

## DEPARTMENT OF JUSTICE

## 28 CFR Part 16

[AGA/A Order No. 142-97]

## Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

**SUMMARY:** The Department of Justice is exempting a Privacy Act system of records from subsections (c) (3) and (4); (d); (e) (1), (2), (3), (5), (8) and (g) of the Privacy Act, 5 U.S.C. 552a. This system of records is maintained by the Immigration and Naturalization Service (INS) and is entitled "Law Enforcement Support Center (LESC) Database, JUSTICE/INS-023." Information in this system relates to inquiries via criminal justice agencies of immigrants who have the status of legal permanent resident and/or United States citizen and who are either the subject of an investigation, or have been arrested, charged and/or convicted for criminal or civil offenses which could render them deportable or excludable under the provisions of immigration and nationality laws. The exemptions are necessary to avoid interference with law enforcement operations. Specifically, the exemptions are necessary to prevent subjects of investigations from frustrating the investigatory or other law enforcement process such as, deportation/expulsion proceedings.

EFFECTIVE DATE: August 19, 1997.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely—202-616-0178.

**SUPPLEMENTARY INFORMATION:** On May 14, 1997 (62 FR 26458) a proposed rule was published in the **Federal Register** with an invitation to comment. No comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "significant economic impact on a substantial number of small entities."

**List of Subjects in Part 15**

Administrative Practices and Procedures, Courts, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

Dated: July 31, 1997.

**Michael J. Roper,**

Acting Assistant Attorney General for Administration.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General

Order No. 793-78, 28 CFR part 16 is amended as follows.

1. The authority for Part 16 continues to read as follows:

**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. 28 CFR 16.99 is amended by adding paragraphs (i) and (j) to read as follows:<sup>1</sup>

**§ 16.99 Exemption of the Immigration and Naturalization Service Systems-limited access.**

\* \* \* \* \*

(i) The Law Enforcement Support Center Database (LESC) (Justice/INS-023) system of records is exempt under the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4); (d); (e) (1), (2), (3), (5), (8) and (g); but only to the extent that this system contains records within the scope of subsection (j)(2), and to the extent that records in the system are subject to exemption therefrom. In addition, this system of records is also exempt in part under the provisions of 5 U.S.C. 552a(k)(2) from subsections (c)(3); (d); and (e)(1), but only to the extent that this system contains records within the scope of subsection (k)(2), and to the extent that records in the system are subject to exemption therefrom.

(j) The following justifications apply to the exemptions from particular subsections:

(1) From subsection (c)(3) for reasons stated in paragraph (h)(1) of this section.

(2) From subsection (c)(4) for reasons stated in paragraph (h)(2) of this section.

(3) 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 a criminal or civil investigation of the existence of that investigation; of the nature and scope of the information and evidence obtained as to their activities; and of information that may enable the subject to avoid detection or apprehension. Such disclosures would present a serious impediment to effective law enforcement where they prevent the successful completion of the investigation or other law enforcement operation such as deportation or exclusion. In addition, granting access to these records could result in a disclosure that would constitute an unwarranted invasion of the privacy of third parties. Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring

investigations to be continuously reinvestigated.

(4) From subsection (e)(1) for reasons stated in paragraph (h)(4) of this section.

(5) From subsection (e)(2) for reasons stated in paragraph (h)(5) of this section.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to criminal law enforcement in that it could compromise the existence of a confidential investigation.

(7) From subsection (e)(5) for reasons stated in paragraph (h)(7) of this section.

(8) From subsection (e)(8) for reasons stated in paragraph (h)(8) of this section.

(9) From subsection (g) to the extent that this system is exempt from the access and amendment provisions of subsection (d).

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Parts 52 and 81

[TX60-1-7269; FRL-5870-1]

**Clean Air Act (Act) Approval and Promulgation of State Implementation Plans (SIP); Texas; Prevention of Significant Deterioration (PSD) Increments for Particulate Matter Less Than 10 Microns in Diameter (PM-10); Designation of Areas for Air Quality Planning Purposes**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** This action approves changes to the PSD permitting regulations which were submitted as a revision to the SIP for Texas and approves the State's recodification of its PSD provisions. This SIP revision replaces the PSD increments for total suspended particulate (TSP) matter with increments for PM-10. In conjunction with this approval, EPA is also removing the TSP area designation tables in 40 CFR part 81 for Texas. With the PM-10 increments becoming effective in Texas, the TSP area designations no longer serve any useful purpose relative to PSD.

**DATES:** This action is effective on October 20, 1997 unless notice is postmarked by September 18, 1997 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register** (FR).

<sup>1</sup> Paragraphs (g) and (h) were published in the **Federal Register** on June 25, 1997 (62 FR 34169).