

James Gallagher as trustee of the Trust, James Gallagher (individually), Louis Branding, John Atwater, Charles Nau, Alan Parker and Bobby Duncan as beneficiaries of the Trust and O.T. Enterprises, Inc. These defendants bought portions of the site from Tower Chemical Company after polluting operations by the company ceased.

The proposed consent decree requires these defendants to pay the United States \$110,000 within one year from the entry of the decree and interest on any sum not paid within 30 days from entry of the decree. Additionally, the beneficiaries of the Trust have assigned to the United States the net proceeds from sale of the site property they still own. In return, these defendants will receive a release from the claims of the United States in the above-referenced action or from any possible claims under the Resource Conservation and Recovery Act of 1976. Excepted from the release extended to these defendants are other claims under CERCLA, and claims for response costs incurred as the result of new information (sections 122(f)(3) and (f)(6)(c); section 121(c)) and conditions unknown at the time the consent decree is entered (section 122(f)(3) and (6)).

The proposed consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1527, Ninth and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. There is a copying charge of \$1.20 reflecting a rate of \$.10 per page for the 12-page decree. Checks should be made payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Tower Chemical Company* (M.D. Fl., No. 85-100-CIV-Oc-16), D.O.J. Ref. No. 90-11-3-64.

Rodger J. Marzulla,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 88-1194 Filed 1-21-88; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 1-88]

Privacy Act of 1974; Removal of a System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the United States Marshals Service, Department of Justice, is eliminating a system of records entitled "Special Detail System, Justice/USM-005." Special detail records consist of logistical information generated to ensure that a particular high-risk operational activity, e.g., civil disturbance, special trial, etc., is staffed by the necessary personnel, equipment and skills required to accomplish the safety and protection of those persons involved in or exposed to danger because of the particular activity. Upon review, it has been determined that these records are in fact retrieved by subject matter or case number and thus do not constitute a system of records within the definition of the Privacy Act. Accordingly, the system, as published in the Federal Register on January 29, 1986 (51 FR 3696), is removed from the Department's compilation of Privacy Act systems.

Dated: January 5, 1988.

Harry H. Flickinger,
Assistant Attorney General for Administration.

[FR Doc. 88-1255 Filed 1-21-88; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 3-88]

Privacy Act of 1974; Modified System of Records

Under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Executive Office for United States Attorneys (EOUSA) proposes to modify its system of records entitled "Criminal Case Files, JUSTICE/USA-007," which was last published on August 23, 1983 (48 FR 38326).

In addition to changes which will more accurately describe the record system, EOUSA is adding three new routine uses (identified as (s), (t), and (u)), as well as notice of disclosure under subsection (b)(12) of the Privacy Act (identified as (v)). Routine uses (s) and (t) will support the litigation interests of the Department and the United States by allowing release of information to the courts and other adjudicative bodies during litigation. Routine use (u) will facilitate the collection of overdue debts to the United States by permitting the release of information to Federal, State, local and foreign agencies; to organizations, including consumer reporting agencies;

and to individuals, private counsel, and collection agencies, where necessary and appropriate. In addition, disclosure under subsection (b)(12) of the Privacy Act will assist efforts to encourage the payment of overdue debts. Changes have been italicized for public convenience.

Title 5 of the U.S. Code, Sections 552a(e) (4) and (11), require that the public be given 30 days in which to comment on new routine uses. Therefore, the public is invited to submit written comments by February 22, 1988 to J. Michael Clark, Assistant Director, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, Room 8402, 601 D Street, NW., Washington, D.C. 20530.

The revised system notice is reprinted below.

Dated: January 5, 1988.

Harry H. Flickinger,
Assistant Attorney General for Administration.

JUSTICE/USA-007

SYSTEM NAME:

Criminal Case Files.

SYSTEM LOCATIONS:

Ninety-four United States Attorneys' Offices (See Appendix identified as Justice/USA-999), Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue NW., Washington, D.C. 20530

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals charged with violations; (b) Individuals being investigated for violations; (c) Defense Counsel(s); (d) Information Sources; (e) Individuals relevant to development of Criminal Cases; (f) Individuals investigated, but prosecution declined; (g) Individuals referred to in potential or actual cases and matters of concern to a U.S. Attorney's Office; (h) Individuals placed into the Department's Pretrial Diversion program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) All case files (USA-33); (b) Docket Cards (USA-115); (c) Criminal Debtor Cards (USA-117a); (d) Criminal Case Activity Card (USA-163); (e) Criminal Debtor Activity Card (USA-164); (f) 3 x 5 Index Cards; (g) Caseload Printouts; (h) Attorney Assignment Sheets; (i) General Correspondence re: Criminal Cases; (j) Reading Files re: Criminal Cases; (k) Grand Jury Proceedings; (l) Miscellaneous Investigative Reports; (m) Information Source Files; (n) Parole Recommendations; (o) Immunity

Requests; (p) Witness Protection Files; (q) Wiretap Authorizations; (r) Search Warrants; (s) Telephone records; (t) Criminal Complaints; (u) Sealed Indictment Records; (v) Files unique to a District; (w) Criminal Miscellaneous Correspondence File; (x) Prosecution Declined Reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301, 28 U.S.C. 547 and 44 U.S.C. 3101

PURPOSE OF THE SYSTEM: Records are maintained for the purpose of prosecuting or otherwise resolving criminal cases or matters handled by the United States Attorneys.

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

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) In the course of investigating the potential or actual violations of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) A record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or

procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) A record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of any employee, the issuance of a security clearance, the reporting of an investigation of an employee, the

letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi: Provided That the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) A record may be disseminated to a foreign country through the United States Department of State of directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in a accordance with the provisions codified in 28 CFR 17.96;

(n) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title;

(o) Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(p) Information not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record;

(g) A record may be disclosed as a routine use to the National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 290.4 and 2906;

(r) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function;

(s) A record, or facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the United States Attorney's office or the Executive Office for U.S. Attorneys is authorized to appear when i. the United States Attorney's office or the Executive Office for U.S. Attorneys, or any Subdivision thereof, or ii. any employee of the United States Attorney's office or the Executive Office for U.S. Attorneys in his or her official capacity, or iii. any employee of the United States Attorney's office or the Executive Office for U.S. Attorneys in his or her individual capacity where the Department of Justice has agreed to represent the employee, or iv. the United States Attorney's office or the Executive Office for U.S. Attorneys determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the United States Attorney's office or the Executive Office for U.S. Attorneys to be arguably relevant to the litigation;

(t) A record, or facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the United States Attorney's Office is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the United States Attorney's Office to be arguably relevant to the litigation;

(u) Records relating to an individual who owes an over-due debt to the United States may be disseminated to (1) a Federal agency which employs the individual to enable the employing agency to offset the individual's salary, (2) a Federal, State, local or foreign agency, an organization, including a consumer reporting agency, or individual to elicit information to assist the United States Attorney in the collection of the overdue debt, (3) a collection agency or private counsel to enable them to collect the overdue debt, and (4) the Internal Revenue Service (IRS) to enable that agency to offset the individual's tax refund. Records

provided to the IRS may be used in a computer matching program to identify individuals who are entitled to refunds against which such offset for overdue debts would be appropriate; and

(v) Notice of disclosure under Subsection (b)(12) of the Privacy Act: Records relating to individuals who owe a past-due debt to the United States may be disseminated to consumer reporting agencies to encourage payment of the past-due debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, compliant number of court docket number. Information within this system of records may be accessed by various U.S. Attorney's offices and the Executive Office for United States Attorneys by means of catho-ray tube terminals (CRTs).

SAFEGUARDS:

Information in the system is both confidential and non-confidential and located in file cabinets in the United States Attorney offices. Confidential materials are in locked file drawers and safes, and nonconfidential materials are in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building by CRTs within various U.S. Attorney's offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Case files involving no sentence, or sentences of ten years or less, are destroyed ten years after case is closed. Case files involving sentences of more than ten years are destroyed one year after the date of termination of sentence. Both are in accordance with approved retention and disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the Administrative Office/ Assitant, for the U.S. Attorney for each district (See Appendix).

NOTIFICATION PROCEDURE:

Address inquires to the System Manager for the judicial district in which the case or matter is pending (See Appendix).

RECORD ACCESS PROCEDURE:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a(j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide his or her notarized signature and a return address for transmitting the information. Access requests will be directed to the System Manager (See Appendix).

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to investigative reports of federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of Grand Jury and court proceedings; data, memoranda and reports from the Court and agencies

thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

(FR Doc. 88-1195 Filed 1-21-88; 8:45 am)
BILLING CODE 4410-01-M

[AAG/A Order No. 2-88]

Privacy Act of 1974; Modified System of Records

Under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Executive Office for United States Attorneys (EOUSA) proposes to modify its system of records entitled "Civil Case Files; JUSTICE/USA-005," which was last published on August 23, 1983 (48 FR 38326).

In addition to changes which will more accurately describe the record system, EOUSA is adding three new routine uses (identified as (o), (p) and (q)), as well as notice of disclosure under subsection (b)(12) of the Privacy Act (identified as (u)). Routine uses (o) and (p) will support the litigation interests of the Department and the United States by allowing release of information to the courts and other adjudicative bodies during litigation. Routine use (q) will facilitate the collection of overdue debts to the United States by permitting the release of information of Federal, State, local and foreign agencies; to organizations, including consumer reporting agencies; and to individuals, private counsel, and collection agencies, where necessary and appropriate. In addition, disclosure under subsection (b)(12) of the Privacy Act will assist efforts to encourage the payment of overdue debts. Changes have been italicized for public convenience.

Title 5 of the U.S. Code, Sections 552a(e) (4) and (11), require that the public be given 30 days in which to comment on new routine uses. Therefore, the public is invited to submit written comments by February 22, 1988, to J. Michael Clark, Assistant Director, Facilities and Administrative Services Staff, Justice Management Division,

Department of Justice, Room 6402, 601 D Street NW., Washington, DC 20530.

The revised system notice is reprinted below.

Dated: January 5, 1988.

Harry H. Flickinger,
Assistant Attorney General for
Administration.

JUSTICE/USA-005

SYSTEM NAME:

Civil Case Files.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Offices (See Appendix identified as Justice/USA-999), Executive Office for United States Attorneys, U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals being investigated in anticipation of Civil suits; (b) Individuals involved in Civil suits; (c) Defense Counsel(s); (d) Information sources; (e) Individuals relevant to the development of Civil suits.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) All Civil Case Files (USA-34); (b) Docket Cards (USA-116); (c) Civil Debtor Cards—(USA-117b); (d) Civil Case Activity Card (USA-164); (e) Civil Debtor Activity Card (USA-166); (f) 3 x 5 Index Cards; (g) Caseload Printouts; (h) General Correspondence re: Civil Cases; (i) Reading Files re: Civil Cases; (j) Information Source File; (k) Attorney Assignment sheets; (l) Telephone records; (m) Miscellaneous Investigative files; (n) Lands condemnation files (Appraisal and Negotiator Reports); (o) Tax Case Resource File; (p) Material in Civil File related to Criminal cases arising out of Civil Proceedings; (q) Search Warrants; (r) Files unique to District; (s) Civil Miscellaneous Correspondence File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301, 29 U.S.C. 547 and 44 U.S.C. 3101.

PURPOSE OF THE SYSTEM: Records are maintained for the purpose of litigating or otherwise resolving civil cases or matters handled by the United States Attorneys or the Executive Office for United States Attorneys.

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

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law, civil, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, State, local or foreign agency charged with the responsibility of investigating, defending or pursuing such violation, civil claim or remedy, or charged with enforcing, defending or implementing such law;

(b) In the course of investigating the potential or actual violation or civil liability of any government action or law, civil, or regulatory in nature or during the course of a trial or hearing or the preparation for a trial or hearing for such civil action, a record may be disseminated to a Federal, State, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation or civil action trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an agency;

(c) A record relating to a case or matter may be disseminated in an appropriate Federal, State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, State, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, civil action, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;