

consistent with BLM's amended land use plan and would be in the public interest.

**DATES:** Interested parties may submit comments on the classification or proposed lease/conveyance. Comments must be submitted on or before September 24, 2001.

**ADDRESSES:** Comments should be sent to Field Office Manager, Socorro Field Office, 198 Neel Ave., NW., Socorro, New Mexico 87801.

**FOR FURTHER INFORMATION CONTACT:** Charles Carroll, Resource Advisor, Socorro Field Office, 198 Neel Ave., NW, Socorro, New Mexico 87801, or telephone (505) 838-1278.

**SUPPLEMENTARY INFORMATION:** The lease/patent, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the R&PP Act and to applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals deposits in the land and the rights of the United States, or persons authorized by the United States, to prospect for, mine and remove such deposits from the same under applicable laws and regulations to be established by the Secretary of the Interior.

4. An easement for Socorro County Road 255.

Detailed information concerning this action is available for review at the Socorro Field Office, 198 Neel Ave., NW, Socorro, New Mexico.

Upon publication of this notice in the **Federal Register**, the land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the address listed above.

**Classification Comments:** Interested parties may submit comments involving the suitability of the land for a Heritage Center facility. Comments on the classification are restricted to whether the land is physically suited for a Heritage Center facility, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

**Application Comments:** Interested parties may submit comments regarding

the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a Heritage Center facility.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: July 13, 2001.

**Kate Padilla,**

*Socorro Field Office Manager.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act

In accordance with Departmental policy, 28 U.S.C. 50.7, notice is hereby given that a proposed Consent Decree in *United States of America v. Diamond Shamrock Refining Co., L.P.* Civil Action No. H-01-2494 was lodged on July 25, 2001, with the United States District Court for the Southern District of Texas.

The Consent Decree settles an action brought under Clean Air Act ("CAA") Section 111, 42 U.S.C. 7411, Clean Water Act ("CWA") section 301, 33 U.S.C. 1311, and RCRA sections 3002 and 3005, 42 U.S.C. 6922 and 6925, for violations alleged at petroleum refineries in Three Rivers, Texas ("the Three Rivers Refinery") and Sunray, Texas ("the McKee Refinery") owned and operated by Diamond Shamrock Refining Co., L.P. ("DSRC"). The proposed Consent Decree requires, among other items, that DSRC obtain required permit coverage under the CWA for the land application site associated with the Three Rivers Refinery ("Irrigation Site") and that DSRC modify the Irrigation Site to prevent the discharge of treated process wastewater to waters of the United States. DSRC will also replace existing pumps on volatile organic compound ("VOC") service with leakless pumps as a supplemental environmental project ("SEP") and pay a civil penalty of \$1.2 million.

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, D.C. 20530, and should refer to *United States of America v. Diamond Shamrock Refining Co., L.P.* (S.D. Tx.). DOJ Ref. #90-7-1-926.

The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Texas, 910 Travis, Suite 1500, Houston, TX 77002 and the office of the U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202. A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611. When requesting a copy please refer to *United States of America v. Diamond Shamrock Refining Co., L.P.* (S.D. Tx.), DOJ Ref. #90-7-1-926 and enclose a check in the amount of \$11.25 (25 cents per page reproduction costs), payable to the "Consent Decree Library."

**Thomas A. Mariani, Jr.,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act

Under 28 U.S.C. 50.7, notice is hereby given that on July 10, 2001, a proposed Consent Decree and Consent Order and Protocol in *United States v. Murphy Farms, et al.*, Civil Action Nos. 7:98-CV-4-F(1), 7:98-CV-19-F(1), and 5:98-CV-209 F(1) was lodged with the United States District Court for the Eastern District of North Carolina.

In this action the United States sought civil penalties and injunctive relief from Murphy Farms, Inc., and D.M. Farms of Rose Hill, alleged operators of a facility that discharged pollutants without an National Pollutant Discharge Elimination System ("NPDES") permit. The facility consisted of five hog farms joined by a common waste system. In December 1998, the District Court found the defendants liable for discharging hog waste into nearby streams on two occasions and ordered the defendants to apply for an NPDES permit. The Consent Decree resolves the United States' claim for penalties and injunctive relief relating to these and other unpermitted discharges, as well as a claim for injunctive relief. The Consent Decree provides for the payment of a \$72,000 civil penalty, the use of buffer zones, improved