

response costs, and includes a covenant not to sue by the United States.

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. Any comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States v. Gendron, et al.*, Civil Action No. 01-422-JD, Ref. 90-11-3-07116.

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of New Hampshire U.S. Department of Justice, 55 Pleasant Street, Room 352, Concord, New Hampshire 03301-3904, and at U.S. EPA New England (Region 1), One Congress Street, Suite 1100, Boston, Massachusetts 02114-2023. 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. In requesting a copy, please enclose a check (there is a 25 cent per page reproduction cost) in the amount of \$6.00 payable to the Consent Decree Library.

**Ronald Gluck,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.*

[FR Doc. 02-90 Filed 1-2-02; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601 et seq.**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a third proposed consent decree in *United State v. Viacom, Inc. and Schindler Elevator Corporation*, Civil Action No. 1:01-CV-123, was lodged on November 1, 2001, with the United States District Court for the Middle District of Pennsylvania.

The proposed Consent Decree concerns the Westinghouse Elevator Plant Superfund Site ("Site"), which is located on approximately 90 acres, and has its southern boundary adjacent to part of the Gettysburg Battlefield National Park. The Site is located about 1.5 miles north of downtown Gettysburg in Cumberland Township, Adams County, Pennsylvania. Pursuant to the

proposed consent decree and section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607(a), the defendants will pay the United States for unreimbursed past costs at the Site, in the amount of \$569,000 plus certain interest in connection with the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date 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, DC 20530, and should refer to *United States v. Viacom, Inc. and Schindler Elevator Corporation*, DOJ Ref. #90-11-3-1004/1.

The proposed consent decree may be examined at the office of the United States Attorney, 228 Walnut Street, Suite 220 Harrisburg, Pennsylvania 17108 and the Region 3 Office of the U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103-2029. A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611. (202) 624-0892. In requesting a copy please refer to the referenced case and enclose a check (25 cents per page reproduction costs) in the amount of \$5.25 for the consent decree (21 pages), payable to the Consent Decree Library.

**Robert Brook,**

*Assistant Chief,*

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

[FR Doc. 02-92 Filed 1-02-02; 8:45 am]

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**DEPARTMENT OF JUSTICE**

[AAG/A Order No. 254-2001]

**Privacy Act of 1974; System of Records**

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice, proposes to modify the following system of records—previously published March 7, 1997, (62 FR 10580):

The Immigration and Naturalization Service, Office of Internal Audit Investigations (OIA) Index and Records, JUSTICE/INS-002.

INS proposes to republish the notice to: (1) Include new information in the Categories of Records section, (2) add two new routine uses (J and K), and (3)

modify the "Retention and Disposal" section as described in the attached **Federal Register** notice.

Routine use J will allow contractors working for INS to have access to the information in this system of records. Routine use K allows disclosure to former employees when the Department of Justice requires information and/or consultation assistance from the former employee that is necessary for personnel-related or other official purposes regarding a matter within that person's former area of responsibility. Also, INS is making a modification to the Retention and Disposal section of the notice. The National Archives and Records Administration (NARA) has oversight responsibility for retention and disposal schedules. NARA withdrew the entire General Records Schedule (GRS) 22, Inspector General Records, and the disposal authority formerly provided under this schedule. GRS 22 covered the records in this system. Therefore, INS is modifying this notice to include a new Retention and Disposal Schedule for OIA records. Also, other minor corrections and edits have been made to reflect the current status of this system of records.

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which the comment on new routine use disclosures and system modifications. The Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires a 40-day period in which to conclude its review of this revised system notice. Therefore, please submit any comments by February 4, 2002. OMB, the Congress, and the public are invited to send written comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress.

Dated: December 20, 2001.

**Janis A. Sposato,**

*Acting Assistant Attorney General for Administration.*

**JUSTICE/INS-002**

**SYSTEM NAME:**

Office of Internal Audit Investigations Index and Records

**SYSTEM LOCATION:**

Headquarters office, Immigration and Naturalization Service (INS), 425 I Street, NW., Washington, DC. In addition, field offices of the INS have access only to hardcopy files during an

investigation. A complete address list of the principal offices of INS is detailed in JUSTICE/INS-999, last published in the **Federal Register** on April 13, 1999 (64 FR 18052).

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#### CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to investigations, including:

a. Letters, memoranda, and other documents citing complaints of alleged criminal, civil, or administrative misconduct (i.e., program subject files and internal review case files).

b. Investigative files (i.e., selected and non-selected cases) which include: reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits or records obtained during investigations; prior criminal or non-criminal records of individuals as they relate to the investigations; reports from or to other law enforcement bodies; information obtained from informants and identifying data with respect to such informants; nature of allegations made against suspects and identifying data concerning such subjects; public source materials; and employee identifying data (e.g., full name, social security number, address, duty station, grade, job series, entrance on duty [EOD] date, and date of birth) obtained from the National Finance Center [NFC] payroll system.

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#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

\* \* \* \* \*

B. To General Service Administration and National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

\* \* \* \* \*

J. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

K. Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former

employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

\* \* \* \* \*

#### RETENTION AND DISPOSAL:

Program subject files are destroyed when 10 years old. Internal review case files are maintained until the end of the fiscal year in which the case was closed. One year after these records are closed, they are transferred to the National Records Center and kept for 10 years and then are destroyed. General internal review files will be destroyed when superseded, obsolete, or no longer needed for reference. Investigative case files concerning selected cases are maintained permanently. Ten years after the case is closed, it is transferred to NARA. Non-selected investigatory files are destroyed 10 years after the case is closed. Electronic versions of records created by the electronic mail and word processing applications are deleted when a file copy is generated or when no longer needed for reference or updating.

\* \* \* \* \*

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e) (1), (2), (3), (5), and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the system has been exempted from subsections (c)(3), (d), and (e)(1) pursuant to 5 U.S.C. 552a(k)(2). INS has published implementing regulations in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and these were published in the **Federal Register** of June 25, 1997 (62 FR 34169) and can be found at 28 CFR 16.99 (g) and (h).

[FR Doc. 02-37 Filed 1-2-02; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### United States v. Waste Management, Inc. et al.

On October 23, 2001, a Joint Motion to Modify the Final Judgment was filed with the United States District Court for the Eastern District of New York, in a civil antitrust case, *United States et al. v. Waste Management, Inc. et al.*, Civil No 98 CV 7168. On December 5, 2001, the United States published a notice in the **Federal Register** seeking public

comments on the proposed modification to the Final Judgment during a 60 day period. The comment period will expire on February 4, 2002. Given recent mail delivery interruptions in Washington, DC., and current uncertainties involving the resumption of timely mail service, the Department of Justice strongly encourages that comments be submitted via e-mail or fax to J. Robert Kramer II, Chief, Litigation II Section, Antitrust Division, U.S. Department of Justice, 1401 H Street, NW., Suite 3000, Washington, DC 20530 (facsimile: (202) 307-5802; e-mail [comments.lit2@usdoj.gov](mailto:comments.lit2@usdoj.gov); telephone: (202) 307-0924).

Constance K. Robinson,

Director of Operations & Merger Enforcement.

[FR Doc. 02-40 Filed 1-2-02; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Technology Institute: National Shipbuilding Research Program (“NSRP”)

Notice is hereby given that, on October 24, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Advanced Technology Institute has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership of the National Shipbuilding Research Program (“NSRP”). The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Bender Shipbuilding and Repair Company, Mobile, AL has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Advanced Technology Institute intends to file additional written notification disclosing all changes in membership.

On March 13, 1998, Advanced Technology Institute filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 29, 1999 (64 FR 4708).

The last notification was filed with the Department on April 11, 2000. A