

Response, Compensation and Liability Act (42 U.S.C. 9601 *et seq.*) (CERCLA).

**DATES:** This notice is effective on April 16, 1997. Submit comments by May 16, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Send comments to Ken Kukovich, Director, Liquidation Division, Economic Development Administration, Room 7840, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-4965, fax number (202) 482-2217. Copies of the proposed settlement agreement, Consent Order, and all attachments, can be requested at the same address and telephone numbers above. Electronically the information on the proposed settlement agreement and the Consent Order (without the attachments) is available via the Internet on EDA's Home Page at <http://www.doc.gov/agencies/eda/index.html> (under Regulations and Notices).

**SUPPLEMENTARY INFORMATION:**

**Background**

Between 1876 and 1980 various portions of the former Wisconsin Steel Works, located in Chicago, Illinois (the Site) functioned as a fully-integrated steel mill. EDA guaranteed a loan of \$100 million under its Special Steel Loan Guaranty Program in 1979. After the Wisconsin Steel Company filed for protection under the bankruptcy laws in 1980, EDA honored its guaranty. EDA and the International Harvester Corporation, the predecessor to Navistar, a former owner of the Site and also a guarantor of the loan, thereafter foreclosed upon the mortgages securing the loan. Title to the Site is currently held by American National Bank as trustee for the Wisconsin Steel Land Trust an Illinois land trust. EDA is the 90 percent beneficiary of the Trust and Navistar is the 10 percent beneficiary.

No steel-making operations have been conducted on the Site since 1980. In 1984, EDA, as directing beneficiary, directed the demolition of the majority of above-ground structures. The demolition was conducted by Cuyahoga Wrecking Company and, after Cuyahoga filed for protection under the bankruptcy laws, demolition was completed by the National Wrecking Company.

EDA undertook a preliminary assessment and a site investigation of the Site. EDA also had on-going discussions with the Illinois Environmental Protecting Agency (IEPA), and the U.S. Environmental Protection Agency (USEPA), on how best to address the environmental

conditions found at the Site. In November 1990, IEPA formally notified EDA that enforcement by the state would be suspended and the matter deferred to USEPA for cleanup under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 *et seq.*) ("CERCLA").

In April 1991, EDA directed the U.S. Army Corps of Engineers (the Corps) to investigate and remediate the Site on EDA's behalf. The Corps conducted two Rapid Response removals at the Site to secure it and make it safe for investigation, the first in 1992 and the second in 1993. The Corps completed the Phase I Remedial Investigation in the Spring of 1994.

**Proposed Settlement**

EDA has agreed to a settlement with Navistar relating to the Site. EDA is publishing this Notice of Proposed Settlement pursuant to Section 122(i) of CERCLA. EDA may withdraw from or modify the proposed settlement should public comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

In brief, the proposed settlement provides that EDA will transfer its 90 percent beneficial ownership under an Illinois land trust in the Site to Navistar at a closing (the Closing) which will occur after the following three events have occurred:

(1) An Illinois state court judge shall have approved an Administrative Order by Consent between Navistar and the State of Illinois.

(2) EDA shall have obtained written approval of this Agreement from the U. S. Department of Justice.

(3) EDA shall have informed Navistar, in writing, of EDA's decision to finalize this Agreement after EDA's consideration of all comments received in response to publication of this Agreement in the **Federal Register**.

The proposed settlement further provides that Navistar shall pay \$10,950,000 to EDA at the closing. Of this sum, \$5,000,000 is attributed to EDA's environmental claims against Navistar, under various state and Federal environmental statutes and the common law. The remaining \$5,950,000 is attributed to EDA's non-environmental claims against Navistar, including claims arising under a guaranty between EDA and Navistar, and real estate taxes paid by EDA. In addition, EDA shall be entitled to the first \$1,244,000 of net proceeds received from the sale of the real estate of the Site after remediation is completed, and shall share in the net proceeds of any

further sales on a 50-50 basis with Navistar.

Navistar covenants not to sue the United States, including EDA, for any of its claims in connection with the Site, as defined therein. The United States, including EDA, covenants not to sue Navistar for its environmental claims and non-environmental claims as defined therein. Navistar also indemnifies the United States, including EDA, from any and all claims asserted by non-parties to the settlement relating to the environmental conditions of the Site.

As a further condition of the settlement, Navistar and the State of Illinois have negotiated a Consent Order under the Illinois pre-notice site cleanup program, which has been entered by the circuit court for Cook County, Illinois, on December 30, 1996, in the matter: *State of Illinois v. Navistar International Transportation Corporation, Inc.*, Case No. 96CH0014146 (Circuit Court, Cook County, Illinois). Such Consent Order provides, *inter alia*, that:

(1) Navistar shall conduct all phases of environmental remediation at the Site, including completion of the Remedial Investigation, Feasibility Study, Remedial Design, Remedial Action, and Operation and Maintenance;

(2) Navistar agrees to submit all scopes of work and work plans for the work outlined above, as well as Navistar's proposed selection of a remedial remedy, to the Illinois Environmental Protection Agency for review and approval;

(3) Navistar waives its right to withdraw from the program; and

(4) The Consent Order is enforceable by IEPA.

Dated: April 10, 1997.

**Phillip A. Singerman,**  
*Assistant Secretary for Economic Development.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Export Trade Certificate of Review**

**ACTION:** Notice of Issuance of an Amended Export Trade Certificate of Review, Application No. 85-6A018.

**SUMMARY:** The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to U.S. Shippers Association ("USSA") on June 3, 1986. Notice of issuance of the

Certificate was published in the **Federal Register** on June 9, 1986 (51 FR 20873).

**FOR FURTHER INFORMATION CONTACT:** W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (1996).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Amended Certificate

Export Trade Certificate of Review No. 85-00018, was issued to USSA on June 3, 1986 (51 FR 20873, June 9, 1986), and previously amended on January 16, 1990 (55 FR 2543, January 25, 1990); November 13, 1990 (55 FR 48664, November 21, 1990); September 22, 1993 (58 FR 51061, September 30, 1993); and on June 28, 1994 (59 FR 34411, July 5, 1994).

USSA's Export Trade Certificate of Review has been amended to add the following companies as new "Members" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1) (1996)): NOVA Chemicals Inc., Monaca, PA (Controlling Entity: NOVA Corporation, Calgary, Alberta, Canada); Pecten Chemicals Inc., Houston, TX (Controlling Entity: Royal Dutch Petroleum Company, The Hague, The Netherlands); and Phillips Petroleum Company, Bartlesville, OK.

A copy of the amended Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Dated: April 10, 1997.

#### W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 040997C]

#### Endangered Species; Permits

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Receipt of applications for modification 6 to research/enhancement permit 848 (P507D) and modification 1 to research/enhancement permit 1011 (P211J).

**SUMMARY:** Notice is hereby given that the Washington Department of Fish and Wildlife in Olympia, WA (WDFW) and the Oregon Department of Fish and Wildlife in La Grande, OR (ODFW) have applied in due form for modifications to permits authorizing takes of threatened species for research/enhancement purposes.

**DATES:** Written comments or requests for a public hearing on either of these modification applications must be received on or before May 16, 1997.

**ADDRESSES:** The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

Written comments or requests for a public hearing should be submitted to the Chief, Environmental and Technical Services Division, Portland.

**SUPPLEMENTARY INFORMATION:** WDFW and ODFW request modifications to permits under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217-227).

Permit 848 (P507D) authorizes WDFW takes of adult and juvenile, threatened, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with a supplementation hatchery program and scientific research/monitoring. For modification 6 to permit 848, WDFW requests takes of juvenile, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) associated with scientific research designed to answer questions on fall chinook salmon production in

the lower Tucannon River. ESA-listed fish are proposed to be captured, handled, and released; captured, marked with fin clips or tagged with passive integrated transponders, transported, and released; or captured and sacrificed for genetic analysis or pathologic studies. An indirect mortality of ESA-listed juvenile salmon associated with the research is requested. Also for modification 6, WDFW requests to return adult, ESA-listed, Snake River spring/summer chinook salmon carcasses from the supplementation program back to the Tucannon River for nutrient enrichment. Modification 6 is requested for the duration of the permit. Permit 848 expires on March 31, 1998.

Permit 1011 (P211J) authorizes ODFW takes of juvenile, threatened, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with a captive broodstock program for Catherine Creek, upper Grande Ronde River, and Lostine River populations. For modification 1 to permit 1011, ODFW requests to collect a percentage of the returning adult, ESA-listed, naturally-produced fish from these watersheds in 1997 to begin a supplementation program. ODFW anticipates sufficient adult returns to these watersheds in 1997 to allow the collection of ESA-listed adults for hatchery broodstock. ODFW proposes to transport the collected adults to Lookingglass Hatchery where they will be spawned, the resulting eggs incubated, and the juveniles reared. ODFW believes that the collection of ESA-listed adults for hatchery supplementation will increase the probability of the persistence of the populations because of the survival advantage provided by the hatchery. Releases of fish from the supplementation program is not requested at this time. ODFW will request a modification to permit 1011 for authorization to release fish prior to any fish releases. The future request for a modification to the permit will include a detailed plan on proposed fish releases and a plan for the disposition of any excess hatchery fish. The collection of ESA-listed adults for broodstock is proposed for 1997 only. The incubation of eggs and the rearing of ESA-listed juveniles is requested for the duration of the permit. Permit 1011 expires on December 31, 2000.

Those individuals requesting a hearing on either of these permit modification requests should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant