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Ronald G. Gluck,

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

[FR Doc. 07-306 Filed 1-24-07; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of a Consent Decree Pursuant to the Clean Water Act

Notice is hereby given that a proposed Consent Decree in *United States v. Winchester Municipal Utilities*, Civ. No. 06-102-KSF, was lodged on January 16, 2007, with the United States District Court for the Eastern District of Kentucky, Central Division.

The proposed Consent Decree would resolve certain claims under Sections 301 and 402 of the Clean Water Act, 33 U.S.C. 1251, *et seq.*, against the City of Winchester ("the City") and Winchester Municipal Utilities ("WMU"), through the performance of injunctive measures, the payment of a civil penalty, and the performance of a Supplemental Environmental Project ("SEP"). The United States and the Commonwealth of Kentucky allege that the City and WMU are liable as persons who discharged a pollutant from a point source to navigable waters of the United States without a permit.

The proposed Consent Decree would resolve the liability of the City and WMU for the violations alleged in the amended complaint filed in this matter. To resolve these claims, the City and WMU would perform injunctive measures valued at over \$79 million and described in the proposed Consent Decree; would pay a civil penalty of \$75,000 to the United States Treasury;

and would perform a SEP valued at \$230,000, which is designed to abate stormwater runoff pollution to an impaired waterway.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044 and should refer to *United States v. Winchester Municipal Utilities*, DJ No. 90-5-1-1-08806.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Eastern District of Kentucky, 110 West Vine Street, Suite 400, Lexington KY 40507-1671, and at the Region 4 Office of the Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta GA 30303. During the public comment period, the decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$65.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *United States v. Winchester Municipal Utilities*, DJ No. 90-5-1-1-08806.

Henry Friedman,
Assistant Section Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.
[FR Doc. 07-305 Filed 1-24-07; 8:45 am]
BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 001-2007]

Privacy Act of 1974; System of Records

Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a,

notice is given that the Department of Justice proposes to modify all of its systems of records, as identified in the list below.

On October 30, 2006, the Department modified all of its systems of records to include a new routine use that allows disclosure to appropriate persons and entities for purposes of response and remedial efforts in the event that there has been a breach of the data contained in the systems. 71 FR 63,354 (October 30, 2006).

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public was given a 30-day period in which to comment; and the Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act, required a 40-day period in which to conclude its review of the systems.

As a result of comments received, the Department is making a minor modification to the language of the routine use in order to provide greater clarity. A concern was raised that the condition set forth in clause (1) of the routine use ("when (1) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised") does not clearly identify precisely who has to suspect or confirm the compromise. While it was the intent of the drafters that it be the Department of Justice that must suspect or confirm the compromise, because that intent is expressed only implicitly in the routine use, the Department is modifying the language of the first condition to provide additional clarity.

A description of the modification to the Department's systems of records is provided below. In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress. The new routine use will be effective January 25, 2007.

Dated: January 22, 2007.

Lee J. Lofthus,

Assistant Attorney General for Administration.

Department of Justice Privacy Act notices and citations follow. An asterisk (*) designates the last publication of the complete document in the **Federal Register**.

DOJ-001	Accounting Systems for the Department of Justice	06-03-04 *	69 FR 31406 *
		01-03-06	71 FR 142
DOJ-002	DOJ Computer Systems Activity & Access Records	12-30-99	64 FR 73585
DOJ-003	Correspondence Management Systems for the Department of Justice; Corrections.	06-04-01 *	66 FR 29992 *
		06-29-01	66 FR 34743
		10-25-02	67 FR 65598