

long. 105°30'02" W.; to lat. 32°15'00" N., long. 105°42'02" W.; to lat. 32°15'00" N., long. 106°10'02" W.; to lat. 32°28'00" N., long. 106°02'00" W.; to lat. 32°27'00" N., long. 106°00'02" W.; to lat. 32°36'00" N., long. 106°00'00" W.; to lat. 32°45'00" N., long. 105°59'02" W.; to the point of beginning, excluding that airspace within a 2 NM radius of lat. 32°39'00" N., long. 105°41'00" W.; from the surface to 1,500' AGL and also excluding that airspace beginning at lat. 32°42'49" N., long. 105°48'11" W.; to lat. 32°41'00" N., long. 105°50'00" W.; to lat. 32°40'00" N., long. 105°48'00" W.; to lat. 32°41'48" N., long. 105°46'12" W.; to the point of beginning from the surface to 1,500' above the surface.

Designated altitudes. Surface to unlimited.

* * * * *

R-5103D McGregor, NM (Revoked)

* * * * *

Issued in Washington, DC, December 2, 2004.

Reginald C. Matthews,

Manager, Airspace and Rules.

[FR Doc. 04-27220 Filed 12-10-04; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 018-2004]

Privacy Act of 1974; Implementation

AGENCY: Criminal Division, Department of Justice.

ACTION: Final rule.

SUMMARY: The Criminal Division (CRM), Department of Justice (the Department), is exempting the Privacy Act system of records entitled "Organized Crime Drug Enforcement Task Force Fusion Center System," JUSTICE/CRM-028, from the subsections of the Privacy Act listed below, for the reasons set forth in the following text. The system of records was published in the **Federal Register** on October 18, 2004 (69 FR 61403).

DATES: *Effective Date:* This final rule is effective December 13, 2004.

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

SUPPLEMENTARY INFORMATION: The Department is exempting "Organized Crime Drug Enforcement Task Force Fusion Center System," JUSTICE/CRM-028, from 5 U.S.C. 552a(c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (5), and (8); and (g), pursuant to the provisions of 5 U.S.C. 552a(j) and/or (k).

On October 18, 2004 (69 FR 61323), a proposed rule was published in the **Federal Register** with an invitation to comment. No comments were received.

This order relates to individuals rather than small business entities.

Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, this order will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 16

Administrative Practices and Procedures, Courts, Freedom of Information, Sunshine Act and Privacy.

■ Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, amend 28 CFR part 16 as follows:

PART 16—[AMENDED]

■ 1. The authority citation for Part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), and 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717 and 9701.

■ 2. Section 16.91 is amended by adding paragraphs (u) and (v) as follows:

§ 16.91 Exemption of Criminal Division Systems—limited access, as indicated.

* * * * *

(u) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j) and/or (k) from subsections (c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (5), and (8); and (g) of 5 U.S.C. 552a: Organized Crime Drug Enforcement Task Force Fusion Center System (JUSTICE/CRM-028). These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) and/or (k).

(v) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because to provide the subject with an accounting of disclosures of records in this system could inform that individual of the existence, nature, or scope of an actual or potential law enforcement or counterintelligence investigation by the Organized Crime Drug Enforcement Task Force Fusion Center or the recipient agency, and could permit that individual to take measures to avoid detection or apprehension, to learn the identity of witnesses and informants, or to destroy evidence, and would therefore present a serious impediment to law enforcement or counterintelligence efforts. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record. Moreover, release of an accounting may reveal information that is properly classified pursuant to Executive Order 12958 (or successor or prior Executive Order) or a statute and

could compromise the national defense or foreign policy.

(2) From subsection (c)(4) because this subsection is inapplicable to the extent that an exemption is being claimed for subsection (d)(1), (2), (3), and (4).

(3) From subsection (d)(1) because disclosure of records in the system could alert the subject of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation, of the nature and scope of the information and evidence obtained as to his activities, of the identity of confidential witnesses and informants, of the investigative interest of Organized Crime Drug Enforcement Task Force Fusion Center and other intelligence or law enforcement agencies (including those responsible for civil proceedings related to laws against drug trafficking or related financial crimes); lead to the destruction of evidence, improper influencing of witnesses, fabrication of testimony, and/or flight of the subject; reveal the details of a sensitive investigative or intelligence technique, or the identity of a confidential source; or otherwise impede, compromise, or interfere with investigative efforts and other related law enforcement and/or intelligence activities. In addition, disclosure could invade the privacy of third parties and/or endanger the life, health, and physical safety of law enforcement personnel, confidential informants, witnesses, and potential crime victims. Access to records could also result in the release of information properly classified pursuant to Executive Order 12958 (or successor or prior Executive Order) or by statute, thereby compromising the national defense or foreign policy.

(4) From subsection (d)(2) because amendment of the records thought to be incorrect, irrelevant, or untimely would also interfere with ongoing investigations, criminal or civil law enforcement proceedings, and other law enforcement activities and impose an impossible administrative burden by requiring investigations, analyses, and reports to be continuously reinvestigated and revised.

(5) From subsections (d)(3) and (4) because these subsections are inapplicable to the extent exemption is claimed from (d)(1) and (2).

(6) From subsection (e)(1) because, in the course of its acquisition, collation, and analysis of information under the statutory authority granted to it, the Organized Crime Drug Enforcement Task Force Fusion Center will occasionally obtain information concerning actual or potential violations of law that are not strictly within its statutory or other authority or may

compile information in the course of an investigation which may not be relevant to a specific prosecution. It is impossible to determine in advance what information collected during an investigation will be important or crucial to the apprehension of fugitives. In the interests of effective law enforcement, it is necessary to retain such information in this system of records because it can aid in establishing patterns of criminal activity and can provide valuable leads for federal and other law enforcement agencies. This consideration applies equally to information acquired from, or collated or analyzed for, both law enforcement agencies and agencies of the U.S. foreign intelligence community and military community.

(7) From subsection (e)(2) because in a criminal, civil, or regulatory investigation, prosecution, or proceeding, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation, prosecution, or proceeding would be placed on notice as to the existence and nature of the investigation, prosecution, and proceeding and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Moreover, thorough and effective investigation and prosecution may require seeking information from a number of different sources.

(8) From subsection (e)(3) (to the extent applicable) because the requirement that individuals supplying information be provided a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants and endanger their lives, health, and physical safety. The individual could seriously interfere with undercover investigative techniques and could take appropriate steps to evade the investigation or flee a specific area.

(9) From subsection (e)(5) because the acquisition, collation, and analysis of information for law enforcement purposes from various agencies does not permit a determination in advance or a prediction of what information will be matched with other information and thus whether it is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation

brings new details to light and the accuracy of such information can often only be determined in a court of law. The restrictions imposed by subsection (e)(5) would restrict the ability of trained investigators, intelligence analysts, and government attorneys to exercise their judgment in collating and analyzing information and would impede the development of criminal or other intelligence necessary for effective law enforcement.

(10) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement by revealing investigative techniques, procedures, evidence, or interest and interfering with the ability to issue warrants or subpoenas, and could give persons sufficient warning to evade investigative efforts.

(11) From subsection (g) because this subsection is inapplicable to the extent that the system is exempt from other specific subsections of the Privacy Act.

(12) In addition, exemption is claimed for this system of records from compliance with the following provisions of 5 U.S.C. 552a pursuant to the provisions of 5 U.S.C. 552a(k): subsections (c)(3), (d), (e)(1), to the extent that the records contained in this system are specifically authorized to be kept secret in the interests of national defense and foreign policy.

Dated: December 6, 2004.

Paul R. Corts,

Assistant Attorney General for Administration.

[FR Doc. 04-27237 Filed 12-10-04; 8:45 am]

BILLING CODE 4410-14-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA155-5081; FRL-7847-4]

Approval and Promulgation of Air Quality Implementation Plans; Virginia NO_x RACT Determinations for Two Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia (Virginia or the Commonwealth). The revisions consist of reasonably available control technology (RACT) determinations for the control of nitrogen oxides (NO_x) from two individual sources located in

Fairfax County, Virginia; namely, the Central Intelligence Agency (CIA), and the National Reconnaissance Office (NRO). EPA is approving these revisions to establish and impose RACT requirements in accordance with the Clean Air Act (CAA).

DATES: *Effective Date:* This final rule is effective on January 12, 2005.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814-2182, or by e-mail at quinto.rose@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On April 19 and 21, 2004, the Virginia Department of Quality (DEQ) submitted formal SIP revisions to establish RACT for two individual sources of NO_x located in Fairfax County, Virginia. The Virginia DEQ determined and imposed RACT under the Commonwealth's SIP-approved generic NO_x RACT regulations, 9 VAC 5-40-310 and 9 VAC 5-40-311. Generic RACT regulations are regulations that do not, themselves, specifically define RACT for a source or source category but instead establish procedures for imposing case-by-case RACT determinations. The Commonwealth's SIP-approved generic NO_x RACT regulations consist of the procedures DEQ uses to establish and impose RACT for subject sources of NO_x. Pursuant to the SIP-approved generic RACT rules, DEQ imposes RACT on each subject source in an enforceable document, usually a permit or order. The Commonwealth then submits these permits or orders to EPA for approval as source-specific SIP revisions. EPA approved Virginia's generic NO_x RACT regulations on April 28, 1999 (64 FR 22792).

On September 9, 2004 (69 FR 54574), EPA published a direct final rule (DFR) approving as SIP revisions DEQ-issued operating permits which establish and require RACT for the CIA (Operating Permit Registration No. 71757), and the NRO (Operating Permit Registration No. 71988). A detailed description of the RACT determinations and EPA's rationale for approving them were provided in the September 9, 2004 DFR and will not be restated herein. In accordance with direct final rulemaking procedures, on September 9, 2004 (69