

response costs incurred in connection with the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC, 20044, and should refer to *United States v. North Carolina State University at Raleigh*, D.J. Ref. 90-11-2-1207.

The proposed Consent Decree may be examined at any of the following offices: (1) the Office of the United States Attorney for the Eastern District of North Carolina, 310 New Bern Ave., Ste. 800, Fed. Bldg., Raleigh, North Carolina; (2) the U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia; and (3) the Consent Decree Library, 1120 G Street, NW., 3rd 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., 3rd Floor, Washington, DC 20005. Please refer to the referenced case. There is a photocopying charge of \$0.25 per page. For a copy of the Consent Decree without attachments (the ROD and Statements of Work), please enclose a check for \$26.75 made payable to "Consent Decree Library." For a copy of the Consent Decree with all attachments, please enclose a check for \$60.75 made payable to "Consent Decree Library."

**Walker Smith,**

*Deputy Chief, Environmental Enforcement Section, Environment & Natural Resources Division.*

[FR Doc. 98-32859 Filed 12-9-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

[AAG/A Order No. 156-98]

### Privacy Act of 1974; Modified System of Records and New System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Department of Justice, Office of Professional Responsibility (OPR), proposes to revise the following system of records last published in the **Federal Register** on December 11, 1987 (52 FR 47280):

"Office of Professional Responsibility Record Index, JUSTICE/OPR-001"

and proposes to establish the following new system of records:

"Freedom of Information/Privacy Acts (FOI/PA) Records, JUSTICE/OPR-002."

The JUSTICE/OPR-001 system is maintained to provide for the resolution of allegations of misconduct made against Department of Justice employees and to advise complainants of the status of investigations and the results. OPR is revising this system to add two new routine use disclosures identified as routine uses (9) and (10); to modify routine use (1); and to make certain other non-substantive, editorial and clarifying changes to the system description. The proposed changes have been italicized for public convenience.

The new system of records, JUSTICE/OPR-002, will enable OPR to process requests for access to its records under the Freedom of Information and Privacy Acts.

Title 5 U.S.C. 552(e) (4) and (11) provide that the public be given a 30-day period in which to comment on proposed new routine use disclosures for both of these systems. The Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires that OMB and Congress be given a 40-day period in which to conduct its review. Therefore, please submit 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 the proposed modification of the existing system and the establishment of a new system of records.

Dated: November 20, 1998.

**Stephen R. Colgate,**

*Assistant Attorney General for Administration.*

### JUSTICE/OPR-001

#### SYSTEM NAME:

Office of Professional Responsibility Record Index.

#### SYSTEM LOCATION:

Office of Professional Responsibility (OPR), U.S. Department of Justice (DOJ), 950 Pennsylvania Avenue NW, Washington, DC 20530.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) DOJ employees who are the subjects of complaints directed to, or inquiries or investigations conducted by, OPR; (2) individuals (complainants) who write to OPR; (3) individuals (complainants) who write to the

Attorney General and other officials of the Department and whose correspondence is referred to OPR; and (4) employees of agencies of the Federal Government, other than DOJ, about whom information indicating possible criminal or administrative misconduct has been developed during the course of routine investigation by components of DOJ, when such information is furnished to OPR for referral—if warranted—to an appropriate investigative component of DOJ, or another government agency.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of complaints filed against DOJ employees, the results of investigations into those complaints, and actions taken after completion of the investigations. This system also includes all records developed pursuant to special assignments given to OPR by the Attorney General or the Deputy Attorney General as well as records containing information indicating possible misconduct by employees of the Federal Government other than DOJ, which have been furnished to OPR for referral, if warranted, to the appropriate investigative authority.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 et seq., 28 CFR 0.39 et seq., and Attorney General Order No. 833-79.

#### PURPOSE(S):

*Information in this system is maintained to provide for the resolution of allegations of misconduct made against Department of Justice employees and to advise complainants of the status of investigations and the results.*

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

A relevant record may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or a potential violation of law, *either on its face or in connection with other information*, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the record may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto; (2) in the course of investigating the potential or actual

violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violations, 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; (3) 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; (4) 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; (5) a record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of security clearance or the reporting of an investigation of an employee; (6) 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; (7) 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 information on behalf of and at the request of the individual who is the subject of the record; (8) a record may be disclosed to the National Archives and Records Administration (NARA) and the General Services Administration in records management inspections conducted under 44 U.S.C. 2904 and 2906; (9) *information may be furnished to complainants to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained; and (10) information may be furnished to professional organizations or associations with which individuals covered by this system of records may be affiliated, such as state bar disciplinary authorities, to meet their responsibilities in connection with the*

*administration and maintenance of standards of conduct and discipline.*

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

**STORAGE:**

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

**RETRIEVABILITY:**

Information is retrieved *in most instances by the name of the employee who is the subject of the complaint and in some instances by the name of the complainant.*

**SAFEGUARDS:**

The information is stored in safes, locked filing cabinets and office automation equipment in a limited access area and is maintained according to applicable departmental security regulations.

**RETENTION AND DISPOSAL:**

Records in the system are retained and disposed of in accordance with NARA Job #NCI-60-77-6.

**SYSTEM MANAGER(S) AND ADDRESS:**

Counsel on Professional Responsibility, Department of Justice, 950 Pennsylvania Avenue NW, Washington, D.C. 20530.

**NOTIFICATION PROCEDURE:**

Address any inquiries to the System Manager listed above.

**RECORD ACCESS PROCEDURE:**

The major part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), or (k)(5). 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 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 Access Request." *The request shall include the full name of the individual involved, his or her current address, date and place of birth, notarized signature, together with any other identifying information which may be of assistance in locating the record.* The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should direct their request to the

System Manager listed above, 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:**

Department officers and employees, and other Federal, State, local and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

**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) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). *In addition, the Attorney General has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G) and (H), and (f) pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5).* 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**.

**JUSTICE/OPR-002**

**SYSTEM NAME:**

Freedom of Information/Privacy Acts (FOI/PA) Records.

**SYSTEM LOCATION:**

Office of Professional Responsibility (OPR), U.S. Department of Justice (DOJ), 950 Pennsylvania Avenue NW, Washington, DC 20530.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who request disclosure of records pursuant to the Freedom of Information Act, and persons who request access to or correction of records pertaining to themselves contained in OPR systems of records pursuant to the Privacy Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system of records contains copies of (1) FIO/PA requests received by OPR; (2) copies of OPR responses to requesters; (3) copies of the documents responsive to the requests; (4) copies of documents withheld; (5) internal memoranda and correspondence related to the requests; (6) records relating to appeals and/or litigation; and (7) disclosure accounting records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3103 et seq., 28 CFR 0.39 et seq., and Attorney General Order No. 833-79.

**PURPOSE:**

This system has been established to enable OPR to receive, process and

respond to FOI/PA requests for its records. Employees of OPR may access the system to preform various receipt and response functions with regard to FIO/PA requests; to determine the status and content of responses to correspondence; to respond to inquiries for OPR personnel, the Department's Office of Legislative Affairs, and from Congressional offices regarding the status of correspondence; and to carry out any other similar or related duties.

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

A record may be disclosed (1) to a Federal agency, which has furnished that record to the Department, to permit that agency to make a decision as to access or correction or to consult with that agency as to the propriety of access or correction; (2) to any appropriate Federal, State, local, or foreign agency to verify the accuracy of information submitted by an individual who has requested amendment or correction of records; (3) 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; (4) as necessary to respond to inquiries by congressional offices on behalf of individual constituents who are subjects of OPR records; and (5) to the National Archives and Records Administration (NARA) and to the General Services Administration during a records management inspection 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:**

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

**RETRIEVABILITY:**

Entries are arranged numerically and are retrieved from office automation equipment with reference both to the surnames of the individuals covered by this system of records and by an assigned number. Information may also be retrieved from file jackets by an assigned number.

**SAFEGUARDS:**

The information is stored in safes, locked filing cabinets and office automation equipment in a limited access area and is maintained according to applicable departmental security regulations.

**RETENTION AND DISPOSAL:**

Records in the system are retained and disposed of in accordance with the NARA General Records Schedule 14, items 11 and 21.

**SYSTEM MANAGER(S) AND ADDRESS:**

Counsel on Professional Responsibility, Department of Justice, 950 Pennsylvania Avenue NW, Washington, D.C. 20530.

**NOTIFICATION PROCEDURE:**

Address any inquiries to the System Manager listed above.

**RECORD ACCESS PROCEDURE:**

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

**CONTESTING RECORD PROCEDURES:**

Part of this system is exempted from the 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 reasons for contesting it, and the proposed amendment to the information.

**RECORD SOURCE CATEGORIES:**

Sources of information contained in the system include (1) the individual covered by the system and (2) records responsive to the FOI/PA requests.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(1), and (k)(2). This exemption applies only to the extent that information in a record pertaining to an

individual relates to official Federal investigations and matters of law enforcement. All other records are not being exempted. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) have been published in the **Federal Register**.

[FR Doc. 98-32867 Filed 12-9-98; 8:45 am]

BILLING CODE 4410-28-M

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

[TA-W-34,993]

**Alcoa Fujikura Ltd., Electro-Mechanical Products Owosso, Michigan; Notice of Revised Determination on Reopening**

On October 20, 1998 the Department issued a Negative Determination Regarding Eligibility to apply for worker adjustment assistance, applicable to workers and former workers of Alcoa Fujikura Ltd., Owosso, Michigan. The notice was published in the **Federal Register** on November 10, 1998 (62 FR 63078).

By letter of November 16, 1998, the company requested administrative reconsideration regarding the Department's denial. New information provided by Alcoa Fujikura shows that company imports of radio frequency interference units increased during the time period relevant to the investigation.

Workers at the subject firm are engaged in employment related to the production of radio frequency interference units. The workers are not separately identifiable by product line.

Sales, production and employment at the Owosso, Michigan production facility declined during the relevant time period. The plant will close by the end of December, 1998.

**Conclusion**

After careful review of the additional facts obtained on reopening, I conclude that increased imports of articles like or directly competitive with radio frequency interference units contributed importantly to the declines in sales or production and to the total or partial separation of workers of Alcoa Fujikura Ltd., Electro-Mechanical Products, Owosso, Michigan. In accordance with the provisions of the Act, I make the following certification:

"All workers of Alcoa Fujikura, Electro-Mechanical Products, Owosso, Michigan, who became totally or partially separated from employment on or after August 27, 1997