

designing specific features to avoid and minimize the incidental take of covered species for some planned facilities and programs that support various modes of transportation. The EIR/EIS will analyze these potential impacts.

#### *Indirect Impacts (Growth Inducement)*

Authorization of take with the implementation of the MSHCP could remove an impediment to development. This potential impact will be analyzed in the EIR/EIS.

#### *Scoping*

We invite the public to participate in the scoping process, review the draft EIR/EIS, and attend public meetings. The location and time of the scoping meetings to be scheduled during the month of September 2001 will be announced in the local news media. We invite comments from all interested parties to ensure that the full range of issues related to the permit requests are addressed and that all significant issues are identified.

We expect a draft EIR/EIS for the MSHCP to be available for public review in Winter 2002. Release of the draft EIR/EIS for public comment and the public meetings will be announced in the local news media, as these dates are established.

#### **Regulatory Authority**

We will conduct environmental review of the permit applications in accordance with the requirements of the National Environmental Policy Act of 1969 as amended (42 U.S.C. 4321 et seq.), its implementing regulations (40 CFR parts 1500 through 1508), and with other appropriate Federal laws and regulations, policies, and procedures of the Service for compliance with those regulations.

Dated: August 23, 2001.

**Mary Ellen Mueller,**

*Acting Deputy Manager, California/Nevada Operations Office, Fish and Wildlife Service, Sacramento, California.*

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lodged with the United States District Court for the Southern District of Indiana.

In this action, the United States sought injunctive relief and civil penalties for violations of the Clean Water Act ("CWA"), 33 U.S.C. 1251 et seq., and terms and conditions of an National Pollutant Discharge Elimination System ("NPDES") permit governing discharges of pollutants from a publicly owned treatment works ("POTW") operated by the City of Boonville, Indiana ("City"). Following entry of a Consent Decree in 1987 and entry of a Joint Stipulation and Order ("JSO") modifying the Consent Decree in 1991, the United States sought additional relief and stipulated penalties as a result of the City's failure to complete construction of required POTW improvements in accordance with schedules set forth in the Consent Decree as modified by the JSO.

The proposed Second Amendment provides a modified schedule for the completion of some of the other remaining remedial work necessary for the City to obtain compliance with its NPDES permit and the Consent Decree, as modified by the JSO. Also, under the Second Modification the City will pay \$61,000.00 as stipulated penalties to the United States of America and the State of Indiana.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Second Modification. 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 and State of Indiana v. City of Boonville*, Civil Action No. EV 84-187-C-Y/H, D.J. Ref. 90-5-1-1-2071B.

The Second Modification may be examined at the Office of the United States Attorney, 10 West Market Street, Suite 2100, Indianapolis, Indiana, 46204-3048, and at U.S. EPA Region V, 77 W. Jackson Blvd., (C-14), Chicago, Illinois, 60604-3590. A copy of the Second Modification 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 \$6.00 (.25 cents per page reproduction

cost) payable to the Consent Decree Library.

**William D. Brighton,**

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

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## **DEPARTMENT OF JUSTICE**

### **Notice of Lodging of Proposed Consent Decree**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Robert Desmond*, Civ. No. 01-CV-11425-RGS (D. Mass.), was lodged with the United States District Court for the District of Massachusetts on August 20, 2001. This proposed Consent Decree concerns a complaint filed by the United States of America against Robert Desmond, Esq., of Chestnut Hill, Massachusetts, pursuant to section 309 (b), (d) and (g), of the Clean Water Act, 33 U.S.C. 1319 (b), (d) and (g), to obtain injunctive relief and impose civil penalties against the Defendant for unlawfully discharging dredged or fill materials into waters of the United States in Taunton, Bristol County, Massachusetts, for failing to comply with the terms of a March 30, 1998 administrative order, issued in accordance with Clean Water Act section 309(a), 33 U.S.C. 1319(a), requiring the completion of a restoration plan; and for failing to comply with the terms of a June 21, 1998

"Administrative Consent Agreement and Final Order," under Clean Water Act section 309(g), 33 U.S.C. 1319(g), which directed the Defendant to pay a penalty of \$12,500 by July 31, 1998.

The proposed Consent Decree requires the Defendant to pay a civil penalty in the amount of \$10,000, for its several alleged violations of the Clean Water Act. The Defendant is required to pay an additional penalty of \$48,478.47, reflecting payments owed to the United States under the CAFO, unless the Defendant proves to the satisfaction of the United States, within 90 days of entry of the Consent Decree, that he paid \$12,500 to the United States on or before July 31, 1998. Finally, the proposed Consent Decree enjoins the Defendant and his agents from discharging any pollutant into waters of the United States unless such discharge complies with the provisions of the Clean Water Act and its implementing regulations.

The Department of Justice will receive written comments relating to this

## **DEPARTMENT OF JUSTICE**

### **Notice of Lodging of Second Modification to Consent Decree Under the Clean Water Act**

Under 28 CFR 50.7 notice is hereby given that on August 20, 2001, a proposed Second Modification To Consent Decree ("Second Modification") in *United States and State of Indiana v. City of Boonville*, Civil Act No. EV 84-187-C-Y/H was

proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Attention: Joshua M. Levin, P.O. Box 23986, Washington, DC 20026-3986. Please refer to the matter of *United States v. Robert Desmond*, DJ Reference No. 90-5-1-1-06024.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Massachusetts, John Joseph Moakley U.S. Courthouse, Suite 2300, 1 Courthouse Way, Boston, MA 02210-3002. In addition, the proposed Consent Decree may be viewed on the World Wide Web at <http://www.usdoj.gov/enrd/enrd-home.html>.

**Scott A. Schacter,**

*Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.*

[FR Doc. 01-22447 Filed 9-6-01; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

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

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Mallory Creek Developers, Inc., et al.*, Case No. 7:01-CV-163-F1 (E.D.N.C.), was lodged with the United States District Court for the Eastern District of North Carolina on August 22, 2001. The proposed Consent Decree concerns alleged violations of sections 301(a), 402, and 404 of the Clean Water Act, 33 U.S.C. §§ 1311(a), 1342 and 1344, resulting from Defendant's unauthorized discharge of pollutants into waters of the United States at the Mallory Creek Developers Site located on the west side of State Highway 133, in Brunswick County, North Carolina.

The proposed Consent Decree would require the payment of a civil penalty of \$100,000 and completion of site restoration activities, including the filling of ditches.

The United States Department of Justice will receive written comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to S. Randall Humm, Attorney, United States Department of Justice, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and should refer to *United States v. Mallory*

*Creek Developers, Inc., et al.*, Case No. 7:01-CV-163-F1 (E.D.N.C.)

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Eastern District of North Carolina, 310 New Bern Avenue, Federal Building, 5th Floor, Raleigh, North Carolina.

**Letitia J. Grishaw,**

*Chief, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice.*

[FR Doc. 01-22448 Filed 9-6-01; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### [AAG/A Order No. 243-2001]

### 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 systems of records—previously published July 8, 1997 (62 FR 36572) and October 10, 1995 (60 FR 52697), respectively:

The Immigration and Naturalization Service (INS) Alien File (A-File) and Central Index System (CIS), JUSTICE/INS-001A

Alien Status Verification Index (ASVI), JUSTICE/INS-009

INS proposes to add six new routine use disclosure provisions, identified as R, S, T, U, V, and W and to appropriately edit routine use J to JUSTICE/INS-001A. Routine use R permits disclosure of information from this system of records to appropriate health authorities that perform required medical examinations on individuals entering the United States. Release of this information assists these individuals in performing their oversight responsibilities. Routine use S ensures that the system of records is in compliance with the requirements of section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Routine use T allows contractors access to INS information when performing a function on its behalf. Routine use U is necessary to assist other government agencies in the performance of their law enforcement functions. Routine use V is necessary to permit disclosure of information on individuals from this system to the Social Security Administration (SSA) so that the SSA will be able to issue valid social security numbers to certain aliens who have made a request for a social security number and card as part of the

immigration process and in accordance with agreements in place between the INS, SSA and the Department of State. These interagency agreements, which are authorized by specific SSA regulations, concern the sharing of information on aliens so that the SSA may issue them social security numbers and appropriate cards if the aliens so request. Finally, routine use W allows disclosure to former employees when the Department 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. (This routine use is also being added in JUSTICE/INS-009 as J.)

In INS-001A, Routine uses D and F includes an additional source, tribal governments. Routine use J required editing because no routine use is necessary to allow the applicant, petitioner, and/or respondent access to their record.

Also, the following sections have been modified. The "Categories of Records" portion in the system has been edited to include photographs as another form of information within the system. The "Retention and Disposal" section has been edited to reflect the actual language approved by the National Archives and Records Administration (NARA). Finally, the "Record Source" and "Systems Exempted From Certain Provisions of the Act" portions have been edited to improve clarification of the system.

Secondly, INS proposes to add three new routine use disclosures to JUSTICE/INS-009, identified as H, I, and J. Routine use H ensures that the system of records is in compliance with the requirements of Section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Routine use I clarifies those entities having access to ASVI via partnership in the SAVE program. Lastly, routine use J has been added as explained above. Also, routine uses A, B, D, and F are being edited to clarify the system description (e.g., include an additional source, tribal governments; and amend the use of ASVI data). The "Retention and Disposal" section has been edited to reflect that the disposition schedule is no longer pending. Other minor corrections or edits have been made to the following sections, "Record Source" and "Systems Exempted From Certain Provisions of the Act."

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment on proposed system modifications and new routine use disclosures. The Office of