

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket No. USCG-2022-0262]

Safety Zones; Recurring Safety Zones in Captain of the Port Sault Sainte Marie Zone for Events Beginning in May 2022**AGENCY:** Coast Guard, Department of Homeland Security (DHS).**ACTION:** Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce established safety zones for maritime events starting in May 2022 to provide for the safety of life on navigable waterways. Our regulation for safety zones within the Captain of the Port Sault Sainte Marie Zone identifies the regulated area for these safety zones. During the enforcement periods, vessels must stay out of the established safety zone and may only enter with permission from the designated representative of the Captain of the Port Sault Sainte Marie.

DATES: The regulations in 33 CFR 165.918 will be enforced for the safety zones identified in Table 1 of the

SUPPLEMENTARY INFORMATION section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this publication, call or email Waterways Management division, LT Deaven Palenzuela, Coast Guard Sector Sault Sainte Marie, U.S. Coast Guard; telephone 906-635-3223, email ssm prevention@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones in 33 CFR 165.918 as per the time, dates, and locations in Table 1.

TABLE 1
[Datum NAD 1983]

Event	Location	Event date *
(1) Mackinaw Area Visitors Bureau's Tuesday and Friday Night Fireworks; Mackinaw City, MI.	All U.S. navigable waters of the Straits of Mackinac within an approximate 1,000-foot radius from the fireworks launch site located in position 45°46'28" N, 084°43'12" W.	—May 27, 30, 31. —June 7, 10, 14, 17, 21, 24, 28. —July 1, 4, 8, 12, 15, 19, 22, 26, 29. —August 2, 5, 9, 12, 16, 19, 23, 26, 30. —September 2, 5, 9, 16, 23, 30. 8:30 p.m. to 11 p.m.
(4) Festivals of Fireworks Celebration Fireworks; St. Ignace, MI.	All U.S. navigable waters of East Moran Bay within an approximate 1,000-foot radius from the fireworks launch site at the end of the Starline Mill Slip, centered in position: 45°52'24.62" N, 084°43'18.13" W.	—May 28. —June 25. —July 4, 9, 16, 23, 30. —August 6, 13, 20, 27. —September 3. 9:00 p.m. to 11:00 p.m.

* Alternative rain date is following day, if needed.

This action is being taken to provide for the safety of life on navigable waterways during the fireworks displays. The regulations for safety zones within the Captain of the Port Sault Sainte Marie Zone, § 165.918, apply for these fireworks displays.

This notification of enforcement is issued under authority of 33 CFR 165.918 and 5 U.S.C. 552 (a). In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Sault Sainte Marie determines that the safety zone need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: April 5, 2022.

A.R. Jones,
Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

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BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[Docket Number USCG-2022-0176]

RIN 1625-AA00**Safety Zone; Columbia River, Rufus, OR****AGENCY:** Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary emergency safety zone within 200 yards of a power line lying across the Columbia River, approximately 300 yards west of the John Day Lock and Dam. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with the repair of the damaged power line that is 10 ft above the water line. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Columbia River.

DATES: This rule is effective without actual notice from April 8, 2022, through April 10, 2022. For the purposes of enforcement, actual notice will be used from April 4, 2022, until April 8, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0176 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 on this rule, call or email Lieutenant Sean V. Murphy, Waterways Management, Marine Safety Unit Portland, U.S. Coast Guard, telephone 503-240-2594, email Sean.V.Murphy@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

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 a power line is laying across the Columbia River, 10 feet above the waterline, and immediate action is needed to protect the public from dangers associated with its existence and repair. It is impracticable to publish an NPRM because we must establish this safety zone on April 4, 2022.

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 would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the damaged power line laying across the Columbia River.

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 Captain of the Port Columbia River (COTP) has determined that potential hazards associated with a damaged

power line laying across the Columbia River, approximately 300 yards west of the John Day Lock and Dam, will be a safety concern for anyone within 200 yards of the power line. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the power line is repaired.

IV. Discussion of the Rule

This rule establishes a safety zone from April 4, 2022, until April 10, 2022. The safety zone will cover all navigable waters within 200 yards of the power line laying across the Columbia River, approximately 300 yards west of the John Day Lock and Dam. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the power line is being repaired. No vessel or person will be permitted to enter the safety zone without obtaining permission from 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 Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the safety zone.

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 a safety zone that will prohibit entry within 200 yards of a damaged power cable that is laying across the Columbia River, approximately 300 yards west of the John Day Lock and Dam. It is categorically excluded from further review under paragraph L 60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

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; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Add § 165.T13–0176 to read as follows:

§ 165.T13–0176 Safety Zone; Safety Zone; Columbia River, Rufus, OR.

(a) **Location.** The following area is a safety zone: All waters of the Columbia River, from surface to bottom, 200 yards around a line connecting the following points: 45°42'51" N, 120°42'39" W and 45°42'22.9" N, 120°42'28.1" W. These coordinates are based on the 1984 World Geodetic System.

(b) **Definitions.** As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Columbia River (COTP) in the enforcement of the safety zone.

(c) **Regulations.** (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by contacting the Sector Columbia River at 503–861–6212. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) **Enforcement period.** This section will be enforced from April 4, 2022, to April 10, 2022.

Dated: April 4, 2022.

M. Scott Jackson,

Capt. U.S. Coast Guard, Captain of the Port Columbia River.

[FR Doc. 2022–07515 Filed 4–7–22; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201, 232, and 234

[Docket No. 2021–9]

Copyright Claims Board: Law Student and Business Entity Representation

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

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is issuing a final rule establishing

procedures governing the appearance of law student representatives and representatives of business entities in proceedings before the Copyright Claims Board.

DATES: Effective May 9, 2022.

FOR FURTHER INFORMATION CONTACT:

Megan Efthimiadis, Assistant to the General Counsel, by email at *meft@copyright.gov*, or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

The Copyright Alternative in Small-Claims Enforcement (“CASE”) Act of 2020¹ directs the Copyright Office (“Office”) to establish the Copyright Claims Board (“CCB”), an alternative forum to federal court in which parties may seek resolution of copyright disputes that have a total monetary value of \$30,000 or less.² The CCB has the authority to hear copyright infringement claims, claims seeking a declaration of noninfringement, and misrepresentation claims under 17 U.S.C. 512(f).³ Participation in the CCB is voluntary for all parties⁴ and all determinations are non-precedential.⁵ The CASE Act directs the Register of Copyrights to establish the regulations by which the CCB will conduct its proceedings, subject to the provisions of chapter 15 and relevant principles of law under title 17 of the United States Code.⁶ The CASE Act also provides that any party in a CCB proceeding may be represented by “a law student who is qualified under applicable law governing representation by law students of parties in legal proceedings and who provides such representation on a *pro bono* basis.”⁷

In December 2021, the Office issued a notice of proposed rulemaking (“NPRM”), proposing regulations governing the representation of parties

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

² 17 U.S.C. 1502(a), 1504(e)(1)(D); *see, e.g.*, H.R. Rep. No. 116–252, at 17–20 (2019); S. Rep. No. 116–105, at 11 (2019). Note, the CASE Act legislative history cited is for H.R. 2426 and S. 1273, the CASE Act of 2019, a bill nearly identical to the CASE Act of 2020. *See* H.R. 2426, 116th Cong. (2019); S. 1273, 116th Cong. (2019).

³ 17 U.S.C. 1504(c)(1)–(3).

⁴ *See id.* at 1504(a); H.R. Rep. No. 116–252, at 17, 21; S. Rep. No. 116–105, at 3, 11.

⁵ 17 U.S.C. 1507(a)(3); H.R. Rep. No. 116–252, at 21–22, 33; S. Rep. No. 116–105, at 14.

⁶ 17 U.S.C. 1506(a)(1).

⁷ *Id.* at 1506(d)(2); *see also* S. Rep. No. 116–105, at 4 (“Parties may also rely upon law school legal clinics to represent them before the Board.”); H.R. Rep. No. 116–252, at 17 (“Parties may . . . be represented . . . by a law student acting *pro bono*.”).