The Coast Guard is issuing this temporary final 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 such 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 the Coast Guard did not receive notice of the unexploded ordnance operations until October 24, 2016. Publishing a NPRM and delaying its effective date would be impracticable and contrary to public interest because immediate actions is needed to protect the United States Navy divers, other vessels, and mariners from the hazards associated with the recovery of unexploded ordnance from the navigable waters of the Florida Keys, near Sugarloaf Key, Florida.

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 for the same reasons discussed above.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP Key West, FL, has determined that potential hazards associated with detonating ordnance will be a safety concern for anyone within a 200-yard radius of positions 24°32.511′ N., 081°29.051′ W., and 24°32.501′ N., 081°32.781′ W. This rule is needed to protect safety of life, vessels, and the marine environment in the navigable waters within the safety zone.

IV. Discussion of the Interim Temporary Final Rule

This rule establishes a safety zone immediately until the early of July 1,
2017, or when all ordnance recovery
dive operations are complete. The safety
zone will cover all navigable waters
within a 200-yard radius of positions
24°32.511′N., 081°29.051′W. and
24°32.501′N., 081°32.781′W. The
duration of the zone is intended to
protect personnel, vessels, and the
marine environment in these navigable
waters from exploding ordnances. No
vessel or person will be permitted to
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 protesters.

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.

Executive Order 13563 emphasizes the
importance of quantifying both costs
and benefits, of reducing costs, of
harmonizing rules, and of promoting
flexibility. This rule has not been
designated a “significant regulatory
action,” under Executive Order 12866.

Accordingly, it has not been reviewed
by the Office of Management and
Budget.

This regulatory action determination
is based on the size, location, and
duration of the safety zone. Vessel
traffic will be able to safely transit
around this safety zone, which will
impact a small designated area of the
Straits of Florida for a limited period
during emergency operations.

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 contact 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

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. If you
believe this rule has implications for
federalism or Indian tribes, please
contact the person listed in the FOR
FURTHER INFORMATION CONTACT section
above.

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 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
Management Directive 023–01 and
Commandant Instruction M16475.1D,
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 an
emergency safety zone implemented to
protect persons and vessels in the
vicinity of American Shoal Light. It is
categorically excluded from further
review under paragraph 34(g) of Figure
2–1 of the Commandant Instruction.
An environmental analysis checklist
supporting this determination and a
Categorical Exclusion Determination
are available in the docket where indicated
under ADDRESSES. We seek any
comments or information that may lead
to the discovery of a significant
environmental impact from this rule.

G. Protest Activities
The Coast Guard respects the First
Amendment rights of protesters.
Protesters are asked to contact 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.

VI. Public Participation and Request for
Comments
We view public participation as
essential to effective rulemaking, and
will consider all comments and material
received during the comment period.
Your comment can help shape the
outcome of this rulemaking. If you
submit a comment, please include the
docket number for this rulemaking,
indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at http://www.regulations.gov. If your material cannot be submitted using http://www.regulations.gov, contact the person in the FOR FURTHER INFORMATION CONTACT section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to http://www.regulations.gov and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the Federal Register (70 FR 15086).

Documents mentioned in this rulemaking as being available in the docket, and all public comments, will be in our online docket at http://www.regulations.gov and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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:


■ 2. Add temporary § 165.T07–0986 to read as follows:

§ 165.T07–0986 Safety Zone; Ordinance Locations, near Sugarloaf Key, FL.

(a) Regulated area. The following area is a safety zone: All waters of the Atlantic Ocean, from surface to bottom, encompassed within a 200-yard radius of positions 24°32.511′ N., 081°29.051′ W. and 24°32.501′ N., 081°32.781′ W. All coordinates are North American Datum 1983.

(b) Definition. The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Key West in the enforcement of the regulated area.

(c) Regulations. (1) The general regulations contained in §§ 165.20 and 165.23 apply.

(2) In accordance with the general regulations, anchoring and all underwater activities within the safety zone is prohibited unless authorized by the COTP or the COTP's designated representative.

(3) Persons and vessels may request authorization to enter, transit through, or anchor in the regulated area by contacting the COTP Key West or a designated representative via VHF channel 16 or call the Sector Key West Command Center by telephone at (305) 292–8808. If authorization is granted by the COTP Key West or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP Key West or a designated representative.

(4) Notwithstanding anything contained in this section, the Rules of the Road (33 CFR Chapter I, Subchapter E, part 83–90 inland navigation rules) are still in effect and must be strictly adhered to at all times.

(d) Effective period. This rule is effective until the earlier of July 1, 2017, or when all ordnance recovery dive operations are complete. This rule is effective with actual notice for purposes of enforcement on January 17, 2017.

(e) Informational broadcasts. The COTP Key West or a designated representative will inform the public through local broadcast to mariners, broadcast notices to mariners, and the Homeport Web site of the enforcement period for the safety zone as well as any changes in the dates and times of enforcement.


J.A. Janszen,
Captain, U.S. Coast Guard, Captain of the Port Key West.
[FR Doc. 2017–02454 Filed 2–6–17; 8:45 am]
BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 203

[Docket No. 2017–1]

Freedom of Information Act Regulations

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

ACTION: Interim rule with request for comments.

SUMMARY: The U.S. Copyright Office is issuing an interim rule that amends its regulations governing its practices and procedures under the Freedom of Information Act (FOIA), to implement the FOIA Improvement Act of 2016. The regulations are issued on an interim basis without opportunity to comment to ensure that updated regulations are in place as soon as practicable to implement the Act. These amendments are intended to incorporate changes in the law, and provide clear guidance to members of the public in filing a FOIA request with the Office.

DATES: This interim rule is effective on March 9, 2017. Written comments must be received no later than 11:59 p.m. Eastern Time on April 24, 2017.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the regulations.gov system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through regulations.gov. Specific instructions for submitting comments are available on the Copyright Office Web site at http://copyright.gov/规则making/foia2016. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT:

Sarang V. Damle, General Counsel and Associate Register of Copyrights, by email at sdam@loc.gov, or by telephone at 202–707–8350; or William J. Roberts, Jr., Associate Register of Copyrights and Director of Public Information and Education, by email at wroberts@ loc.gov, or by telephone at 202–707–8391.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act (FOIA), section 552 of title 5 of the United States Code, provides a statutory right of access to federal agency records. In part, FOIA establishes procedures by which a member of the public may request