

and any changes or additions to the General Provisions specified at 40 CFR part 63, subpart QQQ. In addition, owners and operators subject to the rule will be required to install and operate air emission controls and meet certain work practice standards. To demonstrate initial and continuous compliance with the rule requirements, affected owners and operators collect information to meet specific monitoring, inspection, recordkeeping, and reporting requirements in the final rule. Each respondent is required to submit to the EPA a one-time notification of applicability. The respondents perform an annual performance test for each control device used to comply with the standards and submit a report following the test. Between performance tests, the respondents are required to monitor selected operating parameters indicative of the control device performance and to maintain records of the monitoring results. The respondent prepares and submits semiannually.

**Burden Statement:** In the previously approved ICR, the estimated number of respondents for this information collection was six with 90 responses per year. The annual industry reporting and recordkeeping burden for this collection of information was 20,506 hours. On average, each respondent reported fourteen times per year and 228 hours were spent preparing each response. The total annualized cost was \$98,000, which was comprised of capital/startup costs of \$26,000 and operation and maintenance costs of \$72,000.

(5) NESHAP for Leather Finishing Operations (40 CFR part 63, subpart TTTT); EPA Preliminary ICR Number 1985.03; OMB Control Number 2060-0478; expiration date June 30, 2005.

**Affected Entities:** Sources potentially affected by this action are leather finishing operations.

**Abstract:** The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A and any changes or additions to the General Provisions specified at 40 CFR part 63, subpart TTTT. Owners or operators must submit a number of notifications and reports to demonstrate compliance with NESHAP. Each existing operation that is a major source must submit an initial notification. Any leather finishing operation that starts up after the proposal date but before promulgation must submit an initial notification, similar to the one submitted by existing sources. Each new or reconstructed source that starts up after promulgation must submit a series of notifications in addition to the initial notification which includes: notification of intent to construct or reconstruct and

notification of startup. Both new and existing sources must develop a plan for demonstrating compliance which specifies procedures to measure finish amounts used, hazardous air pollutant (HAP) content of finishes, and production levels for each operation. The plan for demonstrating compliance must be completed by the compliance date and kept on the site and available for inspection.

**Burden Statement:** In the previously approved ICR, the estimated number of respondents for this information collection was twelve with twelve responses per year. The annual industry reporting and recordkeeping burden for this collection of information was 485 hours. On average, each respondent reported one time per year and 40 hours were spent preparing each response. The responses were prepared annually. There are no capital/startup costs or operation and maintenance costs associated with continuous emission monitoring in the previous ICR.

Dated: September 1, 2004.

**Lisa Lund,**

*Acting Director, Office of Compliance.*

[FR Doc. 04-20676 Filed 9-13-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[OEI-2002-0009; FRL-7812-6]

**RIN-2025-AA13**

### Privacy Act of 1974 Republication of Exempted System 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 republish two exempt Privacy Act system of records.

**DATES:** Comments must be received on or before October 14, 2004. The proposed amendments will be effective upon publication of final regulations.

**ADDRESSES:** Submit your comments, identified by Docket ID No. OEI-2002-0009, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Agency Web site:* <http://www.epa.gov/edocket>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- *E-mail:* [oei.docket@epa.gov](mailto:oei.docket@epa.gov).

- *Fax:* 202 566-1753.

- *Mail:* Office of Environmental Information Docket, Environmental Protection Agency, (2822T), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- *Hand Delivery:* Public Reading Room, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. OEI-2002-0009. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.epa.gov/edocket>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through EDOCKET, <http://www.regulations.gov>, or e-mail. The EPA EDOCKET and the federal regulations.gov Web sites are "anonymous access" systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through EDOCKET or <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit EDOCKET on-line or see the **Federal Register** of May 31, 2002 (67 FR 38102). **Docket:** All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be

publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Office of Environmental Information Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m. EST, Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566-1752. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Office of Environmental Information Docket is (202) 566-1752.

**FOR FURTHER INFORMATION CONTACT:** Judy E. Hutt, PA Officer, Records, Privacy and FOIA Branch, Collection Strategies Division, Office of Information Collection, Office of Environmental Information (OEI), (2822T), EPA, 1200 Pennsylvania Ave, NW., Washington, DC 20460; Phone, (202) 566-1668; Fax, (202) 566-1639; [hutt.judy@epa.gov](mailto:hutt.judy@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

1. *Submitting CBI.* Do not submit this information to EPA through EDOCKET, <http://www.regulations.gov> or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

- Describe any assumptions and provide any technical information and/or data that you used.

- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

- Provide specific examples to illustrate your concerns, and suggest alternatives.

- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the comment period deadline identified.

**SUPPLEMENTARY INFORMATION:** These notices are being republished after the publishing of Agency rules.

Dated: September 3, 2004.

**Kimberly T. Nelson,**

*Assistant Administrator and Chief Information Officer.*

#### **EPA-17**

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

OCEFT Criminal Investigative Index and Files.

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

Criminal Investigation Division, Office of Criminal Enforcement, Forensics and Training, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20004. Records are also maintained in field offices of the OCEFT Criminal Investigation Division. See the appendix for addresses of field offices.

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

Subjects of investigations about whom data has been collected by criminal investigators of the Office of Criminal Enforcement, Forensics and Training, Criminal Investigation Division, and assembled in the form of investigative reports concerning violations of federal environmental statutes and regulations; persons who provide information and evidence that are used to substantiate environmental criminal violations are also covered by this system of records; OCEFT criminal investigators who participate in investigations.

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

1. Investigative Index. The computer-enhanced investigative index systems contain selected information from the criminal investigative files. Such information includes, but is not limited to, personal data (e.g., name, address, telephone number); prior/secondary residences; vehicle information; associated persons (name and role); driver's licenses/aliases; associated

companies (name and role); identifying numbers (number type, number and brief description); corporate data (company name, address, telephone number); corporate vehicle information; corporate identifying numbers; case information (e.g., case opened, date referred to EPA); criminal investigator comments; name and office of criminal investigator; dissemination information (e.g., which other agency requested the information); and other related investigative information.

2. Investigative Files. The investigative files contain all information relating to an investigative matter. In addition to the information contained in the computerized index system, the investigative files contain, but are not limited to, correspondence (case coordination reports, memos of conversation, and other records of communication relating to the investigation); interviews (witness interview statements generated by either an OCEFT/CID special agent or another agency or person); regulatory history (permits and reports generated as a result of normal program activity); technical support (program reports generated as a result of the investigation); investigative notes; electronic monitoring (reports requesting permission and use, transcripts of tapes); records checks (personal history, police information, fingerprint cards, photographs); property reports; property obtained and retained by OCEFT/CID including documents, personal property and physical evidence; manifests and other related investigative information.

3. Criminal Docket. The Criminal Docket is the computerized management information system for the Criminal Investigation Division, which reflects the activity and productivity of individual agents and each OCEFT/CID office. It is also the primary source for assembling statistical data for OCEFT/CID. There is no information contained in the Criminal Docket that is not also contained in the Criminal Investigative Index and Files. The Criminal Docket contains the OCEFT/CID case number, the case name, the most recent investigative or prosecutorial activity, the involved environmental media and environmental statutes, government employees involved in the investigation, case status and case closure codes. The case name may be either a company name or the name of a person that denotes the subject of the investigation. Authority for Maintenance of the System (includes any revisions or amendments): 18 U.S.C. 3063; Comprehensive Environmental Response, Compensation and Liability

Act, 42 U.S.C. 9603; Resource Conservation and Recovery Act, 42 U.S.C. 6928; Federal Water Pollution Control Act, 33 U.S.C. 1319, 1321; Toxic Substances Control Act, 15 U.S.C. 2614, 2615; Clean Air Act, 42 U.S.C. 7413; Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136j, 136l; Safe Drinking Water Act, 42 U.S.C. 300h-2, 300i-1; Noise Control Act of 1972, 42 U.S.C. 4912; Emergency Planning and Community Right-To-Know Act of 1986, 42 U.S.C. 11045; and the Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1415.

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

To support and further the investigation of persons or organizations alleged to have criminally violated any environmental statute or regulation. Criminal violations of other federal statutes may have occurred in conjunction with such environmental violations and, therefore, may also be within the scope of an OCEFT/CID investigation and may be included in the record system.

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

General Routine Uses A, C, D, E, F, G, H, and K apply to this system. Records may also be disclosed:

1. To a potential source of information to the extent necessary to elicit information or to obtain cooperation of that source in furtherance of an EPA criminal investigation.
2. To the Department of Justice for consultation about what information and records are required to be publicly released under federal law.
3. To a federal agency in response to a valid subpoena.
4. To Federal and state government agencies responsible for administering suspension and debarment programs.
5. To international law enforcement organizations if the information is relevant to a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the organization or a law enforcement agency that is a member of the organization.
6. To the news media and public unless it is determined that the release of the specific information in the context of a particular case would constitute an unwarranted invasion of privacy.
7. To any person if the EPA determines that compelling circumstances affecting human health, the environment, or property warrant the disclosure.
8. In connection with criminal prosecution or plea negotiations to the

extent that disclosure of the information is relevant and necessary to the prosecution or negotiation and except where court orders are otherwise required under section (b)(11) of the Privacy Act of 1974, 5 U.S.C. 552a(b)(11).

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

*Storage:* Hard copy files and computer databases.

*Retrievability:* Files are assigned a case file number and records are maintained in numerical order. Information on individuals may be retrieved through the computer index which can use, among other things, case titles, the names of individuals, organization names, driver's license numbers, vehicle or tag or vehicle identification numbers and other identifying numbers.

*Safeguards:* Computer records are maintained in a secure, password protected computer system. Paper records are maintained in lockable file cabinets. All records are maintained in secure, access-controlled areas or buildings. The index system also maintains a user log that identifies and records persons who access and use the system.

*Retention and Disposal:* The manner of Retention and Disposal of the computer index and files depends on how the information is used. The files and computerized data fall into one of three categories:

1. For cases investigated but not referred to the Department of Justice (DOJ) for criminal prosecution, files are retained in the applicable OCEFT/CID office for two years after the investigation is closed and then forwarded to the Federal Records Center (FRC) nearest the System Location for an additional three years. The FRC will normally destroy the files after three years.
2. For cases referred to DOJ but DOJ declines to prosecute, files are retained by the applicable OCEFT/CID office for five years after DOJ declines to prosecute and then retired to the FRC, where they are normally destroyed after five years.
3. For cases that become the subject of judicial action, files are retained by the applicable OCEFT/CID office for five years after completion of the judicial action and then forwarded to the FRC for an additional ten years of retention. The FRC normally destroys the case files after ten years.

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

Director, Criminal Investigations Division, Office of Criminal

Enforcement, Forensics and Training, Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue NW., Washington, DC 20004.

#### **NOTIFICATION PROCEDURES:**

Any individual who wants to know whether this system of records contains a record about him or her, who wants access to his or her record, or who wants to contest the contents of a record, should make a written request to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying document. Additional identification procedures may be required in some instances.

#### **ACCESS PROCEDURE:**

To the extent permitted under the Privacy Act of 1974, 5 U.S.C. 552a(j)(2) or (k)(2), this system has been exempted from the provisions of the Privacy Act of 1974 that permit access and correction. Exemptions from access may be complete or partial, depending on the particular exemption applicable. However, EPA may, in its discretion, grant individual requests for access and correction if it determines that the exercise of these rights will not interfere with an interest that the exemption is intended to protect.

#### **CONTESTING PROCEDURE:**

Requests for correction or amendment must identify the record to be changed and the corrective action sought. Complete EPA Privacy Act procedures are set out in 40 CFR part 16.

#### **RECORD SOURCE CATEGORIES:**

EPA employees and officials; employees of Federal contractors; employees of other Federal agencies and of State, local, tribal, and foreign agencies; witnesses; informants; public source materials, and other persons who may have information relevant to OCEFT/CID investigations.

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

Pursuant to 5 U.S.C. 552a(j)(2) this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3) and (4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5) and (e)(8); (f)(2) through (5); and (g). Pursuant to 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act, subject to the limitations set forth in that subsection: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f)(2) through (5).

**BJEPA-21****SYSTEM NAME:**

External Compliance Program  
Discrimination Complaint Files.

**SYSTEM LOCATION:**

Office of Civil Rights, Environmental  
Protection Agency, Ariel Rios Building,  
1200 Pennsylvania Avenue NW.,  
Washington, DC 20460.

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

Individuals who have filed, or had  
filed on their behalf, discrimination  
complaints against recipients of Federal  
financial assistance.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Letters or other documents initiating  
discrimination complaints,  
correspondence, internal memoranda  
and notes pertaining to the complaints;  
investigative reports and findings on the  
complaints; and related information  
concerning the complaints and  
investigations. A computerized case  
index includes cases by number,  
complainant (but not all complainants  
are identified because there are  
sometimes multiple complainants in a  
single case), and recipient.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM  
(INCLUDES ANY REVISIONS OR AMENDMENTS):**

Title VI of the Civil Rights Act of  
1964, 42 U.S.C. 2000d *et seq.*; Title IX  
of the Education Amendments of 1972,  
20 U.S.C. 1681 *et seq.*; Section 504 of  
the Rehabilitation Act of 1973, 29 U.S.C.  
794; Federal Water Pollution Control  
Act Amendments of 1972 (Pub. L. 92-  
500, section 13), 33 U.S.C. 1251 note;  
Title III of the Age Discrimination Act  
of 1975, 42 U.S.C. 6101 *et seq.*; Title  
VIII of the Federal Fair Housing Act (42  
U.S.C. 3601); Executive Orders 11246  
(Sept. 24, 1965), 12250 (Nov. 2, 1980)  
and 12892 (Jan. 17, 1994); 40 CFR part  
7.

**PURPOSE(S):**

This file system is maintained to  
support and further the discrimination  
complaint process, including the  
investigation and resolution of  
complaints, and to assure compliance  
with the nondiscrimination laws by  
recipients of Federal financial  
assistance.

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

General Routine Uses A, C, D, E, F, G,  
H, I, and K apply to this system. Records  
may also be disclosed:

1. To the Department of Justice or  
other Federal and State agencies when  
necessary to complete an investigation,

enforce the nondiscrimination statutes  
set forth in the Authority section of this  
Notice, or assure proper coordination  
between Federal agencies.

2. To persons named as alleged  
discriminating officials to allow such  
persons the opportunity to respond to  
the allegations of discrimination made  
against them during the course of the  
discrimination complaint process.

3. To any potential source of  
information when necessary to obtain  
information relevant to an OCR  
investigation of a discrimination  
complaint, but only to the extent  
necessary to inform the source of the  
Purpose(s) of the request and to identify  
the type of information requested.  
Policies and Practices for Storing,  
Retrieving, Accessing, Retaining, and  
Disposing of Records in the System:  
*Storage:* File folders. An index of  
cases is maintained on a computer  
database.

*Retrievability:* By name, case file  
number, or other characteristic.

*Safeguards:* Computer records are  
maintained in a secure, password  
protected computer system. Paper  
records are maintained in lockable file  
cabinets. All records are maintained in  
secure, access-controlled areas or  
buildings.

*Retention and Disposal:* The record  
schedule for these records is currently  
under review and will be submitted to  
the National Archives and Records  
Administration. Proposed retention:  
Files are retained in the office for one  
year after the final decision is written,  
sent to the Federal Records Center for  
nine years, then destroyed.

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

Associate Director, Complaints  
Resolution and External Compliance  
Staff, Office of Civil Rights,  
Environmental Protection Agency, Ariel  
Rios Building, 1200 Pennsylvania  
Avenue NW., Washington, DC 20460.

**NOTIFICATION PROCEDURES:**

Any individual who wants to know  
whether this system of records contains  
a record about him or her, who wants  
access to his or her record, or who  
wants to contest the contents of a  
record, should make a written request to  
the System Manager.

**ACCESS PROCEDURE:**

To the extent permitted under the  
Privacy Act of 1974, 5 U.S.C. 552a(k)(2),  
this system has been exempted from the  
provisions of the Privacy Act of 1974  
that permit access and correction.  
However, EPA may, in its discretion,  
fully grant individual requests for access  
and correction if it determines that the

exercise of these rights will not interfere  
with an interest that the exemption is  
intended to protect. The exemption  
from access is limited in some instances  
by law to information that would reveal  
the identity of a confidential source.  
Requesters will be required to provide  
adequate identification, such as a  
driver's license, employee identification  
card, or other identifying document.  
Additional identification procedures  
may be required in some instances.

**CONTESTING PROCEDURE:**

Requests for correction or amendment  
must identify the record to be changed  
and the corrective action sought.  
Complete EPA Privacy Act procedures  
are set out in 40 CFR part 16.

**RECORD SOURCE CATEGORIES:**

Complainants, recipients, witnesses,  
EPA investigators and/or contract  
investigators, other EPA personnel, and  
other persons with information relevant  
to the case.

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

Pursuant to 5 U.S.C. 552a(k)(2), this  
system is exempt from the following  
provisions of the Privacy Act of 1974,  
subject to the limitations set forth in  
that subsection: 5 U.S.C. 552a(c)(3), (d),  
and (e)(1).

[FR Doc. 04-20677 Filed 9-13-04; 8:45 am]

BILLING CODE 6560-50-P

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION****Sunshine Act Meeting**

**DATE AND TIME:** Friday, September 17,  
2004, 10 a.m. Eastern Time.

**PLACE:** Clarence M. Mitchell, Jr.  
Conference Room on the Ninth Floor of  
the EEOC Office Building, 1801 "L"  
Street, NW., Washington, DC 20507.

**STATUS:** The meeting will be open to the  
public.

**MATTERS TO BE CONSIDERED:****OPEN SESSION:**

1. Announcement of Notation Votes,  
and
2. Obligation of Funds for EEOC  
National Contact Center.

**Note:** In accordance with the Sunshine Act,  
this meeting will be open to public  
observation of the Commission's  
deliberations and voting. (In addition to  
publishing notices on EEOC Commission  
meetings in the **Federal Register**, the  
Commission also provides a recorded  
announcement a full week in advance on  
future Commission sessions.)

Please telephone (202) 663-7100  
(voice) and (202) 663-4074 (TTY) at any