to seek employment and how to secure lodging in the United States;

(3) Prepare and provide to program participants a roster of bona fide job listings equal to or greater than the number of participants for whom pre-arranged employment has not been secured; and,

(4) Undertake reasonable efforts to secure suitable employment for any participant who has not found suitable employment within one week of commencing his or her job search.

(e) *Participant compensation.* Sponsors shall advise program participants regarding Federal Minimum Wage requirements and shall ensure that participants receive pay and benefits commensurate with those offered to their American counterparts.

(f) *Monitoring.* Sponsors shall provide:

(1) All participants with a telephone number which allows 24-hour immediate contact with the sponsor; and

(2) Appropriate assistance to program participants on an as-needed emergency basis.

(g) *Use of third parties.* Program sponsors are responsible for full compliance with all Exchange Visitor Program regulations. If a program sponsor elects to utilize a third-party to provide U.S. hosting, orientation, placement, or other support services to participants for whom they have facilitated entry into the United States, such sponsor shall closely oversee the provision of these services by the third-party and ensure that the provision of these services satisfies all regulatory obligations.

(h) *Placement report.* In lieu of listing the name and address of the participant's pre-arranged employer on the form IAP–66, sponsors shall submit to the Agency a report of all participant placements. Sponsors shall report the name, place of employment, and the number of times each participant has participated in a summer work travel program. In addition, for participants for whom employment was not pre-arranged, the sponsor shall also list the length of time it took for such participant to find employment. Such report shall be submitted semi-annually on January 30th and July 31st of each year and shall reflect placements made in the preceding six month period.

(i) *Unauthorized activities.* Program participants may not be employed as domestic employees in United States households or in positions that require the participant to invest his or her own monies to provide themselves with inventory for the purpose of door-to-door sales.

[FR Doc. 99–9163 Filed 4–12–99; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 159–99]

Exemption of Records System 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 subsection (d) of the Privacy Act, 5 U.S.C. 552a. This system of records is the ''Freedom of Information/Privacy Acts (FOI/PA) Records, (JUSTICE/OPR–002).'' Records in this system may contain information which relates to official Federal investigations and matters of law enforcement of the Office of Professional Responsibility (OPR). Accordingly, where applicable, the exemptions are necessary to avoid interference with the law enforcement functions of OPR. Specifically, the exemptions are necessary to prevent subjects of investigations from frustrating the investigatory process; preclude the disclosure of investigative techniques; protect the identities and physical safety of confidential sources and of law enforcement personnel; ensure OPR's ability to obtain information from information sources; protect the privacy of third parties; and safeguard classified information as required by Executive Order 12958.

DATES: This rule will be effective April 13, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Cahill, (202) 307–1823.

SUPPLEMENTARY INFORMATION: A proposed rule with invitation to comment was published in the **Federal Register** on December 10, 1998. 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 ''a significant economic impact on a substantial number of small entities.''

List of Subjects in Part 16

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

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, it is proposed to amend 28 CFR 16.80 by adding paragraphs (c) and (d) as set forth below.

Dated: March 26, 1999.

Stephen R. Colgate,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

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 16.80 is amended by adding paragraphs (c) and (d) to read as follows:

§ 16.80 Exemption of Office of Professional Responsibility (OPR) System—limited access.

* * * * *

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

(1) Freedom of Information/Privacy Act (FOI/PA) Records (JUSTICE/OPR–002).

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 enforcement process, the applicable exemption may be waived by OPR.

(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 an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation; of the nature and scope of the information and evidence obtained as to his 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 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.

[FR Doc. 99–9139 Filed 4–12–99; 8:45 am]

BILLING CODE 4410–CH–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

[MD–045–FOR]

Maryland Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Maryland regulatory program (hereinafter referred to as the ''Maryland program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Maryland proposed revisions to its regulations regarding the right to administrative review of final decisions and award of costs decisions. The amendment is intended to revise the Maryland program to be consistent with the corresponding Federal regulations and SMCRA.

EFFECTIVE DATE: April 13, 1999.

FOR FURTHER INFORMATION CONTACT: George Rieger, Program Manager, OSM, Appalachian Regional Coordinating Center, 3 Parkway Center, Pittsburgh, PA 15220. Telephone: (412) 937–2153.

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program.
II. Submission of the Proposed Amendment.
III. Director's Findings.
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Maryland Program

On December 1, 1980, the Secretary of the Interior conditionally approved the Maryland program. Background information on the Maryland program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 1, 1980, **Federal Register** (45 FR 79449). Subsequent actions concerning conditions of approval and program amendments can be found at 30 CFR 920.12, 920.15, and 920.16.

II. Submission of the Proposed Amendment

By letter dated August 25, 1998, (Administrative Record No. MD–580–00), Maryland submitted a proposed amendment to its program pursuant to SMCRA in response to required amendments at 30 CFR 920.16(a). Maryland is revising the Code of Maryland Regulations (COMAR) at section COMAR 26.20.34.06G (titled Procedure after Testimony is Concluded), COMAR 26.20.34.09G (titled Award of Costs). Additionally Maryland is proposing to delete COMAR 26.20.06.02 (titled Administrative Appeal). Specifically, the proposed changes delete the right to appeal to the Board of Review a final decision of the Water Management Director or an award of costs decision. Now, these decisions are subject to judicial review in accordance with the State Government Article, § 10–222 of the Annotated Code of Maryland. In Maryland's initial request for this program amendment, the State Government Article was incorrectly cited as § 10–215 of the Annotated Code of Maryland. The proposed rule also cited this section. On February 5, 1999, Maryland submitted revised copies of the proposed amendment that contain the correct citation to § 10–222, Annotated Code of Maryland (Administrative Record No. MD–580–03). Maryland is also deleting COMAR 26.20.06.02, which allowed an appeal to the Board of Review for permit decisions.

OSM announced receipt of the proposed amendment in the September 21, 1998, **Federal Register** (63 FR 50176), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on October 21, 1998.

Maryland originally proposed these changes and deletions in 1990. OSM approved these changes and deletions on April 28, 1991 (56 FR 19280, 19282). However, Maryland had incorrect citations to the Annotated Code of Maryland. OSM required Maryland to amend its regulations to correct the citation. This requirement was codified at 30 CFR 920.16(a). Maryland submitted another amendment on May 7, 1991, to satisfy the requirements of 30 CFR 920.16(a). The 1991 proposed amendment resulted in a final rule published in the **Federal Register** on January 10, 1992, (57 FR 1104) approving the revisions. The final rule indicated that 30 CFR 920.16(a) was removed and reserved because the Director found that the proposed amendment was not inconsistent with the Federal hearing and appeals regulations at 43 CFR part 4. However, Maryland did not promulgate the revisions nor the deletion which were previously approved by OSM and 30 CFR 920.16(a) was not removed. Since January 10, 1992, the Bureau of Mines has been transferred from the Department of Natural Resources to the Department of the Environment and COMAR has been recodified, resulting in different numbering from those in the 1990 amendment. These events required the submission of the current amendment to satisfy the requirements of 30 CFR 920.16(a).

Since the Board of Review was abolished in 1990, appeals of final decisions of the Director of Water Management and the award of costs decisions are now subject to judicial review instead of administrative review by the Board of Review. Judicial review is authorized by § 10–222 of the State Government Article. As a result, Maryland proposed, in the letter of August 25, 1998, to amend COMAR 26.20.34.06G, titled Procedure after Testimony is Concluded and COMAR 26.20.34.09G, titled Award of Costs to reflect the change. The letter also proposed to delete COMAR 26.20.06.02, titled Administrative Appeal to reflect the abolishment of the Board of Review.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

1. *COMAR 26.20.34.06 Procedure after Testimony is Concluded*. In Section G. Maryland proposed to delete the phrase, ''may appeal the decision to the Board of Review pursuant to COMAR 08.16.01,'' and replace it with the phrase, ''is entitled to judicial review in accordance with State Government Article, § 10–222, Annotated Code of Maryland.''