

**§ 16.96 Exemption of Federal Bureau of Investigation Systems—limited access.**

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(e) The following system of records is exempt from 5 U.S.C. 552a(c)(3) and (4); (d)(1), (2), (3) and (4); (e)(1), (2) and (3); (e)(4)(G), (H) and (I); (e)(5) and (8); (f) and (g):

(1) The Next Generation Identification (NGI) System (JUSTICE/FBI-009).

(2) These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) or (k). Where compliance would not appear to interfere with or adversely affect the purpose of this system to detect, deter, and prosecute crimes and to protect the national security, the applicable exemption may be waived by the FBI in its sole discretion.

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3), the requirement that an accounting be made available to the named subject of a record, because this system is exempt from the access provisions of subsection (d). Also, because making available to a record subject the accounting of disclosures from records concerning the subject would specifically reveal investigative interest by the FBI or agencies that are recipients of the disclosures. Revealing this information could compromise ongoing, authorized law enforcement and national security efforts and may provide the record subject with the opportunity to evade or impede the investigation.

(2) From subsection (c)(4) notification requirements because this system is exempt from the access and amendment provisions of subsection (d) as well as the accounting of disclosures provision of subsection (c)(3). The FBI takes seriously its obligation to maintain accurate records despite its assertion of this exemption, and to the extent it, in its sole discretion, agrees to permit amendment or correction of FBI records, it will share that information in appropriate cases.

(3) From subsection (d) (1), (2), (3) and (4), (e)(4)(G) and (H), (e)(8), (f) and (g) because these provisions concern individual access to and amendment of law enforcement records and compliance and could alert the subject of an authorized law enforcement activity about that particular activity and the interest of the FBI and/or other law enforcement agencies. Providing access could compromise sensitive law enforcement information, disclose information that would constitute an unwarranted invasion of another's personal privacy, reveal a sensitive

investigative technique, provide information that would allow a subject to avoid detection or apprehension, or constitute a potential danger to the health or safety of law enforcement personnel, confidential sources, or witnesses. Also, an alternate system of access has been provided in 28 CFR 16.30 through 16.34, and 28 CFR 20.34, for record subjects to obtain a copy of their criminal history records. However, the vast majority of criminal history records concern local arrests for which it would be inappropriate for the FBI to undertake correction or amendment.

(4) From subsection (e)(1) because it is not always possible to know in advance what information is relevant and necessary for law enforcement purposes. The relevance and utility of certain information may not always be evident until and unless it is vetted and matched with other sources of information that are necessarily and lawfully maintained by the FBI. Most records in this system are acquired from state and local law enforcement agencies and it is not possible for the FBI to review that information as relevant and necessary.

(5) From subsection (e)(2) and (3) because application of this provision could present a serious impediment to the FBI's responsibilities to detect, deter, and prosecute crimes and to protect the national security. Application of these provisions would put the subject of an investigation on notice of that fact and allow the subject an opportunity to engage in conduct intended to impede that activity or avoid apprehension. Also, the majority of criminal history records and associated biometrics in this system are collected by state and local agencies at the time of arrest; therefore it is not feasible for the FBI to collect directly from the individual or to provide notice. Those persons who voluntarily submit fingerprints into this system pursuant to state and federal statutes for licensing, employment, and similar civil purposes receive an (e)(3) notice.

(6) From subsection (e)(4)(I), to the extent that this subsection is interpreted to require more detail regarding the record sources in this system than has been published in the **Federal Register**. Should the subsection be so interpreted, exemption from this provision is necessary to protect the sources of law enforcement information and to protect the privacy and safety of witnesses and informants and others who provide information to the FBI.

(7) From subsection (e)(5) because in the collection of information for authorized law enforcement purposes it is impossible to determine in advance

what information is accurate, relevant, timely and complete. With time, seemingly irrelevant or untimely information may acquire new significance when new details are brought to light. Additionally, the information may aid in establishing patterns of activity and providing criminal leads. Most records in this system are acquired from state and local law enforcement agencies and it would be impossible for the FBI to vouch for the compliance of these agencies with this provision. The FBI does communicate to these agencies the need for accurate and timely criminal history records, including criminal dispositions.

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Dated: July 13, 2017.

**Peter A. Winn,**

*Acting Chief Privacy and Civil Liberties Officer, Department of Justice.*

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**BILLING CODE 4410-02-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[Docket No. USCG-2017-0673]

**Special Local Regulations; SUP3Rivers the Southside Outside, Pittsburgh, PA**

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce a special local regulation for navigable waters of the Allegheny and Monongahela Rivers during the SUP3Rivers the Southside Outside event. This regulation is needed to provide for the safety of life during the marine event. During the enforcement period, entry into this regulated area is prohibited to all vessels not registered with the sponsor as participants or official patrol vessels, unless specifically authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative.

**DATES:** The regulations in 33 CFR 100.801, Table 1, Sector Ohio Valley, line 29, will be enforced from 6:30 a.m. through 11:30 a.m. on September 2, 2017.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email MST1 Jennifer Haggins, Marine Safety Unit Pittsburgh, U.S. Coast Guard; telephone

412-221-0807, email  
Jennifer.L.Haggins@uscg.mil.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce a special local regulation for the annual SUP3Rivers the Southside Outside event listed in 33 CFR 100.801, Table 1, line 29, from 6:30 a.m. through 11:30 a.m. on September 2, 2017. Entry into the regulated area is prohibited unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative. Persons or vessels desiring to enter into or pass through the area must request permission from the COTP or a designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

This notice of enforcement is issued under authority of 33 CFR 100.801 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Local Notice to Mariners and updates via Marine Information Broadcasts.

Dated: July 25, 2017.

**L. McClain, Jr.,**

*Commander, U.S. Coast Guard, Captain of the Port Marine Safety Unit Pittsburgh.*

[FR Doc. 2017-16151 Filed 7-31-17; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2017-0517]

#### Drawbridge Operation Regulation; Thames River, New London, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation; modification.

**SUMMARY:** The Coast Guard has modified a temporary deviation from the operating schedule that governs the Amtrak Bridge across Thames River, mile 3.0, at New London, CT. This action is necessary to complete installation of an emergency generator. This modified deviation allows the bridge to require a two hour advance notice for openings during nighttime hours.

**DATES:** The modified deviation published on June 23, 2017 (82 FR 28552) is effective from August 1, 2017 through 12:01 a.m. on September 30, 2017. For the purposes of enforcement,

actual notice will be used from 12:01 a.m. on July 31, 2017 until August 1, 2017.

**ADDRESSES:** The docket for this deviation, [USCG-2017-0517] is available at <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 deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email James L. Rousseau, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 617-223-8619, email [James.L.Rousseau2@uscg.mil](mailto:James.L.Rousseau2@uscg.mil).

**SUPPLEMENTARY INFORMATION:** On June 23, 2017, the Coast Guard published a temporary deviation entitled "Drawbridge Operation Regulation; Thames River, New London, CT" in the **Federal Register** (82 FR 28552). Under that temporary deviation, between July 31, 2017 and September 12, 2017, the draw of the Amtrak Bridge would require a two hour advance notice for openings during nighttime hours.

Amtrak, the owner of the bridge, requested a modification of the currently published deviation in order to facilitate installation of a lift span emergency generator. Due to delays in manufacturing Amtrak has requested that the temporary deviation be modified to allow the Amtrak Bridge to require a 2 hour advance notice between 9 p.m. and 7 a.m. from July 31, 2017 to September 30, 2017, while a crane barge is present next to the lift span. The presence of the crane barge reduces the horizontal clearance to 70 feet. Additionally, between July 31, 2017 and September 10, 2017, the lift span will be in the down position during daytime hours but will be able to open when requested.

The Amtrak Bridge across the Thames River, mile 3.0 at New London, Connecticut has a horizontal clearance of 150 feet and a vertical clearance of 29 feet at mean high water and 31 feet at mean low water in the closed position. The bridge has a vertical clearance of 75 feet in the intermediate raised position and 135 feet in the fully open position at mean high water. The existing drawbridge operating regulations are listed at 33 CFR 117.224. The waterway is transited by recreational traffic, commercial vessels, ferries, and military vessels. Vessels that can pass under the bridge without an opening may do so at all times. When the barge is located next to the lift span, the bridge will not be able to open immediately for emergencies. There is no alternate route

for vessels unable to pass through the bridge when in the closed position.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by this temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: July 26, 2017.

**Christopher. J. Bisignano,**

*Supervisory Bridge Management Specialist, First Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2015-1088]

RIN 1625-AA00

#### Safety Zone; Pleasure Beach Piers, Bridgeport, CT

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the navigable waters of Pleasure Beach, Bridgeport, CT for the Pleasure Beach Piers. This temporary final rule is necessary to provide for the safety of life on navigable waters. Entry into, transit through, mooring, or anchoring within the safety zone is prohibited unless authorized by Captain of the Port (COTP) Long Island Sound.

**DATES:** This rule is effective without actual notice from August 1, 2017 until June 30, 2018. For the purposes of enforcement, actual notice will be used from July 1, 2017 until August 1, 2017.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2015-1088 and USCG-2015-1123 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, contact Petty Officer Katherine Linnick,