

Rulemaking Procedure

Based on Mr. McMillan's petition, ATF published a notice of proposed rulemaking, Notice No. 571, in the *Federal Register* of October 10, 1985, at 50 FR 41364, to request comments concerning this proposed revision of the Temecula viticultural area boundary. In response to Notice No. 571, ATF received one comment, supporting the proposal, from Callaway Vineyard & Winery, Temecula, California. Based on the foregoing, the revision of the boundary of the Temecula Viticultural Area is adopted as proposed.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a major rule since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is John A. Linthicum, FAA, Wine, and

Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural area, Wine.

Authority and Issuance**PART 9—[AMENDED]**

27 CFR Part 9, *American Viticultural Areas*, is amended as follows:

¶ 1. The statutory authority for 27 CFR Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

¶ 2. Section 9.50 is amended by revising paragraphs (c)(23) and (c)(24) and by adding paragraphs (c)(25), (c)(26), and (c)(27), to read as follows:

§ 9.50 Temecula.

* * * * *

(c) * * *

(22) * * *

(23) The boundary proceeds northwesterly along the westernmost branches of Murrieta Creek to its intersection with Hayes Avenue, northwest of Murrieta, California.

(24) The boundary follows Hayes Avenue northwesterly, approximately 4,000 feet, to its terminus at an unnamed, unimproved, fair or dry weather road.

(25) The boundary follows this road southwesterly to Murrieta Creek.

(26) The boundary proceeds northwesterly along the westernmost branches of Murrieta Creek to its intersection with Orange Street in Wildomar, California.

(27) From the intersection of Murrieta Creek and Orange Street in Wildomar, California, the boundary proceeds in a straight line to the beginning point.

Signed: December 5, 1985.

Stephen E. Higgins,
Director.

Approved: December 18, 1985.

Edward T. Stevenson,
Deputy Assistant Secretary (Operations).
[FR Doc. 86-325 Filed 1-7-86; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF JUSTICE**28 CFR Part 16**

[AAG/A Order No. 31-85]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On September 12, 1985, the Department of Justice issued proposed regulations to amend Title 28 of the Code of Federal Regulations, Part 16, to exempt a new system of records entitled the "General Files System of the Office of the Attorney General (JUSTICE/OAG-001)" from subsections (c) (3) and (4); (d); (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5), and (g) of the Privacy Act, 5 U.S.C. 552a. The records contained in this system relate to official investigations and to internal policy decisions. The exemption is needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations.

DATE: This rule will be effective on or before January 8, 1986.

ADDRESS: J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, United States Department of Justice, Room 9002, 601 D Street, NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202) 272-6474.

SUPPLEMENTARY INFORMATION: The notice of the proposed rule with invitation to comment was published in the *Federal Register* on September 12, 1985 (50 FR 37232). The public was given 60 days to comment; however, 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, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

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, 28 CFR Part 16 is amended to add § 16.70 as set forth below.

Dated: December 4, 1985.

W. Lawrence Wallace,
Assistant Attorney General for
Administration.

PART 16—[AMENDED]

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

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. 28 CFR Part 16 is amended by adding § 16.70 to read as follows:

§ 16.70 Exemption of the Office of the Attorney General System—limited access.

(a) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4); (d); (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5); and (g):

(1) General Files System of the Office of the Attorney General (JUSTICE/OAG-001).

These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), (k)(2), and (k)(5).

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

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her would reveal investigative interest on the part of the Department of Justice as well as the recipient agency. This would permit record subjects to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid inquiries or apprehension by law enforcement personnel.

(2) From subsection (c)(4) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(3) From subsection (d) because the records contained in this system relate to official Federal investigations. Individual access to these records might compromise ongoing investigations, reveal confidential informants or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) From subsections (e) (1) and (5) because in the course of law enforcement investigations, information may occasionally be obtained or introduced the accuracy of which is unclear or which is not strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of criminal activity. Moreover, it would impede the specific investigative process if it were necessary to assure the relevance, accuracy, timeliness and completeness of all information obtained.

(5) From subsection (e)(2) because in a law enforcement investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be informed of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations of duties.

(6) From subsection (e)(3) because to comply with the requirements of this subsection during the course of an investigation could impede the information gathering process, thus hampering the investigation.

(7) From subsections (e)(4) (G) and (H) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(8) From subsection (g) because this system is exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

[FR Doc. 86-351 Filed 1-7-86; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 16

[AAG/A Order No. 32-85]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On September 12, 1985, the Department of Justice issued proposed regulations to amend Title 28 of the Code of Federal Regulations, Part 16, to exempt two systems from subsections (c)(3) and (4); (d); (e)(1), (2) and (3), (e)(4) (G) and (H), (e)(5); and (g) of the Privacy Act, 5 U.S.C. 552a. They are the "General Files System of the Office of the Associate Attorney General (JUSTICE/AAG-001)" and the "Drug Enforcement Task Force Evaluation and Reporting System of the Office of Associate Attorney General (JUSTICE/AAG-002)." Records contained in these systems relate to official investigations and to internal policy decisions. The exemptions are needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations.

DATE: This rule will be effective on or before January 8, 1986.

ADDRESS: J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division,

United States Department of Justice, Room 9002, 601 D Street, NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202) 272-6474.

SUPPLEMENTARY INFORMATION: The notice of the proposed rule with invitation to comment was published in the *Federal Register* on September 12, 1985 (50 FR 37235). The public was given 60 days to comment; however, 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, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

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, 28 CFR Part 16 is amended to add § 16.72 as set forth below.

Dated: December 4, 1985.

W. Lawrence Wallace,
Assistant Attorney General for
Administration.

PART 16—[AMENDED]

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

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. 28 CFR Part 16 is amended by adding § 16.72 to read as follows:

§ 16.72 Exemption of Office of the Associate Attorney General System—limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c) (3) and (4); (d); (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5); and (g):

(1) General Files System of the Office of the Associate Attorney General (JUSTICE/AAG-001).

(2) Drug Enforcement Task Force Evaluation and Reporting System of the Office of the Associate Attorney General (JUSTICE/AAG-002).

The exemptions for the General Files System apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), (k)(2), and (k)(5). The exemptions for the Task Force System apply only to the extent that information in the system is subject to exemption

pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

(b) Exemption from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her would reveal investigative interest on the part of the Department of Justice as well as the recipient agency. This would permit record subjects to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid inquiries or apprehension by law enforcement personnel.

(2) From subsection (c)(4) because these systems are exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(3) From subsection (d) because the records contained in these systems relate to official Federal investigations. Individual access to these records might compromise ongoing investigations, reveal confidential informants, or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) From subsections (e) (1) and (5) because in the course of law enforcement investigations, information may occasionally be obtained or introduced the accuracy of which is unclear or which is not strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of criminal activity. Moreover, it would impede the specific investigative process if it were necessary to assure the relevance, accuracy, timeliness, and completeness of all information obtained.

(5) From subsection (e)(2) because in a law enforcement investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be informed of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations of duties.

(6) From subsection (e)(3) because to comply with the requirements of this subsection during the course of an

investigation could impede the information gathering process, thus hampering the investigation.

(7) From subsections (e)(4) (G) and (H) because these systems are exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(8) From subsection (g) because these systems are exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

[FR Doc. 86-352 Filed 1-7-86; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 16

[AAG/A Order No. 33-85]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On September 12, 1985, the Department of Justice issued proposed regulations to amend Title 28 of the Code of Federal Regulations, Part 16, to revise 28 CFR 16.71 by redesignating certain systems of records to accomplish consistency with reorganizations and by making necessary editorial changes. The changes were made to achieve clarity and consistency for the public. The Department also proposed to exempt two systems of records from certain Privacy Act provisions. The "General Files System of the Office of the Deputy Attorney General (JUSTICE/DAG-013)" is exempted from subsections (c)(3) and (4); (d); (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5), and (g) of the Privacy Act, 5 U.S.C. 552a. The records contained in this system relate to official investigations and to major policy issues. The exemption is needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations. The "Miscellaneous Attorney Personnel Records System (JUSTICE/DAG-011)" is exempted from subsections (d)(1) and (e)(1) of the Privacy Act. The exemption is needed to protect the identities of confidential sources and to ensure the unhampered collection of information for investigative and evaluative purposes concerning the subject's candidacy for the position of attorney.

DATE: This rule will be effective on or before January 8, 1986.

ADDRESS: J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, United States Department of Justice,

Room 9002, 601 D Street, NW, Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202) 272-6474.

SUPPLEMENTARY INFORMATION: The Office of the Deputy Attorney General (ODAG) has revised paragraph (a) of § 16.71 to remove a system and to correct other system number identifiers so that they are consistent with a reorganization of functions and with the respective system notices as currently published in the *Federal Register* (45 FR 60303). By Attorney General Order No. 945-81, dated May 26, 1981, the management roles of the Deputy Attorney General and the Associate Attorney General were restructured, and the Office of Legal Policy (OLP) was established. As a result, a system of records now identified as "United States Judges Records System (JUSTICE/DAG-014)" has been removed from § 16.71(a) and redesignated under a new section, § 16.73, as "United States Judges Records System (JUSTICE/OLP-002);" and other system number identifiers in this section are renumbered. In addition, the ODAG has revised paragraph (a) to exempt a system of records entitled "Miscellaneous Attorney Personnel Records System (JUSTICE/DAG-011)" from certain Privacy Act provisions. This system was last published in the *Federal Register* on December 9, 1981 (46 FR 60310). Finally, the ODAG has added a new paragraph (c) to exempt the "General Files System of the Office of Deputy Attorney General (JUSTICE/DAG-013)" from certain provisions of the Act. The notice of the proposed rule with invitation to comment was published in the *Federal Register* on September 12, 1985 (50 FR 37233). The public was given 60 days to comment; however, 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, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

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, 28 CFR 16.71 is revised as set forth below.