

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore; (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AAL AK E5 Tununak, AK [New]

Tununak Airport, AK
(Lat. 60°34′10″ N, long. 165°14′47″ W)

That airspace extending upward from 700 feet above the surface within a 3.4-mile radius of the airport between the 258° bearing clockwise to the 306° bearing, and within 2.5 miles east and 2.8 miles west of the 168° bearing extending from the airport to 7.4 miles south, and within 1.9 miles east and 2.3 miles west of the 348° bearing extending from the airport to 7.4 miles north.

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Issued in Des Moines, Washington, on June 1, 2023.

B.G. Chew,

*Group Manager, Operations Support Group,
Western Service Center.*

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 200

RIN 0596–AD59

Organization, Functions, and Procedures; Functions and Procedures; Forest Service Functions

AGENCY: Forest Service, USDA.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The Forest Service (Agency), United States Department of Agriculture (USDA), published an advance notice of proposed rulemaking in the **Federal Register** on April 21, 2023 initiating a 60-day comment period. The advance notice invited public comment on the following topic and additional questions: Given that climate change and related stressors are resulting in increasing impacts with rapid and variable rates of change on national forests and grasslands, how should the Forest Service adapt current policies to protect, conserve, and manage the national forests and grasslands for climate resilience, so that the Agency can provide for ecological integrity and support social and economic sustainability over time? In response to feedback from prospective commenters stating that they would benefit from additional time to adequately consider and respond to the advance notice, USDA’s Forest Service has determined that an extension of the comment period by an additional 30 days, from June 20, 2023 to July 20, 2023, is appropriate.

DATES: The end of the comment period for the advance notice of proposed rulemaking published on April 21, 2023 (88 FR 24497) is extended from June 20, 2023, until July 20, 2023.

ADDRESSES: You may send comments by any of the following methods:

Preferred: Federal eRulemaking Portal www.regulations.gov. Mail: Director, Policy Office, 201 14th Street SW, Mailstop 1108, Washington, DC 20250–1124.

All comments received will be posted to www.regulations.gov, including any personal information provided. The public may inspect comments received at www.regulations.gov. Do not submit any information you consider to be private, confidential business information, or other information, of which the disclosure is restricted by statute.

The Forest Service is planning public engagement sessions. For additional information related to the advanced notice of proposed rulemaking and the public engagements visit: <https://www.fs.usda.gov/managing-land/sc/policy-initiatives>.

FOR FURTHER INFORMATION CONTACT: Christopher Swanston, Director, Office of Sustainability and Climate, (202) 205–0833. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: Climate change and related stressors, such as wildfire, drought, insects and diseases, extreme weather events, and chronic stress on ecosystems are resulting in increasing impacts with rapid and variable rates of change on national forests and grasslands. These impacts can be compounded by fire suppression, development in the wildland-urban interface, and timber harvest and reforestation practices that are not designed and implemented considering current and projected climate change.

Multiple Forest Service plans, policies, and regulations already include direction on climate adaptation. However, given (1) increasing rates of change, and (2) new information and ways of assessing and visualizing risk, USDA and the Forest Service published an advance notice of proposed rulemaking on April 21, 2023 (88 FR 24497) to invite public feedback and to request Tribal consultation on a range of potential options to adapt current policies or develop new policies and actions to better anticipate, identify, and respond to rapidly changing conditions associated with climate-amplified impacts.

An extension of the comment period will provide additional opportunity for the public to consider the advance notice and prepare comments to address

the questions posed therein. Therefore, the USDA Forest Service is extending the comment period from June 20, 2023 to July 20, 2023.

Christopher French,

Deputy Chief, National Forest System, Forest Service.

[FR Doc. 2023–12267 Filed 6–7–23; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2023–5]

Exemptions To Permit Circumvention of Access Controls on Copyrighted Works

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

ACTION: Notification of inquiry and request for petitions.

SUMMARY: The United States Copyright Office is initiating the ninth triennial rulemaking proceeding under the Digital Millennium Copyright Act (“DMCA”) to consider possible temporary exemptions to the DMCA’s prohibition against circumvention of technological measures that control access to copyrighted works. In this proceeding, the Copyright Office is again providing a streamlined procedure for the renewal of exemptions that were granted during the eighth triennial rulemaking. If renewed, those current exemptions would remain in force for an additional three-year period (October 2024–October 2027). Members of the public seeking the renewal of current exemptions should submit petitions as described below; parties opposing such renewal will then have the opportunity to file comments in response. The Office is also accepting petitions for new exemptions to engage in activities not currently permitted by existing exemptions, which may include proposals that expand on a current exemption. Those petitions, and any renewal petitions that are opposed, will be considered pursuant to a rulemaking process that includes three rounds of written comment, followed by public hearings, which the Office intends to conduct virtually.

DATES: Written petitions for renewal of current exemptions must be received no later than 11:59 p.m. Eastern Time on July 7, 2023. Written comments in response to any petitions for renewal must be received no later than 11:59 p.m. Eastern Time on August 11, 2023.

Written petitions for new exemptions must be received no later than 11:59 p.m. Eastern Time on August 11, 2023.

ADDRESSES: Written petitions for renewal of current exemptions must be completed using the form provided on the Office’s website at <https://www.copyright.gov/1201/2024/renewal-petition.pdf>. Written petitions proposing new exemptions must be completed using the form provided on the Office’s website at <https://www.copyright.gov/1201/2024/new-petition.pdf>. The Copyright Office is using the *regulations.gov* system for the submission and posting of public petitions and comments in this proceeding. All petitions and comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting petitions and comments are available on the Copyright Office website at <https://www.copyright.gov/1201/2024>. If electronic submission is not feasible, please contact the Office using the contact information below for special instructions.

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:

I. The Digital Millennium Copyright Act and Section 1201

The Digital Millennium Copyright Act (“DMCA”) ¹ has played a pivotal role in the development of the modern digital economy. Enacted by Congress in 1998 to implement the United States’ obligations under two international treaties,² the DMCA was intended to foster the growth and development of a thriving, innovative, and flexible digital marketplace by making digital networks safe places to disseminate and use copyrighted materials.³ It did this by, among other things, providing new legal protections for copyrighted content made available in digital formats.⁴

¹ Public Law 105–304, 112 Stat. 2860 (1998).

² WIPO Copyright Treaty, Dec. 20, 1996, 36 I.L.M. 65 (1997); WIPO Performances and Phonograms Treaty, Dec. 20, 1996, 36 I.L.M. 76 (1997).

³ See Staff of H. Comm. on the Judiciary, 105th Cong., Section-by-Section Analysis of H.R. 2281 as Passed by the United States House of Representatives on August 4th, 1998, at 2, 6 (Comm. Print 1998) (“House Manager’s Report”); H.R. Rep. No. 105–551, pt. 2, at 21, 23 (1998); H.R. Rep. No. 105–551, pt. 1, at 10 (1998); S. Rep. No. 105–190, at 1–2, 8–9 (1998).

⁴ See House Manager’s Report at 6 (noting Congress’s intention to “support new ways of disseminating copyrighted materials to users, and to safeguard the availability of legitimate uses of those materials by individuals”).

These protections, codified in section 1201 of title 17, United States Code, seek to balance the interests of copyright owners and users, including the personal interests of consumers, in the digital environment.⁵ Section 1201 protects technological measures (also called technological protection measures or “TPMs”) used by copyright owners to prevent unauthorized access to or use of their works.⁶ Section 1201 contains three separate protections for TPMs. First, it prohibits circumvention of technological measures employed by or on behalf of copyright owners to protect access to their works (also known as access controls). Access controls include, for example, a password requirement limiting access to an online service to paying customers or an authentication code in a video game console to prevent the playing of pirated copies. Second, the statute prohibits trafficking in devices or services primarily designed to circumvent access controls. Finally, it prohibits trafficking in devices or services primarily designed to circumvent TPMs used to protect the exclusive rights of the copyright owner of a work (also known as copy controls). Copy controls protect against unauthorized uses of a copyrighted work once access has been lawfully obtained. They include, for example, technology preventing the copying of an e-book after it has been downloaded to a user’s device. Though trafficking in circumvention devices and services is prohibited, the statute does not ban the act of circumventing a copy control.⁷ All of these prohibitions supplement the preexisting rights of copyright owners under the Copyright Act of 1976 by establishing separate and distinct causes of action independent of any infringement of copyright.⁸

Section 1201 contains a number of specific exemptions to these prohibitions to avoid curtailing legitimate activities such as security testing, law enforcement activities, or the protection of personally identifying information.⁹ In addition, to accommodate changing marketplace conditions and ensure that access to copyrighted works for other lawful purposes is not unjustifiably diminished,¹⁰ the statute provides for a rulemaking proceeding where temporary exemptions to the

⁵ See H.R. Rep. No. 105–551, pt. 2, at 26.

⁶ 17 U.S.C. 1201(a)–(b).

⁷ S. Rep. No. 105–190, at 12.

⁸ See U.S. Copyright Office, Section 1201 of Title 17, at i, iii, 43–45 (June 2017) (“Section 1201 Study”), <https://www.copyright.gov/policy/1201/section-1201-full-report.pdf>.

⁹ 17 U.S.C. 1201(d)–(j).

¹⁰ H.R. Rep. No. 105–551, pt. 2, at 35–36.