

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by May 1, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 11, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Stuart F. Gassner, 165 North Canal St., Chicago, IL 60606-1551.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

C&NW has filed an environmental report which addresses the abandonment's effects, if any, on environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 26, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 17, 1995.

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

Vernon A. Williams,
Secretary.

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DEPARTMENT OF JUSTICE

[AAG/A Order No. 101-95]

Privacy Act of 1974; New System

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Department of Justice, Federal Bureau of Prisons, proposes to establish a new system of records entitled "Telephone Activity Record System (JUSTICE/BOP-011)."

request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

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 May 22, 1995. The public, OMB and Congress are invited to send written comments to Patricia E. Neely, Staff Assistant, 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.

Dated: April 6, 1995.

Stephen R. Colgate,
Assistant Attorney General for Administration.

JUSTICE/BOP-11

SYSTEM NAME:

Telephone Activity Record System, Justice/BOP-011.

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:

Current and former inmates, including pre-trial detainees, under the custody of the Attorney General. Recipients of telephone calls from current and former inmates. Individuals

on the approved telephone lists of current or former inmates. Individuals who request, in writing, that the BOP delete their name and telephone number from inmate telephone lists.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Personal identification data; (2) accounting data, including amounts deposited by the inmate, call charges, and account balances; (3) telephone call data, including date, time, and duration of each call; the name and register number of the inmate who placed the call; and the telephone number and name of the call recipient and his/her relationship to the inmate, and audiotapes of telephone calls; and (4) investigatory data developed internally as well as any related data collected from Federal, State, local and foreign law enforcement agencies, and from Federal and State probation and judicial offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 2510 et. seq., 3621, 4003, 4042 and 4082.

PURPOSE:

This system of records is maintained to manage financial records relating to inmate calls and to ensure that inmates exercise their telephone privileges in a manner consistent with correctional goals. The related uses for which BOP will maintain the system include (1) accounting of inmate funds for telephone use; (2) maintaining inmate telephone lists; (3) monitoring of inmate telephone activity; and (4) conducting investigations, e.g., investigations of inmate funds as related to telephone 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 information will be disclosed from this system as follows:
a. To Federal, State, local and foreign law enforcement officials for law enforcement needs such as civil court actions, regulatory proceedings, responding to an emergency, inmate disciplinary proceedings in the course of apprehensions or other disposition; or for such law enforcement needs as prison administration, investigations, and possible criminal prosecutions, including possible criminal violations discovered as part of telephone monitoring done for the safety, security and good order of penal institutions. Such telephone monitoring information will be disclosed only in accordance

with the provisions of the Federal wiretap statutes contained in 18 U.S.C. 2510 et. seq. and BOP implementing policy.

b. To a court or adjudicative body before which the Department and/or BOP is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by BOP to be arguably relevant to the litigation: (i) BOP, or any subdivision thereof, or (ii) any employee of BOP in his or her official capacity, or (iii) any employee of BOP in his or her individual capacity where the Department of Justice has agreed to provide representation for the employee, or (iv) the United States, where BOP determines that the litigation is likely to affect it or any of its subdivisions.

c. To contractors and subcontractors responsible for maintaining telephone service to Federal inmates to the extent necessary to perform contractual duties.

d. To Members 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 a record subject.

e. 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.

f. 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.

g. 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 telephone list.

h. To any person or entity to the extent necessary to prevent an imminent and potential crime which directly threatens loss of life or serious bodily injury.

i. To an administrative forum, which may or may not include an Administrative Law Judge, or 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 BOP investigations, including (but not limited to) decisions to effect any necessary remedial actions, e.g.,

disciplinary and/or other appropriate personnel actions, and/or other law enforcement related actions, where appropriate; to protect the privacy of the individuals, information provided will be sanitized as warranted and/or protective order may be requested to prevent further dissemination.

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

STORAGE:

Information maintained in the system is stored in electronic media via a configuration of personal computer, client/server, and mainframe systems architecture and may be accessible by those with a need-to-know at all BOP facilities. Some information may be stored on other computerized media, e.g., hard disk, floppy diskettes, magnetic tape and/or optical disks. Documentary records are maintained in manual file folders and/or on index card files.

RETRIEVABILITY:

Records may be retrieved by identifying data including name and/or register number of inmate; and/or by name and/or telephone number of call recipient or individual on approved inmate telephone list.

SAFEGUARDS:

Manual records are stored in locked filing cabinets or in safes and can be accessed only by authorized personnel by key or combination formula. Automated equipment is kept in secured rooms and can be accessed only by authorized personnel through passwords and identification codes. All records are maintained in guarded buildings.

RETENTION AND DISPOSAL:

Automated records in this system are maintained on magnetic medium ordinarily for six years from the date created, at which time they will be overwritten with new data. Paper documents are maintained for a period of 30 years from expiration of sentence of the inmate, at which time they are destroyed by shredding. Audiotapes are maintained ordinarily for six months from the date created, at which time they are overwritten with new data.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Administration Division, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534.

NOTIFICATION PROCEDURE:

The major part of this system is exempt pursuant to 5 U.S.C. 552a(j)(2).

Inquiries should be directed pursuant to the "Record Access Procedures" listed below.

RECORD ACCESS PROCEDURES:

All requests for records may be made by writing to the System Manager identified above, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534. The envelope should be clearly marked "Freedom of Information/Privacy Act Request." This system of records is exempted from access pursuant to 5 U.S.C. 552a(j)(2). A determination as to the applicability of the exemption to a particular record(s) shall be made at the time a request for access is received.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals covered by the system; BOP staff; Federal, State, local and foreign law enforcement agencies; and Federal/State probation and judicial offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e) (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) 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. 95-9806 Filed 4-20-95; 8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

April 18, 1995.

The Department of Labor has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act (44 U.S.C. Chapter 35) of 1980, as amended (Pub. L. 96-511). Copies may be obtained by calling the Department of Labor Departmental Clearance Officer, Kenneth A. Mills ((202) 219-5095). Comments and questions about the ICRs listed below should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW.,