

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

## EXECUTIVE OFFICE OF THE PRESIDENT

### Office of the Intellectual Property Enforcement Coordinator

#### 5 CFR Chapter CIV

RIN 0355-AA00

### Freedom of Information Act and the Privacy Act

#### Correction

In rule document 2023-02552, appearing on pages 8207-8217, in the issue of Wednesday, February 8, 2023, make the following correction:

■ On page 8208, in the third column, in the 16<sup>th</sup>-21<sup>st</sup> lines from the bottom of the page, the words of issuance and chapter heading are corrected to read as set forth below:

For the reasons stated in the preamble, the Office of the Intellectual Property Enforcement Coordinator is establishing chapter CIV, consisting of part 10400, in title 5 of the Code of Federal Regulations to read as follows:

#### Chapter CIV—Office of the Intellectual Property Enforcement Coordinator

[FR Doc. C1-2023-02552 Filed 2-16-23; 8:45 am]

BILLING CODE 0099-10-D

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Parts 1710, 1714, 1717, 1724, and 1730

[Docket No. RUS-22-Electric-0031]

RIN 0572-AC57

### Electric Program Streamlining and Improvement

**AGENCY:** Rural Utilities, USDA.

**ACTION:** Final rule; confirmation and response to comment.

**SUMMARY:** The Rural Utilities Service (RUS or Agency), an agency in the United States Department of Agriculture (USDA) Rural Development Mission area, published a final rule with comment in the **Federal Register** on November 30, 2022, to revise several regulations to streamline procedures for Electric Program borrowers, including its loan application requirements, approval of work plans and load forecasts, use of approved contracts and system design procedures and reporting requirements. Through this action, RUS is confirming the final rule as it was published and providing a response to the public comment received.

**DATES:** The final rule published November 30, 2022, at 87 FR 73433, is confirmed as of February 28, 2023.

**FOR FURTHER INFORMATION CONTACT:** Robert Coates, Branch Chief, Policy and Outreach Branch, Office of Customer Service and Technical Assistance, Rural Utilities Service; U.S. Department of Agriculture; Stop 1569, 1400 Independence Avenue SW, Washington, DC 20250-0787; telephone (202) 720-1900, email [RUSElectric@usda.gov](mailto:RUSElectric@usda.gov). Persons with disabilities or who require alternative means for communication should contact the USDA Target Center at (202) 720-2600.

**SUPPLEMENTARY INFORMATION:** Rural Development is a mission area within the U.S. Department of Agriculture (USDA) comprising the Rural Utilities Service, Rural Housing Service, and Rural Business-Cooperative Service. Rural Development's mission is to increase economic opportunity and improve the quality of life for all rural Americans. Rural Development meets its mission by providing loans, loan guarantees, grants, and technical assistance through numerous programs aimed at creating and improving housing, business, and infrastructure throughout rural America.

The RUS Electric Program loans, loan guarantees and grants finance the construction and improvement of rural electric infrastructure. In an effort by the RUS Electric Program to administer its program in an efficient and effective manner while improving its customer service and experience, and in response to requests from the RUS Electric Program borrowers, the Electric Program undertook a systematic review of regulations and procedures in place to administer its program. In addition to

the final rule, the Electric Program has completed two other streamlining efforts to date.

The final rule that published November 30, 2022 (87 FR 73433), included a 60-day comment period that ended on January 30, 2023. The Agency received one set of comments from the Osage Nation Historic Preservation Office (ONHPO).

The Agency appreciates the comments from the ONHPO. The Agency concurs that the term *tribal areas* should be more clearly defined. The intent of the additional language is to ensure that non-Tribal borrowers obtain consent of the Tribe, when proposing a service territory that includes an area over which a Tribal government has regulatory authority, similar to the consent and permits required to build infrastructure in other jurisdictions. Additionally, borrowers must comply with Tribal law when operating in tribal areas where Tribes have regulatory authority.

The Agency agrees it is appropriate to consult with Tribes on such a definition and will do so to determine the optimal policy mechanism to define tribal areas and how to incorporate the definition into its policies and practices at a later date. Applicants, borrowers, and Tribes are encouraged to contact RUS for any needed clarification.

The crux of the additional comments from ONHPO were focused on compliance with the National Historic Preservation Act, the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the Archaeological Resource Protection Act, the American Indian Religious Freedom Act, and Executive Order 13007, "Indian Sacred Sites." Nothing in the rule amends or alters the Agency's regulatory and administrative requirements of this program under the cited Statutes and Executive order, including the National Historic Preservation Act and associated implementing regulations.

The Agency appreciates the suggestion that it meet with Tribal Historic Preservation Departments in 2023. The Agency welcomes ongoing input from Tribal Historic Preservation Officers and the National Association of Tribal Historic Preservation Officers regarding its ongoing responsibilities under the National Historic Preservation Act.

Again, RUS appreciates and has considered the comments from the ONHPO on the final rule. Due to the responses detailed above the Agency confirms the final rule without change.

**Andrew Berke,**

*Administrator, Rural Utilities Service.*

[FR Doc. 2023-03418 Filed 2-16-23; 8:45 am]

**BILLING CODE 3410-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket Number USCG-2022-0698]

RIN 1625-AA08

#### Special Local Regulation; San Diego Fleet Week Veterans Day Boat Parade; San Diego Bay, San Diego, CA

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending its special local regulations for recurring marine parades, regattas, and other events in Southern California Annual Marine Events for the San Diego Captain of the Port Zone. This final rule will add one new recurring special local regulation for the San Diego Fleet Week Veterans Day Boat Parade. This action is necessary to provide for the safety of life on the navigable waters during the annual event, and will restrict vessel traffic in the designated areas during the event unless authorized by the Captain of the Port Sector San Diego or a designated representative.

**DATES:** This rule is effective March 20, 2023.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0698 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 rulemaking, call or email Lieutenant Junior Grade Shera Kim, Waterways Management, U.S. Coast Guard; telephone 619-278-7656, email [MarineEventsSD@uscg.mil](mailto:MarineEventsSD@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

On August 11, 2022, The San Diego Fleet Week Foundation notified the Coast Guard that it will be hosting the San Diego Fleet Week Veterans Day Boat Parade annually on a single day during the month of November. The regulated area would cover all navigable waters of San Diego Bay, beginning at Shelter Island, proceeding northeast to Harbor Island, proceeding southeast along the shoreline to Tenth Avenue Marine Terminal, crossing the Federal navigable channel prior to the Coronado Bridge, then northwest along the shoreline of Coronado Island to the Coronado Ferry Landing.

In response, on August 31, 2022, the Coast Guard published a notice of proposed rulemaking (NPRM) titled "Special Local Regulation; San Diego Fleet Week Veterans Day Boat Parade; San Diego Bay, San Diego, CA" (87 FR 53700). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this annual marine event. During the comment period that ended October 3, 2022, we received zero comments.

The event is expected to draw a high concentration of vessels to the San Diego Bay area along the proposed parade route. Traditionally, the San Diego Bay area serves as a major thoroughfare for commercial traffic, naval operations, ferry routes, and a number of other recreational uses. The Coast Guard is establishing this special local regulation to minimize impacts on this congested waterway. This regulation is necessary to ensure the safety of individuals, property, and the marine environment on the navigable waters of San Diego Bay during this event.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041 (previously 33 U.S.C. 1231). The Captain of the Port Sector San Diego (COTP) has determined that potential hazards associated with the San Diego Fleet Week Veterans Day Boat Parade annually on a weekend during the month of November will present a safety of life concern on navigable waters. The purpose of this rule is to ensure safety of life on the navigable waters in the safety zone before, during, and after the scheduled event.

For the reasons stated above, we are issuing this rule.

##### IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published August 31, 2022. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a special local regulation annually on a weekend in November. The special local regulation will cover all navigable waters of San Diego Bay, beginning at Shelter Island, proceeding northeast to Harbor Island, proceeding southeast along the shoreline to Tenth Avenue Marine Terminal, crossing the Federal navigable channel prior to the Coronado Bridge, then northwest along the shoreline of Coronado Island to the Coronado Ferry Landing. No vessel or person will be permitted to enter the special local regulation 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 special local regulation. Vessel traffic would be able to safely transit around this special local regulation, which would impact a small-designated area of the San Diego Bay. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the areas, and the rule would allow vessels to seek permission to enter the areas.

###### 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