

1. Wolf Creek Dam was designed in the 1930s, constructed in the 1940s, and completed in the early 1950s. The dam was built on a karst geology using accepted engineering practices of the day. Since the 1960s seepage through the dam's foundation has been a concern. Repairs have been implemented at various times including grout injection into the foundation and installing a diaphragm wall through about two-thirds of the earthen embankment. Those repairs are credited with saving the dam; however, some faults remained. Over the last three decades problems have increased and the dam is now classed as being in active failure mode.

2. A comprehensive plan for repairs has been approved; however, these repairs will take a number of years to implement. Until the repairs are sufficiently completed, the Corps has determined that it is in the public's interest to lower the lake levels to reduce pressure on the weakened foundations. This is necessary to ensure the public's health, safety, and welfare. The Corps recognizes, however, that doing so will have significant environmental and economic consequences in the following areas:

- (1) The cold water fisheries both in the lake and tailwater;
- (2) water quality throughout the Cumberland River;
- (3) federally listed threatened and endangered species;
- (4) designated uses of the waterway including fish and aquatic life, livestock watering and wildlife, irrigation;
- (5) and economics including electric power production, municipal and industrial water supply, recreation, navigation, flood damage reduction, and disruption to communities, jobs, and other related factors.

3. *Current Actions to Reduce Risk.* Several actions have already been taken to reduce the risk. Prior to 2005, spring rains were captured in the reservoir to maximize downstream flood protection and hydropower generation. Beginning in 2005 the pool was managed more aggressively to reduce the peaks and adhere more closely to the prescribed guide curves. Recently 24-hour surveillance was initiated at the dam. This involves providing patrols of the dam, known wet and trouble spots, and downstream areas. Currently, the Corps is aggressively grouting the most crucial areas of the embankment to further reduce seepage under the dam. Additional coordination and exercises have been held with state and local emergency management agencies. These agencies have been provided with flood inundation maps to help coordinate

emergency evacuations if needed. The Corps has improved its emergency notification procedures, increased instrumentation in and on the dam, and conducted numerous public meetings to advise the public of problems with the dam.

4. An Environmental Impact Statement (EIS) will be undertaken to review emergency actions taken and to consider other possible alternatives. Alternatives that will be considered include but are not limited to new dam construction, lowering the lake levels or otherwise altering the operational procedures, and investigating methods to increase discharge capacity.

5. This notice serves to solicit comments from the public; Federal, State and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate impacts of these proposed activities. Any comments received by us will be considered in determining future operations. To make these decisions, comments are used to assess impacts on public health and safety, endangered species, historic properties, water quality, water supply and conservation, economics, aesthetics, wetlands, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, energy needs, food and fiber production, mineral needs, considerations of property ownership, general environmental effects, and in general, the needs and welfare of the people.

6. Activities proposed that require a review under the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b)(1) of the Clean Water Act (40 CFR Part 230) may include fill placement for water intake extensions, and other mitigation actions.

7. Other Federal, State and local approvals that may be required for proposed work are as follows:

- a. Water quality certifications from the Kentucky Division of Water and the Tennessee Department of Environment and Conservation.
- b. Coordination with the U.S. Fish and Wildlife Service for the Endangered Species Act and Fish and Wildlife Coordination Act.
- c. Coordination with the Kentucky Department of Fish and Wildlife Resources and the Tennessee Wildlife Resources Agency.
- d. Coordination with the State Historic Preservation Officer and President's Advisory Council on Historic Preservation.

8. Significant issues to be analyzed in the DEIS include impacts to fisheries,

tailwater mussel resources, water quality, recreation, navigation, economics, water supply, electric power production, economics, and community development. The U.S. Fish and Wildlife Service has agreed to be a Cooperating Agency on the DEIS and will be responsible for preparing much of the evaluations of significant natural resources. A DEIS should be available in May 2007.

9. *Public Meetings:* At present, no public meetings have been scheduled to scope for potential issues to be evaluated in the DEIS. Requests for public meetings should be directed to Mr. William Peoples, Chief, Public Affairs Office, U.S. Army Corps of Engineers, Nashville District, Nashville, TN 37202-1070. Mr. Peoples may be reached by telephone at (615) 736-7834.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Department of the Navy

Finding of No Significant Impact (FONSI) for the Programmatic Environmental Assessment/Overseas Environmental Assessment (EA/OEA) for the Undersea Warfare Exercise (USWEX) Within the Hawaii Range Complex

AGENCY: Department of the Navy, DoD.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality regulations (40 CFR parts 1500-1508), implementing procedural provisions of NEPA, the Department of the Navy (DON) gives notice that a Programmatic EA/OE has been prepared and a Finding of No Significant Impact (FONSI) has been issued for the implementation of Alternative 1, which allows for up to six future Undersea Warfare Exercises (USWEXs) annually within the Hawaii Range Complex from January 2007 through January 2009.

DATES: The FONSI was signed on January 24, 2007.

ADDRESSES: The Final Programmatic EA/OEA and FONSI are available for public review at the following locations:

1. Wailuku Public Library, 251 High Street, Wailuku, HI 96793 (Maui).
2. Hilo Public Library, 300 Waianaenue Avenue, Hilo, HI 96720 (Hawaii).

3. Hawaii State Library, Hawaii and Pacific Section Document Unit, 478 South King Street, Honolulu, HI 96813 (Oahu).

4. Lihue Public Library, 4344 Hardy Street, Lihue, HI 96766 (Kauai).

Electronic copies of the Final Programmatic EA/OEA and FONSI are available for public viewing or downloading at <http://www.govsupport.us/uswex>. Single copies of the Final Programmatic EA/OEA and FONSI may be obtained by written request from: Commander, U.S. Pacific Fleet (N01CE), 250 Makalapa Drive, Pearl Harbor, HI 96860-3131.

FOR FURTHER INFORMATION CONTACT: Commander, U.S. Pacific Fleet (N01CE), 250 Makalapa Drive, Pearl Harbor, HI 96860-3131, 808-474-7836, or visit <http://www.govsupport.us/uswex>.

SUPPLEMENTARY INFORMATION: USWEX is an advanced Anti-Submarine Warfare Exercise proposed to be conducted by U.S. Navy Carrier Strike Groups (CSGs) and Expeditionary Strike Groups (ESGs) while in transit from the west coast of the United States to the western Pacific Ocean using existing operating areas and ranges within the Hawaii Range Complex. As identified in the USWEX Programmatic EA/OEA, the Proposed Action is to conduct USWEXs in the Hawaii Range Complex for deploying west coast-based CSGs and ESGs, and Hawaii homeported ships and submarines. Training events similar to those that comprise a USWEX are currently being conducted individually. USWEX is a combination of training events that results in a sea control/power projection fleet exercise that is required in order to meet training objectives for deploying or deployable CSGs and ESGs.

Anti-Submarine Warfare training conducted during a USWEX utilizes ships, submarines, aircraft, non-explosive exercise weapons, and other training systems and devices. During a typical USWEX, embarked aircraft will also be conducting training prior to deployment to the western Pacific Ocean. Fixed-wing aircraft will fly sorties to Pohakuloa Training Area on the Island of Hawaii, and rotary aircraft will fly sorties to Kaula located off the coast of Kauai. Aircraft will utilize these live ranges to drop live or inert rounds. During an ESG USWEX, amphibious forces could utilize the beaches at Pacific Missile Range Facility or at Marine Corps Training Area Bellows to conduct amphibious landings. The EA/OEA includes an analysis of three Alternatives. Alternative 1 analyzes four CSG USWEXs and two ESG USWEXs per year occurring in the Hawaii Range

Complex. Alternative 2 analyzes three CSG USWEXs and one ESG USWEX per year occurring in the Hawaii Range Complex. Under the No Action Alternative, individual training events that compose a USWEX would continue to occur; however, they would not be consolidated into a coordinated training event.

The analysis conducted in the USWEX Programmatic EA/OEA focused on the following resources: Airspace, biological resources, cultural resources, land use, noise, and safety and health. Impacts to biological resources will not be significant. The EA/OEA analyzes mid-frequency active sonar use associated with the USWEX and documents an acoustic exposure effects-analysis on marine mammals that may be affected by the USWEX training events and use of mid-frequency active sonar. There are no predicted marine mammal sonar exposures that would result in injury or mortality. The DON consulted with the National Marine Fisheries Service and received a biological opinion and an incidental take statement under Section 7 of the Endangered Species Act that determined the Proposed Action would not result in jeopardy to any endangered species. No new special use airspace proposal or any modification to the existing special use airspace is proposed. Impacts to cultural resources, land use, noise, and safety and health are not anticipated.

Based on the information gathered during preparation of the USWEX Programmatic EA/OEA, the DoD finds that up to six USWEX per year under Alternative 1 within the Hawaii Range Complex will not significantly impact the environment and, therefore, an EIS is not required for implementing Alternative 1.

Dated: January 29, 2007.

M.A. Harvison,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Department of the Navy

[USN-2007-0010]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DOD.

ACTION: Notice of new system of records.

SUMMARY: The Department of the Navy proposes to add a system of records to

its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on March 5, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (DNS-36), 2000 Navy Pentagon, Washington, DC 20350-2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685-325-6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available: from the address above.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, were submitted on January 24, 2007 to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (February 20, 1996, 61 FR 6427).

Dated: January 29, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01750-1

SYSTEM NAME:

Navy Ombudsman Registry.

SYSTEM LOCATION:

Fleet and Family Support Program, Navy Installations Command, 2713 Mitscher Road, SW., Ste 300, Anacostia Annex, DC 20373-5802.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy ombudsmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, addresses (home, business, and e-mail, phone numbers (home, office, cell, and fax), command name and address, command unit identification code (UIC), gender, and training dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013, Secretary of the Navy and OPNAVINST 1750.1F, Navy Family Ombudsmen Program.

PURPOSE(S):

To identify Navy ombudsmen; provide them with program information;