

above address. Comments submitted by September 8, 1997 will be considered by the Task Force at or subsequent to the meeting.

Dated: September 3, 1997.

**Tudor T. Davies,**

*Director, Office of Science and Technology.*

[FR Doc. 97-23737 Filed 9-4-97; 8:45 am]

BILLING CODE 6560-50-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-00500; FRL-5741-7]

### Miller Reporting Company, Inc.; Transfer of Data

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Miller Reporting Company, Inc. (MRC) has been awarded a contract to perform work for the EPA Office of Administrative Law Judges and Office of Pesticide Programs, and will be provided access to certain information submitted to EPA under FIFRA and FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to MRC consistent with the requirements of 40 CFR 2.307(h)(3) and 40 CFR 2.308(i)(2), and will enable MRC to fulfill the obligations of the contract.

**DATES:** MRC will be given access to this information no sooner than September 10, 1997.

**FOR FURTHER INFORMATION CONTACT:** By mail: BeWanda Alexander, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 700N, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5259, e-mail: alexander.bewanda@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Under Contract No. 7W-4428-NASA, MRC will provide stenographic support services to EPA's Office of Administrative Law Judges required to cover the hearing in regards to E.I. duPont de Nemours & Co., Inc., Docket No. FIFRA 95-H-02. This contract involves no subcontractors.

The Office of Administrative Law Judges and Office of Pesticide Programs have jointly determined that the contract herein involves work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA. Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with MRC prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, MRC is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Administrative Law Judges. All information supplied to MRC by EPA for use in connection with this contract will be returned to EPA when MRC has completed its work.

Dated: August 22, 1997.

**Daniel M. Barolo,**

*Director, Office of Pesticide Programs.*

[FR Doc. 97-23627 Filed 9-4-97; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5888-1]

### Privacy Act of 1974; Republication of Existing Systems of Records

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of republication of existing systems of records.

**SUMMARY:** Under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, EPA previously published notices for two systems of records maintained by EPA's Office of Inspector General (OIG): the

EPA-4 system of records called "OIG Criminal Investigative Index and Files—EPA/OIG" and the EPA-5 system of records called "OIG Personnel Security Files—EPA/OIG." The most recent notice for these systems of records was published in the **Federal Register** at 58 FR 29821 (May 24, 1993). Under 5 U.S.C. 552a(e)(4), EPA is revising the EPA-4 system notice to add three new routine uses and to update information about the categories of individuals covered by the system, the categories of records in the system, the authority for maintenance of the system, the way records are retrieved from the system, the record source categories, the system location, and the system manager's address. EPA is revising the EPA-5 system notice to add one new routine use and to update information about the categories of records in the system, the authority for maintenance of the system, the system location, and the system manager's address.

**DATES:** This notice will be effective without further notice on October 15, 1997, unless EPA receives written comments that would result in a contrary determination.

**ADDRESSES:** Interested persons may submit written comments to John C. Jones, Assistant Inspector General for Management, Office of Inspector General (2441), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** John C. Jones, (202) 260-4912.

**SUPPLEMENTARY INFORMATION:** For the EPA-4 system of records, EPA is revising the notice to add three new routine uses: Routine use "u" allows the disclosure of records to officers and employees of other Federal agencies for the purpose of conducting quality assessments of the investigative operations of the OIG; routine use "v" allows the disclosure of records to the public when the matter has become public knowledge, or when the Inspector General determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process or is necessary to demonstrate the accountability of EPA officers, employees, or individuals covered by this system, unless it is determined that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; and routine use "w" allows the disclosure of records to the news media and public when there exists a legitimate public interest (e.g., to provide information on events in the criminal process, such as indictments),

or when necessary for protection from imminent threat to life or property.

In addition, EPA is revising the notice to show that the categories of individuals covered by the system, the categories of records in the system, and the record source categories include complainants and important witnesses interviewed during OIG investigations, as well as the subjects of OIG investigations. Similarly, EPA is revising the notice to show that records are retrieved by the names of complainants and important witnesses interviewed during OIG investigations, as well as by the names of subjects of OIG investigations. EPA is revising the authority for maintenance of the system to add a reference to the Federal Records Act of 1950, as amended, 44 U.S.C. 3101. Finally, EPA is revising the notice to show the correct mail code of the system location and system manager's address and to make other minor revisions.

For the EPA-5 system of records, EPA is revising the notice to add one new routine use: routine use "s" allows the disclosure of records to officers and employees of other Federal agencies for the purpose of conducting quality assessments of the OIG's personnel security and suitability operations. In addition, EPA is revising the notice to describe more fully the categories of records contained in the computerized reference portion of the system. EPA is also revising the authority for maintenance of the system to delete a reference to Executive Order 12356, concerning classified national security information, which was revoked effective October 15, 1995; to add a reference to Executive Order 12958 and Executive Order 12968, concerning classified national security information, which were promulgated on April 17, 1995 and August 2, 1995, respectively; and to add a reference to the Federal Records Act of 1950, as amended, 44 U.S.C. 3101. Finally, EPA is revising the notice to show the correct mail code of the system location and system manager's address and to make other minor revisions.

All these changes are necessary to enable the OIG to carry out its statutory mission of preventing, detecting, and reporting instances of fraud, waste, abuse, and mismanagement in Agency programs and operations.

Dated: August 28, 1997.

**Alvin M. Pesachowitz,**

*Acting Assistant Administrator for Administration and Resources Management and Chief Information Officer.*

#### **EPA-4**

##### **SYSTEM NAME:**

OIG Criminal Investigative Index and Files—EPA/OIG.

##### **SECURITY CLASSIFICATION:**

None.

##### **SYSTEM LOCATION:**

Assistant Inspector General for Investigations, Office of Inspector General (2431), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

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

Individuals and entities who are or have been the subjects of OIG investigations (including present and former EPA employees; present and former EPA assistance recipients, consultants, contractors, and subcontractors, and their employees; and other individuals and entities doing business with EPA); individuals and entities who are or have been complainants in OIG investigations; and individuals and entities who are or have been important witnesses interviewed during OIG investigations.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

a. *Criminal Investigative Index.* Selected information from each investigative file, including the names of the subjects of OIG investigations, and the cities, States, and EPA regions in which the subjects were located; the names of complainants in OIG investigations; and the names of important witnesses interviewed during OIG investigations.

b. *Hard Copy Files.* All information relating to investigations, including the information contained in the criminal investigative index; information provided by Federal, State, local, and foreign investigatory or law enforcement agencies, and other government agencies; information provided by the complainants in OIG investigations; information provided by the subjects of OIG investigations; information provided by individuals with whom the subjects are or were associated (e.g., colleagues, business associates, acquaintances, or relatives); information provided by witnesses and confidential sources; information from public source materials; correspondence; investigative notes and summaries; the investigative report; and information relating to

criminal prosecutions, civil proceedings, and administrative actions taken with respect to the subjects. While the case is open, the file also contains investigative notes and summaries of telephone calls, which are destroyed when the case is closed.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Inspector General Act of 1978, as amended, 5 U.S.C. app.; 5 U.S.C. 301; and the Federal Records Act of 1950, as amended, 44 U.S.C. 3101.

##### **PURPOSE(S):**

The records contained in the systems are used by the OIG in furtherance of the responsibilities of the Inspector General under the Inspector General Act of 1978, as amended, to conduct and supervise investigations relating to programs and operations of the EPA; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations. The records are used in investigating individuals and entities suspected of having committed illegal or unethical acts. The records are used in criminal prosecutions, civil proceedings, and administrative actions, including procurement and nonprocurement debarment and suspension proceedings, taken as a result of the findings of the investigation. The records are also used in conducting investigations of employees, consultants, contractors, subcontractors, and applicants in connection with personnel security determinations.

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

A record from the system of records may be disclosed, as a routine use:

a. To any source, private or public, to the extent necessary to secure from such source information relevant to a legitimate EPA investigation, audit, or other inquiry.

b. To the appropriate Federal, State, local, foreign, or international agency, if the record indicates, either by itself or in combination with other information, a violation or potential violation of law, whether criminal, civil, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, when that agency is charged with the responsibility of investigating or prosecuting a violation, or of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

c. To a Federal agency responsible for considering debarment or suspension

action if the record would be relevant to such action.

d. To a Federal, State, local, foreign, or international agency, or other public authority or professional organization, maintaining civil, criminal, or other relevant enforcement records or other pertinent records, such as current licenses, in order to obtain information relevant to an EPA investigation, audit, or other inquiry, or relevant to an EPA decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant, or other benefit, the establishment of a claim, or the initiation of criminal, civil, or administrative action.

e. To a Federal, State, local, foreign, or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

f. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity when the Department of Justice is representing or considering representation of the employee, or (4) the United States when EPA determines that the litigation is likely to affect EPA. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

g. To a Member of Congress who submits an inquiry on behalf of an individual, when the individual to whom the record pertains has authorized the Member of Congress in writing to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual who requested it.

h. To the Department of Justice for the purpose of obtaining its advice on Freedom of Information Act matters.

i. To the Office of Management and Budget for the purpose of obtaining its advice regarding EPA obligations under

the Privacy Act of 1974, as amended, 5 U.S.C. 552a, or in connection with the review of legislation.

j. In response to a subpoena issued by a Federal agency having the power to subpoena records of other Federal agencies.

k. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity when the Department of Justice is representing or considering representation of the employee, or (4) the United States when EPA determines that the litigation is likely to affect EPA.

l. To the Department of the Treasury and the Department of Justice when EPA is seeking an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

m. To debt collection contractors for the purpose of collecting delinquent debts as authorized by law.

n. To a "consumer reporting agency," as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purpose of obtaining information in the course of an investigation.

o. To EPA contractors, assistance recipients, or volunteers who have been engaged to assist EPA in the performance of a contract, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

p. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

q. To a Federal, State, local, foreign, or international agency, or other public authority, for use in a computer matching program, as that term is defined in 5 U.S.C. 552a(a)(8). Each disclosure shall be made in accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Office of Management and Budget (OMB) Computer Matching Guidelines published on June 19, 1989 (54 FR 25818), and OMB Bulletin No. 89-22

published on September 20, 1989, or any superseding guidance.

r. To a public or professional licensing organization if the record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

s. To an entity or person, public or private, when disclosure of the record is needed to enable the recipient of the record to take action to recover money or property of the EPA, when such recovery will accrue to the benefit of the United States, or when disclosure of the record is needed to enable the recipient of the record to take appropriate disciplinary action to maintain the integrity of EPA programs or operations.

t. To the Office of Government Ethics (OGE) to comply with agency reporting requirements established by OGE in 5 CFR part 2638, subpart F.

u. To officers and employees of other Federal agencies for the purpose of conducting quality assessments of the investigative operations of the OIG.

v. To the public when the matter under investigation has become public knowledge, or when the Inspector General determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process or is necessary to demonstrate the accountability of EPA officers, employees, or individuals covered by this system, unless it is determined that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

w. To the news media and public when there exists a legitimate public interest (e.g., to provide information on events in the criminal process, such as indictments), or when necessary for protection from imminent threat to life or property.

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

##### **STORAGE:**

The criminal investigative index is stored on computer hard disks and tapes. The hard copy files are stored in file folders. All records are stored under secure conditions, which are described in the Safeguards section.

##### **RETRIEVABILITY:**

Records in the criminal investigative index are retrieved by the names of the subjects, complainants, and important witnesses interviewed during OIG

investigations, and by case file numbers. Records in the hard copy files are retrieved by case file numbers.

#### SAFEGUARDS:

Direct access to the criminal investigative index and hard copy files is limited to authorized employees of the OIG Office of Investigations. Additional access within EPA is limited to authorized employees on a need-to-know basis. All records, when not in the possession of an authorized employee, are stored in locked file cabinets or safes in a locked, alarmed central file room with restricted access.

#### RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with EPA Records Control Schedules, Inspector General Records, approved by the National Archives and Records Administration. Investigative case files containing information or allegations which are of an investigative nature but do not relate to a specific investigation are retained for 5 years and then destroyed. Except for significant cases, all other investigative case files are generally retained for 10 years and then destroyed.

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

Assistant Inspector General for Investigations, Office of Inspector General (2431), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

#### NOTIFICATION PROCEDURES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has published rules that establish procedures for notifying an individual at his/her request if the system contains a record pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his/her records in this system. Requests for notification should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

#### RECORD ACCESS PROCEDURES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has published rules that establish procedures for notifying an individual at his/her request how he/she can gain access to a record in this system pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his/her records in this system. Requests for

access should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

#### CONTESTING RECORD PROCEDURES:

See Record Access Procedures section of this notice.

#### RECORD SOURCE CATEGORIES:

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA is publishing the following generic list of categories of sources of records in this system: the subjects of investigations; individuals with whom the subjects of investigations are or were associated (e.g., colleagues, business associates, acquaintances, or relatives); Federal, State, local, and foreign investigatory or law enforcement agencies; other government agencies; confidential sources; complainants; witnesses; concerned citizens; and public source materials.

#### SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

Under 5 U.S.C. 552a(j)(2), this system is exempt from the following provisions of the Privacy Act of 1974, as amended: 5 U.S.C. 552a (c) (3) and (4); (d); (e) (1), (2), (3), (4) (G), (H), and (I), (5), and (8); (f); and (g). Under 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a (c)(3); (d); (e) (1), (4) (G), (H), and (I); and (f). Under 5 U.S.C. 552a(k)(5), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a (c)(3); (d); (e) (1), (4) (H) and (I); and (f) (2) through (5). These exemptions were published as regulations in the **Federal Register** in accordance with the requirements of 5 U.S.C. 553 (b) (1), (2), and (3), (c), and (e). For additional information, contact the System Manager.

#### EPA-5

#### SYSTEM NAME:

OIG Personnel Security Files—EPA/OIG.

#### SECURITY CLASSIFICATION:

Most of the records in this system are unclassified. However, some records in the system have been classified by other Federal agencies under Executive Order 12356, Executive Order 12958, Executive Order 12968, or the Atomic Energy Act of 1954, 42 U.S.C. 2011.

#### SYSTEM LOCATION:

Assistant Inspector General for Management, Office of Inspector

General (2441), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

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

Individuals who are or have been the subjects of personnel security and suitability investigations (e.g., national agency checks and inquiries, background investigations, and periodic reinvestigations) conducted by or for the OIG or the Office of Personnel Management (OPM), including present and former EPA employees, consultants, contractors, and subcontractors in national security and/or public trust positions; and applicants for national security and/or public trust positions at EPA.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

a. *Computerized Reference:* Certain information from selected personnel security and suitability files, including the subject's social security number, name, title, EPA office, EPA organization mail code, General Schedule occupation series and grade, geographic location, type of employee (e.g., EPA employee, EPA OIG employee, or contractor employee), location of Official Personnel File (OPF) folder, date of birth, place of birth, type of investigation conducted, date investigation completed, date completed investigation received by EPA OIG, date completed investigation adjudicated by EPA OIG, case number assigned by EPA OIG Personnel Security Staff, type of security clearance, date of security clearance, and sensitivity of the position occupied.

b. *Hard Copy Files:* All information relating to personnel security and suitability investigations, including the information contained in the computerized reference; information provided by the subjects on resumes and on forms SF-171, SF-85, SF-85P, SF-85P-S, SF-86, SF-87, OF-306, OF-612, OPM-329-A, EPA-1480-19, EPA-1480-40, AEC-136, DOE F 5631.18, and DOE F 5631.34; information in interviews and correspondence; information provided by individuals with whom the subjects are or were associated (e.g., colleagues, business associates, acquaintances, or relatives); information provided by Federal, State, local, and foreign investigatory or law enforcement agencies, and other government agencies; information provided by confidential sources; information provided by former employers, references named by the subjects, credit agencies, and educational institutions; pre-appointment investigative reports;

summaries of telephone calls; correspondence; public source materials; and information relating to criminal prosecutions, civil proceedings, and administrative actions taken with respect to the subjects.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 10450, as amended; Executive Order 12958; Executive Order 12968; Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011; Inspector General Act of 1978, as amended, 5 U.S.C. app.; 5 U.S.C. 301; and the Federal Records Act of 1950, as amended, 44 U.S.C. 3101.

**PURPOSE(S):**

The records contained in the system are used by the OIG to develop information on EPA employees, consultants, contractors, subcontractors, and applicants that will help EPA determine suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information. When records in this system reveal a violation or potential violation of law, such records are used by the OIG to meet the responsibilities of the Inspector General under the Inspector General Act of 1978, as amended, to conduct and supervise investigations relating to programs and operations of the EPA; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations. The records may be used to investigate individuals and entities suspected of having committed illegal or unethical acts. The records may be used in criminal prosecutions, civil proceedings, and administrative actions taken as a result of the findings of the investigation.

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

A record from the system of records may be disclosed, as a routine use:

a. To any source, private or public, to the extent necessary to secure from such source information relevant to a legitimate EPA investigation, audit, or other inquiry.

b. To the appropriate Federal, State, local, foreign, or international agency, if a record indicates, either by itself or in combination with other information, a violation or potential violation of law, whether criminal, civil, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, when that agency is charged with the responsibility of

investigating or prosecuting a violation, or of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

c. To a Federal, State, local, foreign, or international agency, or other public authority or professional organization, maintaining civil, criminal, or other relevant enforcement records or other pertinent records, such as current licenses, in order to obtain information relevant to an EPA investigation, audit, or other inquiry, or relevant to an EPA decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant, or other benefit, the establishment of a claim, or the initiation of criminal, civil, or administrative action.

d. To a Federal, State, local, foreign, or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity when the Department of Justice is representing or considering representation of the employee, or (4) the United States when EPA determines that the litigation is likely to affect EPA. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

f. To a Member of Congress who submits an inquiry on behalf of an individual, when the individual to whom the record pertains has authorized the Member of Congress in writing to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual who requested it.

g. To the Department of Justice for the purpose of obtaining its advice on Freedom of Information Act matters.

h. To the Office of Management and Budget for the purpose of obtaining its advice regarding EPA obligations under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, or in connection with the review of legislation.

i. In response to a subpoena issued by a Federal agency having the power to subpoena records of other Federal agencies.

j. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (1) EPA or any of its components, (2) an EPA employee in his or her official capacity, (3) an EPA employee in his or her individual capacity when the Department of Justice is representing or considering representation of the employee, or (4) the United States when EPA determines that the litigation is likely to affect EPA.

k. To the Department of the Treasury and the Department of Justice when EPA is seeking an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

l. To debt collection contractors for the purpose of collecting delinquent debts as authorized by law.

m. To a "consumer reporting agency," as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purpose of obtaining information in the course of an investigation.

n. To EPA contractors, assistance recipients, or volunteers who have been engaged to assist EPA in the performance of a contract, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

o. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

p. To a Federal agency responsible for considering debarment or suspension action if the record would be relevant to such action.

q. To a public or professional licensing organization if the record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the

moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

r. To an entity or person, public or private, when disclosure of the record is needed to enable the recipient of the record to take action to recover money or property of the EPA, when such recovery will accrue to the benefit of the United States, or when disclosure of the record is needed to enable the recipient of the record to take appropriate disciplinary action to maintain the integrity of EPA programs or operations.

s. To officers and employees of other Federal agencies for the purpose of quality assessments of the OIG's personnel security and suitability operations.

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

**STORAGE:**

The computerized reference is stored on computer hard disks and computer printout sheets. The hard copy files are stored in file folders. All records are stored under secure conditions, which are described in the Safeguards section.

**RETRIEVABILITY:**

Records in the computerized reference are retrieved by the social security number of the subject of a personnel security and suitability investigation. Records in the hard copy files are retrieved by the name of the subject of a personnel security and suitability investigation.

**SAFEGUARDS:**

Direct access is limited to authorized employees of the OIG, Office of Management, Personnel Security Staff. Additional access within EPA is limited to authorized employees on a need-to-know basis. All records, when not in the possession of an authorized employee, are stored in locked file cabinets or safes in a locked, alarmed central file room with restricted access. Classified records are safeguarded in accordance with Executive Order 12958 and Executive Order 12968.

**RETENTION AND DISPOSAL:**

Records are retained and disposed of in accordance with EPA Records Control Schedules, Inspector General Records, approved by the National Archives and Records Administration. Personnel security and suitability files are generally retained for 5 years after the separation or transfer of the employee and then destroyed.

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

Assistant Inspector General for Management, Office of Inspector General (2441), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

**NOTIFICATION PROCEDURES:**

See Exemption section of this notice. EPA claims that the system is exempt from this requirement to the extent that the system contains investigatory material compiled for law enforcement purposes. EPA also claims that the system is exempt from this requirement to the extent that the system contains classified information that has been properly classified under applicable statutes or executive orders. However, EPA has published rules that establish procedures for notifying an individual at his/her request if the system contains a record pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his/her records in this system. Requests for notification should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

**RECORD ACCESS PROCEDURES:**

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA has published rules that establish procedures for notifying an individual at his/her request how he/she can gain access to a record in this system pertaining to him/her because, under certain circumstances, it might be appropriate for an individual to have access to all or a portion of his/her records in this system. Requests for access should be made in writing to the System Manager in accordance with EPA's regulations at 40 CFR part 16.

**CONTESTING RECORD PROCEDURES:**

See Record Access Procedures section of this notice.

**RECORD SOURCE CATEGORIES:**

See Exemption section of this notice. EPA claims that the system is exempt from this requirement. However, EPA is publishing the following generic list of categories of sources of records in this system: The subjects of personnel security and suitability investigations; individuals with whom the subjects are or were associated (e.g., colleagues, business associates, acquaintances, or relatives); Federal, State, local, and foreign investigatory or law enforcement agencies; other government agencies; confidential sources; former employers; references named by the subjects; credit

agencies; educational institutions; and public source materials.

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

Under 5 U.S.C. 552a(k)(1), this system is exempt from the following provisions of the Privacy Act of 1974, as amended: 5 U.S.C. 552a (c)(3); (d); (e) (1), (4) (G), (H), and (I); and (f). Under 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a (c)(3); (d); (e) (1), (4) (G), (H), and (I); and (f). Under 5 U.S.C. 552a(k)(5), this system is exempt from the following provisions of the Privacy Act of 1974, as amended, subject to the limitations set forth in that subsection: 5 U.S.C. 552a (c)(3); (d); (e) (1), (4) (H) and (I); and (f) (2) through (5). These exemptions were published as regulations in the **Federal Register** in accordance with the requirements of 5 U.S.C. 553 (b) (1), (2), and (3), (c), and (e). For additional information, contact the System Manager.

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5887-9]

**Privacy Act of 1974: Systems of Records**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Amendment to notice of Privacy Act system of records.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to amend routine uses in an existing Privacy Act system of records, the "EPA Travel, Other Accounts Payable and Accounts Receivable Files. EPA/FMD, EPA-29" which was last published on January 10, 1992 at 57 FR 1182.

**EFFECTIVE DATES:** The proposed amendments will be effective without further notice October 15, 1997, unless comments received require a contrary determination.

**ADDRESSES:** Send written comments to: Al Demarcki, Systems Accountant, Financial Management Division, Financial Policies, Procedures and Compliance Branch, Environmental Protection Agency, 401 "M" Street SW (2733F), Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Al Demarcki, Systems Accountant, Financial Management Division, Financial Policies, Procedures and