

(3) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer and will be operated at a no wake speed in a manner which will not endanger participants in the event or any other craft.

(4) No spectator shall anchor, block, loiter, or impede the through transit of official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(5) The Patrol Commander may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(6) Any spectator vessel may anchor outside the regulated areas specified in this chapter, but may not anchor in, block, or loiter in a navigable channel.

(7) The Patrol Commander may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) The Patrol Commander will terminate enforcement of the special regulations at the conclusion of the event.

Dated: July 25, 2023.

M.I. Kuperman,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2023–16153 Filed 7–28–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0490]

RIN 1625–AA00

Safety Zone; Mercury Powerboat Race; Sheboygan Harbor, Sheboygan, Wisconsin

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones in Lake Michigan for certain navigable waters in and around Sheboygan Harbor in Sheboygan, WI. The safety zones are needed to protect personnel, vessels, and the marine environment from potential hazards association from the

Mercury Powerboat Race event. This rule will prohibit persons and vessels from entering the safety zones unless authorized by the Captain of the Port Lake Michigan or a designated representative.

DATES: This rule is effective from 8 a.m. on August 11 to 6:30 p.m. on August 13, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2023–0490 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Sector Lake Michigan Waterways Management Division, U.S. Coast Guard; telephone 414–747–7136, email brianna.m.henry@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
COTP Captain of the Port

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency, for good cause, finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because insufficient time remains before the event to publish an NPRM and receive public comments prior to the event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule to wait for a comment period to run would be contrary to the public interest by inhibiting the Coast Guard’s ability to protect personnel, vessels, and the marine environment in these navigable waters during the race events.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP Lake Michigan has determined a safety zone is needed to protect the public from potential hazards association from the Mercury Powerboat Race event.

IV. Discussion of the Rule

The COTP is establishing two safety zones from 8:00 a.m. on August 11 to 6:30 p.m. on August 13, 2023. One of the safety zones will be located offshore of Sheboygan, WI and will cover all navigable waters within the offshore course located within the following coordinates: NW corner 43°44′54.32″ N 87°42′5.77″ W, NE corner 43°44′54.10″ N 87°41′3.21″ W, SW corner, 43°42′27.10″ N 87°42′10.11″ W, SE corner 43°42′26.73″ N 87°40′54.66″ W. The other safety zone will be in a triangular area within Sheboygan Harbor and will cover all navigable waters within the following coordinates: 43°44′56.76″ N 87°41′05.60″ W, 43°45′07.29″ N 87°41′51.07″ W, 43°44′57.24″ N 87°42′05.24″ W. The duration of the zones is intended to protect personnel, vessels, and the marine environment in these navigable waters during the race events. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based the need to ensure the safety of public during the powerboat race event.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended,

requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that order and have determined that it is consistent

with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a temporary safety zone intended to ensure the safety of participants in these navigable waters before, during, and after the swim portion of the Tri CLE Rock Roll Run triathlon. It is categorically excluded from further review under paragraph L63(b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without

jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3

■ 2. Add § 165.T09–0490 to read as follows:

§ 165.T09–0490 Safety Zone; Mercury Powerboat Race; Sheboygan Harbor, Sheboygan, Wisconsin

(a) *Location.* All navigable waters within the offshore course located within the following coordinates: NW corner 43°44′54.32″ N 87°42′5.77″ W, NE corner 43°44′54.10″ N 87°41′3.21″ W, SW corner, 43°42′27.10″ N 87°42′10.11″ W, SE corner 43°42′26.73″ N 87°40′54.66″ W, and all navigable waters located in a triangular area within Sheboygan Harbor within the following coordinates: 43°44′56.76″ N 87°41′05.60″ W, 43°45′07.29″ N 87°41′51.07″ W, 43°44′57.24″ N 87°42′05.24″ W.

(b) *Enforcement Period.* 8 a.m. on August 11 to 6:30 p.m. on August 13, 2023

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23, entry, transiting, or anchoring within this safety zones are prohibited unless authorized by the Captain of the Port Lake Michigan (COTP) or a designated representative.

(2) These safety zones are closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) The “designated representative” of the COTP is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on his or her behalf.

(4) Persons and vessel operators desiring to enter or operate within the safety zones must contact the COTP or an on-scene representative to obtain permission to do so. The COTP or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zones must comply

with all directions given to them by the COTP or an on-scene representative.

Dated: July 25, 2023.

Joseph B. Parker,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2023–16165 Filed 7–28–23; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 222, 224, 225, 233, 234 and 235

[Docket No. 2022–6]

Copyright Claims Board: District Court Referrals; Proof of Service Forms; Default Proceedings; Law Student Representation

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: Pursuant to the Copyright Alternative in Small-Claims Enforcement Act, the U.S. Copyright Office is adopting as final a December 19, 2022 interim rule allowing the Copyright Claims Board to modify or suspend certain rules when a claim is referred by a district court and, in cases that are first filed before the Copyright Claims Board, accept alternative proof of service forms. The interim rule also clarified the rules governing default proceedings and law student representation, and made certain technical corrections.

DATES: Effective August 30, 2023.

FOR FURTHER INFORMATION CONTACT: Rhea Efthimiadis, Assistant to the General Counsel, by email at meft@copyright.gov or telephone at (202) 707–8350.

SUPPLEMENTARY INFORMATION: The Copyright Alternative in Small-Claims Enforcement Act of 2020 (the “CASE Act”) ¹ directed the Copyright Office to establish the Copyright Claims Board (the “CCB”), an alternative and voluntary forum for parties seeking to resolve certain copyright-related disputes that have a total monetary value of \$30,000 or less.

After publishing a notification of inquiry (“NOI”) seeking public input on the CCB’s operations and procedures in early 2021,² the Office published multiple notices of proposed rulemaking (“NPRMs”) addressing

various aspects of CCB proceedings.³ The Office then published final rules after receiving and considering comments from the public.⁴ On June 16, 2022, the CCB began receiving claims.

On December 19, 2022, the Office published and sought comment on an interim rule that clarified the rules governing representation by law students of parties before the CCB, added a rule to address district court referrals, and amended the rules governing proof of service forms and default proceedings.⁵ Specifically, the interim rule clarified that law student representatives must qualify under the laws, court rules, or bar rules of the jurisdiction that allows, authorizes, or permits them to practice law. This clarification was intended to avoid any implication in the prior rule that law students must undergo a formal certification process. The interim rule also clarified that the CCB’s regulations only govern law students who make a formal appearance in CCB proceedings, rather than those who provide legal assistance to parties in other capacities.

The interim rule also set forth intake procedures for cases referred to the CCB from district courts and gave the CCB authority to adjust or suspend certain rules that would otherwise apply if doing so would be in the interests of efficiently resolving the dispute. The interim rule excluded district court referrals from the limits on the number of proceedings a claim, attorney, or law firm may file with the CCB, and did not require a claimant to pay a filing fee for such a proceeding.

Further, the interim rule made clear that claimants may file either the proof of service form provided on the CCB’s website or an alternative proof of service form that contains all of the information required by the CCB-provided form. The interim rule also clarified that parties are not limited to materials exchanged during discovery when presenting evidence in support of a default. Finally, the interim rule included updated cross-references and added references to “counterclaims” where the rule previously only referred to “claims.”

The Office received one comment on the interim rule from the Copyright Alliance, concerning the decision not to

require claimants to pay a fee for proceedings referred to the CCB by a district court.⁶ The Copyright Alliance indicated that it had no objections to this approach, but recommended that “the Office monitor the number of cases referred from district court and re-evaluate the impact of this rule” to make sure that costs are not passed to other claimants and that the CCB’s budget or resources are not negatively impacted, in the event that district court referrals become a significant portion of the CCB’s caseload.⁷ If that occurs, the Copyright Alliance suggested that the Office “includ[e] an amount sufficient to fund these cases in its annual appropriations funding request from Congress” or, if the Office opts to impose a fee in the future, that it “divid[e] that fee equally among all of the claimants and respondents that would be party to the case.”⁸

The Office appreciates these comments and will take them under advisement moving forward. Because the Office did not receive any comments recommending changes to the proposed rule at this time, the Office adopts the interim rule as final.

List of Subjects in 37 CFR Parts 222, 224, 225, 233, 234, and 235

Claims, Copyright.

Final Regulations

PART 222—PROCEEDINGS

PART 224—REVIEW OF CLAIMS BY OFFICERS AND ATTORNEYS

PART 225—DISCOVERY

PART 233—LIMITATION ON PROCEEDINGS

PART 234—LAW STUDENT REPRESENTATIVES

PART 235—DISTRICT COURT REFERRALS

■ For the reasons stated in the preamble, the U.S. Copyright Office adopts the interim rule amending 37 CFR parts 222, 224, 225, 233, 234, and 235, which was published at 87 FR 77518 on December 19, 2022, as final without change.

⁶ Copyright Alliance Interim Rule Comments at 1.

⁷ Copyright Alliance Interim Rule Comments at 1–2.

⁸ Copyright Alliance Interim Rule Comments at 2.

¹ Public Law 116–260, sec. 212, 134 Stat. 1182, 2176 (2020).

² 86 FR 16156 (Mar. 26, 2021).

³ See, e.g., 86 FR 74394 (Dec. 30, 2021); 86 FR 53897 (Sept. 29, 2021); 86 FR 69890 (Dec. 8, 2021).

⁴ 87 FR 20707 (Apr. 8, 2022) (law student representation final rule); 87 FR 12861 (Mar. 8, 2022) (initial proceedings partial final rule); 87 FR 16989 (Mar. 25, 2022) (initial proceedings final rule); 87 FR 24056 (Apr. 22, 2022) (initial proceedings correction); 87 FR 30060 (May 17, 2022) (active proceedings final rule); 87 FR 36060 (June 15, 2022) (active proceedings correction).

⁵ 87 FR 77518 (Dec. 19, 2022).