

Docket No.	Type of regulation	Location	Enforcement date
USCG–2021–0881	Safety Zones (Parts 147 and 165) ..	Chicago, IL	11/20/2021
USCG–2021–0856	Safety Zones (Parts 147 and 165) ..	Pittsburgh, PA	11/20/2021
USCG–2021–0884	Safety Zones (Parts 147 and 165) ..	Moline, IL	11/22/2021
USCG–2021–0860	Security Zones (Part 165)	Nantucket, MA	11/22/2021
USCG–2021–0853	Safety Zones (Parts 147 and 165) ..	Parkville, MO	12/3/2021
USCG–2021–0806	Safety Zones (Parts 147 and 165) ..	Rockport, TX	12/4/2021
USCG–2021–0903	Safety Zones (Parts 147 and 165) ..	San Bernard National Wildlife Refuge, TX	12/6/2021
USCG–2021–0864	Safety Zones (Parts 147 and 165) ..	Sausalito, CA	12/11/2021
USCG–2021–0921	Safety Zones (Parts 147 and 165) ..	Corpus Christi, TX	12/22/2021
USCG–2021–0895	Safety Zones (Parts 147 and 165) ..	Galveston Bay, TX	12/31/2021
USCG–2021–0890	Safety Zones (Parts 147 and 165) ..	Philadelphia, PA	12/31/2021

Michael Cunningham,
*Chief, Office of Regulations and
 Administrative Law.*

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BILLING CODE 9110–04–P

DEPARTMENT OF TRANSPORTATION

**Great Lakes St. Lawrence Seaway
 Development Corporation**

33 CFR Part 401

RIN 2135–AA5

**Seaway Regulations and Rules:
 Periodic Update, Various Categories**

AGENCY: Great Lakes St. Lawrence
 Seaway Development Corporation,
 Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The Great Lakes St. Lawrence
 Seaway Development Corporation (GLS)
 and the St. Lawrence Seaway
 Management Corporation (SLSMC) of
 Canada, under international agreement,
 jointly publish and presently administer
 the St. Lawrence Seaway Regulations
 and Rules (Practices and Procedures in
 Canada) in their respective jurisdictions.
 Under agreement with the SLSMC, the
 GLS is amending the joint regulations
 by updating the regulations and rules in
 various categories. These changes are to
 clarify existing requirements in the
 regulations.

DATES: This rule is effective on January
 10, 2025.

ADDRESSES: *Docket:* For access to the
 docket to read background documents
 or comments received, go to [https://
 www.regulations.gov](https://www.regulations.gov); or in person at the
 Docket Management Facility; U.S.
 Department of Transportation, 1200
 New Jersey Avenue SE, West Building
 Ground Floor, Room W12–140,
 Washington, DC 20590–001, between 9
 a.m. and 5 p.m., Monday through
 Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:
 Carrie Mann Lavigne, Chief Counsel,

Great Lakes St. Lawrence Seaway
 Development Corporation, 180 Andrews
 Street, Massena, New York 13662; (315)
 764–3200.

SUPPLEMENTARY INFORMATION: The GLS
 and SLSMC of Canada, under
 international agreement, jointly publish
 and presently administer the St.
 Lawrence Seaway Regulations and
 Rules (Practices and Procedures in
 Canada) in their respective jurisdictions.
 Under agreement with the SLSMC, the
 GLS is amending the joint regulations
 by updating the Regulations and Rules
 in various categories. The changes
 update the following sections of the
 Regulations and Rules: Condition of
 Vessels, Seaway Navigation, Radio
 Communications, Dangerous Cargo,
 Information and Reports, and General.
 These changes are to clarify existing
 requirements in the regulations.

Regulatory Notices: Privacy Act:
 Anyone is able to search the electronic
 form of all comments received into any
 of our dockets by the name of the
 individual submitting the comment (or
 signing the comment, if submitted on
 behalf of an association, business, labor
 union, etc.). You may review DOT's
 complete Privacy Act Statement in the
Federal Register published on April 11,
 2000 (65 FR 19477–78) or you may visit
<https://www.regulations.gov>.

The joint regulations will become
 effective in Canada in 2025 prior to the
 opening of the Seaway. For consistency,
 because these are joint regulations
 under international agreement, and to
 avoid confusion among users of the
 Seaway, the GLS finds that there is good
 cause to make the U.S. version of the
 amendments effective upon the date of
 publication to ensure an effective date
 prior to the Seaway opening.

Regulatory Evaluation

This regulation involves a foreign
 affairs function of the United States and
 therefore, Executive Order 12866 does
 not apply and evaluation under the
 Department of Transportation's

Regulatory Policies and Procedures is
 not required.

**Regulatory Flexibility Act
 Determination**

The GLS certifies that this regulation
 will not have a significant economic
 impact on a substantial number of small
 entities. The St. Lawrence Seaway
 Regulations and Rules primarily relate
 to commercial users of the Seaway, the
 vast majority of whom are foreign vessel
 operators. Therefore, any resulting costs
 will be borne mostly by foreign vessels.

Environmental Impact

This regulation does not require an
 environmental impact statement under
 the National Environmental Policy Act
 (49 U.S.C. 4321, *et seq.*) because it is not
 a major Federal action significantly
 affecting the quality of the human
 environment.

Federalism

The Corporation has analyzed this
 rule under the principles and criteria in
 Executive Order 13132, dated August 4,
 1999, and has determined that this rule
 does not have sufficient federalism
 implications to warrant a Federalism
 Assessment.

Unfunded Mandates

The Corporation has analyzed this
 rule under title II of the Unfunded
 Mandates Reform Act of 1995 (Pub. L.
 104–4, 109 Stat. 48) and determined that
 it does not impose unfunded mandates
 on State, local, and Tribal governments
 and the private sector requiring a
 written statement of economic and
 regulatory alternatives.

Paperwork Reduction Act

This regulation has been analyzed
 under the Paperwork Reduction Act of
 1995 and does not contain new or
 modified information collection
 requirements subject to the Office of
 Management and Budget review.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Great Lakes St. Lawrence Seaway Development Corporation is amending 33 CFR part 401 as follows:

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—Regulations

1. The authority citation for part 401, subpart A continues to read as follows:

Authority: 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.101, unless otherwise noted.

2. Revise § 401.8 to read as follows:

§ 401.8 Landing booms.

(a) Vessels of more than 50 m in overall length and a freeboard of 2m or more may be equipped with landing booms.

(b) For vessels with landing booms:

(1) Vessel must be equipped with an adequate landing boom on each side;

(2) Landing booms must be in compliance with applicable regulations;

(3) Vessel's crews shall be adequately trained in the use of landing booms for the purpose of landing crew ashore; and

(4) Vessel must have onboard for inspection the following documents:

(i) A copy of the test certificates for each of the landing booms from either a classification society or a third party, dated within 5 years;

(ii) Documents to demonstrate appropriate training; and

(iii) Documented tests and maintenance records of landing boom equipment.

(c) At the U.S. Locks, vessels not equipped with or not using landing booms may be tied up at the approach walls based on Lock personnel availability.

(d) At the Canadian Locks, vessels not equipped with or not using landing booms may be delayed and/or put to anchor until such time that the traffic pattern can accommodate their transit.

3. Amend § 401.9 by:

a. Revising paragraph (c); and

b. Removing the parenthetical authority citation at the end of the section.

The revision reads as follows:

§ 401.9 Radio telephone and navigation equipment.

* * * * *

(c) Gyro compass error greater than 2 degrees must be serviced prior to transiting the Seaway, and if noted during a Seaway transit, must be reported to the nearest Seaway station and serviced at the first opportunity.

5. Amend § 401.10 by:

a. Revising the table following paragraph (d); and

b. Removing the parenthetical authority citation at the end of the section.

The revision reads as follows:

§ 401.10 Mooring lines.

* * * * *

(d) * * *

TABLE 1 TO PARAGRAPH (d)

Table with 3 columns: Overall length of ships, Length of mooring line (m), and Breaking strength (MT). Rows include length ranges from 40m to 225.5m with corresponding mooring line lengths and breaking strengths.

Elongation of synthetic lines shall not exceed 20%.

* * * * *

4. Amend § 401.12 by revising the table in paragraph (b) to read as follows:

§ 401.12 Minimum requirements—mooring lines and fairleads.

* * * * *

(b) * * *

TABLE 1 TO PARAGRAPH (b)

Table with 3 columns: Overall length of ships, For mooring lines Nos. 1 and 2, and For mooring lines Nos. 3 and 4. Rows include length ranges from 100m to 225.5m with mooring line placement requirements.

5. Amend § 401.13 by revising paragraph (b) to read as follows:

§ 401.13 Hand lines.

* * * * *

(b) Be of uniform thickness and have a diameter of not less than 12mm and not more than 18 mm and a minimum length of 30m; and

* * * * *

6. Amend § 401.14 by revising the section heading and paragraph (a) to read as follows:

§ 401.14 Anchors, anchor marking buoys.

(a) Every vessel shall have their anchors cleared and have the anchor marking buoys free to deploy (weak link to hold buoy line onboard) with the buoy lines firmly secured to each

anchor, and ready to be released prior to entering the Seaway.

* * * * *

7. Amend § 401.17 by:

a. Revising paragraph (b); and

b. Removing the parenthetical authority citation at the end of the section.

The revision reads as follows:

§ 401.17 Pitch indicators and alarms.

* * * * *

(b) Visible and audible pitch alarms, with a time delay of not greater than 8 seconds, in the wheelhouse and engine room to indicate wrong way pitch.

■ 8. Amend § 401.19 by:

- a. Revising paragraph (d); and
- b. Removing the parenthetical authority citation at the end of the section.

The revision reads as follows:

§ 401.19 Disposal and discharge systems.

* * * * *

(d) Burning of shipboard garbage is prohibited between call in point 2 (CIP 2) and Cape Vincent, and between CIP 15 and 16.

- 9. Amend § 401.29 by revising paragraph (c) to read as follows:

§ 401.29 Maximum draft.

* * * * *

(c) Any vessel will be permitted to load at an increased draught of not more than 7 cm above the maximum permissible draught in effect as prescribed under paragraph (b) of this section if it is equipped with a Draught Information System (DIS) and meets the following:

(1) An operational Draught Information System (DIS) approved by a member of the International Association of Classification Societies (IACS) as compliant with the Implementation Specifications found at *www.greatlakes-seaway.com* and having onboard:

- (i) An operational AIS with accuracy approved by the Seaway; and
- (ii) Up-to-date electronic charts; and
- (iii) Up-to-date charts containing high resolution bathymetric data; and
- (iv) Vessels must be equipped with a bow thruster and bow thruster must be operational.

(2) The DIS Tool Display shall be located as close to the primary conning position and be visible and legible.

- (i) Verification document of the DIS must be kept on board the vessel at all times and made available for inspection;
- (ii) DIS license to use the software must be valid;

(iii) Software version of DIS matches the version in the IACS verification letter, or higher;

(iv) A company letter attesting to officer training on use of the DIS must be kept on board and made available for inspection; and

(v) When transiting Seaway waters with the DIS, a trained officer on the use of the DIS must be on the bridge.

(3) Any vessel not yet approved, but intending to use the DIS in the Seaway must notify the Manager or the Corporation at least 96 hours in advance so that arrangements can be made for appropriate testing for approval to use the DIS to transit the Seaway.

(4) A vessel already approved to use the DIS to transit the Seaway must email a completed DIS Confirmation Checklist (found at *www.greatlakes-seaway.com*) to *sismcmarineservices@seaway.ca* 96 hours prior to its initial transit of the navigation season.

(5) If for any reason the DIS, AIS, or bow thruster becomes inoperable, malfunctions, or is not used while the vessel is transiting at a draught greater than the maximum permissible draught prescribed under paragraph (b) of this section in effect at the time, the vessel must notify the Manager or the Corporation immediately.

■ 10. Amend § 401.31 by:

- a. Revising paragraph (b); and
- b. Removing the parenthetical authority citation at the end of the section.

The revision reads as follows:

§ 401.31 Meeting and passing.

* * * * *

(b) No vessel shall meet another vessel within the area between the caution signs at bridges or within any area that is designated as a no meeting area by the Manager or the Corporation.

* * * * *

- 11. Amend § 401.35 by revising paragraph (b) to read as follows:

§ 401.35 Navigation underway.

* * * * *

(b) Operate the propulsion machinery so that it can respond immediately through its full operating range;

(1) Vessels equipped with an Engine Power Limitation system (EPL) or Shaft Power Limitation system (ShaPoLi) shall override the EPL or ShaPoLi while transiting at the Seaway.

(2) [Reserved]

* * * * *

- 12. Revise § 401.39–1 to read as follows:

§ 401.39–1 Raising fenders.

Every vessel equipped with fenders that are not permanently attached shall raise its fenders when passing a lock gate or HFM equipment.

■ 13. Amend § 401.42 by:

- a. Adding paragraphs (a)(1)(i) and (ii);
- b. Revising paragraph (a)(2); and
- c. Removing the parenthetical authority citation at the end of the section.

The additions and revision read as follows:

§ 401.42 Passing hand lines.

(a) * * *

(1) * * *

- (i) For the #4 mooring wire, the hand line shall be passed to the linehandlers

at the lock as soon as the vessel's aft fairleads pass the open gates.

(ii) For the #2 mooring wire, the hand line shall be passed to the linehandlers at the lock as soon as the forward fairleads pass the last HFM unit.

(2) Hand lines shall be passed to upbound vessels by the linehandlers as soon as the vessel passes the last HFM unit, and secured, by means of a clove hitch, to the mooring lines 60 cm behind the splice of the eye;

* * * * *

■ 14. Amend § 401.44 by:

- a. Redesignating paragraph (c) as paragraph (d);
- b. Adding a new paragraph (c); and
- c. Removing newly redesignated paragraph (d)(4).

The addition reads as follows:

§ 401.44 Mooring in locks.

* * * * *

(c) Vessels being moored by the Hands-Free Mooring system (HFM) or passing through a lock without the use of mooring lines shall have a minimum of one (1) well rested crew member on deck during the lockage to assist the bridge team.

* * * * *

- 15. Revise § 401.58 to read as follows:

§ 401.58 Pleasure craft scheduling.

(a) At the U.S. locks, the transit of pleasure craft shall be scheduled by the traffic controller or the officer in charge of a lock and may be delayed in order to avoid interference with other vessels; and

(b) Every pleasure craft seeking to transit Canadian locks shall first make a reservation on the Seaway website according to the available schedule.

■ 16. Amend § 401.65 by:

- a. Revising paragraphs (b) and (c); and
- b. Removing the parenthetical authority citation at the end of the section.

The revisions read as follows:

§ 401.65 Communication—ports, docks and anchorages.

* * * * *

(b) Every vessel arriving at a port, dock, or anchorage shall report to the appropriate Seaway station, giving an estimated time of departure if possible.

(c) At least four hours prior to departure from a port, dock, or anchorage, every vessel shall report to the appropriate Seaway station its destination and its expected time of arrival at the next check point.

* * * * *

- 17. Amend § 401.67 by revising the section heading to read as follows:

§ 401.67 Carrying explosives.

* * * * *

■ 18. Amend § 401.73 by revising paragraph (b) to read as follows:

§ 401.73 Cleaning tanks—hazardous cargo vessels.

* * * * *

(b) *Hot work permission.* Before any hot work, defined as any work that uses flame or that can produce a source of ignition, cutting or welding, is carried out by any vessel on any designated St. Lawrence Seaway Management Corporation (SLSMC) approach walls, Cote St. Catherine wharf or wharves in the Welland Canal, a written request must be sent to the SLSMC, preferably 24 hours prior to the vessel's arrival on the SLSMC approach walls or wharves. The hot work shall not commence until approval is obtained from an SLSMC Traffic Control Center.

(1) Permission is granted under the following conditions:

(i) Copy of vessel's "Hot Work Permit" is provided to the SLSMC before welding commences;

(A) In the Welland Canal, send to: nerie@seaway.ca and nrshipinspectors@seaway.ca.

(B) In the MLO Section, send to: cdo@seaway.ca and inspecteursvm@seaway.ca.

(ii) Name of company performing the hot work is provided;

(iii) Effective fire watch is maintained;

(iv) Welding operations shall temporarily cease during vessel meets and lockages;

(v) Welding operations shall cease at the direction of a Traffic Controller; and

(vi) All sparks and/or flames are to be contained on the vessel.

(2) [Reserved]

* * * * *

■ 19. Amend § 401.84 by:

■ a. Adding a semicolon at the end of paragraph (c);

■ b. Revising paragraph (d); and

■ c. Removing the parenthetical authority citation at the end of the section.

The revision reads as follows:

§ 401.84 Reporting of impairment or other hazard by vessels transiting within the Seaway.

* * * * *

(d) Any modification or malfunction on the vessel of equipment and machinery that is noted as operational in the current "Enhanced Ship Inspection" or "Self-Inspection" of the vessel;

* * * * *

■ 20. Revise § 401.94 to read as follows:

§ 401.94 Keeping copies of documents.

(a) A paper copy of the vessel's valid Ship Inspection Report shall be kept on board every vessel in transit. It must be easily accessible in the wheelhouse.

(b) A paper or electronic copy of this subpart (the "Rules and Regulations") and the Seaway Notices for the current navigation year shall be kept easily accessible in the wheelhouse of every vessel in transit.

(c) Onboard every vessel transiting the Seaway, a duplicate set of the vessel's Fire Control Plans shall be permanently stored in a prominently marked weather-tight enclosure outside the deckhouse for the assistance of shore side fire-fighting personnel.

Issued at Washington, DC, under authority delegated at 49 CFR 1.101.

Great Lakes St. Lawrence Seaway Development Corporation.

Carrie Lavigne,
Chief Counsel.

[FR Doc. 2024-31566 Filed 1-8-25; 8:45 am]

BILLING CODE 4910-61-P

LIBRARY OF CONGRESS**Copyright Royalty Board****37 CFR Part 384**

[Docket No. 2012-1 CRB Business Establishments II; Docket No. 2007-1 CRB DTRA-BE]

Ruling on Regulatory Interpretation for Business Establishment Services

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Ruling on regulatory interpretation.

SUMMARY: The Copyright Royalty Judges publish their ruling on regulatory interpretation in a matter that was referred to them by the United States District Court for the District of Columbia. The regulation at issue is the definition of "Gross Proceeds" in the rates and terms set forth through settlements in the *BES I* and *BES II* proceedings in 37 CFR 384.3(a), which is used when calculating royalty payments paid to SoundExchange, a collective for copyright owners, in relation to digital transmissions of sound recordings pursuant to the statutory license in 17 U.S.C. 112.

DATES: January 10, 2025

ADDRESSES: The ruling is posted in eCRB at <https://app.crb.gov/>. For access to the docket, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at <https://app.crb.gov/>, and search for docket

numbers 2012-1 CRB Business Establishments II and 2007-1 CRB DTRA-BES.

FOR FURTHER INFORMATION CONTACT: Anita Brown, CRB Program Specialist, at (202) 707-7658 or crb@loc.gov.

SUPPLEMENTARY INFORMATION:**Ruling on Regulatory Interpretation Referred by the United States District Court for the District of Columbia****Background**

On February 9, 2022, SoundExchange submitted a motion¹ to the Copyright Royalty Judges (Judges) to reopen certain proceedings addressing determinations of royalty rates and terms under the 17 U.S.C. 112 license for making ephemeral copies of sound recordings for transmission by a Business Establishment Service (BES) in three proceedings, *BES I*, *BES II*, and *BES III*.²

SoundExchange's request arose from litigation before the U.S. District Court for the District of Columbia (District Court) in which SoundExchange alleged that Music Choice had failed to pay royalties due under 17 U.S.C. 112 for the license to reproduce and transmit ephemeral copies of sound recordings to business establishments. *See SoundExchange, Inc. v. Music Choice*, No. 19-999 (RBW) (D.D.C. Dec. 20, 2021) (District Court Action). The District Court determined it was appropriate to refer a matter of regulatory interpretation regarding 37 CFR 384.3(a) to the Judges under the doctrine of primary jurisdiction and found that the Judges have continuing jurisdiction to clarify the BES regulations, even though those regulations were originally formulated by the Copyright Arbitration Royalty Panel (CARP), a rate setting body that preceded the Copyright Royalty Board (Board). *See* District Court Action, Memorandum Opinion at 9-10 (Dec. 20, 2021) (Memorandum Opinion) (attached to the Motion as Exhibit B) (citing Report of the Copyright Arbitration Royalty Panel to the Librarian of Congress, *Rate Setting for Digital Performance Right in Sound Recordings and Ephemeral Recordings*, Docket No. 2000-9 CARP DTRA 1 & 2 at B-7 (Feb. 20, 2002) (*Web I* CARP Report)).

¹ Motion of SoundExchange, Inc. to Reopen Business Establishment Service Rate Proceedings for the Limited Purpose of Interpreting Regulations on Referral from the U.S. District Court for the District of Columbia (February 9, 2022) (eCRB no. 26146) (Motion).

² Docket Nos. 2007-1 CRB DTRA-BE (2009-2013) ("*BES I*"), 2012-1 CRB Business Establishments II (2014-2018) ("*BES II*"), and 17-CRB-0001-BER (2019-2023) ("*BES III*").