

**DEPARTMENT OF THE TREASURY**

**Office of the Secretary**

**31 CFR Part 1**

RIN 1505-AC32

**Privacy Act; Implementation**

**AGENCY:** Office of the Secretary, Treasury.

**ACTION:** Correcting amendments.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury is issuing a correction to the amendment of its Privacy Act regulations due to inadvertently omitting an exempt system of records from this part.

**DATES:** *Effective Date:* September 28, 2012.

**FOR FURTHER INFORMATION CONTACT:** Brian Anderson, Privacy Act Officer, Department of the Treasury, at 202-622-0755, or by email at [Privacy@Treasury.gov](mailto:Privacy@Treasury.gov).

**SUPPLEMENTARY INFORMATION:** On May 15, 2012, the Department of the Treasury issued a final rule revising 31 CFR 1.36 to reflect the transition, in 2003, of the United States Customs Service, the Federal Law Enforcement Training Center, and United States Secret Service from the Department of the Treasury to the Department of Homeland Security. In addition, the amendments reflect the 2003 transfer of certain functions of the Bureau of Alcohol, Tobacco and Firearms (ATF) to the Department of Justice, and the remaining functions reorganized as the Alcohol and Tobacco Tax and Trade Bureau (TTB) within the Department of the Treasury, as well as other housekeeping changes. The final rule was effective upon publication.

The Department found that one system of records for which an exemption pursuant to 5 U.S.C. 552a(j)(2) is claimed had inadvertently been omitted from the list of systems of records in the table found in section (c)(1)(ii). The proposed rule for the exempt system of records was published on January 14, 2010, beginning at 75 FR 2086. The final rule exempting Treasury/DO .220—SIGTARP Hotline Database was published on June 28, 2010, at 75 FR 36536.

This regulation is being published as a final rule because the amendments do not impose any requirements on any member of the public. These amendments are the most efficient means for the Treasury Department to

implement its internal requirements for complying with the Privacy Act.

Accordingly, pursuant to 5 U.S.C. 553(b)(B) and (d)(3), the Department of the Treasury finds good cause that prior notice and other public procedures with respect to this rule are unnecessary, and good cause for making this final rule effective on the date of publication in the **Federal Register**.

Pursuant to Executive Order 12866, it has been determined that this final rule is not a significant regulatory action, and therefore, does not require a regulatory impact analysis.

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612, do not apply.

**List of Subjects in 31 CFR Part 1**

Privacy.

Part 1 of title 31 of the Code of Federal Regulations is amended as follows:

**PART 1—[AMENDED]**

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

**Authority:** 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552 as amended. Subpart C also issued under 5 U.S.C. 552a.

■ 2. In § 1.36, paragraph (c)(1)(ii) is amended by adding a new entry “DO .220—SIGTARP Hotline Database” to the table in numerical order to read as follows:

**§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.**

Number	System name
* * * * *	
(c) * * *	
(1) * * *	
(ii) * * *	
* * * * *	
DO.220 .....	SIGTARP Hotline Database.
* * * * *	
* * * * *	

Dated: September 24, 2012.

**Melissa Hartman,**  
Deputy Assistant Secretary for Privacy,  
Transparency, and Records.

[FR Doc. 2012-23837 Filed 9-27-12; 8:45 am]

**BILLING CODE 4810-25-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[Docket Number USCG-2012-0452]

RIN 1625-AA08

**Special Local Regulation Clearwater Super Boat National Championship Race, Gulf of Mexico; Clearwater, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing special local regulations on the waters of the Gulf of Mexico in the vicinity of Clearwater, Florida during the Clearwater Super Boat National Championship Race. The race is scheduled to take place on Sunday, September 30, 2012 from 10 a.m. to 4 p.m. Approximately 35 boats ranging in length from 24 feet to 50 feet traveling at speeds in excess of 100 miles per hour are expected to participate. Additionally, it is anticipated that 400 spectators will be present along the race course. The special local regulation is necessary to protect the safety of race participants, participant vessels, spectators, and the general public on the navigable waters of the United States during the event. The special local regulation will temporarily restrict vessel traffic in the waters of the Gulf of Mexico in the vicinity of Clearwater, Florida. The special local regulation will establish the following three areas: a race area, where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; a buffer zone around the race area, where all persons and vessels, except those persons and vessels enforcing the buffer zone, are prohibited from entering, transiting through, anchoring in, or remaining within; and a spectator area, where all vessels must be anchored or operate at No Wake Speed.

**DATES:** This rule is effective on September 30, 2012 from 9:30 a.m. to 4:30 p.m.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG-2012-0452. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the

Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary final rule, call or email Marine Science Technician First Class Nolan L. Ammons, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228-2191, email *D07-SMB-Tampa-WWM@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

**Table of Acronyms**

DHS Department of Homeland Security  
FR **Federal Register**  
NPRM Notice of Proposed Rulemaking

**A. Regulatory History and Information**

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because due to the extended time required to address the associated safety concerns of high speed boat races and the need to de-conflict other marine events being held in the area, additional time was required to coordinate the necessary safety parameters and interagency participation required to adequately patrol the event. As a result, the Coast Guard did not have sufficient time to publish an NPRM and to receive public comments prior to the event. Any delay in the effective date of this rule may result in its failure to be in effect during the event in question and would be contrary to the public interest because immediate action is needed to minimize potential danger to the public during this event.

For the same reason discussed above, under 5 U.S.C. 553(d)(3) the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

**B. Basis and Purpose**

The legal basis for the rule is the Coast Guard’s authority to establish special local regulations: 33 U.S.C. 1233. This rule is to provide for the safety of life on navigable waters of the United States during the Clearwater Super Boat National Championship Race.

**C. Discussion of Rule**

On Sunday, September 30, 2012, Super Boat International Production, Inc. is sponsoring the Clearwater Super Boat National Championship Race, a series of high speed boat races. The races will be held on the waters of the Gulf of Mexico in Clearwater, Florida. Approximately 35 high speed power boats are anticipated to participate in the races. It is anticipated that approximately 400 spectator vessels will be present during the races.

The rule will establish a special local regulation that will encompass certain waters of the Gulf of Mexico in Clearwater, Florida. The special local regulations will be enforced from 9:30 a.m. until 4:30 p.m. on September 30, 2012. The special local regulations will establish the following three areas: (1) A race area, where all persons and vessels, except those persons and vessels participating in the high speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; (2) a buffer zone around the race area, where all persons and vessels, except those persons and vessels enforcing the buffer zone, are prohibited from entering, transiting through, anchoring in, or remaining within; and (3) a spectator area, where all vessels must be anchored or operate at a No Wake Speed.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the race area or buffer zone, or spectator area by contacting the Captain of the Port St. Petersburg by telephone at (727) 824-7524, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the race area or buffer zone is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative. The Coast Guard will provide notice of the special local regulations by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

**D. Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes or executive orders.

*1. Regulatory Planning and Review*

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this rule is not significant for the following reasons: (1) The special local regulations will be enforced for only seven hours; (2) although persons and vessels are prohibited to enter, transit through, anchor in, or remain within the race area and buffer zone without authorization from the Captain of the Port St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the race area and buffer zone, or anchor in the spectator area, during the enforcement period if authorized by the Captain of the Port St. Petersburg or a designated representative; and (4) the Coast Guard will provide advance notification of the special local regulations to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

*2. Impact on Small Entities*

The Regulatory Flexibility Act (5 U.S.C. 601-612), as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit

through, anchor in, or remain within that portion of the Gulf of Mexico in Clearwater, Florida, encompassed within the special local regulations from 9:30 a.m. until 4:30 p.m. on September 30, 2012. For the reasons discussed in the Regulatory Planning and Review section above, namely, the safety zone is only in effect for seven hours and traffic may pass through the zone with the permission of the Captain of the Port or a designated representative, and is free to transit around the zone, therefore this rule will not have a significant economic impact on a substantial number of small entities.

### 3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

### 4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### 5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

### 6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

### 7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### 8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### 9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### 10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

### 11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### 12. Energy Effects

This action is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations

That Significantly Affect Energy Supply, Distribution, or Use.

### 13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### 14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves special local regulations issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph (34)(h) and (35)(b) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35T07–0452 to read as follows:

#### § 100.35T07–0452 Special Local Regulations, Clearwater Super Boat National Championship Race, Gulf of Mexico; Clearwater, FL.

(a) *Regulated Areas.* The following regulated areas are established as special local regulations. All coordinates are North American Datum 1983.

(1) *Race Area.* All waters of the Gulf of Mexico contained within an imaginary line connecting the following points: Starting at Point 1 in position 27°58′38.34″ N, 82°50′08.09″ W; thence

southeast to Point 2 in position 27°58'36.12" N, 82°50'02.70" W; thence north to Point 3 in position 28°00'25.92" N, 82°50'01.26" W; thence northwest to Point 4 in position 28°00'26.76" N, 82°50'07.91" W; thence south back to origin. All persons and vessels, except those persons and vessels participating in the high speed boat race, are prohibited from entering, transiting through, anchoring in, or remaining within the race area.

(2) *Buffer Zone.* All waters of the Gulf of Mexico encompassed within an imaginary line connecting the following points: Starting at Point 1 in position 28°00'35" N, 82°50'14" W; thence southeast to Point 2 in position 28°00'29" N, 82°49'43" W; thence south to Point 3 in position 27°58'21" N, 82°49'52" W thence northwest to point 4 in position 27°58'30" N, 82°50'13" W; thence north back to origin. All persons and vessels except those persons and vessels enforcing the buffer zone are prohibited from entering, transiting through, anchoring in, or remaining within the buffer zone.

(3) *Spectator Area.* All waters of Gulf of Mexico excluding the race areas and buffer zone, enclosed around an area connected by imaginary lines at the following points: Starting at Point 1 in position 27°58'36.12" N, 82°50'13.61" W; thence north to Point 2 in position 28°00'28.14" N, 82°50'14.27" W; thence northwest to Point 3 in position 28°00'29.75" N, 82°50'22.57" W; thence south to point 4 in position 27°58'35.17" N, 82°50'22.37" W; thence east back to origin. All vessels are to be anchored and/or operate at a No Wake Speed in the spectator area. On-scene designated

representatives will direct spectator vessels to the spectator area.

(b) *Definition.* The term "designated representative" means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations.*

(1) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the Captain of the Port St. Petersburg by telephone at (727) 824-7524, or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

(2) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule is effective from 9:30 a.m. until 4:30 p.m. on September 30, 2012.

Dated: September 12, 2012.

**S.L. Dickinson,**

*Captain, U.S. Coast Guard, Captain of the Port.*

[FR Doc. 2012-23926 Filed 9-27-12; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2012-0905]

**Safety Zone; Fireworks Event in Captain of the Port New York Zone**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a safety zone in the Captain of the Port New York Zone on the specified date and time. This action is necessary to ensure the safety of vessels and spectators from hazards associated with fireworks displays. During the enforcement period, no person or vessel may enter the safety zone without permission of the Captain of the Port (COTP).

**DATES:** The regulation for the safety zone described in 33 CFR 165.160 will be enforced on October 9, 2012 as listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Ensign Kimberly Beisner, Coast Guard; telephone 718-354-4163, email [Kimberly.A.Beisner@uscg.mil](mailto:Kimberly.A.Beisner@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone listed in 33 CFR 165.160 on the specified date and time as indicated in Table 1 below. This regulation was published in the **Federal Register** on November 9, 2011 (76 FR 69614).

TABLE 1

<p>1. KISS Military Tribute ..... Pier 84, Hudson River Safety Zone 33 CFR 165.160(5.9)</p>	<ul style="list-style-type: none"> <li>• Launch site: A barge located in approximate position 40°45'56.9" N, 074°00'25.4" W (NAD 1983), approximately 380 yards west of Pier 84, Manhattan, New York.</li> <li>• Date: October 9, 2012.</li> <li>• Time: 9:30 p.m.–10:45 p.m.</li> </ul>
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Under the provisions of 33 CFR 165.160, a vessel may not enter the regulated area unless given express permission from the COTP or the designated representative. Spectator vessels may transit outside the regulated area but may not anchor, block, loiter in, or impede the transit of other vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.160(a) and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will

provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and marine information broadcasts. If the COTP determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: September 20, 2012.

**G. Loebel,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 2012-23882 Filed 9-27-12; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG-2012-0767]

**RIN 1625-AA00**

**Safety Zone, Changes to Original Rule; Boston Harbor's Rock Removal Project, Boston Inner Harbor, Boston, MA**

**AGENCY:** Coast Guard, DHS.