

(1978) and *United States Department of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749 (1989).

In September 2003, the Judicial Conference adopted a privacy policy for criminal case files that included providing the same level of public access to electronic case files as it has provided to paper case files. It did so, in part, based on the results of a pilot project completed earlier that year. The pilot project allowed public Internet access to criminal case files in ten district courts and one court of appeals for two years. A report on the pilot project by the Federal Judicial Center found that there were no significant reports of misuse of criminal case documents, nor were there any reports of harm stemming from the availability of these documents via public Internet access. Nonetheless, individual courts may have chosen a more restrictive approach to public Internet access to these documents.

Both the 2003 policy and pending Federal Rules of Procedure regarding privacy in court filings prescribed by the Supreme Court in April 2007<sup>1</sup> require that certain limited information be redacted or truncated in filings with the court, including: Social Security and financial account numbers, dates of birth, names of minor children, and, in criminal cases, home addresses. In addition, the pending Federal Rules allow courts to seal documents or limit public Internet access to documents on a case-by-case basis, if good cause is shown. See Pending FR Crim. P. 49.1(e).

#### Request To Limit Access to Certain Documents in Federal Court Criminal Case Files

The Department of Justice has asked the Judicial Conference to restrict public Internet access to a specific type of document: Plea agreements in criminal cases, which may disclose the fact that the defendant in the case is cooperating or has cooperated with law enforcement investigations. The ease with which the public is able to both retrieve federal court case information from electronic case files and redistribute it electronically through the Internet has raised concerns about whether the Judiciary's policy of allowing access to all unsealed plea agreements provides a sufficient measure of safety for those defendants cooperating with law enforcement. Certain private parties or organizations have compiled lists setting forth names, locations, and

descriptions of alleged cooperating witnesses and have posted them on the Internet. Some have expressed concern that wide dissemination of this information may facilitate or encourage retaliation and/or witness intimidation.

The Judiciary is requesting comment on its policy of providing public Internet access to all non-sealed plea agreements in electronic criminal case files (described further below). This policy has been in effect since November 2004, but only came into play in any particular local court level when that court adopted an electronic case files system, typically at some point between 2005–2007. To assist it in considering the issue, the Judiciary welcomes comments on this policy, including, but not limited to, the question of whether the policy should be changed to prohibit public Internet access to plea agreements or other documents in the criminal case files that identify a person cooperating with law enforcement. These plea agreements and documents would still be available for public inspection at the courthouse. Additionally, the Judiciary seeks comments on how it could otherwise meet the need to balance access issues against competing concerns such as privacy and personal security.

#### How To Submit Comments

All comments should be received by October 26, 2007 and must include the name, organization (if any), mailing address, and telephone number of the commentator. All comments should also include an e-mail address and a fax number, where available, as well as an indication of whether the commentator is interested in participating in a public hearing, if one is held. The public should be advised that it may not be possible to honor all requests to speak at any such hearing. Any such hearing may be recorded for broadcast.

The electronic submission of comments is highly encouraged. Electronic comments may be submitted by e-mail to [privacycomments@ao.uscourts.gov](mailto:privacycomments@ao.uscourts.gov). Comments may be submitted through the U.S. Postal Service to The Administrative Office of the United States Courts, Court Administration Policy Staff, Attn: Privacy Comments, Suite 4–560, One Columbus Circle, NE., Washington, DC 20544.

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## DEPARTMENT OF JUSTICE

[OMB Number 1124–0001]

### National Security Division; Agency Information Collection Activities; Proposed Collection; Comments Requested

**ACTION:** Correction to OMB Number 1124–0003, 30-Day Notice of Information Collection Under Review: Registration Statement (Foreign Agents).

The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 72, Number 128, pages 36721–36722 on July 5, 2007, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 10, 2007. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- 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 proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of

<sup>1</sup> Absent action by Congress to reject, modify, or defer them, the rules will go into effect on December 1, 2007.

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) Type of Information Collection: Extension of currently approved collection.

(2) Title of the Form/Collection: Registration Statement (Foreign Agents).

(3) The agency form number and the applicable component of the Department of Justice sponsoring the collection: Form Number: NSD-1. National Security Division, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Business or other for-profit, Not-for-profit institutions, and individuals or households. The form contains registration statement and information used for registering foreign agents under the provisions of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611, *et seq.*

(5) An estimate of the total number of respondents and the amount of time estimated for an average response: The estimated total number of respondents is 67 respondents at 1.375 hours (1 hour and 22 minutes) per response.

(6) An estimate of the total public burden (in hours) associated with the collection: The estimated total public burden associated with this information collection is 92 hours annually.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: September 4, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

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#### DEPARTMENT OF JUSTICE

[OMB Number 1124-0002]

#### National Security Division; Agency Information Collection Activities; Proposed Collection; Comments Requested

**ACTION:** Correction to OMB Number 1124-0004 30-Day Notice of Information

Collection Under Review: Supplemental Statement (Foreign Agents).

The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 72, Number 128, page 36722 on month July 5, 2007, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 10, 2007. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- 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 proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) Type of Information Collection: Extension of currently approved collection.

(2) Title of the Form/Collection: Supplemental Statement (Foreign Agents)

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number: NSD-2. National Security Division, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Business or other for-profit, Not-for-profit institutions, and individuals or households. The form is required by the provisions of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611, *et seq.*, must be filed by the foreign agent within thirty days after the expiration of each period of six months succeeding the original filing date, and must contain accurate and complete information with respect to the foreign agent's activities, receipts and expenditures.

(5) An estimate of the total number of respondents and the amount of time estimated for an average response: The estimated total number of respondents is 491, who will complete a response within 1.375 hours (1 hour and 22 minutes) 2 responses annually.

(6) An estimate of the total burden (in hours) associated with the collection: The estimated total public burden associated with this information collection is 1,350 hours annually.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: September 4, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

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#### DEPARTMENT OF JUSTICE

[OMB Number 1124-0003]

#### National Security Division; Agency Information Collection Activities; Proposed Collection; Comments Requested

**ACTION:** Correction to OMB Number 1124-0006, 30-Day Notice of Information Collection Under Review: