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**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Safe Drinking Water Act

Under 28 CFR 50.7, notice is hereby given that on November 13, 2000, a proposed Consent Decree ("the Decree") in *United States v. Russell Wilkey*, Civil Action No. 4:97 CV-239-M, was lodged with the United States District Court for the Western District of Kentucky.

The Defendant was the owner and operator of four underground injection wells located in Daviess County, Kentucky. The Complaint filed by the United States alleged that Defendant violated the Safe Drinking Water Act ("the SDWA"), an Administrative Order on Consent ("AOC") issued by the United States Environmental Protection Agency to Defendant under the SDWA, and regulations contained in the Underground Injection Control ("UIC") program for Kentucky in his operation of those injection wells. The Decree will resolve all of the United States' claims against the Defendant. Defendant has agreed to pay the United States a civil penalty of \$20,000 for the violations. Defendant has already plugged and abandoned all of the injection wells.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, D.C. 20044-7611, and should refer to *United States v. Russell Wilkey*, DOJ No. 90-5-1-1-4487.

The Decree may be examined at the Office of the United States Attorney for the Western District of Kentucky, 510 W. Broadway, 10th Fl., Louisville, Kentucky, and also at the U.S. Environmental Protection Agency, Region 4, Environmental Accountability Division, 61 Forsyth Street, S.W., Atlanta, Georgia.

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, D.C. 20044-7611. In requesting a copy of the Decree, please enclose a check in the

amount of \$3.25 (25 cents per page reproduction cost), made payable to the "Consent Decree Library."

**Walker B. Smith,**

*Deputy Chief, Environmental Enforcement Section, Environment & Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

[AAG/A Order No. 209-2000]

### Privacy Act of 1974; System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the 94 United States Attorneys' offices nationwide and the Executive Office for United States Attorneys (EOUSA) in Washington, D.C.

The United States Attorneys' Office, *Giglio* Information Files, JUSTICE/USA 018, is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552(e)(4) and (11) has been published. This system has been established to enable the United States Attorneys' offices to maintain and disclose records of potential impeachment information received from the Department's investigative agencies, in accordance with the United States Supreme Court case of *Giglio v. United States*, 405 U.S. 150 (1972). It permits the United States Attorneys' offices to acquire, maintain, and disclose for law enforcement purposes, records obtained from federal and state agencies' personnel records relating to impeachment information that is material to the defense.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on the proposed new system. 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 the system. Therefore, please submit any comments by January 2, 2001. The public, OMB, and the Congress are invited to submit written comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, D.C. 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 on the proposed modification.

Dated: November 21, 2000.

**Stephen R. Colgate,**

*Assistant Attorney General for Administration.*

**JUSTICE/USA-018**

#### SYSTEM NAME:

United States Attorney's Office, *Giglio* Information Files.

#### SYSTEM LOCATION:

Ninety-four United States Attorney's offices (see Appendix identified as Justice/USA-999, last published 2-3-93 (58 FR 6983)) and offices posted on the Internet web site of the Executive Office for United States Attorneys (EOUSA) at <http://www.usdoj.gov/eousa>; and the EOUSA, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who may serve as affiants or testify as witnesses in criminal proceedings brought by the ninety-four United States Attorneys' offices.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains potential witness impeachment information including records of disciplinary actions. Records will include, but are not limited to: (a) Specific instances of witness conduct that may be used for the purpose of attacking the witness' credibility or character for truthfulness; (b) evidence in the form of opinion as to a witness' character or reputation for truthfulness; (c) prior inconsistent statements; and (d) information that may be used to suggest that a witness is biased. The system may also contain any judicial rulings, related pleadings, correspondence, or memoranda pertaining to the relevant criminal case.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained under the authority of 5 U.S.C. 516 and 547.

#### PURPOSE OF THE SYSTEM:

This system has been established to enable the Department of Justice's prosecuting offices to maintain and disclose records of potential impeachment information from the Department's investigative agencies, in accordance with *Giglio v. United States*, 405 U.S. 150 (1972).

It permits the United States Attorneys' offices to obtain information from federal and state agencies and to maintain and disclose for law enforcement purposes records of impeachment information that is material to the defense of federal criminal prosecutions.