

**List of Subjects in 20 CFR Part 401**

Privacy and disclosure of official records and information.

Nancy Berryhill,

*Acting Commissioner of Social Security.*

For the reasons stated in the preamble, we are amending subpart B of part 401 of title 20 of the Code of Federal Regulations as set forth below:

**PART 401—PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION**

**Subpart B—[Amended].**

■ 1. The authority citation for subpart B of part 401 continues to read as follows:

**Authority:** Secs. 205, 702(a)(5), 1106, and 1141 of the Social Security Act (42 U.S.C. 405, 902(a)(5), 1306, and 1320b–11); 5 U.S.C. 552 and 552a; 8 U.S.C. 1360; 26 U.S.C. 6103; 30 U.S.C. 923.

■ 2. Amend § 401.85 by adding paragraph (b)(2)(ii)(F) to read as follows:

**§ 401.85 Exempt systems.**

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(ii) \* \* \*

(F) Anti-Harassment & Hostile Work Environment Case Tracking and Records System, SSA.

\* \* \* \* \*

[FR Doc. 2017–06719 Filed 4–4–17; 8:45 am]

BILLING CODE 4191–02–P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket No. USCG–2015–0854]

**Special Local Regulations and Safety Zones; Recurring Marine Events and Fireworks Displays Within the Fifth Coast Guard District**

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce a safety zone for the National Cherry Blossom Festival fireworks display taking place over the Washington Channel, Washington, DC, on April 15, 2017. The safety zone will include all waters within a 100 yard radius of the fireworks barge in approximate position latitude 38°52'43.67" N., longitude 077°01'28.39" W. This date and location is a change to those listed for the annually scheduled event, as indicated

in U.S. Coast Guard regulations, because the event sponsor changed the scheduled date and location of this annual fireworks display. During the enforcement period, vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on scene. This action is necessary to ensure safety of life on navigable waters during the event.

**DATES:** The regulations in 33 CFR 165.506, listed as event (b.) 1, Washington Channel, Upper Potomac River, Washington, DC; Safety Zone, in the table to 33 CFR 165.506 will be enforced from 7:30 p.m. to 9:30 p.m. on April 15, 2017; and in the case of inclement weather enforcement will be from 7:30 p.m. to 9:30 p.m. on April 16, 2017.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region (WWM Division); telephone 410–576–2674, email [Ronald.L.Houck@uscg.mil](mailto:Ronald.L.Houck@uscg.mil).

**SUPPLEMENTARY INFORMATION:** On February 22, 2017, and March 8, 2017, the Coast Guard was notified by the National Cherry Blossom Festival firework display sponsor that a change of date and location was necessary to those previously listed for the annually scheduled event, as indicated in 33 CFR 165.506. The location of the annual fireworks display is changed to approximately 550 yards upstream and its size is reduced, to include all waters of the Washington Channel within 100 yards radius of the fireworks barge in approximate position latitude 38°52'43.67" N., longitude 077°01'28.39" W., located in Washington, DC. The Coast Guard will enforce the safety zone in 33 CFR 165.506 from 7:30 p.m. until 9:30 p.m. on April 15, 2017, for the National Cherry Blossom Festival fireworks display. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for Recurring Marine Events and Fireworks Displays within the Fifth Coast Guard District, § 165.506, specifies the location of the regulated area for this safety zone as a circular shaped area that includes all waters of the Upper Potomac River, within 170 yard radius of the fireworks barge in approximate position latitude 38°52'20.3" N., longitude 077°01'17.5" W., located within the Washington Channel, at Washington Harbor, DC. As specified in § 165.506(d), during the enforcement period, vessels may not enter, remain in, or transit through the

safety zone unless authorized by the Coast Guard Captain of the Port (COTP) or designated Coast Guard patrol personnel on scene. All persons and vessels shall comply with the instructions of the COTP, Coast Guard Patrol Commander or the designated on-scene-patrol personnel. Other Federal, State and local agencies may assist these personnel in the enforcement of the safety zone. If the COTP or his designated on-scene patrol personnel determines 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.

This notice of enforcement is issued under authority of 33 CFR 165.506(d) and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: March 30, 2017.

**Lonnie P. Harrison, Jr.,**

*Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.*

[FR Doc. 2017–06696 Filed 4–4–17; 8:45 am]

BILLING CODE 9110–04–P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 167**

[USCG–2011–0351]

**Port Access Route Study: The Atlantic Coast From Maine to Florida**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification.

**SUMMARY:** The Coast Guard published a document on March 14, 2016, that announced the availability of the final report issued by the Atlantic Coast Port Access Route Study (ACPARS) workgroup. In addition, the Coast Guard requested comments concerning the final report. After a review of the comments received, the Coast Guard has determined that it is not necessary to revise the final report, and therefore considers it to be complete as published.

**DATES:** April 5, 2017.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notification, contact George Detweiler, Coast Guard, telephone (202) 372–1566 or email [George.H.Detweiler@uscg.mil](mailto:George.H.Detweiler@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

*Background and Purpose.* The Coast Guard commenced its work on the Atlantic Coast Port Access Route Study by chartering a workgroup (WG) on May 11, 2011. The Coast Guard published the WG's Interim Report in the **Federal Register** (77 FR 55781; Sep. 11, 2012), which provided a status of efforts up to that date. Subsequently, the Coast Guard published a notification in the **Federal Register** (81 FR 13307; Mar. 14, 2016) that announced the availability of the final report issued by the ACPARS WG. This document discusses the comments received and provides the Coast Guard's response to those comments. The final report is available on the **Federal Register** docket and also on the ACPARS Web site at [www.uscg.mil/lantarea/acpars](http://www.uscg.mil/lantarea/acpars).

### Discussion of Comments

Comments were submitted by representatives of the maritime community, wind energy developers, non-government organizations, Federal and State government agencies, academic institutions and private citizens.

Topics covered by the comments included the Coast Guard's role and relationship with the Department of Interior, Bureau of Ocean Energy Management (BOEM), the Coast Guard-developed Marine Planning Guidelines and navigation corridors, protection of right whales and continued public outreach.

### Coast Guard Cooperation With Stakeholders and the Marine Planning Process

Some commenters urged the Coast Guard to coordinate and consult more closely with the other agencies associated with the development of offshore wind, particularly the BOEM to finalize the ACPARS report, and to utilize the Regional Planning Bodies to obtain broad feedback in evaluating navigation safety issues. We generally agree with these comments, but must state that throughout the ACPARS process, we have worked closely with BOEM in conducting this study and developing the final report. Additionally, broad stakeholder consultation must still be conducted on a case-by-case basis for each particular project proposed, as each will present unique circumstances and navigational risks.

The Coast Guard has participated and will continue to participate in a lead permitting agency's National Environmental Policy Act (NEPA) process as a subject matter expert for navigation safety, maritime security, maritime mobility (management of

maritime traffic, commerce, and navigation), national defense, and protection of the marine environment. In the case of wind farms on the Outer Continental Shelf (OCS), BOEM is the NEPA lead permitting agency and is responsible for the evaluation of environmental impacts and preparation of associated environmental documentation. BOEM and the Coast Guard have entered into a Memorandum of Agreement (MOA) to identify their respective roles and responsibilities as members of BOEM/State Renewable Energy Task Forces for Wind Energy Area (WEA) identification, the issuance of leases and approval of Site Assessment Plans (SAPs), General Activity Plans (GAPs) and Construction and Operations Plans (COPs) for offshore renewable energy installations (OREIs). The Coast Guard will continue to work closely with BOEM in support of their Offshore Renewable Energy Program.

### U.K. Marine Guidance Note 371 and Marine Planning Guidelines

Many commenters stated the Coast Guard premised its Marine Planning Guidelines (MP Guidelines) on Marine Guidance Note (MGN) 371, a United Kingdom (U.K.) publication that had been superseded, and further commented that the Coast Guard had misapplied MGN 371 in developing the MP Guidelines. Additionally, some of these comments suggested that the Coast Guard should revise the MP Guidelines to be consistent with MGN 543, which superseded MGN 371. As discussed below, we disagree with these comments.

The United Kingdom's Maritime and Coastguard Agency (MCA) published MGN 371 in August of 2008, well before we began the ACPARS process. Through the study, we determined that there was no single international standard for establishing safe navigation distances from permanent structures in the marine environment. With the development of European offshore wind farms, several different standards or guidelines evolved, and we considered each in development of the Coast Guard's MP Guidelines. In particular, we considered the guidance prepared by the Shipping Advisory Board Northsea, which was endorsed by the Confederation of European Shipmasters' Associations and used a formulaic approach that produces a 1.9 Nautical Mile (NM) distance from the side of a Traffic Separation Scheme (TSS) for a 400 meter vessel. The World Shipping Council recommended a minimum 2 NM safe distance from side of a Traffic Separation Scheme (TSS). We also

considered the guidance prepared by the German Waterways and Shipping Directorate North West and North, which calls for a 2 NM setback to the side of a TSS, plus a 500 meter safety zone for each turbine. Last, we considered MGN 371, which throughout the study period reflected the current guidance of the U.K.'s MCA. Under MGN 371, the MCA considered a navigation buffer of 1 NM to 2 NM from the edge of a TSS to be medium risk, and greater than 2 NM to be low risk.

In January of 2016, after our work on the ACPARS was complete but before we released our final report for comment, the MCA published MGN 543, which superseded MGN 371. Through MGN 543, the MCA intended to simplify the Wind Farm Shipping Route Template (table, p. 13), which contained four columns and twelve defined distances associated with unique considerations ("Factors") and degrees of risk ranging from very high to very low. The shipping route template in MGN 543 (p. 21) essentially consolidated the twelve safety distances to three, with less than 0.5 NM being "intolerable" and a range from 0.5 NM to 3.5 NM being "tolerable" if risks have been mitigated to a point termed "as low as reasonably possible" or ALARP. Last, the MGN 543 template considers distances beyond 3.5 NM to be "broadly acceptable."

Although some commenters may view MGN 543's revised template to have relaxed the recommended safe distances in MGN 371, we do not agree. Through MGN 543, the MCA sought to both simplify the template, and also make clear that generally there is a range of possible safe setback distances, and that a particular distance for any given wind farm would be determined by the unique circumstances of the project, which must be evaluated on a case-by-case basis.

Similarly, our MP Guidelines state that the Coast Guard will be a cooperating agency in the NEPA process wherein we will evaluate the Navigation Safety Risk Assessment unique to each proposed project, *i.e.*, on a case-by-case basis. After consideration of several European guidelines, we determined that a 2 NM setback from the side of a TSS was the appropriate guidance for offshore wind farm developers. This distance is consistent with the MCA 371's demarcation for low risk, it is in the middle of MGN 543's range for "tolerable if ALARP" and also consistent with the other European guidance we considered. As such, we do not intend to revise the MP Guidelines at this time.

It is important to note that the distances set forth in MGN 371, MNG 543 and our MP Guidelines are not standards, regulations or requirements of any type, but rather are guidance for developers to consider at the outset of a proposal. For example, both MGN 371 and MGN 543 state “[t]his Guidance Note, as the name implies, is intended for the guidance of developers and others.” See p. 3 of both Notes. In similar language, the MP Guidelines states on p. 1 “[t]hese guidelines are provided to assist offshore developers and marine planners with their evaluation of the navigational impacts of any projects with multiple permanent fixed structures.” Furthermore, on p. 6 of the MP Guidelines, we state “[t]hese recommendations are based on generic deep draft vessel maneuvering characteristics and are consistent with existing European guidelines.”

As discussed above, the Coast Guard will evaluate each proposed project based upon the actual risks identified in the Navigation Safety Risk Assessment, and not by rigidly applying recommended distances from the MP Guidelines or any other similar guidance. Because our guidelines are neither regulations nor standards that must be applied, and because we view MGN 543 as a simplification of its predecessor, MGN 371, we do not believe it is necessary or prudent to revise our MP Guidelines at this time.

#### Navigation Corridors

Various comments were received concerning navigation corridors. Some commenters said the navigation corridors were too large, or simply not necessary, whereas others said they were essential to preserve clear shipping lanes. Prior to the advent of offshore wind development, there was no need for a coordinated routing system along the entire Atlantic seaboard, and existing traffic separation schemes at the entrances to major ports were adequate to manage collision risks for commercial vessel traffic. As the potential for conflicting uses of the Atlantic Ocean has increased, the Coast Guard must evaluate options to reduce associated risks to navigation and the environment. The ACPARS identified the routes typically used by tug and barge traffic and deep draft ocean-going vessels. The identified navigation corridors in the final report simply reflect areas historically used by commercial vessels. The ACPARS report recommends that the navigation corridors should be considered during marine planning activities and incorporated into Regional Ocean Plans to ensure appropriate consideration is given to

shipping early in the project siting process. Some commenters have also suggested the Coast Guard apply the data and recommendations from the ACPARS to the marine planning process, and we agree with those comments.

The ACPARS report also recommended that the Coast Guard use the identified navigation corridors to establish shipping safety fairways (areas where permanent structures are not permitted) or other appropriate ships’ routing measures. The Coast Guard is considering these recommendations, but has not yet determined if or how it may move forward on such routing measures. In the event the Coast Guard determines that shipping safety fairways or other routing measures must be further explored, it will engage all relevant stakeholders and ultimately commence a formal rulemaking process that will provide ample notice and opportunity for public and other stakeholder comment, and a thorough environmental review.

#### Protection of Right Whales

The Coast Guard received comments suggesting that offshore navigation corridors for deep draft traffic could endanger North Atlantic right whales if the corridors divert vessel traffic around wind farms into areas where these endangered whales tend to migrate. Although the offshore navigation corridors identified simply reflect existing vessel traffic patterns already in use, the Coast Guard would consult with National Oceanic and Atmospheric Administration, interagency partners and other stakeholders through the NEPA and marine planning processes as a necessary part of any action to formally establish routing measures associated with the ACPARS or particular wind farm proposals.

#### Continued Public Outreach

Some commenters recommended that the Coast Guard continue outreach efforts with affected states and federal agencies, the marine shipping industry, the wind energy industry and the general public, which could include participation in stakeholder outreach activities, public meetings, workshops and industry meetings and conferences. The Coast Guard concurs with the recommendation and will continue its outreach program through the Regional Planning Bodies.

#### Summary

For the foregoing reasons, the Coast Guard considers the ACPARS report to be complete and will not make changes to it at this time.

This notification is issued under authority of 33 U.S.C. 1223(c) and 5 U.S.C. 552.

Dated: March 31, 2017.

**Michael D. Emerson,**

*Director, Marine Transportation Systems,  
U.S. Coast Guard.*

[FR Doc. 2017–06738 Filed 4–4–17; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 183

[Docket No. USCG–2016–1012]

RIN 1625–AC37

### Recreational Boat Flotation Standards—Update of Outboard Engine Weight Test Requirements

**AGENCY:** Coast Guard, DHS.

**ACTION:** Interim rule.

**SUMMARY:** The Coast Guard is issuing this interim rule to update the table of outboard engine weights used in calculating safe loading capacities and required amounts of flotation material. The engine weight table was last updated in 1984, and the Coast Guard Authorization Act of 2015 requires that we update the table to reflect a specific standard.

**DATES:** This interim rule is effective on June 1, 2018. Comments and related material must be submitted to the online docket via <http://www.regulations.gov>, or reach the Docket Management Facility, on or before July 5, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG–2016–1012 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** For information about this document call or email Mr. Jeffrey Ludwig, Coast Guard; telephone 202–372–1061, email [Jeffrey.A.Ludwig@uscg.mil](mailto:Jeffrey.A.Ludwig@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

#### Table of Contents for Preamble

- I. Abbreviations
- II. Basis and Purpose
- III. Regulatory History
- IV. Background
- V. Discussion of Rule
- VI. Regulatory Analyses
  - A. Regulatory Planning and Review