

**PART 103—REGULATIONS FOR IMPLEMENTATION OF THE CHEMICAL WEAPONS CONVENTION AND THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT OF 1998 ON THE TAKING OF SAMPLES AND ON ENFORCEMENT OF REQUIREMENTS CONCERNING RECORDKEEPING AND INSPECTIONS**

■ 3. The authority citation for part 103 continues to read as follows:

**Authority:** 22 U.S.C. 2651a; 22 U.S.C. 6701 *et seq.*; Pub. L. 114–74, 129 Stat. 584.

**§ 103.6 [Amended]**

■ 4. Amend § 103.6 by removing “\$36,849” and adding in its place “\$37,601” in paragraph (a)(1), and removing “\$7,370” and adding in its place “\$7,520” in paragraph (a)(2).

**PART 127—VIOLATIONS AND PENALTIES**

■ 5. The authority citation for part 127 continues to read as follows:

**Authority:** Sections 2, 38, and 42, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2791); 22 U.S.C. 401; 22 U.S.C. 2651a; 22 U.S.C. 2779a; 22 U.S.C. 2780; E.O. 13637, 78 FR 16129; Pub. L. 114–74, 129 Stat. 584.

**§ 127.10 [Amended]**

■ 6. Section 127.10 is amended as follows:

■ a. In paragraph (a)(1)(i), remove “\$1,111,908” and add in its place “\$1,134,602”;

■ b. In paragraph (a)(1)(ii), remove “\$808,458” and add in its place “\$824,959”; and

■ c. In paragraph (a)(1)(iii), remove “\$962,295” and add in its place “\$981,935.”

**PART 138—RESTRICTIONS ON LOBBYING**

■ 7. The authority citation for part 138 continues to read as follows:

**Authority:** 22 U.S.C. 2651a; 31 U.S.C. 1352; Pub. L. 114–74, 129 Stat. 584.

**§ 138.400 [Amended]**

■ 8. In § 138.400:

■ a. Remove “\$19,246” and “\$192,459” and add in their place “\$19,639” and “\$196,387”, respectively, wherever they occur.

■ b. In paragraph (e), remove “\$18,936” and add in its place “\$19,322”.

**Jerry C. Drake,**

*Acting Executive Director, Office of the Legal Adviser and Bureau of Legislative Affairs, Department of State.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Parts 100, 117, 147, and 165**

[USCG–2017–1008]

**2016 Quarterly Listings; Safety Zones, Security Zones, Special Local Regulations, Drawbridge Operation Regulations and Regulated Navigation Areas**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of expired temporary rules issued.

**SUMMARY:** This document provides notification of substantive rules issued by the Coast Guard that were made temporarily effective but expired before they could be published in the **Federal Register**. This document lists temporary safety zones, security zones, special local regulations, drawbridge operation regulations and regulated navigation areas, all of limited duration and for which timely publication in the **Federal Register** was not possible.

**DATES:** This document lists temporary Coast Guard rules that became effective, primarily between April 2016 and June 2016, unless otherwise indicated, and were terminated before they could be published in the **Federal Register**.

**ADDRESSES:** Temporary rules listed in this document may be viewed online, under their respective docket numbers, using the Federal eRulemaking Portal at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this document contact Yeoman First Class David Hager, Office of Regulations and Administrative Law, telephone (202) 372–3862.

**SUPPLEMENTARY INFORMATION:** Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental

purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events. *Drawbridge operation regulations* authorize changes to drawbridge schedules to accommodate bridge repairs, seasonal vessel traffic, and local public events. *Regulated Navigation Areas* are water areas within a defined boundary for which regulations for vessels navigating within the area have been established by the regional Coast Guard District Commander.

Timely publication of these rules in the **Federal Register** may be precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the end of the effective period, mariners were personally notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

The following unpublished rules were placed in effect temporarily during the period between June 2014–June 2016 unless otherwise indicated. To view copies of these rules, visit [www.regulations.gov](http://www.regulations.gov) and search by the docket number indicated in the list below.

Docket No.	Type	Location	Effective date
USCG-2014-0456	Safety Zones (Part 147 and 165)	Adjacent Waters, Guam	6/17/2014
USCG-2014-0478	Notice	Spirit Owensboro, KY	7/4/2014
USCG-2014-0444	Safety Zones (Part 147 and 165)	Cincinnati, OH	7/5/2014
USCG-2014-0457	Notice	Madison, IN	7/5/2014
USCG-2014-0479	Safety Zones (Part 147 and 165)	Evansville, IN	7/16/2014
USCG-2014-0724	Safety Zones (Part 147 and 165)	Port San Juan Area	8/2/2014
USCG-2015-0035	Special Local Regulations (Part 100)	Fajardo, Puerto Rico	3/15/2015
USCG-2016-0138	Safety Zones (Part 147 and 165)	Merizo, GU	5/29/2015
USCG-2015-0530	Safety Zones (Part 147 and 165)	Lake Michigan zone	8/8/2015
USCG-2015-0885	Safety Zones (Part 147 and 165)	Mackinac Island, MI	9/24/2015
USCG-2016-0133	Safety Zones (Part 147 and 165)	Tanapag Harbor, Saipan	2/12/2016
USCG-2016-0033	Safety Zones (Part 147 and 165)	Tanapag Harbor, Saipan	2/16/2016
USCG-2016-0118	Safety Zones (Part 147 and 165)	Juneau, AK	2/18/2016
USCG-2016-0164	Safety Zones (Part 147 and 165)	Morro Bay, CA	3/1/2016
USCG-2016-0180	Safety Zones (Part 147 and 165)	Chauvin, LA	3/18/2016
USCG-2015-1094	Safety Zones (Part 147 and 165)	Ohio River	3/26/2016
USCG-2016-0259	Safety Zones (Part 147 and 165)	Long Beach, CA	4/1/2016
USCG-2016-0176	Special Local Regulations (Part 100)	San Diego, CA	4/2/2016
USCG-2016-0134	Special Local Regulations (Part 100)	Fajardo, Puerto Rico	4/3/2016
USCG-2016-0175	Safety Zones (Part 147 and 165)	Newport News, VA	4/3/2016
USCG-2016-0282	Security Zones (Part 165)	Pittsburgh, PA	4/5/2016
USCG-2016-0278	Safety Zones (Part 147 and 165)	Los Angeles, CA	4/5/2016
USCG-2011-0489	Safety Zones (Part 147 and 165)	Burnham Park Harbor	4/7/2016
USCG-2016-0260	Safety Zones (Part 147 and 165)	San Francisco, CA	4/8/2016
USCG-2016-0243	Drawbridges (Part 117)	Sacramento, CA	4/9/2016
USCG-2016-0273	Safety Zones (Part 147 and 165)	Chicago, IL	4/10/2016
USCG-2016-0325	Security Zones (Part 165)	Natchez Bridge, Lower Mississippi River	4/13/2016
USCG-2016-0300	Safety Zones (Part 147 and 165)	New Orleans, LA	4/16/2016
USCG-2014-0796	Safety Zones (Part 147 and 165)	Cathlamet, Wa	4/21/2016
USCG-2016-0240	Safety Zones (Part 147 and 165)	Hampton, VA	4/22/2016
USCG-2016-0328	Special Local Regulations (Part 100)	Moss Point, MS	4/22/2016
USCG-2016-0034	Safety Zones (Part 147 and 165)	Pago Pago Harbor, American Samoa	4/22/2016
USCG-2016-0339	Special Local Regulations (Part 100)	Ohio River	4/23/2016
USCG-2016-0336	Safety Zones (Part 147 and 165)	Chicago, IL	4/29/2016
USCG-2016-0269	Drawbridges (Part 117)	Sacramento, CA	4/30/2016
USCG-2016-0064	Safety Zones (Part 147 and 165)	Stockton, CA	5/5/2016
USCG-2016-0171	Safety Zones (Part 147 and 165)	Red River	5/7/2016
USCG-2016-0083	Security Zones (Part 165)	Wrightsville Beach, NC	5/9/2016
USCG-2016-0413	Safety Zones (Part 147 and 165)	Pascagoula, MS	5/13/2016
USCG-2015-0530	Safety Zones (Part 147 and 165)	Holland, MI	5/14/2016
USCG-2016-0376	Safety Zones (Part 147 and 165)	Lake Erie, Hamburg, NY	5/17/2016
USCG-2016-0431	Security Zones (Part 165)	Vallejo, CA	5/18/2016
USCG-2016-0423	Safety Zones (Part 147 and 165)	Mobile, AL	5/18/2016
USCG-2016-0422	Security Zones (Part 165)	New London, CT	5/18/2016
USCG-2016-0379	Safety Zones (Part 147 and 165)	Merizo, GU	5/19/2016
USCG-2016-0254	Safety Zones (Part 147 and 165)	Riverside, CT	5/21/2016
USCG-2016-0334	Safety Zones (Part 147 and 165)	Memphis, TN	5/21/2016
USCG-2016-0391	Drawbridges (Part 117)	Holland Tract, CA	5/22/2016
USCG-2016-0396	Special Local Regulations (Part 100)	Knoxville, TN	5/22/2016
USCG-2016-0283	Safety Zones (Part 147 and 165)	Agana, GU	5/22/2016
USCG-2016-0313	Safety Zones (Part 147 and 165)	Agana, GU	5/22/2016
USCG-2016-0400	Special Local Regulations (Part 100)	Chattanooga, TN	5/22/2016
USCG-2016-0398	Drawbridges (Part 117)	Point Pleasant, NJ	5/24/2016
USCG-2016-0270	Security Zones (Part 165)	Seddon Channel, Tampa, FL	5/24/2016
USCG-2016-0375	Safety Zones (Part 147 and 165)	San Francisco, CA	5/25/2016
USCG-2016-0177	Safety Zones (Part 147 and 165)	San Francisco, CA	5/27/2016
USCG-2016-0361	Safety Zones (Part 147 and 165)	Merizo, GU	5/27/2016
USCG-2016-0393	Safety Zones (Part 147 and 165)	Bath, NC	5/28/2016
USCG-2016-0312	Safety Zones (Part 147 and 165)	San Diego Port Zone	5/29/2016
USCG-2016-0489	Safety Zones (Part 147 and 165)	Dubuque County, IA	5/29/2016
USCG-2016-0483	Safety Zones (Part 147 and 165)	Beaumont, TX	6/2/2016
USCG-2016-0236	Safety Zones (Part 147 and 165)	Sound Island, WA	6/3/2016
USCG-2016-0333	Special Local Regulations (Part 100)	Charleston, CA	6/4/2016
USCG-2016-0048	Special Local Regulations (Part 100)	Jacksonville, FL	6/4/2016
USCG-2016-0383	Safety Zones (Part 147 and 165)	Bellaire, OH	6/4/2016
USCG-2016-0302	Safety Zones (Part 147 and 165)	Arkansas River	6/5/2016
USCG-2016-0496	Safety Zones (Part 147 and 165)	Lake Superior, MI	6/11/2016
USCG-2016-0252	Security Zones (Part 165)	Chicago, IL	6/12/2016
USCG-2016-0450	Safety Zones (Part 147 and 165)	Chicago, IL	6/12/2016
USCG-2016-0546	Safety Zones (Part 147 and 165)	Hampton, VA	6/15/2016
USCG-2016-0340	Safety Zones (Part 147 and 165)	New Orleans, LA	6/15/2016
USCG-2016-0117	Safety Zones (Part 147 and 165)	Urbanna, VA	6/17/2016
USCG-2016-0482	Safety Zones (Part 147 and 165)	Hancock, MI	6/18/2016
USCG-2016-0540	Security Zones (Part 165)	Norfolk, VA	6/18/2016

Docket No.	Type	Location	Effective date
USCG-2016-0095 .....	Safety Zones (Part 147 and 165) .....	Buffalo, NY .....	6/18/2016
USCG-2016-0158 .....	Special Local Regulation .....	Lawrenceburg, IN .....	6/18/2016
USCG-2016-0401 .....	Safety Zones (Part 147 and 165) .....	Chattanooga, TN .....	6/18/2016
USCG-2016-0512 .....	Special Local Regulations (Part 100) .....	Triathlon, Ohio River .....	6/19/2016
USCG-2016-0548 .....	Security Zones (Part 165) .....	Cincinnati, OH .....	6/20/2016
USCG-2016-0606 .....	Safety Zones (Part 147 and 165) .....	Clements, MI .....	6/23/2016
USCG-2016-0595 .....	Security Zones (Part 165) .....	Medina, WA .....	6/24/2016
USCG-2016-0631 .....	Safety Zones (Part 147 and 165) .....	offshore of Fitzpatrick .....	6/26/2016
USCG-2016-0475 .....	Special Local Regulation .....	Aguada, PR .....	6/26/2016
USCG-2016-0495 .....	Special Local Regulations (Part 100) .....	Chattanooga, TN .....	6/26/2016
USCG-2016-0637 .....	Safety Zones (Part 147 and 165) .....	Ironton, OH .....	6/30/2016

Dated: December 19, 2017.

**Katia Kroutil,**

Office Chief, Office of Regulations and Administrative Law.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### 42 CFR Part 2

[SAMHSA-4162-20]

RIN 0930-ZA07

### Confidentiality of Substance Use Disorder Patient Records

**AGENCY:** Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes changes to the Substance Abuse and Mental Health Services Administration's (SAMHSA) regulations governing the Confidentiality of Substance Use Disorder Patient Records. These changes are intended to better align the regulations with advances in the U.S. health care delivery system while retaining important privacy protections for individuals seeking treatment for substance use disorders. This final rule addresses the prohibition on re-disclosure notice by including an option for an abbreviated notice. This final rule also addresses the circumstances under which lawful holders and their legal representatives, contractors, and subcontractors may use and disclose patient identifying information for purposes of payment, health care operations, and audits and evaluations. Finally, this final rule is making minor technical corrections to ensure accuracy and clarity in SAMHSA's regulations.

**DATES:** *Effective date:* This final rule is effective February 2, 2018.

*Compliance dates:* The compliance date for all provisions of this final rule, except for § 2.33(c), is February 2, 2018. As discussed in the preamble, contracts between lawful holders and contractors, subcontractors, and legal representatives must comply with § 2.33(c) within two years of the effective date of the final rule.

**FOR FURTHER INFORMATION CONTACT:** Mitchell Berger, Telephone number: (240) 276-1757, Email address: [PrivacyRegulations@samhsa.hhs.gov](mailto:PrivacyRegulations@samhsa.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On February 9, 2016, SAMHSA published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (81 FR 6988), proposing updates to the Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR part 2) regulations. These regulations implement title 42, section 290dd-2 of the United States Code pertaining to the Confidentiality of Substance Use Disorder Patient Records held by certain substance use disorder treatment programs that receive federal financial assistance. As SAMHSA explained in that NPRM, it proposed to update these regulations, last substantively amended in 1987, to reflect development of integrated health care models and the use of electronic exchange of patient information. SAMHSA also wished to maintain confidentiality protections for patient identifying information, as persons with substance use disorders still may encounter significant discrimination if their information is improperly disclosed.

On January 18, 2017, SAMHSA published a final rule (82 FR 6052). In response to public comments, the final rule provided for greater flexibility in disclosing patient identifying information within the health care system while continuing to address the need to protect the confidentiality of substance use disorder patient records. SAMHSA concurrently issued a supplemental notice of proposed

rulemaking (SNPRM) (82 FR 5485) to solicit public comment on additional proposals including: The payment and health care operations-related disclosures that can be made to contractors, subcontractors, and legal representatives by lawful holders under the part 2 rule consent provisions; and the provisions governing disclosures for purposes of carrying out a Medicaid, Medicare or Children's Health Insurance Program (CHIP) audit or evaluation. SAMHSA also solicited comments on whether an abbreviated notice of the prohibition on re-disclosure should be used and, if so, under what circumstances.

SAMHSA received 55 comments on the SNPRM, and after considering those comments, is finalizing the proposed revisions, with some changes made in response to the public comments that were received. Some comments were outside the scope of the specific provisions SAMHSA proposed in the SNPRM or were inconsistent with SAMHSA's legal authority regarding the confidentiality of substance use disorder patient records. This final rule does not address these comments.

##### II. Discussion of Public Comments and Final Modifications to 42 CFR Part 2

###### A. Align With HIPAA

###### Public Comments

SAMHSA received a number of comments regarding alignment of 42 CFR part 2 with the Health Insurance Portability and Accountability Act (HIPAA) or the Health Information Technology for Economic and Clinical Health (HITECH) Act. Reasons cited by these commenters in support of aligning the regulations with HIPAA or HIPAA/HITECH Act were to: (1) Promote information flow between providers, including a clinically complete patient record; (2) allow providers and administrators of services greater discretion; (3) facilitate interoperability; (4) improve compliance; (5) enhance privacy protections by making confidentiality restrictions more