

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 275-7245, (TDD for hearing impaired: (202) 275-1721).

Decided: November 20, 1990.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90-27834 Filed 11-21-90; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31760]

**Andrew M. Muller, Jr.—Continuance in Control Exemption—Reading Blue Mountain and Northern Railroad Co.**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission, under 49 U.S.C. 10505, exempts Andrew M. Muller, Jr., from the requirements of 49 U.S.C. 11343 to continue in control of Reading Blue Mountain & Northern Railroad Company (RBM&N) when RBM&N becomes a rail common carrier through the acquisition and operation of certain rail lines of Consolidated Rail Corporation, subject to standard labor protective conditions. RBM&N will connect with Blue Mountain and Reading Railroad Company, a Class III rail common carrier already controlled by Muller. The exemption is related to the notices of exemption in Finance Docket Nos. 30305 (Sub-No. 2) and 31759.

**DATES:** This exemption is effective on November 26, 1990. Petitions to reopen must be filed by December 17, 1990.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 31760 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
- (2) Petitioner's representative: William P. Quinn, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 275-7245, (TDD for hearing impaired: (202) 275-1721).

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 275-1721.)

Decided: November 16, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90-27653 Filed 11-23-90; 8:45 am]

BILLING CODE 7035-01-M

**JUDICIAL CONFERENCE OF THE UNITED STATES**

**Meeting of the Judicial Conference Advisory Committee on Bankruptcy Rules**

**AGENCY:** Judicial Conference of the United States.

**ACTION:** Notice of open meeting.

**SUMMARY:** There will be a two-day meeting of the Advisory Committee on Bankruptcy Rules to consider future revisions to the Bankruptcy Rules. The meeting will be open to public observation.

**DATES:** January 17-18, 1991.

**ADDRESSES:** The Ritz-Carlton Hotel, 33533 Ritz-Carlton Drive, Laguna Niguel, CA 92677.

**FOR FURTHER INFORMATION CONTACT:** James E. Macklin, Jr., Secretary, Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts, Washington, DC 20544, Telephone (202) 633-6021.

Dated: October 18, 1990.

James E. Macklin, Jr.,  
Secretary, Committee on Rules of Practice and Procedure.

[FR Doc. 90-27643 Filed 11-23-90; 8:45 am]

BILLING CODE 2210-01-M

**DEPARTMENT OF JUSTICE**

[AAG/A Order No. 46-90]

**Privacy Act of 1974; Systems of Records**

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget Circular No. A-130, the Department has completed a review of its Privacy Act systems of records to identify minor changes that will more accurately describe these records. As a result, five Department components are republishing systems of records to make minor changes. In addition, the Executive Office for United States Attorneys is publishing a revised Appendix of United States Attorney Office Locations.

For public convenience, we have italicized the changes to the system descriptions which are printed below following the Table of Contents.

Comments, if any, may be addressed to Patricia E. Neely, Staff Assistant, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 529, IND Bldg.).

Dated: November 2, 1990.

Harry H. Flickinger,

Assistant Attorney General for Administration.

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**JUSTICE/ATR-002**

**SYSTEM NAME:**

Congressional and White House Referral Correspondence Log File.

**SYSTEM LOCATIONS:**

U.S. Department of Justice; 10th & Constitution Avenue, NW., Washington, DC 20530.

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

Present and former members of Congress, and citizens whose correspondence is *received directly* or referred by *members of Congress* or Congressional or White House staff.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains an index record to correspondence from *citizens, present and former* members of the Congress and White House staff.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Authority for the establishment and maintenance of this system exists under 44 U.S.C. 3101 and 5 U.S.C. 301.

**PURPOSES(S):**

*The purpose of this system is to enable Antitrust Division personnel to monitor responses and identify other material related to citizen inquiries and inquiries or referrals by members or committees of the Congress and by the White House staff.*

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

A record maintained in this system, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the Antitrust Division is authorized to appear, when (1) the Antitrust Division, or any subdivision thereof; or (2) any employee of the Antitrust Division in his or her official capacity; or (3) any employee of the Antitrust Division in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (4) the United States, or any agency or subdivision thereof; or (5) the United States, where the Antitrust Division determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation and such records are determined by the Antitrust Division to be arguably relevant to the litigation.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined the release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, 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.

Release of information to the National Archives and Records Administration (NARA) and to the General Services Administration (GSA): A record from a system of records may be disclosed as a routine use to NARA and GSA 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 SYSTEMS:****STORAGE:**

Paper documents are stored in *looseleaf binders* and file folders; abbreviated or summarized information is stored in a computerized tracking system.

**RETRIEVABILITY:**

Inquiry and response documents are retrieved by date or through manual and automated indexes which are accessed by name, subject matter, control number, etc.. Summary data on inquiries received prior to March 7, 1983, is retrieved from the manual index cards; as of March 7, 1983, a summary data is retrieved from magnetic disks and tapes. Summary data consists of data elements as Congressional Member or constituent name, subject matter, date of inquiry, date assigned, date of response, etc.

**SAFEGUARDS:**

Information contained in the system is unclassified. During working hours access to the system is controlled and monitored by Antitrust division personnel in the area where the system is maintained; during non-duty hours all doors to such area are locked. In addition only Antitrust Division personnel who have a need for the information contained in the system have the appropriate password for access to the system.

**RETENTION AND DISPOSAL:**

Indefinite.

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

Chief, Legislative Unit: Antitrust Division: U.S. Department of Justice; 10th & Constitution Avenue, NW., Washington, DC 20530

**NOTIFICATION PROCEDURE:**

Address inquiries to the Assistant Attorney General; Antitrust Division; Department of Justice; 10th & Constitution Avenue, NW., Washington, DC 20530.

**RECORD ACCESS PROCEDURES:**

Requests for access for a record from this system shall be written and clearly identified as "Privacy Access Request". The request should include the name of the member of Congress or White House staff originating a request or referral and the date thereof. Requester should indicate a return address.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should state clearly and concisely what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

**RECORD SOURCE CATEGORIES:**

Source of information maintained in the system are those records reflecting inquiries or referrals of citizen correspondence by *present and former* members of Congress or White House staff.

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

None.

**JUSTICE/CRM-012****SYSTEM NAME:**

Organized Crime and Racketeering Section, General Index File and Associated Records.

**SYSTEM LOCATION:**

U.S. Department of Justice; Criminal Division, Organized Crime and Racketeering Section; 10th Street and Constitution Avenue NW., Washington, DC 20530.

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

Persons who have been prosecuted or are under investigation for potential or actual criminal prosecution as well as persons allegedly involved in organized criminal activity and those alleged to be associated with the subject.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system consists of alphabetical indices bearing individual names and the associated records to which they relate, arranged either by subject matter or individual identifying number, of all incoming correspondence, cases, matters, investigations, and memoranda assigned, referred, or of interest, to the

Organized Crime and Racketeering Section. The records in this system concern matters primarily involving organized crime and include, but are not limited to, case files; investigative reports; intelligence reports; subpoena and grand jury files; records of warrants and electronic surveillances; records of indictment, prosecution, conviction, parole, probation, or immunity; legal papers; evidence; exhibits; items classified confidential, secret, and top secret; and various other files related to the Sections activities and its ongoing investigations, prosecutions, cases, and matters. Records concerning subject matters described in this system may also be contained in JUSTICE/CRM-001.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained pursuant to 44 U.S.C. 3101 and the Presidential Directive on the Federal Drive Against Organized Crime, issued May 5, 1966 (Weekly Compilation of Presidential Documents, Vol. 2, W. No. 18 (1966)). In addition, this system is maintained to assist in implementing and enforcing the criminal laws of the United States, particularly those codified in title 18, United States Code. This system is also maintained to implement the provisions codified in 28 CFR 0.55 particularly subsection (g).

**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: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, 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; (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 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; (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 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; (6) 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; (7) 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; (8) 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; (9) 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; (10) 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 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; (11) a record may be disseminated to the public, news media, trade association, 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 an information identifiable to a specific individual other than such modus operandi; (12) a record may be disseminated to a foreign country, through the United States Department of State or 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; (13) 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 provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60.

Information may be released 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.

Information 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; and a record may be released to the National Archives and Records Administration and to the General Services 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:**

The records in this system are stored on various documents, tapes, disc packs, and punch cards, some of which are contained in files, on index cards, or in related type materials.

**RETRIEVABILITY:**

The system is accessed by name but may be grouped for the convenience of the user by subject matter, e.g., parole file, photograph file, etc.

**SAFEGUARDS:**

Materials related to the system are maintained in appropriately restricted areas and are safeguarded and protected in accordance with applicable Department rules.

**RETENTION AND DISPOSAL:**

Currently there are no provisions for the disposal of the records in the system.

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

Assistant Attorney General; Criminal Division, U.S. Department of Justice; 10th Street and Constitution Avenue NW., Washington, DC 20530.

**NOTIFICATION PROCEDURE:**

Inquiry concerning the system should be addressed to the System Manager listed above.

**RECORD ACCESS PROCEDURES:**

The major part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k)(1), or (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 access is received. A request for access to a record contained in 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, the name and of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above. Records in this system are exempt from the access provisions of the Act in accordance with the applicable exemption notice.

**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. Records in this system are exempt from the contesting provisions of the Act in accordance with the applicable exemption notice.

**RECORD SOURCE CATEGORIES:**

1. Federal, state, local, or foreign government agencies concerned with the administration of criminal justice and non-law enforcement agencies both public and private; 2. Members of the public; 3. Government employees; 4. Published material; 5. 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), (H), and (I), (e)(5), and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(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.

**JUSTICE/JMD-016****SYSTEM NAME:**

Employee Assistance Program Treatment and Referral Records, JUSTICE/JMD-016.

**SYSTEM LOCATION:**

Justice Management Division, Department of Justice, 10th St. & Constitution Avenue, NW, Washington, DC 20530.

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

Current and former employees of the Offices, Boards and Divisions and, upon occasion, of the Bureaus of the Department (as listed at 28 CFR 0.1); United States Attorney organizations; and the Office of Justice Programs of the Department of Justice who have sought counseling or been referred to or for treatment through the EAP. To the limited degree that treatment and referral may be provided to family members of these employees, these individuals, too, may be covered by the system.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains records of employees (and in limited cases, employee family members) who have sought or been referred to the EAP for treatment or referral. Examples of data found in such records include: Notes and documentation of internal EAP counseling, records of treatment and counseling referrals, records of employee attendance at treatment and counseling programs, prognosis or treatment information, documents received from supervisors or personnel on work place problems or performance, home addresses and/or phone numbers, insurance data, supervisors' phone number, addresses of treatment facilities or individuals providing treatment, leave records, written consent forms and abeyance agreements (see below), information on confirmed unjustified positive drug tests, results from EAP treatment drug tests and identification data, such as sex, job title and series, and date of birth.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 290dd, *et seq.* and 290ee, *et seq.*; 42 CFR Sec. 2, *et seq.*; Executive Order 12564, 5 U.S.C. 3301 and 7901; 44 U.S.C. 3101 and Pub. L. No. 100-71, Sec. 503 (July 11, 1937).

**PURPOSE:**

These records are to be used by EAP personnel in the execution of the counseling and rehabilitation function. They document the nature and effects of employee problems and counseling by the EAP and referral to, and progress and participation in, outside treatment and counseling programs and the rehabilitation process. These records may also be used to track compliance with agreements made to mitigate discipline based upon treatment (abeyance agreements).

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

In addition to those disclosures permitted by the Privacy Act itself,<sup>1</sup> 5 U.S.C. 552a(b), permissive disclosures, without individual consent, are as follows:

(a) To report, under State law, incidents of suspected child abuse or neglect to appropriate State or local authorities.

(b) To the extent necessary to prevent an imminent and potential crime which directly threatens loss of life or serious bodily injury.

**CONTESTING RECORDS PROCEDURES:**

Direct all requests to contest or amend information to the system manager identified above. The request should follow the record access procedure, listed above, and should state clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope "Freedom of Information Act/ Privacy Act Request."

**RECORD SOURCE CATEGORIES:**

Records are generated by EAP personnel, referral counseling and treatment programs or individuals, the employee who is the subject of the record, personnel office and the employee's supervisor. In the case of drug abuse counseling, records may also be generated by the staff of the Drug-Free Workplace Program and the Medical Review Officer.

<sup>1</sup> To the extent that release of alcohol and drug abuse records is more restricted than other records subject to the Privacy Act, JMD will follow such restrictions. See 42 U.S.C. 290dd and 290ee.