

persons with information concerning the results of the investigation or case arising from the matters of which they complained and/or of which they were a victim;

(h) A record may be disclosed 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;

(i) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records; and

(j) Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

#### **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 in Bureau facilities via a configuration of personal computer, client/server, and mainframe systems architecture. Computerized records are maintained on hard disk, Compact Discs (CDs), floppy diskettes, magnetic tapes and/or optical disks. Documentary records are maintained in manual file folders, microfilm and/or index card files.

##### **RETRIEVABILITY:**

Entries are arranged alphabetically and are retrieved with reference to the surname of the individuals covered by this system of records.

##### **SAFEGUARDS:**

Information is safeguarded in accordance with Bureau rules and policy governing sensitive data and automated information system security and access. These safeguards include the maintenance of records and

technical equipment in restricted areas, and the required use of proper passwords and user identification codes to access the system. Only those Bureau personnel who require access to perform their official duties may access the system equipment and the information in the system. Manual records are stored in safes and locked filing cabinets in secured rooms or in guarded buildings.

##### **RETENTION AND DISPOSAL:**

Records in this system are retained as follows: (1) "Information files" are maintained for one year from the time the information is received; (2) "complaint files" are maintained for five (5) years from the date of the database entry; and (3) "investigation files" are retained for thirty (30) years from the year the OIA investigation is begun. Documentary records are destroyed by shredding; computer records are destroyed by degaussing and/or shredding.

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

Assistant Director/ General Counsel, Federal Bureau of Prisons, 320 First Street NW, Washington, D.C. 20534.

##### **NOTIFICATION PROCEDURE:**

Inquiries concerning this system should be directed to the System Manager listed above.

##### **RECORD ACCESS PROCEDURE:**

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2), (k)(1), 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 exemption shall be made at the time a request for access is received. A request for access to records contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Act Request." Include in this request the full name of the individual involved, his or her current address, date and place of birth, notarized signature, and any other identifying number or information which may be of assistance in locating the record. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the System Manager listed above.

##### **CONTESTING RECORD PROCEDURES:**

Same as above.

##### **RECORD SOURCE CATEGORIES:**

The subjects of investigations; individuals with whom the subjects of investigations are associated; current and former BOP officers and employees; officials of federal, state, local and

foreign law enforcement and non-law enforcement agencies; private citizens, witnesses; confidential and nonconfidential informants; and public source materials.

##### **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), (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)(1) 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**.

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## **DEPARTMENT OF JUSTICE**

### **Antitrust Division**

#### **United States v. AT&T Corporation and Telecommunications, Inc., No. 1:98CV03170 (D.D.C. August 23, 1999); United States' Notice of Proposed Termination of the Final Judgment**

Notice is hereby given that the United States and both AT&T Corporation ("AT&T") defendant in the above-captioned matter, and Liberty Media Corporation ("Liberty"), have entered into a Stipulation to terminate the Final Judgment entered by the United States District Court for the District of Columbia on August 23, 1999. In this Stipulation filed with the Court, the United States has provisionally consented to termination of the Final Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

On December 30, 1998, the United States filed the complaint in this case alleging that the merger between AT&T and Tele-Communications, Inc., which would result in the indirect acquisition by AT&T of 23.5% of the shares of Sprint PCS, a competitor of AT&T in the mobile wireless telephone business, would substantially lessen competition in the provision of mobile telephone business, would substantially lessen competition in the provision of mobile telephone service in many geographic areas of the United States and thus violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18. At the same time as it filed the Complaint, the United States filed a proposal Final Judgment to resolve the competitive concerns alleged in the Complaint, and

a stipulation by defendants and the United States consenting thereto.

The Final Judgment, which was entered by consent of the parties on August 23, 1999, ordered the divestiture of the Spring PCS interest by a trustee over a five-year period and includes various provisions to ensure that AT&T's indirect partial ownership of Spring PCS would not create anticompetitive incentives. These provisions, among others, required that all economic benefits of Liberty's Sprint PCS holdings must inure exclusively to the holders of the Liberty Media Group tracking stock (which was created after the consummation of the merger between the defendants), forbade AT&T from transferring any of these benefits to AT&T shareholders, required certain amendments to the Liberty certificate of incorporation and bylaws, and imposed certain restrictions of Liberty's Board of Directors. Liberty also was restricted in its ability to acquire any interest in AT&T's wireless business.

On August 10, 2001, having received a favorable letter ruling from the Internal Revenue Service, AT&T spun off the businesses represented in the Liberty Media Tracking stock of AT&T into a separate, publicly traded company, Liberty Media Corporation ("Liberty").

The United States, defendant AT&T and Liberty have provisionally agreed to terminate the Final Judgment because of the above-noted changed circumstances in the relationship between AT&T and Liberty. The legal and economic separation of AT&T and Liberty. As a result of the August 10, 2001 spin-off, have changed the circumstances under which the parties entered into the Final Judgment, which is no longer needed to protect competition in the mobile wireless telephone business. Therefore, terminating the Final Judgment is in the public interest.

The United States has filed a memorandum with the Court setting forth the reasons it believes termination of the Final Judgment would serve the public interest. Copies of the joint motion of the United States, AT&T, and Liberty to establish procedures to terminate the Final Judgment, the stipulation containing the United States' provisional consent to termination of the Final Judgment, the supporting memorandum, and all additional papers filed with the Court in connection with this motion are available for inspection at the Antitrust Documents Group of the Antitrust Division, U.S. Department of Justice, 325 7th Street, NW., Room 215 North, Liberty Place Building, Washington, DC 20530, and at the Office of the Clerk of the United States District

Court for the District of Columbia, 333 Constitution Avenue, NW., Washington, DC. 20001. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the duplicating fee set out in Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination to the Department of Justice. Such comments must be received by the Antitrust Division within sixty (60) days of the last publication of notices appearing in the *Wall Street Journal* and *Wireless Week*, and will be filed with the Court by the Department. Comments should be addressed to Nancy M. Goodman, Chief, Telecommunications and Media Enforcement Section, Antitrust Division, U.S. Department of Justice, 1401 H St., NW., Suite 8000, Washington, DC. 20530 (telephone: 202-514-5621). Comments may also be sent via electronic mail to [tel.comments@usdoj.gov](mailto:tel.comments@usdoj.gov) or faxed to the attention of Peter Gray at 202-514-6381.

**Constance K. Robinson,**

*Director of Operations.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of February, 2002.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or

appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-40,016; AVX Corp., Myrtle Beach, SC

TA-W-40,034; D and M Tool, Inc., Meadville, PA

TA-W-40,039; TNS Mills, Inc., Rockingham Plant, Rockingham, NC

TA-W-40,753; Tresco Tool, Inc., Guy Mills, PA

TA-W-39,593; Muruta Electronics, North America, Inc., State College Operation, State College, PA

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-40,398; R.G. Barry Texas LP, San Angelo Molding Facility, San Angelo, TX

TA-W-39,626; Great Western International, Portland, OR

TA-W-39,396; Carter Industries, Inc., Brooklyn, NY

TA-W-40,059; Valeo Electrical Systems, Inc., Rochester, NY

TA-W-40,714; Ferraz Shawmut, Inc., A Division of group Carbone Lorraine, Newburyport, MA

TA-W-40,449; Clebert's Hosiery Mill, Inc., Connelly Springs, NC

TA-W-40,473; Marlan Tool, Inc., Meadville, PA

TA-W-40,693 & A; Intervet, Inc., Gainesville, GA and State College, PA

TA-W-40,407; TRW Automotive Chassis Systems, Milford, MI

TA-W-40,627; Holland Co., Hays, KS

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-40,750; Mid America Building,

Maintenance, Inc., Hurley, NM

TA-W-40,127; Peak Oilfield Service Co., Anchorage, AK

TA-W-40,692; VarTec CRM, Inc., Waco, TX

TA-W-40,706; Valley City Steel LLC, Valley City, OH

TA-W-40,678; Active Transportation Co., Portland Terminal, Portland, OR