

**NOTIFICATION PROCEDURES:**

Inquiries should be addressed to the system manager noted above or to the FOIA/PA Officer at the same address.

**RECORDS ACCESS PROCEDURES:**

This system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2) 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 the granting or denial of access shall be made at the time a request is received. Requests for access to records in this system must be in writing, and should be addressed to the System Manager or the FOIA/PA Officer at the Eastern Regional office. Such request may be submitted either by mail or in person. The envelope and letter shall be clearly marked "Privacy Access Request." To identify a record, the record subject should provide his or her full name, date and place of birth, verification of identity (in accordance with 8 CFR 103.21(b)), and any other identifying information which may be of assistance in locating his or her record. He or she shall also provide a return address for transmitting the records to be released.

**CONTESTING RECORD PROCEDURES:**

This system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2) 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 the granting or denial of a request shall be made at the time a request is received. An individual desiring to request amendment of records maintained in the system should direct his or her request to the System Manager or the FOIA/PA officer at the Eastern Regional office as indicated under "Records Access Procedures." The request should state clearly what information is being contested, the reasons for contesting it and the proposed amendment to the information.

**RECORD SOURCE CATEGORIES:**

Federal, State and local criminal justice agencies (e.g., prosecutors, correctional institutions, police departments and inspectors general).

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

The Attorney General has exempted this system from subsections (c) (3) and (4); (d); (e) (1), (2), (3), (5) and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the system has been exempted from subsections (c)(3); (d) and (e)(1) pursuant to 5 U.S.C. 552a(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** as additions to Title 28, Code of Federal Regulations (28 CFR 16.99).

[FR Doc. 97-12569 Filed 5-13-97; 8:45 am]

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**DEPARTMENT OF JUSTICE**

[AAG/A Order No. 133-97]

**Privacy Act of 1974; System of Records**

This notice is provided by the Privacy Act (5 U.S.C. 552a). The Department of Justice, Immigration and Naturalization Service, is republishing Subsystem I. of "The Immigration and Naturalization Service Index System, Justice/INS-001,"—last published October 5, 1993 (58 FR 51847)—as a separate system of records to be entitled "Finance Section Indexes, Justice/INS-020." Subsystem I. is being redescribed as a separate system of records to add the appropriate routine use disclosure provisions and to otherwise achieve clarity and accuracy of the system description, e.g., remove unnecessary exemptions and inapplicable routine use disclosure provisions.

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 June 13, 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: April 21, 1997.

**Stephen R. Colgate,**

*Assistant Attorney General for Administration.*

**JUSTICE/INS-020****SYSTEM NAME:**

Finance Section Indexes.

**SYSTEM LOCATION:**

Headquarters, Regional and District offices, Administrative Centers, Service Centers, and other file control offices of

the Immigration and Naturalization Service (INS) in the United States as detailed in JUSTICE/INS-999.

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

Creditors and debtors, including:

(a) Individuals who are indebted to the United States Government, whether it be for goods, services, or benefits, or for administrative fines and assessments, etc.

(b) Employees who have received travel advances or overpayments from the United States Government, who are in arrears in their accounts, or who are liable for damage to Government property.

(c) Vendors who have furnished supplies, material, equipment, and/or services to the Government.

(d) Employees and witnesses who have performed official travel.

(e) Employees and other individuals who have a claim against the Government.

**CATEGORY OF RECORDS IN THE SYSTEM:**

Accounts with creditors—Records include vendors' invoices, purchase orders, travel vouchers, and claims.

Accounts with debtors—Records include bills for inspection services performed under the Immigration and Naturalization Act of March 2, 1931; fees, fines, penalties, vendor indebtedness for overpayments, and deportation expenses assessed pursuant to the Immigration and Nationality Act; and employee indebtedness for travel advances, for the unofficial use of Government facilities and services, for damage to or loss of Government property, and for erroneous or overpayment of compensation for travel expenses.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

(1) Sec. 103, 265 and 290 and Title III of the Immigration and Nationality Act (66 Stat. 163), as amended (8 U.S.C. 1103; 8 U.S.C. 135; 8 U.S.C. 1360), and the regulations pursuant thereto; (2) 31 U.S.C. 66a.

**PURPOSE(S):**

This system of records is used to provide an accounting of the financial activities of the INS, including accounts receivable and accounts payable, and to assist management in the administration of these activities. Further, the system provides the necessary information to meet external fiscal reporting requirements and respond to written inquiries and complaints by the public.

**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, either on its face or in conjunction with other information, indicates a violation or potential violation of law (whether civil, criminal or regulatory in nature) to the appropriate agency, (whether federal, state, local or foreign) charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the related statute, rule, regulation or order issued pursuant thereto.

B. To other Federal or State agencies as specified in applicable law or implementing regulations.

C. To the Internal Revenue Service (IRS) to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect or compromise a Federal claim against the taxpayer. Addresses obtained from IRS may be redisclosed to consumer reporting agencies, but only for the purposes of allowing these agencies to prepare a commercial credit report for INS use.

D. To employers to effect salary or administrative offsets to satisfy a debt owed the United States by that person; or, when other collection efforts have failed, to the IRS to effect an offset against Federal income tax refund due. Such disclosures will be made only when all procedural steps (including due process) established by the Debt Collection Act have been taken.

E. To a person or organization with whom the head of the agency has contracted for collection services to recover indebtedness owed to the United States. Addresses of taxpayers obtained from the IRS will also be disclosed, but only where necessary to locate such taxpayer to collect or compromise a Federal claim.

F. 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 debt, the identity or location of the debtor, the debtor's ability to pay, or relating to any other matter which is relevant and necessary to the settlement, effective litigation and enforced collection of the debt, or relating to the civil action trial or hearing, and the disclosure is reasonably necessary to elicit such information or to obtain the cooperation of a witness or agency.

G. In a proceeding before a court or adjudicative body before which INS or the Department of Justice (DOJ) 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 or DOJ to be arguably relevant to the litigation: The DOJ, or any DOJ component or subdivision thereof; any DOJ employee in his/her official capacity; any DOJ employee in his/her individual capacity where the DOJ has agreed to represent the employee; or the United States where INS or the DOJ determines that the litigation is likely to affect it or any of its subdivisions.

H. To any third party who may possess the information, such as the U.S. Post Office, State motor vehicle administration, a professional organization, etc., to obtain a current mailing address in order to locate a debtor.

I. To an actual or potential party or to his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings.

J. To a Federal agency 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.

K. To Federal, State, and local licensing agencies or association which require information concerning the suitability or eligibility of an individual for a license or permit.

L. 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.

M. 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.

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

31 U.S.C. 3711 requires that, where appropriate, the notice required by section 552(e)(4) of title 5 must indicate that information in the system may be disclosed to a consumer reporting agency pursuant to subsection (b)(12). Such notice is provided as follows:

*Notice of Disclosure to Consumer Reporting Agencies Under Subsection (b)(12) of the Privacy Act*

Records relating to the identity of debtors and the history of claims may be disseminated to consumer reporting agencies to encourage payment of the past-due debt. Such disclosures will be made only when a claim is overdue and only after due process steps have been taken to notify the debtor and give him or her a chance to meet the terms of the debt. Prior to such disclosure, satisfactory assurances will be obtained from such consumer reporting agency concerning compliance by that agency with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and any other Federal law governing the provision of consumer credit information.

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

**STORAGE:**

Generally, index records are recorded on cards and stored in file boxes and/or drawers. Other paper records are kept in file folders. These records are also maintained on microfiche and computer processable storage media. Inactive files are stored at the Federal Records Center.

**RETRIEVABILITY:**

Records are first retrieved by appropriation for the appropriate fiscal year and then by creditor/debtor name and/or social security number, as well as by vendor identification number.

**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 outside of normal office hours. Many records are stored in cabinets or machines which are locked outside of normal office hours. Access to automated records is controlled by restricted password for use of remote terminals in secured areas.

**RETENTION AND DISPOSAL:**

Accounts with creditors and debtors are retained for two years from the close of the fiscal year to which they relate and then are transferred to Federal Records Centers for storage and disposition in accordance with General Records Schedules 6 and 7.

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

Assistant Commissioner, Office of Financial Management, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536.

**NOTIFICATION PROCEDURE:**

Inquiries may be addressed to the FOIA/PA Officer at the INS office where the record is maintained, or to the System Manager or the FOIA/PA

Officer, at 425 I Street, NW, Washington, DC 20536.

#### RECORD ACCESS PROCEDURES:

Requests for access to records in this system must be in writing, and should be addressed to the System Manager or to the FOIA/PA Officer at the INS office where the record is maintained or (if unknown) to the FOIA/PA officer at 425 I Street, NW, Washington, DC 20536. Such request may be submitted either by mail or in person. The envelope and letter shall be clearly marked "Privacy Access Request." The requester should provide his or her full name, date and place of birth, verification of identity (in accordance with 8 CFR 103.21(b)) and return address for transmitting the records to be released. If known, the requester should also identify the date or year in which a debt was incurred, e.g., date of the invoice or purchase order.

#### CONTESTING RECORD PROCEDURES:

Any individual desiring to contest or amend information maintained in the system should direct his or her request to the INS System Manager or the appropriate FOIA/PA officer as indicated under "Records Access Procedures." The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

#### RECORD SOURCE CATEGORIES:

(1) Personnel who handle finance-related activities of the INS, such as payroll, contracting, purchasing, travel-related payments and debt collections and (2) the individuals covered by this system of records.

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

None.

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **U.S. and States of New York and Ohio, and Commonwealth of Pennsylvania v. Cargill Inc., Akzo Nobel, N.V., Akzo Nobel Inc., and Akzo Nobel Salt, Inc.; Proposed Final Judgment and Competitive Impact Statement**

*United States, States of New York and Ohio, and Commonwealth of Pennsylvania v. Cargill Inc., Akzo Nobel, N.V., Akzo Nobel Inc., and Akzo Nobel Salt, Inc.: Proposed Final*

#### **Judgment and Revised Competitive Impact Statement.**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. sections 16(b)-(h), that a proposed Final Judgment, Stipulation and Order, and Revised Competitive Impact Statement have been filed with the United States District Court for the Western District of New York, Rochester Division, in the United States and States of New York and Ohio and Commonwealth of Pennsylvania v. Cargill Inc., Akzo Nobel, N.V., Akzo Nobel, Inc. and Akzo Nobel Salt Inc., Civil Action No. 97-CV-6161 L.

On April 21, 1997, the United States, the states of New York and Ohio, and the Commonwealth of Pennsylvania filed a Complaint alleging that Cargill Inc.'s proposed acquisition of Akzo Nobel, N.V.'s Western Hemisphere salt operations would violate Section 7 of the Clayton Act, 15 U.S.C. § 18. The Complaint further alleges that the acquisition by Cargill of Akzo Nobel's salt operations would lessen competition substantially and tend to create a monopoly in the production and sale of rock deicing salt in the Northeast Interior Section of the country (western Pennsylvania and Massachusetts, upstate New York, Vermont and eastern Ohio) and in the production and sale of food grade evaporated salt east of the Rocky Mountains. The proposed Final Judgment, filed the same time as the Complaint, requires that Akzo divest the development rights to a rock salt mine in Hampton Corners, New York, and that Cargill divest a huge stockpile of bulk deicing salt in Retsof, New York; a number of deicing salt depots; a four-year supply contract for the sale of bulk deicing salt from Cargill and Akzo mines; and the Akzo evaporated salt plant in Watkins Glen, New York, along with certain tangible and intangible assets.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to J. Robert Kramer, II, Chief, Litigation II Section, Antitrust Division, U.S. Department of Justice, 1401 H Street, NW., Suite 3000, Washington, DC 20530 (telephone: (202) 307-0924).

**Constance K. Robinson,**  
*Director of Operations.*

#### **United States District Court Western District of New York Rochester Division**

United States of America, State of New York, Commonwealth of Pennsylvania and State of Ohio, Plaintiffs, v. Cargill, Inc., Akzo Nobel, N.V., Akzo Nobel, Inc. and Akzo

Nobel Salt, Inc., Defendants. Civil Action No. 97-CV616L.

#### *Stipulation and Order*

It is stipulated by and between the undersigned parties, by their respective attorneys, as follows:

(1) The Court has jurisdiction over the subject matter of this action and over each of the parties hereto (including American Rock Salt Company LLC, "American"), and venue of this action is proper in the United States District Court for the Western District of New York.

(2) The parties stipulate that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiffs have not withdrawn their consent, which any of them may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and American and by filing that notice with the Court.

(3) Defendants and American shall abide and comply with the provisions of the proposed Final Judgment, pending the Judgment's entry by the Court, or until expiration of time for all appeals of any Court ruling declining entry of the proposed Final Judgment, and shall, from the date of the signing of this Stipulation by the parties, comply with all the terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of the Court.

(4) Defendants Cargill and Akzo shall not consummate the transaction sought to be enjoined by the Complaint herein before the Court has signed this Stipulation and Order.

(5) This Stipulation shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.

(6) In the event (a) The United States has withdrawn its consent, as provided in paragraph 2 above, or (b) the proposed Final Judgment is not entered pursuant to this Stipulation, the time has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then the parties are released from all further obligations under this Stipulation, and the making of this