

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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### 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 [mefth@copyright.gov](mailto:mefth@copyright.gov) or telephone at (202) 707–8350.

**SUPPLEMENTARY INFORMATION:** The Copyright Alternative in Small-Claims Enforcement Act of 2020 (the “CASE Act”)<sup>1</sup> 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,<sup>2</sup> the Office published multiple notices of proposed rulemaking (“NPRMs”) addressing

various aspects of CCB proceedings.<sup>3</sup> The Office then published final rules after receiving and considering comments from the public.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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.”<sup>8</sup>

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.

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

<sup>2</sup> 86 FR 16156 (Mar. 26, 2021).

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

<sup>4</sup> 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).

<sup>5</sup> 87 FR 77518 (Dec. 19, 2022).

<sup>6</sup> Copyright Alliance Interim Rule Comments at 1.

<sup>7</sup> Copyright Alliance Interim Rule Comments at 1–2.

<sup>8</sup> Copyright Alliance Interim Rule Comments at 2.

Dated: July 19, 2023.

**Shira Perlmutter,**

Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

**Carla D. Hayden,**

Librarian of Congress.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 97**

[EPA-HQ-OAR-2021-0668; FRL-8670.2-03-OAR]

**Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards; Response to Judicial Stays of SIP Disapproval Action for Certain States**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Interim final rule; request for comment.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking interim final action to stay, for emissions sources in Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Texas only, the effectiveness of the federal implementation plan (FIP) requirements established to address the obligations of these and other states to mitigate interstate air pollution with respect to the 2015 national ambient air quality standards (NAAQS) for ozone (the Good Neighbor Plan). The EPA is also revising certain other regulations to ensure that sources in these states will continue to be subject to previously established requirements to mitigate interstate air pollution with respect to other ozone NAAQS while the Good Neighbor Plan’s requirements are stayed. These revisions will also ensure that the stay is limited to requirements for which the EPA does not currently have authority to implement a FIP pending judicial review. The stay and the associated revisions to other regulations are being issued in response to judicial orders that partially stay, pending judicial review, a separate, earlier EPA action which disapproved certain state implementation plan (SIP) revisions submitted by these and other states. Finally, for states for which the Good Neighbor Plan’s requirements are not being stayed, the EPA is revising three near-term deadlines that are incorrect as published in the Good Neighbor Plan.

**DATES:** This interim final rule is effective on August 4, 2023. Comments

on this rule must be received on or before August 30, 2023.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA-HQ-OAR-2021-0668, by any of the following methods:

- *Federal eRulemaking portal:* <https://www.regulations.gov> (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental

Protection Agency, EPA Docket Center, Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- *Hand delivery or courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center’s hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except federal holidays).

Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** David Lifland, Clean Air Markets Division, Office of Atmospheric Protection, Office of Air and Radiation, U.S. Environmental Protection Agency, Mail Code 6204A, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone: 202-343-9151; email: [lifland.david@epa.gov](mailto:lifland.david@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General**

*A. Public Participation*

Submit your written comments, identified by Docket ID No. EPA-HQ-OAR-2021-0668, at <https://www.regulations.gov> (our preferred method), or by the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment

contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

*B. Potentially Affected Entities*

This action revises on an interim basis the Good Neighbor Plan, which applies to electricity generating units (EGUs) and non-EGU industrial sources. This action also revises other allowance trading program regulations that apply to EGUs but not to non-EGU industrial sources. The affected emissions sources are generally in the following industry groups:

Industry group	North American Industry Classification System (NAICS) code
Fossil Fuel Electric Power Generation .....	221112
Pipeline Transportation of Natural Gas .....	4862
Cement and Concrete Product Manufacturing .....	3273
Iron and Steel Mills and Ferroalloy Manufacturing .....	3311
Glass and Glass Product Manufacturing .....	3272
Basic Chemical Manufacturing ..	3251
Petroleum and Coal Products Manufacturing .....	3241
Pulp, Paper, and Paperboard Mills .....	3221
Metal Ore Mining .....	2122
Solid Waste Combustors and Incinerators .....	562213

The Good Neighbor Plan applies to emissions sources in Alabama, Arkansas, California, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Utah, Virginia, West Virginia, and Wisconsin. The portions of this action staying the Good Neighbor Plan’s requirements and revising other allowance trading program regulations apply to sources in Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Texas. The portions of this action revising certain near-term deadlines under the Good Neighbor Plan apply to emissions sources in the other listed states, for which the Good Neighbor Plan’s requirements are not being stayed.

The information provided in this section on potentially affected entities is not intended to be exhaustive. If you have questions regarding the applicability of this action to a