

relief and satisfying the requirements of section 411(b)(5).

**Steven T. Miller,**

*Deputy Commissioner for Services and Enforcement.*

Approved: September 17, 2010.

**Michael F. Mundaca,**

*Assistant Secretary of the Treasury for Tax Policy.*

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## DEPARTMENT OF THE TREASURY

### Office of the Secretary

#### 31 CFR Part 1

#### Privacy Act; Implementation

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

**ACTION:** Final rule.

**SUMMARY:** The Department of the Treasury is adopting, without change, an interim rule that amended its regulations on the Privacy Act of 1974, as Amended, by removing three Privacy Act systems of records from this part, revising the title of the one remaining Privacy Act system of records relating to the functions of the Alcohol and Tobacco Tax and Trade Bureau, and retaining the Privacy Act exemptions for TTB's one remaining system of records.

**DATES:** *Effective Date:* October 19, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Karen Welch, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau (202-453-2046) or [Karen.Welch@ttb.gov](mailto:Karen.Welch@ttb.gov).

**SUPPLEMENTARY INFORMATION:** Effective January 24, 2003, the Homeland Security Act of 2002 divided the Bureau of Alcohol, Tobacco and Firearms (ATF) into two new Agencies, the Alcohol and Tobacco Tax and Trade Bureau (TTB) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE) in the Department of Justice. ATFE oversees Federal firearms, explosives, and arson laws and programs, and administers laws pertaining to alcohol and tobacco smuggling and diversion. TTB is responsible for administering chapters 51 (relating to distilled spirits, wine, and beer) and 52 (relating to tobacco products and cigarette papers and tubes) of title 26 U.S.C., the Internal Revenue Code of 1986, as amended (IRC). TTB also administers sections 4181 and 4182 (relating to the excise tax on firearms and ammunition) of the IRC and title 27 of the U.S.C. (relating to alcohol).

After the organizational change, TTB conducted a review of its records to

determine which records are Privacy Act systems of records. The review determined that one of the six ATF systems of records still existed within TTB, and five of ATF's six systems of records could be removed from the Department of the Treasury's Privacy Act systems of records inventory. As a result of this review, on September 2, 2008, the Department of the Treasury published in the **Federal Register** at 73 FR 51344 a notice of systems of records for the one system currently in TTB's inventory, "Treasury/TTB .001—Regulatory Enforcement Record System."

The changes in organization and in TTB's inventory of systems of records also required changes to the Department of the Treasury's regulations in 31 CFR part 1. On September 2, 2008, the Department of the Treasury published in the **Federal Register** (73 FR 51218) an interim rule amending 31 CFR 1.20 and 1.36 by revising the title of the Bureau from "Bureau of Alcohol, Tobacco and Firearms" to "Alcohol and Tobacco Tax and Trade Bureau," by removing three Privacy Act systems of records from the 31 CFR 1.36, by renaming the one remaining system of records, and by retaining the prior exemption from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2) for the one remaining, renamed system of records.

The interim rule also invited the submission of public comments on the regulatory amendments, prior to the comment period closing on October 2, 2008. The Department did not receive any comments on the interim rule. Accordingly, we have determined that it is appropriate to adopt that interim rule as a final rule without change.

In accordance with 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. The regulation will not have 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. Therefore, it has been determined that this final rule does not have federalism implications under Executive Order 13132.

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.

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

Freedom of Information; Privacy.

## The Regulatory Amendment

■ For the reasons discussed in the preamble, the interim rule amending 31 CFR part 1, published in the **Federal Register** at 73 FR 51218 on September 2, 2008, is adopted as a final rule without change.

Dated: September 28, 2010.

**Melissa Hartman,**

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

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-0950]

#### Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Ship and Sanitary Canal, Chicago River, Calumet-Saganashkee Channel on all waters of the Chicago Sanitary and Ship Canal between Mile Marker 291.0 and Mile Marker 296.1 from 4 p.m. on October 19, 2010 to 12 p.m. on October 20, 2010 and from 4 p.m. on October 20, 2010 to 10 a.m. on October 21, 2010. This action is necessary to protect the waterways, waterway users, and vessels from hazards associated with intensive fish sampling efforts in the Lockport pool to be conducted by the Illinois Department of Natural Resources (IDNR). These sampling efforts will include the setting of nets throughout this portion of the Chicago Sanitary and Ship Canal. The purpose of this sampling is to provide essential information in connection with efforts to control the spread of aquatic nuisance species that might devastate the waters of the Chicago Sanitary and Ship Canal.

During the enforcement period, entry into, transiting, mooring, laying-up or anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port, Sector Lake