

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.

[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

agricultural practices, better training, and other prophylactic measures that will help prevent future discharges. The facility's operation will also be governed by a NPDES permit, which the State of North Carolina issued on March 19, 2001.

The United States entered this litigation as an intervener in a suit initially brought by the American Canoe Association, the Professional Paddlesports Association, and the Conservation Council of North Carolina (collectively, the "Citizen Plaintiffs"). The Citizen Plaintiffs participated in the negotiation of the Consent Decree and agree with its terms. The Citizen Plaintiffs and the defendants negotiated a separate agreement known as the Consent Order and Protocol, which is attached to the Consent Decree. Under this document, the Citizen Plaintiffs are not entitled to participate in the enforcement of the Consent Decree until the defendants' motions to have the Court reconsider its earlier rulings concerning standing and *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Foundation*, 484 U.S. 49 (1987), are resolved in Citizen Plaintiffs' favor. The Consent Order and Protocol provides that the Citizen Plaintiffs automatically become parties to the Consent Decree in the event that these issues are resolved in their favor. It also establishes a procedure for the resolution of those issues and the Citizen Plaintiffs' claim for attorneys' fees and litigation expenses.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree and Consent Order and Protocol. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice,

Washington, DC 20044-7611, and should refer to *United States v. Murphy Farms, et al.*, D.J. Ref. 90-5-1-1-06326.

The Consent Decree and Consent Order and Protocol may be examined at the Office of the United States Attorney, 310 New Bern Avenue, Suite 800, Federal Building, Raleigh, North Carolina, and at U.S. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia. A copy of the Consent Decree and Consent Order and Protocol may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$12.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Ellen Mahan,

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

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DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 27, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor. To obtain documentation contact Darrin

King at (202) 693-4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics (BLS).

Title: Annual Refiling Survey (ARS).

OMB Number: 1220-0032.

Affected Public: Business or other for-profit; not-for-profit institutions; individuals or households; farms; Federal Government; and State, Local, or Tribal Government.

Frequency: Every 3 years.

Number of Respondents: 2,272,998.

Form No. (survey)	Annual responses	Average response time (hours)	Burden hours
BLS 3023-NVS	2,092,708	.083	173,695
BLS 3023-NVM	37,334	.25	9,334
BLS 3023-NCA	142,956	.167	23,874
Total	2,272,998	206,903

Total Annualized Capital/Startup Costs: \$0.

Total Annual Costs (operating/maintaining systems or purchasing services): \$0.

Description: To ensure the continued accuracy of published economic statistics, the information supplied by the employers must be periodically

reviewed and updated. For this purpose, the BLS-3023 forms, collectively known as Annual Refiling Survey (ARS) forms, are used in conjunction with the UI tax reporting system in each State Employment Security Agency (SESA). The information collected on the ARS forms is used to review the existing industry code assigned to each

establishment. The industry codes for establishments in which business activity has changed since the last review are updated to reflect this change. As a result of these updates, the industry data that the BLS and SESAs publish accurately reflect changes that occur in the industrial composition of the economy. This survey is authorized