

approximately sixty-five miles northeast of Houston, Texas. The Environmental Protection Agency ("EPA") and the Department of Justice incurred and continues to incur costs for response actions at and in connection with the Site. The proposed Consent Decree provides that based upon a limited ability to pay, the Defendant will pay \$250,000 to the United States of the past costs incurred and paid by EPA and the Department of Justice through January 31, 1990. The proposed Consent Decree also provides that the United States covenants not to sue defendant Sadeane Lang, Independent Executrix of the Estate of Donald R. Lang under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973.

The Department of Justice will provide a RCRA public meeting in the affected area if requested and will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments and/or a request for a RCRA public meeting should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Sadeane Lang, Independent Executrix of the Estate of Donald R. Lang*, DOJ Ref. #90-11-3-709.

The proposed consent decree may be examined at the Office of the United States Attorney, 350 Magnolia Avenue, Suite 150, Beaumont, Texas 77701; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (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, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$6.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 96-24838 Filed 9-26-96; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 121-96]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Justice Management Division is establishing a system of records entitled

"Department of Justice Call Detail Records, Justice/JMD-012."

5 U.S.C. 552a(e)(4) and (11) provide that the public be given 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 responsibility under the Act, requires a 40-day period in which to review the proposed system. Therefore, please submit any comments by October 28, 1996. The public, OMB, and the Congress are invited to submit 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 on this system to OMB and the Congress.

The system description is printed below.

Dated: August 28, 1996.

Stephen R. Colgate,

Assistant Attorney General for Administration.

Justice/JMD-012

SYSTEM NAME:

Department of Justice (DOJ) Call Detail Records, Justice/JMD-012.

SYSTEM LOCATION:

Telecommunications Services Staff, Justice Management Division, Department of Justice, Washington, D.C., 20530. (Most of the records are electronic, and the scope of such electronic records includes calls made to or from DOJ telephones serviced by the Washington Area Switch Program.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals originating calls from DOJ telephones and individuals receiving such calls; individuals placing calls to and/or charging calls to, DOJ telephones; and individuals receiving such calls, and/or accepting any charges therefor. The primary record subjects are former and current DOJ employees, as well as individuals employed under any employment arrangement such as a contract or cooperative agreement; grantees; or other persons performing a service on behalf of DOJ. Incidental to the coverage of the primary record subjects are non-employees who may be identified by telephone number during an inquiry or investigation relating to a potential improper or unofficial use of Government telephones or other illegal or improper activity by the primary record subject.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system of records relate to telephone calls placed to and from DOJ telephones.

Records may include such information as the number called from, the number called, time and date of call, duration, disposition and cost of the call and/or charges accepted, origination and destination of the call, and the DOJ component to which the relevant telephone numbers are assigned. Call activity, e.g., "no answer" may also be recorded. In addition, the system may include copies of related records, e.g., any periodic summaries which may have been compiled to reflect the total number of long distance calls made.

The database(s) from which telephone numbers are retrieved will not contain names or similar personal identifiers such as the social security number. However, because of the evolution of the technology which permits the electronic recording of the origination and destination of telephone calls, a name may be associated with the telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained pursuant to 44 U.S.C. 3101, which authorizes agencies to create and preserve records documenting agency organizations, functions, procedures, and transactions; 31 U.S.C. 1348(b) which authorizes the use of appropriated funds to pay for long distance calls only if required for official business or necessary in the interests of the Government; and 41 CFR Subpart 201-21.6 (FIRMR) and Section 128-1.5006-4 (JPMR) which authorizes certain uses of Government telephone systems.

PURPOSE(S):

Information in this system of records is used by DOJ managers and employees to plan and manage telephone services in an efficient and economical manner and to otherwise perform their official duties. Such use may include access by auditors and investigators such as that authorized by the Inspector General Act of 1978. DOJ managers may use the records in this system to assign responsibility for long distance telephone calls; to certify that long distance telephone calls made by DOJ employees were made to conduct Government business or were otherwise authorized; to initiate action to recover the cost of improper and/or unofficial long distance calls; where appropriate, to initiate disciplinary or other such action; and/or where the record(s) may appear to indicate a violation or potential violation of law, refer such

record(s) to the appropriate investigative arm of DOJ, or other law enforcement agency for investigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USE:

The Department does not normally disclose records from this system of records. However, in the event it is appropriate, disclosure of relevant information may be made in accordance with the disclosure provisions cited below.

1. To members of Congress or staff to respond to inquiries made on behalf of individual constituents that are record subjects.

2. To representatives of the General Services Administration and/or the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

3. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that the release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

4. To respond to a Federal agency's request made in connection with: The hiring or retention of an employee; the issuance of a security clearance; the conduct of a security or suitability investigation or pursuit of other appropriate personnel matter; the reporting of an investigation on an employee; the letting of a contract; or the issuance of a grant, license, or other benefit to an employee by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

5. To a telecommunications company or other provider of services to permit servicing of the account or communications equipment; or otherwise to such contractors, grantees, or volunteers as are performing a service or working under a related contract, grant, cooperative agreement, or other employment arrangement.

6. To provide call detail or call detail related information to individuals covered by the system or to any person(s) who may assist in identifying and determining their own or other individual's responsibility for telephone calls.

7. In response to a request for discovery or for the appearance of a witness, to the extent that what is disclosed is relevant and necessary to the subject matter involved in a pending judicial or administrative proceeding.

8. To an actual or potential party or 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.

9. In the event that material in this system of records appears to indicate a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by regulation, rule, or order issued pursuant thereto, the relevant records may be disclosed to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility therefor.

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

11. In producing summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published studies do not contain individual identifiers such as a name and social security number, in some instances the selection of certain data elements included in the study may make it possible for one to identify the individual by inference.

12. To an official of another Federal agency, the information he or she needs to know in the performance of his or her official duties in performing data analyses or otherwise reconciling or reconstructing data files in support of the functions for which the records were collected and are maintained.

13. To the current employer to effect salary or administrative offsets to satisfy an indebtedness incurred for unofficial telephone calls; to Federal agencies to identify and locate former employees for the purpose of collecting such indebtedness, including collection through administrative or salary offsets, or tax refund offsets. Identifying and locating former employees, and the subsequent referral to such agencies for offset purposes, may be accomplished through authorized computer matching programs. Disclosures will be made only when all procedural steps established by the Debt Collection Act of 1982 and/

or the Computer Matching and Privacy Protection Act of 1988, as appropriate, have been taken.

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

STORAGE:

Records are stored in electronic form and on paper.

RETRIEVABILITY:

Records are retrieved by billing account code and by originating and destination telephone number.

SAFEGUARDS:

Access is limited to those who have a need to know. Specifically, only telecommunications managers and operations support and maintenance personnel (including those employed for such purposes under interagency agreements or other employment arrangements) have access to automated records and magnetic storage media. These records are kept in a locked room with controlled entry. The use of password protection identification features and other automated data processing system protection methods restrict access.

Similarly, appropriate security measures are taken to protect authorized access to the paper records. Only DOJ component heads and their designated representatives; managers; and, as necessary and appropriate, the employees assigned the respective telephone numbers; and telecommunications managers (including those employed under interagency or other employment arrangements) may have access. Records will be transmitted with a protective cover which will include instructions regarding the security precautions which must be taken during the handling and disposition thereof.

All records, both paper and automated, are located in buildings with restricted access.

RETENTION AND DISPOSAL:

Destroyed after three years, or after audit by the General Accounting Office, which is sooner.

SYSTEM MANAGERS AND ADDRESS:

Director, Telecommunications Services Staff, Justice Management Division, Department of Justice, 600 E. Street, NW., Room 3036, Washington, DC. 20530.

NOTIFICATION PROCEDURE:

To determine whether the system may contain records relating to you, write to the System Manager identified above.

RECORDS ACCESS PROCEDURE:

Same as "Notification Procedure" above. Provide name, assigned telephone number, and a description of information being sought, including the time frame during which the record(s) may have been generated. Provide verification of identity as instructed in 28 CFR, § 16.41(d).

CONTESTING RECORD PROCEDURE:

See "Notification Procedure" and "Record Access Procedure" above. Identify the information being contested, the reason for contesting it, and the correction requested.

RECORD SOURCE CATEGORIES:

Most records are generated internally, i.e., telephone assignment records; billing statements; call detail listings; individuals covered by the system; and management officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 96-24836 Filed 9-26-96; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division**United States v. Jacor Communications, Inc. et al.; Proposed Modified Final Judgment**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(b) through (h), that a proposed Modified Final Judgment has been filed with the United States District Court for the Southern District of Ohio in *United States of America v. Jacor Communications, Inc. et al.*, Civil Action C-1-96-757. The Complaint in this case alleged that the proposed acquisition of Citicasters, Inc. by Jacor Communications, Inc. would tend to lessen competition substantially in the sale of radio advertising in Cincinnati, Ohio and the surrounding areas in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. The Modified Final Judgment is substantially similar to the proposed Final Judgment filed on August 5, 1996. The modifications ensure that Jacor will provide prior notice to the Department of Justice before it acquires any interest, including any financial, security, loan, equity or management interest, in any non-Jacor radio station in the Cincinnati area.

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 Donald J. Russell, Chief, Telecommunications Task Force,

Antitrust Division, Department of Justice, 555 4th Street, N.W., Room 8104, Washington, D.C. 20001.

Constance K. Robinson,
Director of Operations.

Stipulation

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

A. The parties to this Stipulation agree to modify Section IX of the proposed Final Judgment filed with the Court on August 5, 1996, as shown in the attached Modified Final Judgment. The parties agree that the proposed Modified Final Judgment, filed with this Stipulation, shall supersede the original proposed Final Judgment. The parties further agree that in all other respects, the provisions of the Stipulation filed with the Court on August 5, 1996 shall remain in effect.

B. The parties consent that the Modified Final Judgment in the form attached may be filed and entered by the Court, upon any party's or 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), without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice on the defendants and by filing that notice with the Court.

C. The parties shall abide by and comply with the provisions of the proposed Modified Final Judgment pending entry of the Modified Final Judgment, and shall, from the date of the filing of this Stipulation, comply with all the terms and provisions of the proposed Modified Final Judgment as though the same were in full force and effect as an order of the Court.

D. In the event plaintiff withdraws its consent, as provided in paragraph (A) above, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

E. All parties agree that this agreement can be signed in multiple counter-parts.

Dated: September 12, 1996.

For the Plaintiff:

Nancy M. Goodman,
Assistant Chief, Telecommunications Task Force.
Andrew S. Cowan,
Attorney, Telecommunications Task Force, U.S. Department of Justice, Antitrust Division, 555 4th Street N.W., Room 8104, Washington, DC 20001, (202) 514-5621.

For the Defendant:

Thomas B. Leary,
Counsel for Jacor Communications, Inc.
Tom D. Smith,
Counsel for Citicasters, Inc.

Modified Final Judgment

Whereas, plaintiff, the United States of America having filed its Complaint herein on August 5, 1996, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any issue of law or fact herein;

And whereas, defendants have agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, the essence of this Final Judgment is prompt and certain divestiture of certain assets to assure that competition is not substantially lessened;

And whereas, plaintiff requires Jacor to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

And whereas, defendants have represented to plaintiff that the divestitures ordered herein can be made and that Jacor will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ordered, adjudged, and decreed as follows:

I. Jurisdiction

This Court has jurisdiction over each of the parties hereto and the subject matter of this action. The Complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. "Jacor" means defendant Jacor Communications, Inc., an Ohio corporation with its headquarters in