

term. Jurisdiction of the land is transferred from the Secretary of Defense/Secretary of the Army to the Secretary of the Interior for management by the Bureau of Indian Affairs. The land will remain closed to surface entry and mining to protect an area having cultural, historical, geological and archeological significance to the Navajo Nation and the Pueblo of Zuni.

**EFFECTIVE DATE:** August 24, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Debby Lucero, BLM Albuquerque Field Office, 435 Montano Road NE, Albuquerque, New Mexico 87107, 505-761-8787.

**SUPPLEMENTARY INFORMATION:** By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order dated February 18, 1870, which withdrew and reserved public land for use by the War Department for Fort Wingate is hereby modified to establish a 20-year term for the land described below. Jurisdiction of the following described land is hereby transferred from the Secretary of Defense/Secretary of the Army to the Secretary of the Interior and reserved for use and administration by the Bureau of Indian Affairs:

Parcel 15 and Parcel 17 of the administrative survey plat titled "ADMINISTRATIVE SURVEY OF CERTAIN PARCELS WITHIN FORT WINGATE ARMY DEPOT, NEW MEXICO," approved and dated September 18, 2000, on file at the Bureau of Land Management's New Mexico State Office, Santa Fe, New Mexico; excluding the area identified as "Right-of-Way" on the survey plat titled "TOWNSHIP 15 NORTH, RANGE 16 WEST OF THE NEW MEXICO PRINCIPLE MERIDIAN, NEW MEXICO, WITHIN THE FORT WINGATE ARMY DEPOT, ADMINISTRATIVE RIGHT-OF-WAY SURVEY," dated and approved October 10, 2000, on file at the New Mexico State Office.

The areas of Parcel 15 and Parcel 17 aggregate approximately 903 acres.

2. The land described in Paragraph 1 continues to be withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch.2 (1994)), but not from leasing under the mineral leasing laws, to protect an area having cultural, historical, geological and archeological significance to the Navajo Nation and the Pueblo of Zuni. The withdrawn land is to be managed by the Bureau of

Indian Affairs for these values, as well as other compatible uses.

3. The land and resources shall be managed by the Bureau of Indian Affairs, its successors or assigns, in accordance with the Memorandum of Agreement between the Ballistic Missile Defense Organization and the Department of the Interior dated June 13, 2000. The Memorandum of Agreement shall be incorporated into any future land transfers for the life of the Memorandum of Agreement. The Memorandum of Agreement may be reviewed and amended by the agencies as necessary.

4. The Department of the Army and its officers, agents, employees, contractors, and subcontractors will have the right of access, upon reasonable notice, to enter the land described in this order for the purpose of activities related to the Fort Wingate Depot Activity Installation Restoration Program and other environmentally related compliance programs and to construct, operate, maintain or undertake response and remedial actions to implement this program.

5. The Department of the Army represents that, to the best of its knowledge, no unexploded ordnance are currently present on the land described in this order. Due to the former use of the land as an active military installation, there is a possibility that unexploded ordnance may exist on the land. Upon due notice, the Army agrees to remove any such remaining unexploded ordnance discovered on the land, as required under applicable law and regulations, as expeditiously as is reasonable and practicable, subject to the availability of funds.

6. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: August 10, 2001.

**J. Steven Griles,**

*Deputy Secretary.*

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**BILLING CODE 4310-02-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-030-1430-ES; NMNM-104131]

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

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

**ACTION:** Notice.

**SUMMARY:** The following public land in Dona County, New Mexico has been examined and found suitable for classification for lease or conveyance to New Mexico State University (NMSU) under the provisions of the Recreation and Public Purposes (R&PP) Act; as amended (43 U.S.C. 869 *et seq.*). NMSU proposes to use the land to construct the East Mesa Center of the Dona Ana Branch Community College. The land is described as follows:

#### New Mexico Principal Meridian

T. 22 S., R. 2 E., sec. 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Containing 60 acres more or less.

The land is not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

City, County, and State government will receive a copy of this Notice of Realty Action/Classification as required by 43 CFR 2742.4(b).

**DATES:** Comments regarding the proposed lease/conveyance or classification must be submitted on or before October 9, 2001.

**ADDRESSES:** Comments should be sent to BLM, Las Cruces Field Office, 1800 Marquess, Las Cruces, New Mexico, 88005.

**FOR FURTHER INFORMATION CONTACT:** Juan Padilla at (505) 525-4376.

**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 all 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 shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. Those rights for a 345 kV transmission line granted to the El Paso Electric Company by Right-of-Way Grant No. NM 0554552.

5. Rights-of-way for streets, roads, and utilities in accordance with the City of

Las Cruces Metropolitan Planning Organization (MPO) transportation plan.

Detailed information concerning this action is available for review at the BLM, Las Cruces Field Office, 1800 Marquess, Las Cruces, 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 Recreation and Public Purposes Act and leasing under the mineral leasing laws. On or before October 9, 2001, interested persons may submit comments regarding the proposed lease/conveyance or classification of the land to the Field Office Manager, Las Cruces Field Office, 1800 Marquess, Las Cruces, New Mexico, 88005.

#### Classification Comments

Interested parties may submit comments involving the suitability of the land for a community college. Comments on the classification are restricted to whether the land is physically suited for the proposal, 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 community college.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective on October 23, 2001.

Dated: August 8, 2001.

**Amy L. Lueders,**

*Field Manager, Las Cruces.*

[FR Doc. 01-21475 Filed 8-23-01; 8:45 am]

BILLING CODE 4310-VC-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Utah [UT045-1430-ES; UTU-45941]

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

**SUMMARY:** The following public lands, located in the city of St. George in Washington County, Utah, have been examined and found suitable for classification for lease or conveyance to the Washington County School District under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*):

#### Salt Lake Meridian, Utah

T. 43 S., R. 15 W.,  
Sec. 8, S1/2N1/2SE1/4SW1/4NW1/4, S1/2SE1/4SW1/4NW1/4; containing 7.50 acres.

**SUPPLEMENTARY INFORMATION:** The Washington County School District currently leases land from the Bureau of Land Management for a bus garage and elementary school site in the Bloomington Hills area of St. George City. Additional space is needed for bus maintenance and parking. The School District proposes to expand their site to give them additional space. They have also proposed to construct a driver training course. Leasing or conveying title to these public land is consistent with current BLM land use planning and would be in the public interest.

The lease or patent, when issued, would be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and all 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 shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

Detailed information concerning this action is available at the office of the Bureau of Land Management, St. George Field Office, 345 E. Riverside Drive, St. George, Utah 84790.

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 leasing or conveyance under the Recreation and Public Purposes 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 classification, leasing or conveyance of the land to the Field Office Manager, St. George Field Office.

Classification Comments: Interested parties may submit comments concerning the suitability of the lands for school purposes. Comments on the

classification are restricted to whether the land is physically suited for the proposal, 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 Washington County School District's 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 recreation and public purposes.

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.

Dated: August 7, 2001.

**James D. Crisp,**

*Field Office Manager.*

[FR Doc. 01-21477 Filed 8-23-01; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")

In accordance with Departmental policy, *see* 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. 9622(d)(2), notice is hereby given that on July 31, 2001, a proposed Consent Decree in *United States v. Commerce Holding Company, Inc.*, No. 00-CV-1249 (DRH/ETB) (E.D.N.Y.), was lodged with the United States District Court for the Eastern District of New York. The proposed Consent Decree settles the United States's claims for past response costs against the Commerce Holding Company, Inc. ("Commerce") for the Tronic Plating Superfund Site ("the Site") under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607. Under the terms of the proposed consent decree, Commerce will pay at least \$631,442.02 and up to \$650,000, depending on the timing of the payment, to the United States as reimbursement for the past response costs the United States incurred at the Site.

The Department of Justice will receive, for a period of thirty (30) days