

*Exemption From Notice-and-Comment Procedures:* The Agency has determined that this rulemaking is exempt from the procedures for public notice and comment rulemaking specified under section 4 of the Administrative Procedure Act (5 U.S.C. 553) and section (6)(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) because this technical amendment is required by law to remove an unenforceable provision. Consequently it does not change any existing rights or obligations. Therefore, the Agency finds that public notice-and-comment procedures are unnecessary within the meaning of 5 U.S.C. 553(b)(3)(b) and 29 CFR 1911.5.

#### List of Subjects in 29 CFR Part 1910

Motor vehicle safety, occupational safety and health, Transportation, Powered industrial trucks.

**Authority:** This document was prepared under the authority of John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Accordingly, pursuant to section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Section 4 of the Administrative Procedure Act (5 U.S.C. 553) and Secretary of Labor's Order No. 5-2002 (67 FR 65008), OSHA is amending 29 CFR part 1910 as set forth below.

Signed at Washington, DC this 23rd day of May, 2003.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

#### PART 1910—[AMENDED]

##### Subpart N—Materials Handling and Storage—[Amended]

- 1. The authority citation for Subpart N of Part 1910 is revised to read as follows:

**Authority:** Sec. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736, 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017) or 5-2002 (67 FR 65008) as applicable. Section 1910.178 also amended under Section 4 of the Administrative Procedure Act (5 U.S.C. 653). Sections 1910.176, 1910.178, 1910.179, 1910.180, 1910.181, and 1910.184 also issued under 29 CFR part 1911.

##### § 1910.178 [Amended]

- 2. Paragraph (m)(12) of § 1910.178 is removed and reserved.

[FR Doc. 03-13678 Filed 5-30-03; 8:45 am]

BILLING CODE 4510-26-P

## DEPARTMENT OF THE TREASURY

### 31 CFR Part 1

#### Departmental Offices; Privacy Act of 1974; Implementation

**AGENCY:** Departmental Offices, Treasury.

**ACTION:** Final rule.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the Department of the Treasury gives notice of amendments to this part to exemptions claimed for seven systems of records formerly maintained by the Internal Revenue Service and that have been transferred to the Treasury Inspector General for Tax Administration and consolidated as Treasury/DO .311-TIGTA Office of Investigations Files.

**EFFECTIVE DATE:** June 2, 2003.

**FOR FURTHER INFORMATION CONTACT:** Lori Creswell, Assistant Chief Counsel, Treasury Inspector General for Tax Administration, 1125 15th Street, Room 700A, Washington, DC 20005, (202) 622-4068.

**SUPPLEMENTARY INFORMATION:** This amendment reflects the transfer of investigative responsibility from the Chief Inspector's Office of the Internal Revenue Service to the Treasury Inspector General for Tax Administration (TIGTA). The Chief Inspector's Office maintained information in the following exempt systems of records:

Treasury/IRS 60.001—Assault and Threat Investigation Files, Inspection.  
Treasury/IRS 60.002—Bribery Investigation Files, Inspection.  
Treasury/IRS 60.003—Conduct Investigation Files, Inspection.  
Treasury/IRS 60.004—Disclosure Investigation Files, Inspection.  
Treasury/IRS 60.006—Enrollee Charge Investigation Files, Inspection.  
Treasury/IRS 60.007—Miscellaneous Information File, Inspection.  
Treasury/IRS 60.009—Special Inquiry Investigation Files, Inspection.

The above systems of records maintained by the Chief Inspector's Office of the Internal Revenue Service have been consolidated and renamed as "Treasury/DO .311-TIGTA Office of Investigations Files." This final rule removes the exempted systems of records maintained by the Office of the Chief Inspector, IRS from sections (c)(1)(viii) and (g)(1)(iii) and adds the consolidated system of records Treasury/DO .311-TIGTA Office of Investigations Files to sections (c)(1)(i) and (g)(1)(i). A notice reflecting the alterations to these systems of records is

being published separately in the **Federal Register**.

The Department of the Treasury published a revised regulation setting out the exemptions claimed for these systems of records pursuant to 5 U.S.C. 552a(j)(2) and (k) in the **Federal Register**, at 65 FR 69865, on November 21, 2000.

These regulations are being published as a final rule because the amendment does not impose any requirements on any member of the public. This amendment is the most efficient means for the Treasury Department to comply 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 procedure with respect to this rule are impracticable and unnecessary and finds good cause for making this rule effective on the date of publication in the **Federal Register**.

In accordance with Executive Order 128662, it has been determined that this 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 *et seq.*) do not apply.

In accordance with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Department of the Treasury has determined that this rule will not impose new record-keeping, application, reporting, or other types of information collection requirements.

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

Privacy.

- Part 1 Subpart C 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, 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. Section 1.36 of subpart C is amended as follows:

- a. Paragraph (c)(1)(i) is amended by adding "DO .311-TIGTA Office of Investigations Files" to the table.

- b. Paragraph (c)(1)(viii) is amended by removing the entry "IRS 60.001—Assault and Threat Investigation Files, Inspection, IRS 60.002—Bribery Investigation Files, Inspection, and IRS 60.004—Disclosure Investigation Files, Inspection" from the table.

■ c. Paragraph (g)(1)(i) is amended by adding “DO .311—TIGTA Office of Investigations Files” to the table in numerical order.

■ d. Paragraph (g)(1)(viii) is amended by removing “IRS 60.003—Conduct Investigation Files; IRS 60.006—Enrollee Charge Investigation Files; IRS 60.007—Miscellaneous Information File, and IRS 60.009—Special Inquiry Investigation Files” from the table.

The additions to § 1.36 read as follows:

**§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 522a and this part.**

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(c)	*	*	*		
(1)	*	*	*		
(i)	*	*	*		
Number			Name of system		
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DO .311	.....			TIGTA Office of Investigations Files	
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(g)	*	*	*		
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Dated: May 8, 2003.

**W. Earl Wright, Jr.,**

*Chief Management and Administrative Programs Officer.*

[FR Doc. 03-13673 Filed 5-30-03; 8:45 am]

**BILLING CODE 4810-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[CGD05-03-049]

RIN 1625-AA08

### Special Local Regulations for Marine Events; Atlantic Ocean, Point Pleasant Beach to Bay Head, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations for the “OPA/NJ Offshore Grand Prix”, a marine event to be held on the waters of the Atlantic Ocean between Point Pleasant Beach and Bay Head, New Jersey. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in the regulated area during the event.

**DATES:** This rule is effective from 9:30 a.m. to 3:30 p.m. on June 1, 2003.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket CGD05-03-049 and are available for inspection or copying at Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398-6204.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B) and 553(d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. Because of the danger posed by high speed power boats racing in a closed circuit, special local regulations are necessary to provide for the safety of event participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. The event will take place on June 1, 2003. There is not sufficient time to allow for a notice and comment period prior to the event. However, advance notifications will be made via the Local Notice to Mariners, marine information broadcasts, and area newspapers.

##### Background and Purpose

On June 1, 2003, the Offshore Performance Association and the New Jersey Offshore Racing Association will sponsor the “OPA/NJ Offshore Grand Prix”. The event will consist of 30-35 offshore power boats racing along an oval course on the waters of the Atlantic Ocean. A fleet of spectator vessels is expected to gather near the event site to view the competition. To provide for the safety of participants, spectators and

other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the races.

##### Discussion of Rule

The Coast Guard is establishing temporary special local regulations on specified waters of the Atlantic Ocean and the Manasquan River. The temporary special local regulations will be in effect from 9:30 a.m. until 3:30 p.m. on June 1, 2003. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. The Patrol Commander will allow non-participants to transit the regulated area between races. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

##### Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this temporary final rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this regulation prevents traffic from transiting a portion of the Atlantic Ocean and Manasquan River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers so mariners can adjust their plans accordingly. Additionally, vessel traffic will be allowed to transit through the regulated area between races.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. 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