

Florida, 99 NE. 4th Street (2) the U.S. Environmental Protection Agency, Region 4, 100 Alabama Street, SE., Atlanta, Georgia; and (3) the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005 (telephone (202) 624-0892). A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. For a copy of the Consent Decree with attachments please refer to the referenced case and enclose a check for \$12.50 (\$.25 per page reproduction charge) payable to "Consent Decree Library."

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment & Natural Resources Division.
[FR Doc. 97-19169 Filed 7-21-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed consent decree in *United States v. Harold Shane*, Civil Action No. C-3-89-383, was lodged on May 12, 1997 with the United States District Court for the Southern District of Ohio. The proposed consent decree will resolve claims against twenty three parties for the recovery of response costs expended by the Environmental Protection Agency at the Arcanum Iron and Metal Superfund Site in Arcanum, Ohio pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 *et seq.* ("CERCLA"). EPA has determined that each of the settling parties qualifies for *de minimis* treatment in accordance with CERCLA Section 122(g), 42 U.S.C. § 9622(g). The settlement requires the settling parties to make payments totaling \$462,480.

The consent decree includes a covenant not to sue by the United States under Section 106 and 107 of CERCLA, 42 U.S.C. § 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 ("RCRA").

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department

of Justice, Washington, DC 20530, and should refer to *United States v. Harold Shane*, Civil Action No. C-3-89-383, and the Department of Justice Reference No. 90-11-3-504. Commenters may request an opportunity for a public hearing in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed consent decree may be examined at the Office of the United States Attorney, Southern District of Ohio, 200 West Second Street, Dayton, Ohio, 45402; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590; and at the Consent Decree Library, 1120 G Street, NW., 45th Floor, Washington, DC 20005, 202-624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$10.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
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DEPARTMENT OF JUSTICE

[AAG/A Order No. 139-97]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish and publish a new system of records to be maintained by the Immigration and Naturalization Service (INS).

The Immigration and Naturalization Service "Designated Entity Information Management System (DEIMS), JUSTICE/INS-021" is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published.

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 proposed new routine use disclosures. 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 proposal.

Therefore, please submit any comments by August 21, 1997. The public, OMB, and the Congress are invited to send written comments to

Patricia E. Neely, Program Analyst, Information Management and Security Staff, Justice Management Division, Department of Justice, Washington, DC. 20530 (Room 850, WCTR Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress on this system.

Dated: July 1, 1997.

Stephen R. Colgate,
Assistant Attorney General for
Administration.

JUSTICE/INS-021

SYSTEM NAME:

The Immigration and Naturalization Service (INS) Designated Entity Information Management System (DEIMS).

SYSTEM LOCATION:

Headquarters, Regional, District, and other INS file control offices in the United States as detailed in JUSTICE/INS-999.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals applying for certification from INS as designated fingerprint service providers (DFS), including those who have in fact been certified as DFS providers in accordance with the terms of an application/agreement (Form I-850). Where application/agreement is made on behalf of such individuals by their employer, individuals covered by the system may also include the employer, owner, and manager (or other individual acting in a similar capacity).

B. Individuals contracted to inspect individuals and/or entities which provide such fingerprint services to INS.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. The computerized system contains personal identification data such as the name, social security number, date of birth, place of birth, and position of each owner/employee of a DFS.

B. The computerized system contains personal identification data such as the name, social security number, former agency affiliation, Inspector ID number, and level of security clearance of each inspector employed under contract to inspect DFS providers.

C. The hard copy DFS file includes evidence of United States citizenship or lawful permanent resident status for all DFS employees, evidence of completion of the required fingerprint training for such employees, and attestation to compliance with the requirements of 8 CFR 103.2(e) (Form I-850A).

AUTHORITY FOR MAINTENANCE OF RECORDS:

(1) Sections 103 and 290 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 8 U.S.C. 1360), and the regulations pursuant thereto; and (2) 8 CFR part 2.

PURPOSE(S):

A contractor maintains on behalf of INS an information database of individuals/entities certified by INS as DFS providers. The contractor is also required to provide inspectors to conduct inspections of DFS providers and to include information on such inspectors in the database. (See Categories of Records in the System.) The system is used by INS to identify these individuals and to monitor their training/qualifications and performance.

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

Relevant information contained in this system of records may be disclosed as follows:

A. Where the record (whether on its face or in conjunction with other information) indicates a violation or potential violation of law (whether the violation or potential violation is civil, criminal, or regulatory in nature), to the appropriate Federal, State, foreign, or local agency charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

B. A record, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which INS is authorized to appear when any of the following is a party to litigation and such records are determined by INS to be arguably relevant to the litigation: (i) INS, or any subdivision thereof, or (ii) any employee of INS in his or her official capacity, or (iii) any employee of INS in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (iv) the United States, where INS determines that the litigation is likely to affect it or any of its subdivisions.

C. To a Federal, State, or local government agency in response to its request, in connection with the hiring or retention by such an agency of an employee, the issuance of a security clearance, the reporting of an investigation of such an employee, the letting of a contract, or the issuance of a license, grant, loan, 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.

D. To a Federal, State, or local government agency maintaining civil,

criminal, or other relevant law enforcement information, or other pertinent information such as current licenses, if necessary to obtain information relevant to an INS decision concerning the certification of a DFS employee (employer/owner), and/or the issuance of a security clearance, and/or the conduct or reporting of an investigation of a DFS employee or inspector.

E. To the contractor, and/or the contract inspector, acting on INS behalf (1) to perform contractual responsibilities, or (2) to elicit information to enable INS to perform its adjudicative and oversight responsibilities.

F. 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.

G. To a Member of Congress, or staff acting on 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.

H. To the General Services Administration and the National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

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

Paper documents are stored in file folders. Those records which can be accessed electronically are stored in a data base on magnetic disc tape.

RETRIEVABILITY:

These records are indexed and retrieved by name and/or social security number of the employee of the designated fingerprint service, and by name and/or social security number of the contract inspector.

SAFEGUARDS:

INS offices are located in buildings under security guard, and access to premises is by official identification. All records are stored in spaces which are locked during non-duty office hours. Many records are stored also in locked cabinets or machines during non-duty office hours. Access to automated records is controlled by passwords and name identifications. In addition, contractual provisions require the contractor to adopt similar safeguards to protect these records from unauthorized

disclosure. In order to ensure compliance, the contractor is subject to on-site inspection by INS.

RETENTION AND DISPOSAL:

The following INS proposal for retention and disposal is pending approval of the Department of Justice and by the Archivist of the United States. The electronic DEIMS record will be destroyed two years after the program ends. Hardcopy records (i.e., Forms I-850 and I-850A) will be destroyed two years after the DEIMS program ends or three years after separation or transfer of the employee/inspector, whichever comes first.

SYSTEM MANAGER(S) AND ADDRESS:

The Servicewide system manager is the Assistant Commissioner, Adjudications and Nationality, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

Address inquires to the Freedom of Information Act/Privacy Act (FOIA/PA) Officer at the appropriate INS office identified in JUSTICE/INS-999, or to the INS FOIA/PA Officer at 425 I Street NW., Washington, DC 20536.

RECORD ACCESS PROCEDURES:

Make all requests for access in writing to the FOIA/PA Officer at the appropriate INS office identified in JUSTICE/INS-999. Such request may be submitted either by mail or in person. If a request for access is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request." Include a description of the record sought, and provide name, social security number, and any other information which may assist in identifying and locating the record. In addition, provide a return address for transmitting the records.

CONTESTING RECORDS PROCEDURES:

Direct all requests to contest or amend information to the FOIA/PA Officer at the appropriate INS office identified in JUSTICE/INS-999. State clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope "Privacy Act Request." Similarly, identify the record in the same manner as described under "Record Access Procedures."

RECORD SOURCE CATEGORIES:

Individuals covered by the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 97-19173 Filed 7-21-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Public Comments and Plaintiff's Response

United States of America and the State of Colorado v. Vail Resorts, Inc., Ralston Resorts, Inc., and Ralston Foods, Inc.

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), that Public Comments and Plaintiff's Response have been filed with the United States District Court for the District of Colorado in *United States and the State of Colorado v. Vail Resorts, Inc., Ralston Resorts, Inc., and Ralston Foods, Inc.*, Civ. Action No. 97-B-10.

On January 3, 1997, the United States and the State of Colorado filed a Complaint seeking to enjoin a transaction in which Vail Resorts, Inc. ("Vail") agreed to acquire Ralston Resorts, Inc. ("Ralston"). Vail and Ralston are the two largest owner/operators of ski resorts in Colorado, and this transaction would have combined five ski resorts in Colorado. The Complaint alleged that the proposed acquisition would substantially lessen competition in providing skiing to Front Range Colorado skiers in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18.

Public comment was invited within the statutory 60-day comment period. Such comments, and the responses thereto, are hereby published in the **Federal Register** and filed with the Court. Brochures, newspaper clippings and miscellaneous materials appended to the Public Comments have not been reprinted here; however they may be inspected with copies of the Complaint, Stipulation, proposed Final Judgment, Competitive Impact Statement, Public Comments and Plaintiff's Response in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Washington, DC 20530 (telephone (202) 514-2481) and at the office of the Clerk of the United States District Court for the District of Colorado, 1929 Stout Street, Room C-145, Denver, Colorado 80294.

Copies of any of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,

Director of Operations, Antitrust Division.

United States District Court, District of Colorado, Lewis T. Babcock, Judge

[Civil Action No. 97-B-10]

United States of America and the State of Colorado, Plaintiffs, v. Vail Resorts, Inc., Ralston Resorts, Inc. and Ralston Foods, Inc., Defendants.

United States' Response to Public Comments

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (the "Tunney Act"), the United States responds to the public comments received regarding the proposed Final Judgment in this case.

I. Background

The United States and the State of Colorado filed a civil antitrust Complaint on January 3, 1997, alleging that the proposed acquisition of Ralston Resorts, Inc. ("Ralston Resorts") by Vail Resorts, Inc. ("Vail Resorts") would violate Section 7 of the Clayton Act, 15 U.S.C. § 18. The Complaint alleged that Vail Resorts and Ralston Resorts are the two largest owner/operators of ski resorts in Colorado, and that the proposed transaction would combine under common ownership several of the largest ski resorts in this region. In particular, the acquisition would increase substantially the concentration among ski resorts to which several hundred thousand skiers residing in Colorado's "Front Range"—the major population areas along Interstate 25—can practicably go for day or overnight ski trips. As a result, this acquisition threatened to raise the price of, or reduce discounts for, skiing to Front Range Colorado consumers in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18.

At the same time the Complaint was filed, the United States and the State of Colorado also filed a proposed settlement that would permit Vail Resorts to complete its acquisition of Ralston Resorts, but requires a divestiture that would preserve competition for skiers in the Front Range. This settlement consists of a Stipulation and proposed final judgment.

The proposed final judgment orders the parties to sell all of Ralston Resorts' rights, titles, and interests in the Arapahoe Basin ski area in Summit County, Colorado to a purchaser who has the capability to compete effectively in the provision of skiing for Front Range Colorado skiers. The parties must

complete the divestiture of this ski area and related assets within five (5) days after the entry of the final judgment, in accordance with the procedures specified in the proposed final judgment, unless an extension is granted pursuant to the final judgment. The stipulation and proposed final judgment also impose a hold separate agreement that requires defendants to ensure that, until the divestiture mandated by the final judgment has been accomplished, Ralston Resorts' Arapahoe Basin operations will be held separate and apart from, and operated independently of, Vail Resorts' and Ralston Resorts' other assets and businesses. Defendants must hire, subject to the prior approval of the United States, a person to serve as chief executive officer or Arapahoe Basin, who shall have complete authority to operate Arapahoe Basin in the ordinary course of business as a separate and independent business entity.

A Competitive Impact Statement ("CIS"), explaining the basis for the complaint and proposed consent decree in settlement of the suit, was filed on January 22, 1997 and subsequently published for comment, along with the stipulation and proposed final judgment, in the **Federal Register** on February 3, 1997 (62 FR 5037 through 5046), as required by the Tunney Act. Notice was also published in the newspaper, as required by the Tunney Act. The CIS explains in detail the provisions of the proposed final judgment, the nature and purpose of these proceedings, and the proposed acquisition alleged to be illegal.

The United States, the State of Colorado, Vail Resorts, and Ralston Resorts have stipulated that the proposed final judgment may be entered after compliance with the Tunney Act. The United States and defendants have now, with the exception of publishing the comments and this response in the **Federal Register**, completed the procedures the Tunney Act requires before the proposed Final Judgment can be entered.¹ The United States received 14 public comments.

The comments, which are collected in the appendix to this Response,² came from a variety of sources, such as representatives of other ski areas and

¹ The United States will publish the comments and this response promptly in the **Federal Register**. It will provide the Court with a certificate of compliance with the requirements of the Tunney Act and file a motion for entry of final judgment once publication takes place.

² The comments have been numbered, and a log prepared. See Appendix. For ease of reference, the United States in this Response refers to individual comments by the log number assigned to the comment.