

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. It is proposed to amend 28 CFR 16.83 by adding paragraphs (c) and (d) to read as follows:

§ 16.83 Exemption of the Executive Office for Immigration Review System—limited access.

* * * * *

(c) The following system of records is exempted from 5 U.S.C. 552a(d).

(1) Practitioner Complaint/Disciplinary Files (JUSTICE/EOIR 003).

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2). To the extent that information in a record pertaining to an individual does not relate to national defense or foreign policy, official Federal investigations, and/or law enforcement matters, the exemption does not apply. In addition, where compliance would not appear to interfere with or adversely affect the overall law or regulatory enforcement process, the applicable exemption may be waived by the Executive Office for Immigration Review.

(d) Exemption from subsection (d) is justified for the following reasons:

(1) From the access and amendment provisions of subsection (d) because access to the records contained in this system of records could inform the subject of the investigation of an actual or potential criminal, civil, or regulatory violation or the existence of that investigation; of the nature and scope of the information and evidence obtained as to the subject's activities; of the identity of confidential sources, witnesses, and law enforcement personnel; and of information that may enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law and regulatory enforcement where they prevent the successful completion of the investigation, endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy. Amendment of

the records would interfere with ongoing investigations and law enforcement activities and impose an enormous administrative burden by requiring investigations to be continuously reinvestigated.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 918

[SPATS No. LA-018-FOR]

Louisiana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of an amendment to the Louisiana regulatory program (Louisiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Louisiana proposes revisions to and additions of statutes concerning requirements for permit applications, eligibility requirements for the Small Operator Assistance Program (SOAP), and permit exemptions. Louisiana intends to revise the Louisiana program to be consistent with SMCRA and the Louisiana Surface Mining Regulations.

This document gives the times and locations that the Louisiana program and the amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments until 4:00 p.m., c.d.t., October 12, 1999. If requested, we will hold a public hearing on the amendment on October 5, 1999. We will accept requests to speak at the hearing until 4:00 p.m., c.d.t. on September 27, 1999.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

You may review copies of the Louisiana program, the amendment, a listing of any scheduled public hearings, and all written comments received in

response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office. Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430.

Louisiana Department of Natural Resources, Office of Conservation, Injection and Mining Division, 625 N. 4th Street, P. O. Box 94275, Baton Rouge, LA 70804, Telephone: (504) 342-5540.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581-6430. Internet: mwolfrom@tokgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Louisiana Program

On October 10, 1980, the Secretary of the Interior approved the Louisiana program. You can find background information on the Louisiana program, including the Secretary's findings and the disposition of comments in the October 10, 1980, **Federal Register** (45 FR 67340). You can find later actions concerning the Louisiana program at 30 CFR 918.15 and 918.16.

II. Description of the Proposed Amendment

By letter dated August 23, 1999 (Administrative Record No. LA-364), Louisiana sent us an amendment to its program under SMCRA. Louisiana sent the amendment at its own initiative. Louisiana proposes to amend the Louisiana Surface Mining Act. Below is a summary of the changes proposed by Louisiana. The full text of the program amendment is available for your inspection at the locations listed above under **ADDRESSES**.

A. Section 907, Application Requirements

1. Louisiana proposes to remove the provision at paragraph B(16) that requires an applicant to make information about coal seams, test borings, core samplings, or soil samples available to any person with an interest which is or may be adversely affected. Louisiana then proposes to add this removed provision at new paragraph B(17).

2. Louisiana also proposes to add new paragraph B(18) to require an applicant to submit with his or her permit application a description of the nature of cultural, historical, and archeological

resources listed or eligible for listing on the National Register of Historic Places. This description must be based on all available information, and include a plan that describes the measures the applicant will take to prevent or minimize any adverse impacts the mining operation might have on the resources.

3. Louisiana further proposes to add new paragraph B(19) to require an applicant to submit with his or her permit application a description of fish and wildlife resource information for the permit area and adjacent area. The scope and level of detail for such information will be determined by the office of conservation. However, site specific resource information will be required when the permit area or adjacent area is likely to include endangered or threatened species of plants or animals or their habitats.

4. Louisiana proposes to add new paragraph B(20) to require an applicant to submit with his or her permit application a description of how the operator will minimize disturbances and adverse impacts on fish, wildlife, and related environmental values. The description will apply to the species and habitats identified in new paragraph B(19) and must include the protective measures that the operator will use during the active mining phase of the operation.

5. Finally, Louisiana proposes to revise Subsection C of this section to read as follows:

C. If the commissioner finds that the probable total annual production at all locations of any coal surface mining operator will not exceed three hundred thousand tons, the determination of probable hydrologic consequences, including the engineering analyses and designs necessary for the determination, required by Paragraph B(11) of this Section, cross-section maps and plans required by Paragraph B(14) of this Section, the drilling and statement of the result of test borings or core samplings required by Paragraph B(15) of this Section, the collection of archaeological and historical information and related plans required by Paragraph B(18) of this Section, the collection of site-specific resources information required by Paragraph B(19) of this Section, the production of protection and enhancement plans for fish and wildlife habitats required by Paragraph B(20) of this Section, and information and plans for any other environmental values required by the office of conservation and this Chapter, and pre-blast surveys required by R.S. 30:915(B)(15) shall, upon the written request of the operator, be performed by a qualified public or private laboratory designated by the commissioner and the cost of the preparation of such determination and statement shall be assumed by the commissioner.

B. Section 927, Surface Coal Mining Operations Not Subject to This Chapter.

Louisiana proposes to revise paragraph (2) whereby the requirements of Chapter 9 do not apply to the extraction of coal where coal does not exceed sixteen and two-thirds percent of the total tonnage of coal and other minerals removed for purposes of commercial use or sale.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Louisiana program.

Written Comments

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Tulsa Field Office.

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: SPATS No. LA-018-FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Tulsa Field Office at (918) 581-6430.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under

FOR FURTHER INFORMATION CONTACT by 4:00 p.m., c.d.t. on September 27, 1999. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodation to attend a public hearing, contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The hearing will not be held if no one requests an opportunity to speak at the public hearing.

You should file a written statement at the time you request the hearing. This will allow us to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with us to discuss the amendment, request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We also make a written summary of each meeting a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10),

decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 918

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 1, 1999.

Ervin J. Barchenger,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

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POSTAL RATE COMMISSION

39 CFR Part 3003

[Docket No. RM99-4]

Privacy Act; Implementation

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes revisions to its rules of practice implementing the Privacy Act of 1974. The changes will conform the rules to prevailing law. Editorial changes will improve clarity.

DATES: Comments must be received on or before September 27, 1999.

ADDRESSES: Send comments regarding this document to the attention of Margaret P. Crenshaw, Secretary, Postal Rate Commission, 1333 H Street NW., Washington, DC 20268-0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, Postal Rate Commission, 1333 H Street NW., Washington, DC 20268-0001, 202-789-6824.

SUPPLEMENTARY INFORMATION: The Commission proposes revisions in its rules implementing the Privacy Act, contained in 39 CFR part 3003, to clarify their application and to shorten and simplify their language. The Commission's rules implementing the Privacy Act have been amended only in minor respects since their original adoption shortly after the passage of the Act in 1974. While the current rules have operated adequately, it is apparent on review that they are capable of both substantive and editorial improvement. Accordingly, the Commission proposes a redrafted set of rules to replace those currently contained in part 3003.

The substantive changes incorporated in the proposed rules are intended to conform them more closely to prevailing standards of Privacy Act administration without altering the rights of individuals or the obligations of the Commission under the Act. The proposed revision would eliminate the special procedure for access to medical records contained in current § 3003.6, under which access to such records is contingent on the judgment of the Commission's chief administrative officer, in favor of the general access provision in proposed § 3003.4. Proposed § 3003.2 would eliminate unnecessary definitions, cross-reference others to the text of the Privacy Act, and reword other definitions slightly for the sake of clarity. Also for clarification, proposed § 3003.1 would add a statement indicating that the Commission's Privacy Act rules are not

intended either to broaden or narrow the scope of an individual's rights afforded by the Act.

While the proposed rules would alter the substance of the current rules pertaining to requests for individual records and appeals of denials only in minor ways, they would appreciably shorten and simplify those provisions. Language that does not relate directly to the exercise of rights by individuals under the Privacy Act, and thus is unnecessary, would be omitted from the revised rules. Additionally, the language of the current rules generally would be simplified and shortened without affecting individuals' exercise of their rights or the Commission's performance of its obligations under the Privacy Act.

Commission Order No. 1256 was distributed to the service list in Docket No. B97-1. It invited comments on the proposed revisions no later than August 23, 1999. Those not aware of the deadline should contact the Secretary of the Commission for information regarding submission of comments.

Dated: September 2, 1999.

Margaret P. Crenshaw,
Secretary.

List of Subjects in 39 CFR Part 3003

Administrative practice and procedure; Archives and records; Privacy; Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, 39 CFR part 3003 is proposed to be revised to read as follows:

PART 3003—PRIVACY ACT RULES

Sec.

- 3003.1 Purpose and scope.
- 3003.2 Definitions.
- 3003.3 Procedures for requesting inspection, copying, or correction.
- 3003.4 Response to a request.
- 3003.5 Appeals of denials of access or amendment.
- 3003.6 Fees.
- 3003.7 Exemptions.

Authority: Privacy Act of 1974 (Pub.L. 93-579), 5 U.S.C. 552a.

§ 3003.1 Purpose and scope.

This part implements the Privacy Act of 1974 (5 U.S.C. 552a) by establishing Commission policies and procedures that permit individuals to obtain access to and request amendment of information about themselves that is maintained in systems of records. This part does not expand or restrict any rights granted under the Privacy Act of 1974.

§ 3003.2 Definitions.

For purposes of this part: