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Joel M. Gross,

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

[FR Doc. 98-9446 Filed 4-9-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that a proposed consent decree in *United States versus Nassau Metals Corp.*, C.A. No. 3:96-CV-562 (M.D. Pa.), was lodged on March 23, 1998, with the United States District Court for the Middle District of Pennsylvania. The consent decree resolves the United States' claims with respect to past costs, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9607, in connection with the cleanup of the C&D Recycling Site, located in Luzerne County, Pennsylvania. The decree also resolves counterclaims alleged against the United States by defendant Nassau Metals Corp. The decree, however, does not resolve the United States' claims for past costs with respect to defendants Joseph Brenner and Myron Brenner.

Under this mixed funding settlement, pursuant to Sections 112 and 122 of CERCLA, 42 U.S.C. §§ 9612 and 9622, defendant Nassau will perform the remedial action selected by EPA for the Site at a cost of approximately \$10.3 million. EPA will pay approximately 30% of said cost from the Superfund.

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 v. Nassau Metals Corp.*, DOJ Reference No. 90-11-3-1057-A.

The proposed consent decree may be examined at the office of the United States Attorney, Suite 309, Federal Building, Washington and Linden Streets, Scranton, Pennsylvania 18501; the Region III Office of the Environmental Protection Agency, 840

Chestnut Building, Philadelphia, Pennsylvania 19107; and the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$28.00 (.25 cents per page production costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 98-9445 Filed 4-9-98; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Clean Water Act and Oil Pollution Act of 1990

In accordance with United States Department of Justice policy, as set out in 28 CFR 50.7, notice is hereby given of the lodging on March 25, 1998 of a proposed Consent Decree in *United States, et al. v. Texaco Refining and Marketing, Inc.*, Civil Action No. C98-0371 (W.D. Wash.).

The proposed Decree resolves claims by Natural Resources Trustees of the United States Department of the Interior, the State of Washington, the Lummi Nation, the Nooksack Tribe, the Swinomish Indian Tribal Community and the Suquamish Tribe for Natural Resource Damages arising out of discharges of oil by Texaco Refining and Marketing, Inc. in 1991 and 1992 from its facility near Anacortes, Washington into the waters of the United States and the adjoining shoreline at Fidalgo Bay in violation of the Clean Water Act (CWA), 33 U.S.C. 1251, *et seq.*, as amended by the Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701, *et seq.*, and OPA itself.

The same discharges were the subject of an earlier judicial action by the United States captioned *United States v. Texaco Refining and Marketing, Inc.*, Civil Action No. C93-181C, (W.D. Wash.) and administrative proceedings by the State of Washington which were resolved through a clean-up by Texaco; the payment of \$500,000 in civil and administrative penalties; and actions to prevent future discharges. Under the current Decree, Texaco will pay an additional \$500,000 to undertake projects to restore natural resources and reimburse assessment costs.

The United States Department of Justice will receive comments on the

proposed Decree for a period of thirty days after publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, United States Department of Justice, Washington, D.C., 20530 and should reference *United States, et al. v. Texaco Refining and Marketing Inc.*, DJ Ref. #90-5-1-1-3766A.

The proposed Decree may be examined at the offices of the United States Attorney for the Western District of Washington, 3600 Seafirst Plaza, 800-5th Avenue, Seattle, Washington 98104; the Office of the Attorney General for the State of Washington, Ecology Division, 629 Woodland Square Loop SE, 4th Floor, Lacey, Washington 98503; or the United States Department of Justice Consent Decree Library, 1120 F Street, N.W., 4th Floor, Washington, D.C. 20005 (202-624-0892). If requesting copies from the Department of Justice Consent Decree Library, please enclose a check in the amount of \$13.00 (twenty-five cents per page reproduction cost) payable to the Consent Decree Library and refer to *United States, et al. v. Texaco Refining and Marketing Inc.*, DJ Ref. #90-5-1-1-3766A.

Bruce S. Gelber,

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

[FR Doc. 98-9449 Filed 4-9-98; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that two consent decrees that would resolve the liability of (1) Morris Brothers Farms and (2) Joseph M. Morris, two of four defendants in *United States of America v. Jane A. Young, et al.*, Civil Action No. 95-4202-JPG (S.D. Ill.), were lodged with the United States District Court for the Southern District of Illinois on March 30, 1998.

Both of the proposed consent decrees concern alleged violations of the Clean Water Act, 33 U.S.C. 1311, as a result of the discharge of dredged and fill materials onto approximately 100 acres of wetlands, in Hamilton County, Illinois ("Site"), which is alleged to constitute "waters of the United States."

The consent decree between the United States and Morris Brothers Farms permanently enjoins Morris Brothers Farms from taking any actions, or causing others to take any actions, which result in the discharge of dredged

or fill material into waters of the United States. The consent decree with Morris Brothers Farms further requires Morris Brothers Farms to pay (a) a \$20,000 civil penalty and (b) \$47,000 into an interest-bearing Registry Account of the United States District Court for the Southern District of Illinois, to be used to conduct a wetland restoration at the Site if the United States obtains access to the Site through litigation or other means. In addition, the consent decree with Morris Brothers Farms provides that if the United States is not able to obtain access to the Site to conduct a wetland restoration, all funds in the Registry Account (except for 10% of the interest that is to be paid to the Court) will be deposited by the Clerk of the Court into the United States Treasury.

The consent decree between the United States and Joseph M. Morris permanently enjoins Joseph M. Morris from taking any actions, or causing others to take any actions, which result in the discharge of dredged or fill material into waters of the United States. The consent decree with Joseph M. Morris further requires Joseph M. Morris, subject to the right of prior approval by the United States Army Corps of Engineers, to convey to an appropriate entity for conservation 68.7 acres of land that are immediately adjacent to the violation Site. The purpose of the conveyance is to provide a conservation area in which no development, excavation, or other disturbance will occur. To achieve that end, the conveyance shall contain several restrictions that are set forth in an exhibit to the consent decree with Joseph M. Morris.

The Department of Justice will receive written comments relating to the consent decrees for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Attention: Steven E. Rusak, Trial Attorney, Environmental Defense Section, P.O. Box 23986, Washington, D.C. 20026-3986, and should refer to *United States v. Jane A. Young, et al.*, DJ Reference No. 90-5-1-6-580.

The proposed consent decrees may be examined at the Clerk's Office, United States District Court, United States Courthouse, 301 West Main Street, Benton, Illinois, 62812.

Letitia J. Grishaw,
Chief, Environmental Defense Section,
Environment and Natural Resources Division,
Department of Justice.

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Statistics; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Request OMB emergency approval: National Prisoner Statistics: Prison Population Reports Midyear Counts (NPS-1A) and Advance Yearend Counts (NPS-1B)—Revision of a currently approved collection.

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics has submitted the following information collection request, utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and approval in accordance with Section 1320.13(a)(1)(ii) and (a)(2)(iii) of the Paperwork Reduction Act of 1995. The Bureau of Justice Statistics has determined that it cannot reasonably comply with the normal clearance procedures under this Part because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information. Therefore, OMB approval has been requested by April 15, 1998. If granted, the emergency approval is valid only for 180 days.

The proposed information collection is published to obtain comments from the public and affected agencies. All comments should be directed to OMB, Office of Information and Regulatory Affairs: Attention: Mr. Dennis Marvich, 202-395-3122, Department of Justice Desk Officer, Washington, DC 20503. Comments regarding the emergency submission of this information collection may also be submitted via facsimile to Mr. Marvich at 202-395-7285. During the first 60 days of this same period, a regular review of this information collection is also being undertaken. During the regular review period, BJS requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Comments are encouraged and will be accepted until June 9, 1998. During the 60-day regular review All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mr. James Stephan, Statistician, Corrections Statistics Branch, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 810 7th Street N.W. Washington, DC 20531.

Comments regarding this information collection may also be submitted via facsimile to Mr. Stephan at 202-307-1463.

Your comments should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected; and

(4) 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.

Overview of this information collection:

(1) Type of information collection. Revision of a currently approved information collection.

(2) The title of the Form/Collection: National Prisoner Statistics: Prison Population Reports Midyear Counts (NPS-1A); and Prison Population Report Advance Yearend Counts (NPS-1B).

(3) The agency form number and the applicable component of the Department sponsoring the collection. Form: NPS-1A; and NPS-1B. Correction Statistics, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked to respond, as well as a brief abstract: Primary: State Departments of Corrections. Others: The Federal Bureau of Prisons. For the NPS-1A Form, 52 central reporters (one from each State, the District of Columbia, and the Federal Bureau of Prisons) responsible for keeping records on inmates will be asked to provide information for the following categories:

(a) As of June 30 of the current year and June 30 of the previous year, the number of male and female inmates under this jurisdiction with maximum sentences of more than one year, one year or less; and unsentenced inmates; and

(b) As of June 30 of the current year, and June 30 of the previous year, the number of male and female inmates in their custody with maximum sentences