

United States District Court for the Virgin Islands.

In March 1984, the United States filed a complaint against the Government of the Virgin Islands ("VI") alleging violations of the Clean Water Act, 33 U.S.C. § 1251 *et seq.* (the "Act"). In September 1985, the United States and the VI entered into a consent decree ("Original Decree") to resolve the claims in the complaint. In March 1991, the United States filed a motion seeking to hold the VI in contempt for certain violations of the Original Decree. The Amended Decree and Stipulation are a resolution of this motion for contempt.

Pursuant to the Amended Decree and the Stipulation, the VI will pay a penalty of \$375,000 for violations of the Original Decree. The VI has also agreed, *inter alia*, to (1) construct a new wastewater treatment plant on St. Thomas, known as the Mangrove Lagoon Regional Wastewater Treatment Plant, pursuant to a revised timetable, (2) construct a new wastewater treatment plant on St. John, known as the Cruz Bay Regional Wastewater Treatment Plant, (3) place \$2 million into a corrective action trust fund over a period of two years to fund certain specific operational improvements at nine wastewater treatment plants operated by the VI (these plants include Charlotte Amalie, Donoe, Old Tutu, New Tutu, Nadir, Bordeaux, Brassview, Vessup Bay, and St. Croix), and (4) meet interim effluent limits for a certain period of time, after which final Territorial Pollution Discharge Elimination System permit limits would be met, at the nine wastewater treatment plants listed above, as well as at the Brassview and George Simmonds plants.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Amended Decree and Stipulation. 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. Government of the Virgin Islands*, DOJ. No. 90-5-1-1-1911A.

The proposed Amended Decree and Stipulation may be examined at the Region 2 Office of the Environmental Protection Agency, 290 Broadway, New York, NY, at the U.S. Attorney's Office, Federal Building and U.S. Courthouse, 5500 Veterans Drive, Suite 260, St. Thomas 00802-6424, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed

Amended Decree and Stipulation 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 of the proposed Amended Decree and Stipulation please refer to the referenced case and enclose a check in the amount of \$16.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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[AAG/A Order No. 111-95]

Privacy Act of 1974; Notice of Modified System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice, proposes to modify the following system of records—previously published November 4, 1994 (59 FR 55292):

The Immigration and Naturalization Service (INS) Alien File (A-File) and Central Index System (CIS), Justice/INS-001A.

Specifically, INS has added a new routine use disclosure identified as routine use P. 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 on or before December 7, 1995. The public, OMB, and the Congress are invited to send written comments to Patricia E. Neely, Program Analyst, Systems Policy 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.

Dated: October 25, 1995.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICEANS-001A

SYSTEM NAME:

The Immigration and Naturalization Service (INS) Alien File (A-File) and Central Index System (CIS).

SYSTEM LOCATION:

Headquarters, Regional, District, and other INS file control offices in the United States and foreign countries as detailed in JUSTICE/INS-999. Remote access terminals will also be located in other components of the Department of Justice and in the Department of State on a limited basis.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals covered by provisions of the Immigration and Nationality Act of the United States.

B. Individuals who are under investigation, were investigated in the past, or who are suspected of violating the criminal or civil provisions of treaties, statutes, Executive Orders, and Presidential proclamations administered by INS, and witnesses and informants having knowledge of such violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. The computerized indexing system contains personal identification data such as A-File number, name, date and place of birth, date and port of entry, as well as the location of each official hardcopy paper file known as the "A-file." Microfilm records contain naturalization certificates and any supporting documentation prior to April 1, 1956; however, after that date, this type of information is maintained in the "A-File" which is described in B below.

B. The hard copy A-file (prior to 1940 were called Citizenship File (C-File)) contains all the individual's official record material such as naturalization certificates; various forms, applications and petitions for benefits under the immigration and nationality laws; reports of investigations; statements; reports; correspondence; and memorandums on each individual for whom INS has created a record under the Immigration and Nationality Act.

AUTHORITY FOR MAINTENANCE OF RECORDS:

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.

PURPOSE:

The system is used primarily by INS and other Department of Justice employees to administer and enforce the immigration and nationality laws, and related statutes, including the processing of applications for benefits under these laws, detecting violations of these laws, and the referral of such violations for prosecution.

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. To clerks and judges of courts exercising naturalization jurisdiction for the purpose of filing petitions for naturalization and to enable such courts to determine eligibility for naturalization or grounds for revocation of naturalization.

B. To the Department of State in the processing of petitions or applications for benefits under the Immigration and Nationality Act, and all other immigration and nationality laws, including treaties and reciprocal agreements.

C. To other Federal, State, and local government law enforcement and regulatory agencies and foreign governments, including the Department of Defense and all components thereof, the Department of State, the Department of the Treasury, the Central Intelligence Agency, the Selective Service System, the United States Coast Guard, the United Nations, and INTERPOL, and individuals and organizations during the course of investigation in the processing of a matter or during a proceeding within the purview of the immigration and nationality laws to elicit information required by INS to carry out its functions and statutory mandates.

D. To a Federal, State, local or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence information, whether civil or criminal, and/or charged with investigating, prosecuting, enforcing or implementing civil and/or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence.

E. 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 or has an interest in 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.

F. To a Federal, State, local or foreign government agency in response to its request, in connection with the hiring or retention by such 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.

G. To a Federal, State, local or foreign government agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision of INS concerning 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.

H. To the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

I. To other Federal agencies for the purpose of conducting national intelligence and security investigations.

J. To an applicant, petitioner or respondent or to his or her attorney or representative as defined in 8 CFR 1.1(j) in connection with any proceeding before INS.

K. To a Federal, State, or local government agency to assist such agencies in collecting the repayment of loans, or fraudulently or erroneously secured benefits, grants, or other debts owed to them or to the United States government, and/or to obtain information that may assist INS in collecting debts owed to the United States Government; to a foreign government to assist such government in collecting the repayment of loans, or fraudulently or erroneously secured benefits, grants, or other debts owed to it provided that the foreign government in question (1) provides sufficient documentation to establish the validity of the stated purpose of its request, and (2) provides similar information to the United States upon request.

L. To student volunteers whose services are accepted pursuant to 5 U.S.C. 3111 or to students enrolled in a college work study program pursuant to 42 U.S.C. 2751 et seq.

M. 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 a personal privacy.

N. 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.

O. 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.

P. To an obligor, any information which may aid the obligor in locating an individual who has failed to appear at a deportation hearing, exclusion or other similar proceeding, and for whom the obligor had posted an immigration bond in an effort to secure such appearance by such individual.

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

STORAGE:

Most A-file and C-file records are paper documents and are stored in file folders. Some microfilm and other records are stored in manually operated machines, file drawers, and filing cabinets. Those index records which can be accessed electronically are stored in a data base on magnetic disk and tape.

RETRIEVABILITY:

These records are indexed and retrieved by A-file or C-file number, name, and/or date of birth.

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 in cabinets or machines which are also locked during non-duty office hours. Access to automated records is controlled by passwords and name identifications.

RETENTION AND DISPOSAL:

A-file records are retained for 75 years from the closing date or date of last action and then destroyed. C-file records are to be destroyed 100 years from March 31, 1956. Automated index records are retained only as long as they serve a useful purpose and then they are deleted from the system disk and/or tape.

SYSTEM MANAGER(S) AND ADDRESS:

The Servicewide system manager is the *Assistant Commissioner, Office of*

Records, Office of Examinations, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager identified above, the nearest INS office, or the INS office maintaining desired records, if known, by using the list of principal offices of the Immigration and Naturalization Service Appendix: JUSTICE/INS-999, published in the Federal Register.

RECORD ACCESS PROCEDURE:

Make all requests for access in writing to the Freedom of Information Act/Privacy Act (FOIA/PA) officer at one of the addresses identified above. Clearly mark the envelope and letter "Privacy Act Request." Provide the A-file number and/or the full name, date and place of birth, and notarized signature of the individual who is the subject of the record, and any other information which may assist in identifying and locating the record, and a return address. For convenience, INS Form G-639, FOIA/PA Request, may be obtained from the nearest INS office and used to submit a request for access.

CONTESTING RECORDS PROCEDURES:

Direct all requests to contest or amend information to the FOIA/PA Officer at one of the addresses identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelop "Privacy Act Request." The record must be identified in the same manner as described for making a request for access.

RECORD SOURCE CATEGORIES:

Basic information contained in INS records is supplied by individuals on Department of State and INS applications and forms. Other information comes from inquiries and/or complaints from members of the general public and members of congress; referrals of inquiries and/or complaints directed to the White House or Attorney General; INS reports to investigations, sworn statements, correspondence and memorandums; official reports, memorandums, and written referrals from other entities, including Federal, State, and local governments, various courts and regulatory agencies, foreign government agencies and international organizations.

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); and (g) of the Privacy Act. These exemptions apply to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552 (j) and (k). 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 and codified as additions to Title 28, Code of Federal Regulations (28 CFR 16.99).

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[AAG/A Order No. 112-95]

Privacy Act of 1974 as Amended by the Computer Matching and Privacy Protection Act of 1988

This notice is published in the Federal Register in accordance with the requirements of the Privacy Act, as amended by the Computer Matching and Privacy Protection Act of 1988 (CMPPA) (5 U.S.C. 552a(e)(12)). The Department of Justice (DOJ) proposes to participate with the United States Postal Service (USPS) in a computer matching program. The matching activity will enable the DOJ to determine whether a delinquent debtor whose debt has been referred to the DOJ for enforced collection action is also a current or former USPS employee whose salary or other federal benefit is subject to offset to satisfy the delinquent debt.

Legal authority for conducting the matching program is supplied by the following statutes and regulations, applicable to the parties, which authorize agencies to collect, or refer to other agencies for collection, delinquent debts owed to the United States and/or which specifically authorize collection by salary or other administrative offset to satisfy such debts: The Debt Collection Act of 1982 (Pub. L. 97-365), 31 U.S.C. Chapter 37, Subchapter I (General) and Subchapter II (Claims of the United States Government), 3711 Collection and Compromise, 3716 Administrative Offset, 5 U.S.C. 5514(a) and note (Installment Deduction for Indebtedness (Salary Offset)); 4 CFR ch. II, Federal Claims Collection Standards (General Accounting Office—Department of Justice); and Office of Management and Budget (OMB) Circular No. A-129 (Revised), "Policies for Federal Credit Programs and Non-Tax Receivables," 58 FR 5776 (January 22, 1993), directing agencies to make arrangements for annual matching of their delinquent debtor files against federal employment rosters.

The records to be used in the match (including the Privacy Act systems of records) and the roles of the matching participants are described as follows:

1. The DOJ will use records from its system, "Debt Collection Offset Payment System, Justice/JMD-009," which contains records of about 50,000 delinquent debtors. Routine use (b) of that system which was last published at 59 FR 17,111, on April 11, 1994, permits the disclosure.

2. The USPS will use records from its system "Finance Records—Payroll System, USPS 050.020," containing records of about 800,000 employees. Routine use 24 of USPS 050.020, which last appeared at 57 FR 57515 on December 4, 1992, covers the disclosure.

The USPS, the source agency in this match, will compare against its data base of employee records a data extract provided by the DOJ on magnetic tape and containing the name and SSN of each delinquent debtor. For each "hit" (individual common to both files, based on matching SSN's), USPS will provide to the DOJ, the recipient agency in the match, the name, SSN, date of birth, home address, place of work and employee type (e.g. permanent or temporary). After independent verification of the matched data and appropriate notice to the matching subjects, the DOJ will request that USPS offset the salary of individuals verified as being both USPS employees and delinquent debtors not in a repay status.

Matching activity will be effective on the expiration of 30 days after publication of this notice of the proposed matching activity in the Federal Register or 40 days after the Congress and OMB have been notified of the program, whichever is later, and will continue for a period of 18 months from the effective date, unless extended by the Data Integrity Boards of the respective agencies.

The matching agreement and the required report have been provided to OMB and the Congress in accordance with 5 U.S.C. 552a(o)(2)(A) and (r). Inquiries may be addressed to Patricia E. Neely, Program Analyst, Systems Policy Staff, Justice Management Division, Department of Justice, Room 850, Washington Center Bldg., Washington, DC 20530.

Dated: October 30, 1995.

Stephen R. Colgate,

Assistant Attorney General for Administration.

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