

*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).

[FR Doc. 95-27480 Filed 11-6-95; 8:45 am]

**BILLING CODE 4410-01-M**

**[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.*

[FR Doc. 95-27541 Filed 11-6-95; 8:45 am]

**BILLING CODE 4410-01-M**

## Antitrust Division

### United States v. Interstate Bakeries Corp. and Continental Baking Company

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (c)-(h), the United States publishes below the comment received on the proposed final Judgment in *United States v. Interstate Bakeries Corp. and Continental Baking Company*, Civil Action No. 95C 4194, filed in the United States District Court for the Northern District of Illinois, Eastern Division, together with the United States' response to that comment.

Copies of the comment and response to comment are available for inspection and copying in Room 207 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Washington, DC 20530 (telephone: (202) 514-2481), and at the office of the Clerk of the United States District Court for the Northern District of Illinois Eastern Division, 219 S. Dearborn, 20th Floor, Chicago, Illinois, 60604. Copies of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,  
*Director of Operations.*

September 29, 1995.

Anthony V. Nanni, Chief, Litigation I Section, Antitrust Division, United States Department of Justice, 1401 H Street, NW., Suite 4000, Washington, DC 20530.

Dear Mr. Nanni and associates: Thank you for the opportunity to comment on the Proposed Final Judgment and Competitive Impact Statement in *U.S. v. Interstate Bakeries Corp. and Continental Baking Company*. From 1978 until 1992 I was an employee of Continental Baking Company ("Continental") and became intimately familiar with its bakeries, distribution, and marketing. I continue to follow the company and the wholesale baking industry in general, and produce an independent newsletter for employees and investors of Continental and now Interstate Baking Corp. ("Interstate"). I will draw upon this experience in my comments.

#### I. Competitive Impact of the Merger of Interstate and Continental

The Antitrust division has well documented the near monopoly Interstate now holds in the Chicago, Milwaukee, central Illinois, Los Angeles, and San Diego markets for branded White Pan Bread. The merger has also given Interstate a virtual monopoly in the Oxnard and Mohave, California, southern Idaho, western Colorado, and Casper and Rock Springs, Wyoming markets; left it with only one substantial competitor in the San Luis Obispo, Carbondale, Illinois, and central Missouri markets; and only two substantial competitors in the eastern Virginia, Raleigh,

North Carolina, Kansas City, Bakersfield, Cincinnati, southeast Kansas, southwest Missouri, and western Montana markets. A quick bit of mathematics shows that a merger which restricts a market to only, two, or even three substantial competitors produces a HHI which easily exceeds the Antitrust Division's standards for challenge of said merger.

#### II. Remedy

The Antitrust division in its wisdom has included in the stipulation a requirement that sufficient assets of the merged company be divested to allow the new competitor(s) to "remain a viable competitor in the White Pan Break market". Creating viable competitor(s) in this market will require the divestment of the following assets:

1. To realize the economies of scale needed in advertising and promotion the obvious choice for divestment is the only single cohesive brand available over the several markets targeted for divestment, Wonder. To allow cost effective purchase of advertising the areas of divestment must be expanded to more closely conform with established newspaper circulation and broadcast reception areas. This will require expansion of the area of divestment to include the central California, Colorado, southern Idaho, southern Illinois, Iowa, eastern Kansas, Missouri, western Montana, eastern North Carolina, southwest Ohio, eastern Virginia, Utah, and Wyoming market areas.

2. As the new competitor(s) created by the divestment will need to maintain continuity in the production of the divested bakeries, and in fact much of Continentals production and distribution system is custom built for it's Wonder and other brands and ill suited for other products, it is essential that the divestment include Continental bakeries only. This will require the divestment of the Davenport, Denver, Indianapolis, Kansas City, Ogden, Pomona, Richmond, St. Louis, Salt Lake City, Spokane, Tulsa, and Waterloo bakeries.

3. The new competitor(s) will need an in house laboratory and experimental bakery to allow confidential quality control and new product development. This will require the divestment of the St. Louis General Office facility in which these operations are located.

4. To allow the new competitor(s) to bring new products from the experimental bakery to full scale production will require the divestment of the Kansas City bakery which contains the Continental's Market Development Unit.

5. The new competitor(s) will require a central office with an experienced staff and ready access to the experimental bakery and lab. This will require the divestment of The St. Louis General Office facility.

6. To keep the new competitor(s) up to date in bakery engineering and design will require the divestment of the East Brunswick bakery with it's Engineering, Research, and Development unit.

7. The new competitor(s) will need bakeries located as close as possible to their markets to control transportation costs which can easily devour the low profit margins common in the wholesale White Pan Bread industry. This will require the divestment of the Denver, Indianapolis, Kansas City,

Ogden, Pomona, Richmond, St. Louis, Salt Lake City, and Tulsa bakeries.

8. As divestment of only the Wonder brand of bread products would provide the new competitor(s) with only 20 to 30 percent of their current sales volume with virtually no reduction in overhead costs it is essential to the viability of these competitor(s) that they be given the full line of Continental products including the Hostess line. Continental bakeries tend to be highly specialized dedicated facilities optimized to produce a small number of products, importing the rest from other Continental bakeries which they in turn supply with their specialties. In fact, there is probably no Continental bakery which is capable of producing even the full line of Wonder label products. To provide the new competitor(s) with the full range of Continental products they will need to be viable in the marketplace will require the divestment of every Continental bakery and related assets except possibly the Anchorage bakery.

#### III. Conclusion

The merger of Interstate and Continental has resulted in a reduction in competition in many areas of this country which violates our antitrust laws and grossly offends the public interest. Unfortunately no surgically precise divestment of assets in these geographical areas is possible—so interdependent are Continental bakeries that they developed one of our county's largest private fleets of transport trucks largely to exchange products between them. While Hodgkins and Pomona specialize in high speed production of white bread by the truckload, Waterloo and San Pedro slowly produce smaller batches of variety breads, and Indianapolis is Continental's sole source of Mini Muffins and Brownie Bites. On Continentals loading docks, in its transports, and within its depots and thrift stores these products of myriad bakeries are brought together to produce a profitable mix. Given the thin profit margins of the wholesale baking industry, attempting to divide Continental with even surgical precision would be fatal. The Antitrust Division and the court have no alternative but to insist on a total divestment of Continental Baking Company.

Respectively Submitted,

Diana Slyter.

October 23, 1995.

Ms. Diana Slyter,  
728 East 16th Street, Minneapolis, MN 55404.

Re: *U.S. v. Interstate Bakeries Corp. and Continental Baking Co.; Civil Action No.: 95C 4194 (N.D. Illinois July 20, 1995.*

Dear Ms. Slyter: This letter responds to your letter dated September 29, 1995 commenting on the proposed Final Judgment in the above-referenced civil antitrust case, which challenges the acquisition of the assets of Continental Baking Company ("Continental") by Interstate Bakeries Corporation ("Interstate"). The Complaint alleges that the acquisition, as originally structured, violated Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, because its effects may be substantially to lessen competition in the sale of white pan bread in five markets (Chicago, Milwaukee, central

Illinois (Springfield, Peoria, Champaign/ Urbana), San Diego, and Los Angeles). Under the proposed Final Judgment, the defendants are required to divest such brand names and possibly other assets as are necessary to create a new competitor in the sale of white pan bread in each of the five markets.

In your letter, you expressed concern that the proposed Final Judgment does not address competitive concerns in a number of additional geographic areas (Oxnard and Mohave, California; southern Idaho; western Colorado; Casper and Rock Springs, Wyoming; San Luis Obispo, California; Carondale, Illinois; central Missouri; eastern Virginia; Raleigh, North Carolina; Kansas City; Bakersfield, California; Cincinnati; southeast Kansas; southwest Missouri; and western Montana).

The analytical process used by the Antitrust Division in determining in which markets to challenge this acquisition required us to assess a number of factors such as market concentration, potential adverse competitive effects, entry, and efficiency gains. These factors must be evaluated in an economically meaningful product and geographic market. This analysis is aimed at allowing the Division to answer the ultimate inquiry: whether the acquisition is likely to create or enhance market power or facilitate the exercise of market power in each such market. After a thorough investigation which included the geographic areas mentioned in your letter, the Antitrust Division concluded that the product and geographic markets in which Interstate's acquisition of Continental might most significantly create or enhance market power or facilitate the exercise of market power are the sale of white pan bread in the Chicago, Milwaukee, central Illinois, Los Angeles and San Diego markets.

Your letter also outlines a number of assets that you believe should be divested as part of the proposed Final Judgment in order to create a viable competitor in the sale of white pan bread. You conclude, essentially, that all of Continental's assets should be divested (i.e., that the acquisition should be prevented in its entirety).

Paragraph IV.A. of the proposed Final Judgment states that the defendants must divest themselves of the certain brand names as well as any Bread Assets (as defined by the proposed Final Judgment) as are reasonably necessary in order for the acquirer of each divested brand "to remain a viable competitor in the White Pan Bread Market in each of the Relevant Territories."

Furthermore, paragraph IV.D. of the proposed Final Judgment provides that any divestiture must be accomplished in such a way to satisfy the United States that the brands "can and will be used by the purchaser or purchasers as part of viable, ongoing businesses engaged in the selling of White Pan Bread at wholesale to retail grocery stores and other customers." Thus, the defendants would be obligated to divest as many or as few of the defined Bread Assets as were necessary to any potential purchaser to insure the buyer would be a viable competitor in the sale of white pan bread.

The United States, in evaluating any potential divestiture packages, would take into consideration many of the issues raised in your letter to insure the viability of any purchaser. This determination will be made on a case-by-case basis, depending on many factors including the existing assets and financial condition of any potential purchaser and the stated asset needs of that purchaser. Moreover, we have to assume that any potential purchaser will consider these facts, and others, before purchasing any assets.

We appreciate you bringing your concerns to our attention and hope that this information will help to alleviate them. While we understand your position, we believe that the proposed Final Judgment would adequately alleviate the competitive concerns created by Interstate's acquisition of Continental. Pursuant to the Antitrust Procedures and Penalties Act, a copy of your letter and this response will be published in the Federal Register and filed with the Court.

Thank you for your interest in the enforcement of the antitrust laws.

Sincerely yours,

Anthony V. Nanni,

Chief, Litigation I Section.

[FR Doc. 95-27481 Filed 11-6-95; 8:45 am]

BILLING CODE 4410-01-M

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221(a)

of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address show below, not later than November 17, 1995.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than November 17, 1995.

The petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of October, 1995.

Russell Kile,

Acting Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted on 10/16/95]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
31,530	Anitec Image Corp (ICWU)	Binghamton, NY	10/06/95	Photographic & Graphic Arts Film & Paper.
31,531	Allegheny Ludlum Corp (USWA)	Brackenridge, PA	10/04/95	Silcon Steel.
31,532	UniMark Foods, Inc. (Wkrs)	Hidalgo, TX	09/18/95	Guacamole.
31,533	EIS Brake Parts (JAW)	Berlin, CT	09/18/95	Automobile Brake Master Cylinders.
31,534	Amphenol Corp. (Wkrs)	Roselle, IL	10/04/95	Electric Connectors (Sales Only).
31,535	Ohio Power Co. (UWUA)	Brilliant, OH	09/29/95	Electricity.
31,536	General Electric (Wkrs)	Erie, PA	10/01/95	Locomotive Parts.
31,537	Sero Co., Inc. (The) (Co)	Cordele, GA	10/06/95	Men's Dress Shirts.
31,538	Mclnnes Steel Co. (Wkrs)	Corry, PA	10/02/95	Steel Forgings.
31,539	B & C Well Service (Wkrs)	Borger, TX	10/02/95	Oil Well Services.