

No. 97-8922 CIV-DIMITROULEAS, DOJ Ref. #90-11-2-1345.

The Consent Decree may be examined at the office of the Region 4 Office of the Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, GA 30303; and at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 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, NW, 3rd Floor, Washington, DC 20005. In requesting copies please refer to the referenced case and enclose a check in the amount of \$5.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel Gross,**

*Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*  
[FR Doc. 99-23599 Filed 9-9-99; 8:45 am]

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## DEPARTMENT OF JUSTICE

[AAG/A Order No. 172-99]

### Privacy Act of 1974; Notice of the Removal of a System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice (DOJ) is removing a published Privacy Act system of records entitled "Finance Section Indexes, JUSTICE/INS-020." (JUSTICE/INS-020 was most recently published on May 14, 1997 (62 FR 26557).)

JUSTICE/INS-020 is being removed because the DOJ established a new Department-wide system of records which replaces those which now exist for separate Department components. The new system notice entitled, "Accounting Systems for the Department of Justice (DOJ), DOJ-001" was most recently published on May 28, 1999 (64 FR 29069).

Therefore, JUSTICE/INS-020, "Finance Section Indexes," system notice is removed from the Department's compilation of Privacy Act systems.

Dated: August 25, 1999.

**Stephen R. Colgate,**

*Assistant Attorney General for Administration.*

[FR Doc. 99-23600 Filed 9-9-99; 8:45 am]

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## DEPARTMENT OF JUSTICE

[AAG/A Order No. 173-99]

### Privacy Act of 1974; Notice of New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a) ("Act"), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Executive Office for Immigration Review (EOIR).

The record keeping system, designated as Practitioner Complaint/Disciplinary Files, is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) and (11) has been published to date.

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 the new routine uses of the system of records; the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system. Therefore, we invite the public, OMB, and the Congress to submit comments within 30 days from the publication date of this notice to Mary E. Cahill, Management and Planning Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress.

Dated: August 25, 1999.

**Stephen R. Colgate,**

*Assistant Attorney General for Administration.*

### JUSTICE/EOIR-003

#### SYSTEM NAME:

Practitioner Complaint/Disciplinary Files.

#### SYSTEM LOCATION:

United States Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041; and at EOIR field offices as detailed in Justice/EOIR-999, most recently published April 13, 1999 at 64 FR 18051.

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

Attorneys and authorized representatives, as defined under 8 CFR 292.1, who have been subject to disciplinary complaints filed with, or received by, EOIR, including complaints from any source whatsoever; complaints

who file complaints against such attorneys and authorized representatives.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the following categories of records: Complaints filed by any person or organization; records of state disciplinary authority proceedings; criminal conviction records; investigatory records, including preliminary inquiry reports; communications with individuals and/or outside agencies concerning disciplinary investigations and proceedings; interagency communications; copies of Notices of Intent to Discipline (NID) filed by EOIR and/or the Immigration and Naturalization Service (INS), together with supporting documentation; disciplinary proceeding transcripts; and settlement agreements and other dispositions, including administrative disciplinary decisions.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 292 of the Immigration and Nationality Act, as amended at 8 U.S.C. 1362 and 8 CFR part 3.

#### PURPOSE(S):

Information in the system is used by the office of the General Counsel, EOIR, in conducting disciplinary investigations and instituting disciplinary proceedings against immigration practitioners. The records are used in, and provide documentation of, among other things, disciplinary investigations and formal proceedings instituted by EOIR. The information may be further used to generate statistical reports and various administrative records, including docket printouts.

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

EOIR may disclose relevant information as follows:

- (1) To Federal or state agencies as required by law;
- (2) In any proceeding before an adjudicative body before which DOJ, or any DOJ component or subdivision thereof, is authorized to appear and when any of the following is a party to litigation or has an interest in litigation and such records are determined by DOJ, or any component or subdivision thereof, to be arguably relevant to the litigation: DOJ or any DOJ components thereof; any DOJ employee in his/her official capacity; any DOJ employee in his/her individual capacity where DOJ has agreed to represent the employee; or the United States where DOJ, or any DOJ component thereof, determines that

litigation is likely to affect it or any of its subdivisions;

(3) To an actual or potential party, including an immigration practitioner, or to his or her attorney of record, for the purpose of negotiation or discussion on such matters as settlement of a case or matter, conducting informal discovery proceedings involving records in this system, or to otherwise ensure fair representation;

(4) To complainants who file disciplinary complaints, or to their counsel of record;

(5) To Federal, state, and local authorities, including, but not limited to, state bar grievance committees and other attorney discipline authorities for possible disbarment or disciplinary proceedings;

(6) In any disciplinary complaint in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, information, including investigatory information, may be disseminated to the appropriate agency (including any Federal, state, local, foreign, or tribal authority) charged with the responsibility of investigating or prosecuting such violation or with enforcing or implementing such law;

(7) To Members of Congress or their staff acting upon the Member's behalf where the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record;

(8) To any Federal agency or to any individual or organization for the purpose of performing audit or oversight operations of DOJ and to meet related reporting requirements;

(9) To the new 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; and

(10) To the National Archives and Records Administration (NARA) in records management inspections that may be conducted under the authority of 44 U.S.C. 2904 and 2906.

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

**STORAGE:**

Records are maintained in file folders which are stored in filing cabinets. A subset of records are maintained on fixed magnetic disks or removable diskettes which are stored in filing cabinets. All records are stored in secured EOIR office space.

**RETRIEVAL:**

Records are retrieved by name and/or docket number of the individual who is subject to the disciplinary proceeding.

**SAFEGUARDS:**

Information maintained in the system is safeguarded in accordance with DOJ rules and procedures. Record files are maintained in file cabinets accessible only to EOIR employees. Automated information is stored on either fixed disks or removable diskette packs which are stored in filing cabinets or computers which may be accessed only through the use of passwords and/or name identifications issued to authorized EOIR employees. All manual and automated mediums are located in EOIR office space accessible only to EOIR employees and locked during off-duty hours.

**RETENTION AND DISPOSAL:**

Record files are maintained for six months after final disposition of the case, then forwarded to regional Federal Records Centers. Automated records are maintained at EOIR headquarters indefinitely.

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

Director, Executive Office for Immigration Review (EOIR), 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041.

**NOTIFICATION PROCEDURES:**

Same as Records Access Procedures.

**RECORDS ACCESS PROCEDURES:**

Portions of this system may be exempt from disclosure and contest pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). Any individual desiring to contest or amend information not subject to exemption must direct his/her request to the system manager noted above. In all cases, requests for access to a record shall be made in writing. Written requests may be submitted by mail or in person. Clearly mark the envelope and letter "Privacy Access Request" and provide the full name and notarized signature of the individual who is the subject of the record and any other identifying number or information that may assist in locating the record in accordance with 28 CFR 16.41(d), and a return address.

**CONTESTING RECORDS PROCEDURES:**

Direct all requests to contest or amend information maintained in the system to the system manager listed above in the manner described above in Records Access Procedures. State clearly and concisely what information is being contested, the reasons for contesting it,

and the proposed amendment to the information.

**RECORDS SOURCE CATEGORIES:**

Law enforcement agencies, Federal and state courts, state bar licensing authorities, state bar grievance and/or disciplinary agencies, immigration practitioners responses during disciplinary proceedings, and inquiries and/or complaints from witnesses or members of the general public, including supporting documentation.

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

The Attorney General has proposed to exempt certain records of this system from the access provisions of the Privacy Act (5 U.S.C. 552a(d)), pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). Rules have been proposed in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e), and have been published as of this date in the **Federal Register**.

[FR Doc. 99-23601 Filed 9-9-99; 8:45 am]

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**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Submission for OMB Review; Comment Request**

September 2, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ({202} 219-5096 ext. 143) or by E-Mail to Mills-Ira@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the