

DEPARTMENT OF THE INTERIOR**Office of Hearings and Appeals****Privacy Act of 1974; As Amended; Revisions to the Existing System of Records**

AGENCY: Office of Hearings and Appeals, Department of the Interior.

ACTION: Proposed revisions to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Office of Hearings and Appeals is issuing public notice of its intent to modify an existing Privacy Act system of records, OHA-01, "Hearings and Appeals Files." The revisions will update the address of the system locations in its regional offices and the authority for maintenance of the system.

EFFECTIVE DATE: These actions will be effective April 23, 1999.

FOR FURTHER INFORMATION CONTACT: Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203.

SUPPLEMENTARY INFORMATION: In this notice, the Department of the Interior is amending OHA-01, "Hearings and Appeals Files," to update the address of the system locations in the regional offices and the authority for maintenance of the system. Accordingly, the Office of Hearings and Appeals proposes to amend "Hearings and Appeals Files," OHA-01, in its entirety to read as follows:

Sue Ellen Sloca,

*Office of the Secretary Privacy Act Officer,
National Business Center.*

INTERIOR/OHA-01**SYSTEM NAME:**

Hearings and Appeals Files—Interior, OHA-01.

SYSTEM LOCATION:

(1) National headquarters: Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203.

(2) Field offices: Office of Hearings and Appeals, Hearings Division, Offices of Administrative Law Judges. (Contact the System Manager to obtain a current address list for these field offices).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in hearings and appeals proceedings before the Hearings Division, Appeals Boards, and/or the Director of the Office of Hearings and Appeals (or his/her designee/s).

CATEGORIES OF RECORDS COVERED BY THE SYSTEM:

Information assembled in case files pertaining to hearings proceedings, and to appeals to the Department relating to:

(1) Contract disputes arising out of findings of fact or decisions by contracting officers of any bureau or office of the Department, or any field installation thereof, which are considered and decided finally for the Department by the Interior Board of Contract Appeals.

(2) Indian probate matters, including determination of heirs, and approval of wills, except as to members of the Five Civilized Tribes, and resolution of appeals to the Department in such matters; proceedings in Indian probate relating to Tribal acquisition of certain interests of decedents in trust and restricted lands; and appeals pertaining to administrative actions of Bureau of Indian Affairs officials in cases involving determinations, findings and orders protested as a violation of a right or privilege of the appellant, which are considered and decided finally for the Department by the Interior Board of Indian Appeals.

(3) Appeals from decisions rendered by Departmental officials relating to the use and disposition of mineral resources in certain acquired lands of the United States and in the submerged lands of the Outer Continental Shelf, which are considered and decided finally for the Department by the Interior Board of Land Appeals.

(4) Appeals from orders and decisions issued by Departmental officials and administrative law judges in proceedings relating to surface coal mining control and reclamation which are considered and decided finally for the Department by the Interior Board of Land Appeals.

(5) Wildlife civil penalty assessment hearings before administrative law judges of the Office of Hearings and Appeals and appeals from their orders and decisions which are considered and finally decided for the Department by the Director, Office of Hearings and Appeals, or ad hoc appeals boards appointed by him.

(6) Appeals from orders and decisions of Departmental bureaus pertaining to relocation assistance benefits claims, or requests for waiver of claims for erroneous overpayments, considered and finally decided for the Department by the Director, Office of Hearings and Appeals, or ad hoc appeals boards appointed by him/her.

(7) Grievance proceedings involving employees of the Department, in which hearings are conducted and recommended decisions are prepared by

Office of Hearings and Appeals attorneys and hearing examiners under authority delegated by the Director, Office of Hearings and Appeals.

(8) Proceedings and decisions by administrative law judges and the Director, Office of Hearings and Appeals, concerning nondiscrimination in Federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by the Department of the Interior Effectuation of Title VI of the Civil Rights Act of 1964.

(9) Proceedings and decisions by administrative law judges and the Director, Office of Hearings and Appeals, concerning nondiscrimination in activities conducted under permits, rights-of-way, public land orders, and other Federal authorizations granted or issued under Title II of the Trans-Alaska Pipeline Authorization Act.

(10) Proceedings and decisions by the Director, Office of Hearings and Appeals, or his/her designee/s, in matters arising under various statutes or Departmental regulations providing for a hearing and/or a right to appeal within the Department as set forth in 43 CFR part 4.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 43 CFR Part 4; 41 U.S.C. 601; 43 U.S.C. 1201; 43 U.S.C. 1701; 25 U.S.C. 2, 9, 372, 373, 373a, 373b, 374; 43 U.S.C. 315a; 43 U.S.C. 1601-1628; 5 U.S.C. 551; 30 U.S.C. 1202 et seq.; 43 U.S.C. 1331; 30 U.S.C. chap. 2, 3, 3A, 5, 7, 15, 16, 23, 25 and 29.

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

The primary purpose of the system is the adjudication of appeals and determination of issues in hearings and appeals proceedings.

Disclosure outside the Department of the Interior may be made:

(1) To the U.S. Department of Justice, or to a court or adjudicative body with jurisdiction, when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the Government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or compatible with the purpose for which the records were compiled.

(2) To appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing or implementing a statute, rule, regulation,

order or license, when the disclosing agency becomes aware of information indicating the violation or potential violation of a statute, rule, regulation, order or license.

(3) To a congressional office in connection with an inquiry an individual covered by the system has made to the congressional office.

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

STORAGE:

Records are maintained in manual form in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by the name of the appellant, claimant, or other party, or by designated Office of Hearings and Appeals docket number.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Records are maintained in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records are retained in accordance with approved records retention and disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager. The request must be in writing, signed by the requestor, and comply with the content requirements of 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager. The request must be in writing, signed by the requester, and comply with the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager. The request must be in writing, signed by the requester, and comply with the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Records in the system contain information submitted by all parties to the adjudication, including but not limited to the following categories of individuals: appellants, claimants, grievants, and other persons involved in

the hearings and appeals proceedings, and government officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UTU-76195]

Notice of Coal Lease Offering by Sealed Bid; The Pines Tract

U.S. Department of the Interior, Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155. Notice is hereby given that at 11 a.m., May 20, 1999, certain coal resources in lands hereinafter described in Sevier and Emery Counties, Utah will be offered for competitive lease by sealed bid of \$100.00 per acre or more to the qualified bidder submitting the highest bonus bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (41 Stat. 437). However, no bid will be accepted for less than fair market value as determined by the authorized officer. A company or individual is limited to one sealed bid. If a company or individual submits two or more sealed bids for this tract, all of the company's or individual's bids will be rejected.

This lease is being offered for sale under the provisions set forth in the regulations for Leasing on Application at 43 CFR 3425.

The lease sale will be held in the State of Utah, Division of Community and Economic Development Conference Room, 324 South State Street, Suite 501, Salt Lake City, Utah, at 11 p.m. on May 20, 1999. At that time, the sealed bids will be opened and read. No bids received after 10 a.m., May 20, 1999, will be considered.

Coal Offered

The coal resources to be offered consist of all recoverable reserves available in the following described lands located in Sevier and Emery Counties, Utah, approximately 5 miles northwest of Emery, Utah on public land located in the Manti-LaSal National Forest:

T. 20 S., R. 5 E., SLM, Utah
Sec. 35, S2NE, SENW, NESW, S2SW, SE;
Sec. 36, W2SW, SESW.
T. 21 S., R. 5 E., SLM, Utah
Sec. 1, lots 3, 4, S2SW, SWSE;
Sec. 2, lots 1-4, S2S2;
Sec. 10, E2;

Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, E2;
Sec. 22, E2;
Sec. 23, all;
Sec. 24, all;
Sec. 25, N2, N2S2;
Sec. 26, N2, NESW, E2NWSW, SE.
T. 21 S., R. 6 E., SLM, Utah
Sec. 19, lots 3, 4, E2SW;
Sec. 30, lots 1-3, E2NW, NESW.
Containing 7,171.66 acres

The minable portions of the seams in this area are from 6 to 14 feet in thickness. This tract contains an estimated 60 million tons of recoverable high volatile C bituminous coal.

The estimated coal quality using weighted averages of samples on an as-received basis is:

11,539	.....	BTU/lb.;
8.37	.....	Percent moisture;
0.5	.....	Percent sulphur;
8.78	.....	Percent ash;
45.98	.....	Percent fixed carbon;
36.87	.....	Percent volatile matter.

(Totals do not equal 100% due to rounding)

Rental and Royalty

A lease issued as a result of this offering will provide for payment of an annual rental of \$3 per acre or fraction thereof and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods, and 8 percent of the value of coal mined by underground methods. The value of coal shall be determined in accordance with BLM Manual 3070.

Notice of Availability

Bidding instructions are included in the Detailed Statement of Lease Sale. A copy of the detailed statement and the proposed coal lease are available by mail at the Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84155-0155 or in the Public Room (Room 400), 324 South State Street, Salt Lake City, Utah 84111. All case file documents and written comments submitted by the public on Fair Market Value or royalty rates except those portions identified as proprietary by the commentator and meeting exemptions stated in the Freedom of Information Act, are available for public inspection in the Public Room (Room 400) of the Bureau of Land Management.

Douglas M. Koza,

Deputy State Director, Natural Resources.

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