Rule claiming these exemptions is published in today’s Federal Register.

DEPARTMENT OF JUSTICE

[AAG/A Order No. 016–2005]

Privacy Act of 1974; System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Federal Bureau of Prisons (Bureau or BOP), Department of Justice, proposes to create a new systems of records entitled “Inmate Electronic Message Record System, JUSTICE/BOP–013.” The system notice will become effective sixty (60) days from the date of publication in the Federal Register.

The Bureau is creating this new program as a pilot project at selected sites. Once the pilot is completed and evaluated, the Bureau may expand the program to all individuals placed under the custody of the Bureau pursuant to 18 U.S.C. 3621, 4042, and 5003 (state inmates).

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment. The Office of Management and Budget (OMB), which has oversight responsibilities under the Privacy Act, requires that it be given a 40-day period in which to review the system. Therefore, please submit any comments by December 27, 2005. The public, OMB, and the Congress are invited to send written comments to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (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 new system of records.

Dated: November 7, 2005.

Paul R. Corts,
Assistant Attorney General for Administration.

JUSTICE/BOP–013

SYSTEM NAME:
Inmate Electronic Message Record System.

SECURITY CLASSIFICATION:
Not classified.

SYSTEM LOCATION:
For the pilot program, records will be retained only at selected sites. Once the pilot is completed and evaluated, records may be retained at any of the Federal Bureau of Prisons (Bureau) facilities nationwide, or at any location operated by a contractor authorized to provide computer and/or electronic message service to Bureau inmates. A list of Bureau facilities may be found at 28 CFR part 503 and on the Internet at http://www.bop.gov.

CATLOGIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Current and former inmates, including pre-trial detainees, under the custody of the Attorney General and/or the Director of the Bureau of Prisons; recipients of electronic messages from current and former inmates; individuals on the approved electronic message correspondent lists of current or former inmates; individuals who request, in writing through either traditional mail or through electronic message, that the Bureau delete their name and electronic address from inmate electronic message correspondent lists.

CATLOGIES OF RECORDS IN THE SYSTEM:
Records in this system include: (1) Personal identification data; (2) time usage data; (3) electronic message data, including date and time of each electronic message; the name and register number of the inmate who sent the electronic message; and the electronic address of the message recipient and his/her relationship to the inmate; digital and compact disc recordings of electronic messages; and (4) investigatory data developed internally as well as any related data collected from federal, state, local, tribal and foreign law enforcement agencies, and from federal and state probation and judicial officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
18 U.S.C. 3621, 4042, and 5003.

PURPOSE(S):
This system of records is maintained to manage records relating to inmate electronic messages and to ensure that inmates exercise their electronic message privileges in a manner consistent with correctional goals. The Bureau of Prisons encourages inmates to maintain contact with members of the community, including contact through the exchange of electronic messages directed to socially useful goals. The related uses for which the Bureau will maintain the system include (1) recording of time used by inmates writing, receiving, and reviewing electronic messages; (2) maintaining inmate electronic message correspondent lists; (3) monitoring of inmate electronic message activity; and (4) conducting investigations, e.g., investigation of inmate activity related to electronic message usage, and/or illegal activities or suspected illegal activities being conducted, coordinated, or directed from within a federal correctional institution.

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

Relevant data from this system will be disclosed as follows:

(a) To any criminal, civil, or regulatory law enforcement authority (whether federal, state, local, territorial, tribal or foreign) where the information is relevant to the recipient entity’s law enforcement responsibilities, including possible criminal violations discovered as part of electronic message monitoring done for the safety, security and good order of penal institutions.

(b) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records;

(c) 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 record subject;

(d) To the news media and the public pursuant to 28 CFR 50.2 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;

(e) To the National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906;

(f) To affected non-inmate record subjects to the extent necessary to provide such persons with information concerning placement and/or removal from an inmate’s electronic message correspondent list;

(g) To an individual, organization, or governmental entity in order to notify them of a serious terrorist threat for the purpose of guarding against or responding to such a threat;

(h) In an appropriate proceeding before a court, or administrative or adjudicative body when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before a court, or administrative or adjudicative body, when the adjudicator determines the records to be relevant to this proceeding;

(i) The Department of Justice may disclose relevant and necessary
inmates will only be able to access their

the information in the system. Bureau

proper passwords and user

records and technical equipment in

safeguards include the maintenance of

systems security and access. These

policy governing automated information

SAFEGUARDS:

approved inmate electronic message

name and/or electronic address of

register number of inmate; and/or by

RETRIEVABILITY:

Records may be retrieved by

including the approximate dates

request should include a general

applicability of the exemption to a

and/or (k)(2). A determination as to the

system of records is exempted from

months of the date of request. This

verified and dated within three (3)

time a request for access is received.

RECORD ACCESS PROCEDURES:

All requests for records may be made

by writing to the Federal Bureau of

Prisons, 320 First Street, NW.,

Washington, DC 20534. The envelope

should be clearly marked

‘‘System Manager listed above.’’

RETENTION AND DISPOSAL:

Electronic messages are maintained

ordinarily for six months from the date

created, at which time they are

overwritten with new data. Other

records in this system may be

incorporated into another system of

records, e.g., JUSTICE/BOP–005, Inmate

Central Records System. System-
generated reports are retained for as

long as they are needed. Computerized

records are destroyed by degaussing;
documentary records are destroyed by

shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Administration

Division, Federal Bureau of Prisons, 320

First Street, NW., Washington, DC

20534.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the

System Manager listed above.

RECORD SOURCE CATEGORIES:

Records are generated by: individuals

covered by the system; Bureau staff;

federal, state, local, tribal, international

and foreign law enforcement agencies;

and federal/state probation and judicial

offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Attorney General has exempted

this system from subsections (c)(3) and

(4), (d)(1)–(4), (e)(2), (e)(3), (e)(5), and (g)

of the Privacy Act pursuant to 5 U.S.C.

552a(j)(2) and/or (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. 05–22641 Filed 11–15–05; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Termination of Final Decree

Notice is hereby given that Ludowici

Roof Tile, Inc. (‘‘Ludowici’’), successor

in interest to Ludowici-Celadon

Company (‘‘Ludowici-Celadon’’), a

defendant in United States v. Ludowici-

Celadon Co., et al., In Equity No. 9022

(N.D. III. Mar. 12, 1929), has filed a

motion to terminate the final Decree

entered in that matter on March 18,

1929 (the ‘‘Decree’’). The Antitrust

Division of the Department of Justice, in

a Stipulation also filed with the Court,

tentatively has consented to termination

of the Decree, but has reserved the right

to withdraw its consent pending receipt

of public comments.

On March 12, 1929, the United States

filed a Petition against Ludowici-

Celadon and sixteen individuals,

including certain exclusive sales agents,

‘‘preferred roofers,’’ and certain

Ludowici-Celadon officers, directors,

and employees. The Petition alleged

that the defendants conspired to restrain

interstate trade and commerce in the

manufacture and sale of ‘‘roofing tile’’

and to monopolize and attempt to

monopolize such trade. The Decree

defined ‘‘roofing tile’’ as ‘‘tile produced

from shale or clay and used as a

covering for pitched roofs, cornices and

other exposed surfaces of buildings and

structures.’’

The Decree perpetually enjoined the

defendants from continuing the

conspiracy or entering into any

combination similar thereto. The Decree

prohibited the defendants from engaging

in any exclusionary or otherwise

potentially or patently anticompetitive

conduct. The Decree also perpetually

enjoined Ludowici-Celadon from

acquiring ownership or control of any

additional plants engaged in the

manufacture and sale of roofing tile.

The Department has filed with the

Court a memorandum setting forth the

reasons the United States believes that

termination of the Decree would serve