

the other capacity is not reasonably available for short-term waste management. EPA has relied on similar criteria in providing nationwide variances under RCRA section 3004(h)(2). See 55 FR 22520.

## II. Petition

### A. Facility Summary

E.I. Du Pont de Nemours & Co., Inc., Orange, Texas has petitioned EPA to grant an additional extension of the effective date of the hazardous waste injection restrictions applicable to the following wastes: California listed waste, solvents less than one (1) percent solvent constituents and First Third wastes.

EPA is proposing to grant Dupont-Orange an additional extension of the August 8, 1990 effective date for the above referenced waste. Dupont's initial case-by-case extension will expire on August 7, 1991. Dupont-Orange's request and supporting documentation are available in the public docket for this rulemaking. Interested persons are invited to submit comments or written data on this petition. All comments will be considered by EPA and addressed in a Federal Register notice stating the Agency's final decision to grant or deny the petition.

### B. Description of Petitioning Facility

E.I. du Pont de Nemours & Co., Inc., is a chemical manufacturing company which operates five hazardous waste injection wells in Orange, Texas.

### C. Case-by-Case Extension Petition Demonstrations

The Dupont-Orange application for an extension of the effective date includes the following demonstrations:

- 40 CFR 268.5(a)(1)—Dupont has made a good faith effort on a nationwide basis to locate and contract for adequate alternative treatment, recovery, or disposal capacity, or to establish such capacity by the effective date of the applicable restrictions.
- 40 CFR 268.5(a)(2)—Dupont has entered into a binding contractual commitment to provide alternative treatment, recovery, or disposal capacity.
- 40 CFR 268.5(a)(3)—Dupont has shown that lack of alternative capacity is beyond its control.
- 40 CFR 268.5(a)(4)—Dupont has shown that there will be adequate alternative treatment, recovery, or disposal capacity for all the waste after the effective date established by the extension.
- 40 CFR 268.5(a)(5)—Dupont has provided a detailed schedule for obtaining alternative capacity, including dates.
- 40 CFR 268.5(a)(6)—Dupont has arranged for adequate capacity to manage the waste during the extension period.
- 40 CFR 268.5(a)(7)—The surface impoundments or landfills used by Dupont

to manage the waste during the extension period will meet the requirements of 40 CFR 268.5(h)(2).

## III. EPA's Proposed Action

For the reasons discussed above, the Agency believes that the Dupont demonstration has satisfied all the requirements for an additional case-by-case extension of the August 8, 1990, effect date of the hazardous waste injection restrictions.

Therefore, EPA is proposing to grant an additional extension of the August 8, 1990, effective date of the restrictions on these wastes for an additional three months. If the extension is granted, these wastes, which would not be prohibited from land disposal, could be injected over a three month period, starting from the effective date of the EPA's final decision on this case-by-case request but not later than November 7, 1991. If during the time frame of this case-by-case extension, a final decision of the applicant's no migration petition is made, then the case-by-case extension will expire.

The extension will remain in effect during the above time frame unless Dupont fails to make a good faith effort to meet the schedule for completion, or the Agency denies or revokes any required permit.

Dated: July 11, 1991.

**Myron O. Knudson,**

*Director, Waste Management Division (6W),  
EPA Region 6.*

[FR Doc. 91-17123 Filed 7-18-91; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL LABOR RELATIONS AUTHORITY

### Privacy Act of 1974; Establishment of a New System of Records

**AGENCY:** Federal Labor Relations Authority (FLRA).

**ACTION:** Notice of establishment of a new system of records under the Privacy Act.

**SUMMARY:** The FLRA is establishing a new system of records under the Privacy Act to consist of the investigatory files of the FLRA's Office of the Inspector General (OIG). The new system of records facilitates the OIG's ability to collect, maintain, use, and disclose information pertaining to individuals, thus helping to ensure that the OIG may efficiently and effectively perform its investigations and other authorized duties and activities. The FLRA published advance notice of the system of records on October 2, 1990 (55 FR 40237), and requested comments. No

public comments were received. However, on further consideration, the proposed system notice has been modified as discussed below.

**EFFECTIVE DATES:** July 19, 1991.

**FOR FURTHER INFORMATION CONTACT:** Paul D. Miller, Inspector General, FLRA, 500 C Street SW., Washington, DC 20424, (202) 382-6002.

**SUPPLEMENTARY INFORMATION:** As required by 5 U.S.C. 552a(e)(4), the FLRA is notifying the public of the establishment of a new system of records in the FLRA's Office of the Inspector General (OIG). This system is being established as part of the formal creation of an OIG within the FLRA by action dated March 24, 1989, and the appointment of the FLRA's Inspector General on September 25, 1989, under the authority of the 1988 amendments to the Inspector General Act of 1978. See Pub. L. No. 100-504, amending Pub. L. No. 95-452; 5 U.S.C. app. at 1184 (1988). Among the OIG's statutory duties are the prevention and detection of fraud, waste, and abuse relating to the agency's programs and operations, through the conduct of audits and investigations and the preparation of reports to the agency's Chairman and to Congress.

The system of records being established consists of investigatory files compiled and maintained by the OIG. Due to the law enforcement nature of these records, the system is exempt from certain provisions of the Privacy Act, including disclosure to individuals who are subjects of records in the system. See 5 U.S.C. 552a(j)(2) and (k)(2). The exempt status of the system is the subject of a companion final rule, published elsewhere in today's Federal Register, to amend the FLRA's Privacy Act regulations, 5 CFR part 2412.

The FLRA published advance notice of the system on October 2, 1990 (55 FR 40237). Although no comments from the public were received, certain modifications have been made to the system notice, principally to eliminate routine uses deemed unnecessary or inappropriate.

Proposed routine use 3 has been narrowed by deleting provision for release of information in connection with certain personnel matters (including hiring and retention), security clearances, and access to classified information. Disclosure of this information pursuant to routine use procedures does not appear necessary to the effective functioning of the OIG. Proposed routine uses 4 and 6 have been modified to eliminate designation of the FLRA itself as one of the routine use

recipients. Exception (b)(1) of the Privacy Act (5 U.S.C. 552a(b)(1)), permits intra-agency disclosure for official purposes. Proposed routine use 7, providing for disclosure of information to the National Archives and Records Administration, has been eliminated as unnecessary. Exception (b)(6) of the Privacy Act (5 U.S.C. 552a(b)(6)) provides for such disclosures. Finally, proposed routine use 11, providing for disclosure to a grand jury based upon a grand jury subpoena or a prosecution request, has been eliminated because of concerns about its validity. *Doe v. Stephens*, 851 F.2d 1457 (D.C. Cir. 1988). In addition, exception (b)(11) of the Privacy Act (5 U.S.C. 552a(b)(11)) permits disclosure pursuant to the order of a court of competent jurisdiction.

Accordingly, the FLRA is establishing the following system of records:

#### FLRA/OIG-1

##### SYSTEM NAME:

FLRA/OIG-1—Office of the Inspector General.  
Investigative Files.

##### SECURITY CLASSIFICATION:

Not applicable.

##### SYSTEM LOCATION:

Office of the Inspector General  
Federal Labor Relations Authority 500 C  
Street, SW, Washington, DC 20424

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

Subjects of OIG investigations relating to the programs and operations of the Federal Labor Relations Authority. Subject individuals include, but are not limited to, current and former employees; contractors, subcontractors, their agents or employees; and others whose actions affect the FLRA, its programs and operations.

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

Correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation and accompanying exhibits; documents, records, or copies obtained during the investigation; interview notes, investigative notes, staff working papers, draft materials, and other documents and records relating to the investigation; opening reports, progress reports, and closing reports; and other investigatory information or data relating to alleged or suspected criminal, civil, or administrative violations or

similar wrongdoing by subject individuals.

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

The Inspector General Act of 1978, Pub. L. No. 95-452, as amended by the Inspector General Act Amendments of 1988, Pub. L. No. 100-504, 5 U.S.C. app. at 1184 (1988).

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

In addition to the disclosure generally permitted under 5 U.S.C. 552a(b), these records or information in these records may specifically be disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified herein shall be construed to limit or waive any other routine use specified herein:

(1) To other agencies, offices, establishment, and authorities, whether Federal, state local, foreign, or self-regulatory (including, but not limited to, organizations such as professional associations or licensing boards), authorized or with the responsibility to investigate, litigate, prosecute, enforce, or implement a statute, rule, regulation, or order, where the record or information, by itself or in connection with other records or information,

(a) Indicates a violation or potential violation of law, whether criminal, civil, administrative, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, or;

(b) Indicates a violation or potential violation of a professional, licensing, or similar regulation, rule or order, or otherwise reflects on the qualifications or fitness of an individual licensed or seeking to be licensed;

(2) To any source, private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of a legitimate investigation or audit of the OIG;

(3) To agencies, offices, or establishments of the executive, legislative, or judicial branches of Federal, state, or local government where disclosure is requested in connection with the award of a contract or other determination relating to a government procurement, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decisions on the matter, including, but not limited to, disclosure to any Federal agency responsible for considering

suspension or debarment actions where such record would be germane to a determination of the propriety or necessity of such action, or disclosure to the United States General Accounting Office, the General Services Administration Board of Contract Appeals, or any other Federal contract board of appeals in cases relating to an agency procurement;

(4) To the Office of Personnel Management, the Office of Government Ethics, the Merit Systems Protection Board, the Office of the Special Counsel, or the Equal Employment Opportunity Commission, of records or portions thereof relevant and necessary to carrying out their authorized functions, such as, but not limited to, rendering advice requested by the OIG, investigations of alleged or prohibited personnel practices (including discriminatory practices), appeals before official agencies, offices, panels, boards, or courts, and authorized studies or reviews of civil service or merit systems or affirmative action programs;

(5) To independent auditors or other private firms with which the Office of Inspector General has contracted to carry out an independent audit or investigation or to analyze, collate, aggregate or other refined data collected in the system of records, subject to the requirement that such contractors shall maintain Privacy Act safeguards with respect to such records;

(6) To the Department of Justice and for disclosure by the Department of Justice or the FLRA,

(a) To the extent relevant and necessary in connection with litigation in proceedings before a court or other adjudicative body, where the government is a party to or has an interest in the litigation, and the litigation is likely to affect the agency or any component thereof, including where the agency, or an agency component, or an agency official or employee in his or her official capacity, or an individual agency official or employee whom the Department of Justice has agreed to represent, is a defendant, or

(b) For purposes of obtaining advice concerning the accessibility of a record or information under the Privacy Act or the Freedom of Information Act;

(7) To a congressional office from the record of a subject individual in response to an inquiry from the congressional office made at the request of that individual, but only to the extent that the record would be legally accessible to that individual;

(8) To any direct recipient of Federal funds, such as a contractor, where such record reflects serious inadequacies

with a recipient's personnel and disclosure of the record is for purposes of permitting a recipient to take corrective action beneficial to the government;

(9) To debt collection contractors for the purpose of collecting debts owed to the government as authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

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

**Storage:** The OIG Investigative Files consist of paper records maintained in file folders and data maintained on computer diskettes. The folders and diskettes are stored in file cabinets in the OIG.

**Retrievability:** The records are retrieved by the name of the subject of the investigation or by a unique control number assigned to each investigation.

**Safeguards:** Records are maintained in lockable metal file cabinets in lockable rooms. Access is restricted to individuals whose duties require access to the records. File cabinets and rooms are locked during non-duty hours.

**Retention and disposal:** The OIG Investigative Files are kept indefinitely.

**SYSTEM MANAGER AND ADDRESS:**

Inspector General, Federal Labor Relations Authority, 500 C Street, SW., Washington, DC 20424.

**NOTIFICATION PROCEDURE:**

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Solicitor, Federal Labor Relations Authority, 500 C Street, SW., Washington, DC 20424.

**RECORD ACCESS PROCEDURE:**

Same as above.

**CONTESTING RECORD PROCEDURE:**

Same as above.

**RECORD SOURCE CATEGORIES:**

Employees or other individuals on whom the record is maintained, non-target witnesses, FLRA and non-FLRA records, to the extent necessary to carry out OIG investigations authorized by the Inspector General Act of 1978, as amended, 5 U.S.C. app. at 1184 (1988).

**SYSTEM(S) EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:**

Pursuant to 5 U.S.C. 552a(j)(2), records in this system are exempt from the provisions of 5 U.S.C. 552a, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i), to the extent the system of

records relates in any way to the enforcement of criminal laws.

Pursuant to 5 U.S.C. 552a(k)(2), the system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f), to the extent the system of records consists of investigatory material compiled for law enforcement purposes, other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2).

These exemptions are set forth in the Authority's Privacy Act regulations, 5 CFR part 2412, as amended; see 5 CFR 2412.16.

Dated: July 15, 1991.

Solly J. Thomas, Jr.,

Executive Director.

[FR Doc. 91-17269 Filed 7-18-91; 8:45 am]

BILLING CODE 8727-01-M

**FEDERAL MARITIME COMMISSION**

**Brazil/U.S. Gulf Ports, et al.; Agreement(s) Filed**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 212-010320-023.

*Title:* Brazil/U.S. Gulf Ports Agreement.

*Parties:* Companhia de Navegacao Lloyd Brasileiro, Companhia Maritima Nacional, American Transport Lines, Inc., Empresa Lineas Maritimas Argentinas S.A., A. Bottacchi S.A. de Navegacion C.F.I.I.

*Synopsis:* The proposed amendment would delete provisions of the agreement which conflicted with the Commission's rules concerning notice and waiting period prior to the effectiveness of modifications to the agreement.

*Agreement No.:* 217-011323-001.

*Title:* Space Charter Agreement Between Sea-Land Service, Inc. and Ocean Express Lines, Inc.

*Parties:* Sea-Land Service, Inc., Ocean Express Lines, Inc.

*Synopsis:* The proposed amendment would expand the geographic scope of the agreement to include Jamaica, Haiti and the Dominican Republic.

By order of the Federal Maritime Commission.

Dated: July 15, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91-17193 Filed 7-18-91; 8:45 am]

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[Docket No. 91-30]

**Sea-Land Dominicana, S.A. and Sea-Land of Puerto Rico, Inc. v. Sea-Land Service, Inc.; Filing of Complaint and Assignment**

Notice is given that a complaint filed by Sea-Land Dominicana, S.A. ("SLD") and Sea-Land of Puerto Rico, Inc. ("Complainants") against Sea-Land Service, Inc. ("Respondent") was served July 15, 1991. Complainants allege that Respondent has violated sections 10 (b)(6), (b)(11), (b)(12) and (d)(1) of the Shipping Act of 1984, 46 U.S.C. app. 1709 (b)(6), (b)(11), (b)(12), and (d)(1), and sections 16 First and 18 of the Shipping Act, 1916, 46 U.S.C. app. 815 and 817, by paying commissions earned by SLD in Dominican Republic pesos vice U.S. dollars, even though charges for the freight services sold by SLD were paid in U.S. dollars, thereby contravening the applicable tariff while not paying any other such company in pesos, thus giving undue and unreasonable preference to SLD's competitors and Respondent's own sales force and eliminating competition in Respondent's attempts to purchase SLD.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by July 15, 1992, and the final decision of the