

agreement includes, but is not limited to, acts and omissions of the patentee and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violation of federal, state, and local laws and regulations that are now, or may in the future become, applicable to the real property; (2) Judgements, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), as defined by federal or state environmental laws; off, on, into or under land, property and other interests of the United States; (5) Other activities by which solids or hazardous substances or wastes, as defined by federal and state environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resources damages as defined by federal and state law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

The appraisal report for the parcels will be available for public review at the BLM's Ely Field office on or before August 10, 2001. Bids at the oral auction must be for not less than appraised fair market value (FMV).

The parcels will be offered for competitive sale by oral auction beginning at 10:00 a.m. PDT, October 12, 2001, at the Mesquite City Hall, 10 East Mesquite Blvd., Mesquite, Nevada. Registration for oral bidding will begin at 8:00 a.m. the day of sale and will continue throughout the auction. All bidders are required to register.

The highest qualifying bid for each parcel will be declared the high bid. The apparent high bidder must submit the required bid deposit immediately following the close of the sale in the form of cash, personal check, bank draft, cashier's check, money order, or any combination thereof, made payable to the Bureau of Land Management, for not less than 20 percent of the amount bid.

The remainder of the full bid price must be paid within 180 calendar days of the date of sale. Failure to pay the full price within the 180 days will disqualify the apparent high bidder and cause the bid deposit to be forfeited to the BLM. Federal law requires that

bidders must be U.S. citizens 18 years of age or older, a corporation subject to the laws of any State or of the United States; a State, State instrumentality, or political subdivision authorized to hold property; or an entity, including but not limited to associations or partnerships, capable of holding property or interests therein under the law of the State of Nevada. Certification of qualification, including citizenship or corporation or partnership, must accompany the bid deposit. In order to determine the fair market value of the subject public lands through appraisal, certain assumptions have been made on the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this notice, the Bureau of Land Management gives notice that these assumptions may not be endorsed or approved by units of local government.

Furthermore, no warranty of any kind shall be given or implied by the United States as to the potential uses of the lands offered for sale; conveyance of the subject lands will not be on a contingency basis. It is the buyers' responsibility to be aware of all applicable local government policies and regulations that would affect the subject lands. It is also the buyer's responsibility to be aware of existing and potential uses for nearby properties. When conveyed out of federal ownership, the lands will be subject to any applicable reviews and approvals by the respective unit of local government for proposed future uses, and any such reviews and approvals would be the responsibility of the buyer. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, the general public and interested parties may submit comments to the Assistant Field Manager, Ely Field Office, 702 North Industrial, Ely, Nevada 89301. Any adverse comments will be reviewed by the Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, communication of the sale would be fully consistent with FLPMA or other applicable laws or is determined not in the public interest. Any comments

received during this process, as well as the commentator's name and address, will be available to the public in the administrative record and/or pursuant to the Freedom of Information Act request. You may indicate for the record that you do not wish your name and/or address made available to the public. Any determination by the Bureau of Land Management to release or withhold the names and/or addresses of those who comment will be made on a case-by-case basis. A commentator's request to have their name and/or address withheld from public release will be honored to the extent permissible by law.

Lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

Dated: July 18, 2001.

**Jeffrey A. Weeks,**

*Assistant Field Manager, Nonrenewable Resources.*

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**BILLING CODE 4310-HC-P**

## DEPARTMENT OF INTERIOR

### Bureau of Land Management

**[NM-050-1430-ES; NMNM 101695]**

### Notice of Realty Action; Recreation and Public Purposes Act Classification (R&PP); New Mexico

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of realty action; R&PP Classification.

**SUMMARY:** The following public lands in Socorro County, New Mexico, have been examined and found suitable for classification for lease or conveyance to the State of New Mexico, through the Regents of the Museum of New Mexico (State Monuments Division) under the provisions of the R&PP Act, as amended (43 U.S.C. 869 et. seq.). The New Mexico State Monuments Division, in partnership with the BLM, proposes to use the land to jointly construct, staff, and manage El Camino Real International Heritage Center ("Center").

### New Mexico Principal Meridian

T. 8 S., R. 3 W.,

Sec 24, SW $\frac{1}{4}$  SE $\frac{1}{4}$  and W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$

Sec 25, lots 5, 6, 19, and 20.

Containing 119.33 acres more or less;

The lands are not needed for other federal purposes. BLM will be a partner with the State of New Mexico in constructing, staffing, and operating the Center. Lease or conveyance is

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.*

[FR Doc. 01-20023 Filed 8-8-01; 8:45 am]

**BILLING CODE 4310-FB-P**

## 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.*

[FR Doc. 01-19942 Filed 8-8-01; 8:45 am]

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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