

Act of 2002, Pub. L. 107-296, 116 Stat. 2135 (2002). Under Title XI, Subtitle B of the Act, the "authorities, functions, personnel, and assets" of the Bureau of Alcohol, Tobacco, and Firearms are transferred to the Department of Justice, with the exception of certain enumerated authorities that were retained by the Department of the Treasury. The functions retained by the Department of the Treasury are the responsibility of a new Alcohol and Tobacco Tax and Trade Bureau. Section 1111 of the Homeland Security Act further provides that the Bureau will retain its identity as a separate entity within the Department of Justice known as the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The transfer took effect January 24, 2003.

In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, on January 24, 2003, ATF published its Privacy Act systems of records and converted certain ATF systems of records from Department of the Treasury systems to Department of Justice systems pursuant to the reorganization and transfer of ATF to the Department of Justice. (The publication of these systems of records as Justice systems does not rescind the Treasury/ATF systems of records, as they govern the Alcohol and Tobacco Tax and Trade Bureau within the Department of the Treasury.) There has been no change in the maintenance or operations of the systems of records by ATF, nor has there been a change in the exemptions claimed. Rather, these systems notices were published to reflect the transfer of ATF to the Department of Justice.

Because the transfer of ATF to the Department of Justice was effective on January 24, 2003, it was necessary to immediately establish all appropriate exemptions to the Privacy Act in order to protect law enforcement and investigatory information and functions of ATF. These exemptions needed to be effective on January 24, 2003, the date of the transfer. It would be contrary to the public interest to allow the disclosure of information that could compromise ongoing investigations and law enforcement activities of the ATF. Accordingly, pursuant to the good cause exceptions found at 5 U.S.C. 553(b)(3)(B) and (d)(3), the Department found that notice and public procedure on this rule were impracticable and contrary to the public interest.

However, comments were requested on or before March 25, 2003. No comments were received. Therefore, the Department of Justice is issuing a final rule.

### Regulatory Flexibility Act

This rule relates to individuals, as opposed to small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act 5 U.S.C. 601-612, the rule 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, and Privacy.

Accordingly, the interim rule amending 28 CFR part 16 which was published at 68 FR 3392 on January 24, 2003, is adopted as final without change.

Dated: April 9, 2003.

**Paul R. Corts,**

*Assistant Attorney General for Administration.*

[FR Doc. 03-9324 Filed 4-17-03; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Bureau of Prisons

#### 28 CFR Part 551

[BOP-1002-F]

RIN 1120-AA03

### Public Works and Community Service Projects

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Final rule.

**SUMMARY:** This document finalizes Bureau of Prisons (Bureau) interim rules on volunteer community service projects. Volunteer community service projects provide for the public good. They are developed by local government or by a non-profit charitable organization for Bureau approval. This rule provides for inmates' voluntary participation in a volunteer community service project. We intend this rule to promote the public interest and provide for the security and good order of the institution by reducing inmate idleness.

**EFFECTIVE DATE:** May 19, 2003.

**ADDRESSES:** Office of General Counsel, Bureau of Prisons, 320 First Street, NW., Washington, DC 20534.

**FOR FURTHER INFORMATION CONTACT:** Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 307-2105.

**SUPPLEMENTARY INFORMATION:** In this document, the Bureau finalizes its regulations in 28 CFR part 551, subpart F, on Public Works and Community Service Projects. We published this rule

in the **Federal Register** as an interim rule on January 19, 1993 (58 FR 5210).

Under the interim rule, a volunteer community service project provides for the public good, in keeping with the overall goals of the community, such as community-wide beautification and public safety. The project must be developed by local government or by a non-profit charitable organization for Bureau approval. A community service project is not a work assignment. Any inmate who chooses to participate does so voluntarily, and may not receive performance pay for participation in the project.

Existing Bureau regulations provide for inmate monetary contributions to an international, national, or local organization, including political parties, so long as the contribution does not violate any law or regulation (*see* 28 CFR 551.50). This amendment expands this policy by specifying how an inmate may choose to make a contribution of time and effort through participation in an approved volunteer community service project. The charitable activity resulting from participation in a volunteer community service project may not impair contracts for services in the community.

We published this rule as an interim final rule on January 19, 1993 (58 FR 5210). Since we received no comments on this rule, we are publishing it as final, without change.

### Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review", section 1(b), Principles of Regulation. The Director, Bureau of Prisons has determined that this rule is not a "significant regulatory action" under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

### Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Under Executive Order 13132, this rule does not have sufficient federalism implications for which we would prepare a Federalism Assessment.

### Regulatory Flexibility Act

The Director of the Bureau of Prisons, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), reviewed this regulation. By approving it, the Director certifies

that it will not have a significant economic impact upon a substantial number of small entities because: This rule is about the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

#### **Unfunded Mandates Reform Act of 1995**

This rule will not cause State, local and tribal governments, or the private sector, to spend \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. We do not need to take action under the Unfunded Mandates Reform Act of 1995.

#### **Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### **List of Subjects in 28 CFR Part 551**

Prisoners.

#### **Harley G. Lappin,**

*Director, Bureau of Prisons.*

Accordingly, for the reasons discussed above, we adopt as final the interim final rule published on January 19, 1993 (58 FR 5210), without change. [FR Doc. 03-9596 Filed 4-17-03; 8:45 am]

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 100**

[CGD07-03-041]

RIN 1625-AA08

#### **Special Local Regulations; Miami Beach Super Boat Race, Miami Beach, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing temporary special local regulations for the Miami Beach Super

Boat Grand Prix powerboat race. This event will be in the Atlantic Ocean, off Miami Beach, Florida on April 27, 2003. This regulation is necessary to provide for the safety of life on navigable waters during the event.

**DATES:** 33 CFR 100.730 is suspended from April 1, 2003 until April 30, 2003. Temporary § 100.35T-07-041 is effective from 10 a.m. until 4 p.m. on April 27, 2003.

**ADDRESSES:** Documents indicated in the preamble are available for inspection or copying at Coast Guard Group Miami, 100 MacArthur Causeway, Miami Beach, Florida, between the hours of 7:30 a.m. and 3 p.m., Monday through Friday except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** BM1 D. Vaughn, Coast Guard Group Miami, Florida at (305) 535-4317.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM, which would incorporate a comment period before a final rule could be issued, would be contrary to public safety interests since immediate action is needed to minimize potential danger to the public associated with the large number of vessels expected for this event. Permanent special local regulations similar to this temporary rule have been in place for this event since 1998 effective on the third Sunday in April each year. However, this year the third Sunday in April is Easter Sunday. The race organizers are moving the race date this year to avoid a conflict with the holiday.

For the same reasons, under 5 U.S.C. 553, good cause exists for making this regulation effective in less than 30 days after publication in the **Federal Register**.

##### **Background and Purpose**

Super Boat International Productions Inc., is sponsoring a high-speed power boat race that will take place on April 27, 2003 in the Atlantic Ocean off Miami Beach, Florida. Approximately 35 race boats, ranging in length from 24 to 50 feet, will participate in the event. There will also be approximately 200 spectator craft in the area. The race boats will be competing at high speeds with numerous spectator vessels on scene, requiring control over vessel traffic in the area.

##### **Discussion of Rule**

These regulations create two regulated areas offshore from Miami Beach for this event. The first regulated area surrounds the race course and non-participant vessels are prohibited from entering this area without authorization from the Coast Guard Patrol Commander. The second regulated area establishes a spectator craft viewing area where spectator vessels may enter to watch the race.

##### **Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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 rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary, because non-participant vessels are only prohibited from entering one of the regulated areas for 6 hours on the day of the event. Also, vessels should be able to transit around this one regulated area.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have 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 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, because non-participant vessels are only prohibited from entering one of the regulated areas for 6 hours on the day of the event. Also, vessels should be able to transit around this one regulated area.

##### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.