

vessel may enter the safety zones unless authorized by the Captain of the Port Jacksonville or a designated representative. Foreign-flagged vessels are encouraged to remain outside the safety zones.

**DATES:** The regulations in 33 CFR 165.T07–0289 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MST2 Shawn Keeman, Waterways Management Division, U.S. Coast Guard; telephone 904–714–7661, email [Shawn.R.Keeman@uscg.mil](mailto:Shawn.R.Keeman@uscg.mil).

**SUPPLEMENTARY INFORMATION:** With this document, the Coast Guard Captain of the Port (COTP) Jacksonville is activating three safety zones as listed in 33 CFR 165.T07–0289(a)(1) through (3), on October 13, 2022, through October 17, 2022, for the SpaceX Commercial Crew-4 mission (Crew-4), reentry vehicle splashdown, and the associated recovery operations in the U.S. EEZ. These three safety zones are located within the COTP Jacksonville Area of Responsibility (AOR) offshore of Jacksonville, Daytona, and Cape Canaveral, Florida. The COTP Jacksonville is activating these safety zones in order to protect vessels and waterway users from the potential hazards created by reentry vehicle splashdowns and recovery operations. In accordance with the general regulations in 33 CFR part 165, subpart C, no U.S.-flagged vessel may enter the safety zones unless authorized by the COTP Jacksonville or a designated representative except as provided in § 165.T07–0289(d)(3). All foreign-flagged vessels are encouraged to remain outside the safety zones.

There are two other safety zones listed in § 165.T07–0289(a)(4) through (5), which are located within the COTP St. Petersburg AOR, that are being simultaneously activated through a separate notification of enforcement of the regulation document issued under Docket Number USCG–2022–0807.<sup>1</sup>

Twenty-four hours prior to the Crew-4 recovery operations scheduled on October 13, 2022, the COTP Jacksonville or COTP St. Petersburg, or designated representative will inform the public whether any of the five safety zones described in § 165.T07–0289(a) will remain activated (subject to enforcement). If one of the safety zones described in § 165.T07–0289(a) remains activated, it will be enforced for four

hours prior to the Crew-4 splashdown and remain activated until announced by Broadcast Notice to Mariners on VHF–FM channel 16, and/or Marine Safety Information Bulletin (as appropriate) that the safety zone is no longer subject to enforcement. After the Crew-4 reentry vehicle splashdown, the COTP or a designated representative will grant general permission to come no closer than 3 nautical miles of any reentry vehicle or space support vessel engaged in the recovery operations, within the activated safety zone described in § 165.T07–0289(a). Once the reentry vehicle, and any personnel involved in reentry service, are removed from the water and secured onboard a space support vessel, the COTP or designated representative will issue a Broadcast Notice to Mariners on VHF–FM channel 16 announcing the activated safety zone is no longer subject to enforcement. The recovery operations are expected to last approximately one hour.

The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

Dated: October 7, 2022.

**Janet D. Espino-Young,**  
*Captain, U.S. Coast Guard, Captain of the Port Jacksonville.*

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**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2022–0851]

RIN 1625–AA00

#### Safety Zone; Verdigris River MM 431 Through MM 432, Catoosa, OK

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Verdigris River, Mile Marker (MM) 431 through MM 432, Catoosa, OK. This rule is necessary to provide for the safety of life on navigable waters during a bridge demolition. All vessels and persons are prohibited from entering the demolition area unless specifically authorized by the Captain of the Port Sector Lower Mississippi River or a designated representative.

**DATES:** This rule is effective from 8 a.m. through 7 p.m. on October 14, 2022.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0851 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MSTC Lindsey Swindle, U.S. Coast Guard; telephone 901–521–4813, email [Lindsey.M.Swindle@uscg.mil](mailto:Lindsey.M.Swindle@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port Sector Lower Mississippi River  
DHS Department of Homeland Security  
FR Federal Register  
MM Mile marker  
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 it is impracticable. Immediate action is needed to protect persons and property from the potential safety hazards associated with the bridge demolition. The NPRM process would delay the establishment of the safety zone until after the date of the event and compromise public safety. We must establish this temporary safety zone immediately and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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 contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the safety hazards associated with the bridge demolition.

<sup>1</sup> This notification of enforcement of the regulation can be found at: <https://regulations.gov> by searching for docket number USCG–2022–0807.

### 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 Sector Lower Mississippi River (COTP) has determined that potential hazards associated with the bridge demolition would be a safety concern for all persons and vessels on the Verdigris River in the vicinity of MM 431 to MM 432, Catoosa, OK. This rule is needed to protect persons, property, infrastructure, and the marine environment in all waters of the Verdigris River within the safety zone during the bridge demolition.

### IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8 a.m. through 7 p.m. on October 14, 2022. The safety zone will cover all navigable waters of the Verdigris River in the vicinity of MM 431 to MM 432, Catoosa, OK. The duration of this safety zone is intended to ensure the safety of waterway users on these navigable waters during the bridge demolition.

Entry of persons or vessels into this safety zone is prohibited unless authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Lower Mississippi River. Persons or vessels seeking to enter the safety zones must request permission from the COTP or a designated representative by telephone at 314-269-2332. If permission is granted, all persons and vessels must comply with the instructions of the COTP or a designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

### 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. This safety zone will temporarily restrict navigation on the Verdigris River in the vicinity of MM 431 to MM 432, Catoosa, OK., from 8:00 a.m. through 7 p.m. on October 14, 2022. Moreover, The Coast Guard will issue BNMs, LNMs, and/or MSIBs, as appropriate. The rule allows vessels to seek permission to enter the 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 temporary 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 through 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 temporary safety zone on the Verdigris River in the vicinity of MM 431 to MM

432, Catoosa, OK, that will prohibit entry into this zone. The safety zone will only be enforced while operations preclude the safe navigation of the established channel. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

### 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.T08-0851 to read as follows:

#### § 165.T08-0851 Safety Zone; Verdigris River, MM 431 through MM 432, Catoosa, OK.

(a) *Location.* The following area is a safety zone: All navigable waters of the Verdigris River in the vicinity of MM 431 through MM 432, Catoosa, OK.

(b) *Definitions.* As used in this section, designated representative means a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Lower Mississippi River designated by or assisting the Captain of the Port Sector Lower Mississippi 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 via VHF-FM channel 16 or by telephone at 314-269-2332. 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 safety zone will be enforced from 8 a.m. to 7 p.m. on October 14, 2022.

(e) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners, Local Notices to Mariners, and/or Safety Marine Information Broadcasts, as appropriate.

Dated: October 5, 2022.

**R.S. Rhodes,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Lower Mississippi River.*

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**BILLING CODE 9110-04-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Parts 2 and 7

[Docket No. PTO-T-2021-0008]

RIN 0651-AD55

#### Changes To Implement Provisions of the Trademark Modernization Act of 2020; Delay of Effective Date and Correction

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Final rule and final rule; delay of effective date and correction.

**SUMMARY:** On November 17, 2021, the United States Patent and Trademark Office (USPTO or Office) published in the **Federal Register** a final rule amending its regulations to implement provisions of the Trademark Modernization Act of 2020 (TMA). This action changes the effective date for the regulations published in the November 17, 2021, final rule that established new Office action response periods and set fees for requests to extend Office action response deadlines. This action resets the effective date for responses and extensions from December 1, 2022, to December 3, 2022, in the examination of applications, and from December 1, 2022, to October 7, 2023, in the examination of post-registration filings.

**DATES:**

*Delay of effective date:* As of October 13, 2022, in the final rule published at 86 FR 64300 on November 17, 2021, the effective date of amendatory instructions 3 (§ 2.6), 10 (§ 2.62), 11 (§ 2.63), 12 (§ 2.65), and 13 (§ 2.66) is delayed from December 1, 2022, to December 3, 2022, and the effective date of amendatory instructions 29 (§ 2.163), 30 (§ 2.165), 31 (§ 2.176), 33 (§ 2.184), 34 (§ 2.186), 37 (§ 7.6), 38 (§ 7.39), and 39 (§ 7.40) is delayed from December 1, 2022, to October 7, 2023.

*Correction date:* The correction to § 2.6 in this final rule is effective December 3, 2022.

*Effective date:* The amendment to § 2.6 in this final rule is effective October 7, 2023.

**FOR FURTHER INFORMATION CONTACT:** Catherine Cain, Office of the Deputy Commissioner for Trademark Examination Policy, USPTO, at 571-272-8946 or [TMPolicy@uspto.gov](mailto:TMPolicy@uspto.gov).

**SUPPLEMENTARY INFORMATION:** On November 17, 2021, the USPTO published in the **Federal Register** a final rule amending the Rules of Practice in Trademark Cases to implement provisions of the TMA (86 FR 64300). As part of that final rule, the USPTO amended 37 CFR 2.62 to: (1) set a period of three months for responses to Office actions in applications under sections 1 and/or 44 of the Trademark Act (Act), and (2) provide the option to request a single three-month extension of the deadline, subject to the payment of a fee. The three-month response period and extension also applied to Office actions issued in connection with post-registration maintenance and renewal filings. The deadline for responses to Office actions issued in connection with applications under section 66(a) of the Act was not changed in that final rule and remains at six months. The final rule stated that the other changes would go into effect on December 1, 2022.

Under this final rule, the USPTO hereby resets the effective date for the regulations establishing Office action response periods and setting fees for requests to extend Office action response deadlines. The three-month response deadline and extension provisions for Office actions issued in connection with applications will be effective on December 3, 2022. The three-month response deadline and extension provisions for Office actions issued regarding post-registration maintenance filings will go into effect on October 7, 2023.

The change to the response deadline and the provision of an extension request involve significant updates to the USPTO's information technology