% of the total volume of waste rock, tailings or mine waste containing hazardous substances requiring remediation at the Site; or (b) hazardous substances in an amount greater than 1.3% of the total copper loading to the waters at or emanating from the Site; or (c) hazardous substances at the Site which are significantly more toxic or are of significantly greater hazardous effect than other hazardous substances at the Site.

b. For purposes of Paragraph 29.a., ''New Information'' shall not include: (1) Any recalculation of the total volume of waste rock, tailings or mine waste containing hazardous substances requiring remediation at the Site based solely on Information currently known to the United States; (2) any recalculation of the Respondent's contribution of copper loading to the waters at or emanating from the Site based solely on Information currently known to the United States; or (3) any recalculation of the Respondent's contribution to copper loading to the waters at or emanating from the Site that relies upon the reduction, elimination or remediation of sources of copper loading other than the Missionary Vein.

c. In the event the United States institutes judicial or administrative proceedings against any Respondent pursuant to Paragraph 29.a. above, CC an UP shall each:

(i) be credited, in any subsequent settlement or administrative or judicial proceeding relating to the Site, $350,000 of the $700,000 payment made pursuant to Paragraph 21 of this Order;

(ii) retain any defense it may have to liability and any claim it may have under any applicable statute or the common law with regard to any additional amount demanded by the United States in any subsequent administrative or judicial proceeding relating to the Site; and

(iii) continue to grant any waiver or covenant previously granted to the United States under Section XI of this Order for the amount credited to each Respondent, but such waiver or covenant shall be null and void as to any additional amount demanded by the United States in any subsequent administrative or judicial proceeding relating to the Site.

XI. Covenant Not To Sue by Respondents

30. Each Respondent covenants not to sue and agrees not to assert any claims or causes of action against the United States, or its contractors or employees with respect to the Site or this Order, including, but not limited to:

a. any direct or indirect claim for reimbursement from the Hazardous Substance Superfund (established pursuant to the Internal Revenue Code, 26 U.S.C. 9507) through Sections 106(b)(2), 111, 112 or 113 of CERCLA, 42 U.S.C. 9606(b)(2), 9611, 9612 or 9613;

b. any claim arising out of response activities at the Site; and

c. any claim against the United States pursuant to Sections 107 or 113 of CERCLA, 42 U.S.C. 9607 or 9613, relating to the Site.

31. Nothing in this Order shall be deemed to constitute preauthorization of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. 9611, or 40 CFR § 300.700(d).

32. The Respondents also waive any challenge they may have to any response action selected in any Action Memorandum, Interim Record of Decision or final Record of Decision for the Site.

XII. Effect of Settlement; Contribution Protection

33. Nothing in this Order shall be construed to create any rights in, or grant any cause of action to, any person not a party to this Order. The preceding sentence shall not be construed to waive or nullify any rights that any person not a signatory to this Order may have under applicable law. The United States and the Respondents each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands and causes of action which each party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a party hereto.

34. Respondents consent and agree to comply with and be bound by the terms of this Order, the United States and the Respondents agree that this Order, Respondents' consent to this Order and actions in accordance with this Order shall not in any way constitute or be construed as an admission of any liability by Respondents or of any legal or factual matters set forth in this Order. Further, neither this Order, Respondents' consent to this Order, nor Respondents' actions in accordance with this Order shall be admissible in evidence against Respondents without their consent, except in a proceeding to enforce this Order. Respondents do not admit, and retain the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Consent Order, the validity of the Statement of Facts and Determinations contained in this Consent Order.

35. With regard to claims for contribution against each Respondent and their predecessors-in-interest, affiliates, successors and assigns for matters addressed by this Order, the Parties hereto agree that each Respondent and their predecessors-in-interest, affiliates, successors and assigns is entitled, as of the effective date this Order, to such protection from contribution actions or claims as is

provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. 9613(f)(2) and 9622(g)(5) for ''matters addressed'' in this Consent Order. ''Matters addressed'' by this Order shall include all claims the United States could bring or any other civil or administrative action the United States could take against each Respondent, or their predecessors-in-interest, affiliates, successors and assigns only to the extent that their liability is derivative of Respondents' liability for those acts set forth in Paragraphs 11, Section IV of this Order, for injunctive relief or for reimbursement of response costs pursuant to Section 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a) or Section 7003 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6973, related to the Site.

XIII. Public Comment

36. This Order shall be subject to a thirty-day public comment period in accordance with Section 122(i) of CERCLA, 42 U.S.C. 9622(i). In accordance with Section 122(i)(3), 42 U.S.C. 9622(i)(3), EPA may withdraw or modify its consent to this Order if comments received disclose any facts or considerations which indicate that this Order is inappropriate, improper, or inadequate.

XIV. Attorney General Approval

37. The Attorney General or her designee has approved the settlement embodied in this Order in accordance with Section 112(g)(4) of CERCLA, 42 U.S.C. 9622(g)(4).

XV. Effective Date

38. The effective date of this Order shall be the date upon which the Assistant Regional Administrator, EPA Region VIII notifies the Respondents that the public comment period undertaken pursuant to Paragraph 36 of this Order has closed and that comments received, if any, do not require EPA's withdrawal from or the modification of any terms of this Order.

It is so Agreed

The Cleveland-Cliffs Iron Company

By: _____

Thomas J. O'Neil, President.

Date: _____

Union Pacific Resources Company

By: _____

V. Richard Eales, Executive Vice President and Chief Financial Officer.

Date: _____

Union Pacific Resources Group, Inc.

By: _____

V. Richard Eales, Executive Vice President and Chief Financial Officer.

Date: _____

It is so Ordered and Agreed

Environmental Protection Agency, Region VIII

By: _____

Max H. Dodson, Assistant Regional Administrator, Officer of Ecosystems Protection and Remediation.

Date: _____

[FR Doc. 96–20112 Filed 8–6–96; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or the Acquisition of Companies that are Engaged in Permissible Nonbanking Activities

National Westminster Bank Plc, London, England (''Notificant''), has given notice pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (''BHC Act'') and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), to indirectly acquire Greenwich Capital Holdings, Inc., Greenwich, Connecticut (''Greenwich'') and its subsidiaries located in the United States from the Long-Term Credit Bank of Japan, Limited, Tokyo, Japan. As a result of this acquisition, Notificant proposes to engage in the following nonbanking activities nationwide:

1. Underwriting and dealing, to a limited extent, in municipal revenue bonds, 1-4 family mortgage-related securities, commercial paper, and consumer receivable-related securities (collectively, ''bank-ineligible securities'');

2. Acting as agent in the private placement of all types of securities;

3. Buying and selling all types of securities on the order of customers as ''riskless principal'';

4. Trading in foreign exchange for its own account;

5. Trading for its own account foreign exchange forward, futures, options, and options on futures contracts for purposes other than hedging;

6. Acting as originator, principal, broker, agent, or adviser to institutional customers with respect to interest rate and currency swaps and related swap derivative products;

7. Purchasing and selling for its own account (i) gold and silver bullion, bars, rounds and coins (''precious metals''); and (ii) forward, options, futures and options on futures contracts for such precious metals for purposes of hedging positions in the underlying precious metals (''precious metals contracts'');

8. Underwriting and dealing in government obligations and money market instruments pursuant to § 225.25(b)(16) of the Board's Regulation Y (12 CFR 225.25(b)(16));

9. Acting as a futures commission merchant pursuant to § 225.25(b)(18) of the Board's Regulation Y (12 CFR 225.25(b)(18));

10. Acting as an investment or financial adviser pursuant to § 225.25(b)(4) of the Board's Regulation Y (12 CFR 225.25(b)(4));

11. Arranging commercial real estate equity financing pursuant to § 225.25(b)(14) of the Board's Regulation Y (12 CFR 225.25(b)(14));

12. Providing investment advice on financial futures and options on futures pursuant to § 225.25(b)(19) of the Board's Regulation Y (12 CFR 225.25(b)(19));

13. Making, acquiring, and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y (12 CFR 225.25(b)(1));

14. Providing securities brokerage services pursuant to § 225.25(b)(15) of the Board's Regulation Y (12 CFR 225.25(b)(15)); and

15. Leasing personal or real property or acting as agent, broker, or adviser in leasing such property pursuant to § 225.25(b)(5) of the Board's Regulation Y (12 CFR 225.25(b)(5)).

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity which the Board, after due notice and opportunity for hearing, has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. This statutory test requires that two separate tests be met for an activity to be permissible for a bank holding company. First, the Board must determine that the activity is, as a general matter, closely related to banking. Second, the Board must find in a particular case that the performance of the activity by the applicant bank holding company may reasonably be expected to produce public benefits that outweigh possible adverse effects.

Notificant maintains that the Board previously has determined by regulation or order that the proposed activities are closely related to banking. See 12 CFR 225.25(b)(1),(4), (5), (14), (15), (16), (18), and (19). See also *The Long Term Credit Bank of Japan, Limited*, 79 Federal Reserve Bulletin 347 (1993); 79 Federal Reserve Bulletin 345 (1993); 76 Federal Reserve Bulletin 554 (1990); and 74 Federal Reserve Bulletin 573 (1988). Notificant also has stated that it will conduct the proposed activities subject