

Dated: August 23, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95-21340 Filed 8-28-95; 8:45 am]

BILLING CODE 4410-02-M

[AAG/A Order No. 106-95]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Federal Bureau of Prisons (BOP), Office of Internal Affairs (OIA), proposes to establish a new system of records entitled, "Bureau of Prisons, Office of Internal Affairs Investigative Records (JUSTICE/BOP-102)." Information in this system relates to matters for which the OIA has responsibility pursuant to the Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act Amendments of 1988. Responsibilities include auditing, inspecting, and investigating BOP programs and operations with an objective to promote economy, efficiency, and effectiveness in the administration of such programs and operations and to prevent and detect fraud, waste, and abuse in such programs and operations. This system covers records relating to BOP investigations of appropriate individuals and entities (identified in the system description below). A rule document promulgating exemptions for the system appears in the Proposed Rules Section of today's **Federal Register**.

Title 5 U.S.C. 552a(e) (4) and (11) provide that the public be provided a 30-day period in which to comment on the routine uses of a new system; the Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires that it be given a 40-day period in which to review the system.

Therefore, please submit any comments by September 28, 1995. The public, OMB and Congress are invited to send written comments to Patricia E. Neely, Program Analyst, Systems Policy Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 850, WCTR Building).

In accordance with Privacy Act requirements, the Department of Justice has provided a report on the proposed system to OMB and the Congress. A description of the system of records is provided below.

Dated: August 15, 1995.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/BOP-12

SYSTEM NAME:

Bureau of Prisons (BOP), Office of Internal Affairs Investigative Records, JUSTICE/BOP-012

SYSTEM LOCATIONS:

Bureau of Prisons (BOP) Central Office, 320 First Street NW., Washington, DC 20534;
 BOP Northeast Regional Office, U.S. Customs House, 7th Floor, 2nd and Chestnut Street, Philadelphia, Pennsylvania, 19106;
 BOP Mid-Atlantic Regional Office, Junction Business Park, 10010 Junction Drive, Suite 100N, Annapolis Junction, Maryland 20701;
 BOP Southeast Regional Office, 523 McDonough Boulevard, Atlanta, Georgia 30315
 BOP North Central Regional Office, Gateway Complex, Inc., Tower II, 8th Floor, 4th and State Avenue, Kansas City, Kansas 66101-2492
 BOP South Central Regional Office, 4211 Cedar Springs Road, Suite 300, Dallas, Texas 75219
 BOP Western Regional Office, 7950 Dublin Boulevard, 3rd Floor, Dublin, California 94568.

In addition, records may be retained at any of the BOP institutions located within the regions. A complete list may be found in 28 CFR part 503.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In connection with its investigative duties, the Office of Internal Affairs (OIA) will maintain records on the following categories of individuals:

a. Individuals or entities who are or have been the subject of inquiries of investigations conducted by the BOP including current or former employees of the BOP; current and former consultants, contractors, and subcontractors with whom the agency has contracted and their employees; grantees to whom the BOP has awarded grants and their employees; and such other individuals or entities whose association with the BOP relates to alleged violation(s) of the BOP's rules of conduct, the Civil Service merit system, and/or criminal or civil law, which may affect the integrity or physical facilities of the BOP.

b. Individuals who are witnesses; complainants; confidential or nonconfidential informants; and parties who have been identified by the BOP or by other agencies, by constituent units

of the BOP, or by members of the general public as potential subjects of or parties to an investigation under the jurisdiction of the BOP, OIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to investigations, including:

a. Letters, memoranda, and other documents citing complaints of alleged criminal, civil or administrative misconduct.

b. Investigative files which include: Reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits or records obtained during investigations; prior criminal or noncriminal records of individuals as they relate to the investigations; reports from or to other law enforcement bodies; information obtained from informants and identifying data with respect to such informants; nature of allegations made against suspects and identifying data concerning such subjects; and public source materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act Amendments of 1988.

PURPOSE:

The BOP, OIA will maintain this system of records in order to conduct its responsibilities pursuant to the Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act Amendments of 1988. The OIA is statutorily directed to conduct and supervise investigations relating to programs and operations of the BOP; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud, waste and abuse in such programs and operations. Accordingly, the records in this system are used in the course of investigating individuals and entities suspected of having committed illegal or unethical acts and in conducting relating criminal prosecutions, civil proceedings, or administrative actions.

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

Records in this system may be disclosed as follows:

a. In the event that records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order pursuant thereto, or if records indicate a violation or potential violation of the terms of a

contract or grant, the relevant records may be disclosed to the appropriate agency, whether Federal, State, local, foreign or international, charged with the responsibility of investigating or prosecuting such violation, enforcing or implementing such statute, rule, regulation or order, or with enforcing the term of such contract or grant.

b. A record may be disclosed to a Federal, State, local, foreign or international agency, or to an individual or organization when necessary to elicit information which will assist an investigation, inspection or audit.

c. A record may be disclosed to a Federal, State, local, foreign or international agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to a BOP decision concerning the assignment, hiring or retention of an individual, the issuance or revocation of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance or revocation of a license, grant or other benefit.

d. A record may be disclosed to a Federal, State, local, foreign or international agency in response to its request in connection with the assignment, hiring or retention of an individual, the issuance or revocation of a security clearance, the reporting of an investigation of an individual, letting of a contract or the issuance or revocation of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. A record may be disclosed 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 the request of, the individual who is the subject of the record.

f. Relevant records may be disclosed to an administrative forum, including Ad Hoc forums, which may or may not include an Administrative Law Judge, and which may or may not convene public hearings/proceedings, or to other established adjudicatory or regulatory agencies, e.g., the Merit Systems Protection Board, the National Labor Relations Board, or other agencies with similar or related statutory responsibilities, where necessary to adjudicate decisions affecting individuals who are the subject of OIA investigations and/or who are covered by this system, including (but not limited to) decisions to effect any necessary remedial actions, e.g., the initiation of debt collection activity, disciplinary and/or other appropriate

personnel actions, and/or other law enforcement related actions, where appropriate.

g. A record may be disclosed to complainants and/or victims to the extent necessary to provide such persons with information concerning the results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

h. A record may be disclosed to the National Archives and Records Administration and to the General Services Administration during a records management inspection conducted under 44 U.S.C. 2904 and 2906.

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

STORAGE:

Information in this system is stored manually in file jackets and electronically in office automation equipment.

RETRIEVABILITY:

Entries are arranged alphabetically and are retrieved with reference to the surnames of the individuals covered by this system of records.

SAFEGUARDS:

Information and/or manual records are stored in safes, locked filing cabinets, and office automation equipment in secured rooms or in guarded buildings, and accessed only by authorized, screened personnel.

RETENTION AND DISPOSAL:

Records in this system are retained and disposed of in accordance with General Records Schedule 22.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director/General Counsel, Office of General Counsel, Federal Bureau of Prisons, 320 First Street NW., Washington, DC 20534.

NOTIFICATION PROCEDURE:

Inquiries concerning this system should be directed to the System Manager listed above.

RECORDS ACCESS PROCEDURES:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2), (k)(1), and (k)(2). To the extent that this system of records 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 records contained in this system shall be made in writing, with the envelope and the letter clearly

marked "Privacy Act Request." Include in this request the full name of the individual involved, his or her current address, date and place of birth, notarized signature, and any other identifying number or information which may be of assistance in locating the record. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for contest is received. Requesters shall direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

The subjects of investigations; individuals with whom the subjects of investigations are associated; current and former BOP officers and employees; officials of Federal, State, local and foreign law enforcement and non-law enforcement agencies; private citizens, witnesses; confidential and nonconfidential informants; and public source materials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2), (3), (5), and (8) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the system has been exempted from subsections (c)(3), (d) and (e)(1) pursuant to subsections (k)(1) and (k)(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. 95-21343 Filed 8-28-95; 8:45 am]

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Antitrust Division

Correction

AGENCY: Department of Justice.

SUMMARY: In notice *United States v. FTD Corporation* which appears in Vol. 60, No. 154 on page 40859, in the issue of Thursday, August 10, 1995, make the following correction: