

TABLE—DATES AND TIMES OF ENFORCEMENT OF 33 CFR 165.1315 SAFETY ZONES AT VARIOUS LOCATIONS WITHIN THE SECTOR COLUMBIA RIVER CAPTAIN OF THE PORT ZONE IN 2023

Event name	Event location	Date of event	Latitude	Longitude
Tri-City Chamber of Commerce Fireworks/ River of Fire Festival.	Kennewick, WA	July 4, 2023 9:30 to 11 p.m	46°13'37" N	119°08'47" W
City of St. Helens 4th of July Fireworks	St. Helens, OR	July 4, 2023 9:30 to 11 p.m	45°51'54" N	122°47'26" W
Toledo Summer Festival	Toledo, OR	July 15, 2023 9:30 to 11 p.m	44°37'08" N	123°56'24" W
Westport 4th of July	Westport, WA	July 4, 2023 9:30 to 11 p.m	46°54'17" N	124°05'59" W
Garibaldi Days Fireworks	Garibaldi, OR	July 22, 2023 9:30 to 11 p.m	45°33'13" N	123°54'56" W
Bald Eagle Days	Cathlamet, WA	July 15, 2023 9:30 to 11 p.m	46°12'14" N	123°23'17" W

All coordinates listed in the Table reference Datum NAD 1983.

During the enforcement periods, as reflected in § 165.1315(a), persons and vessels are prohibited from being in the regulated areas unless authorized by the Captain of the Port Sector Columbia River or a designated representative. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of these enforcement periods via the Local Notice to Mariners and Broadcast notice to mariners.

Dated: May 30, 2023.

J.W. Noggle,

Captain, U.S. Coast Guard, Captain of the Port Sector Columbia River.

[FR Doc. 2023–11919 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2023–0381]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District—Beach Haven, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Little Egg Harbor, Parker Island, NJ; Safety Zone on July 4, 2023, or on a rain date of July 5, 2023, to provide for the safety of life on navigable waterways during a barge-based fireworks display. Our regulation for marine events within the Fifth Coast Guard District identifies the boundaries of the regulated area. During the enforcement period, no person or vessel may enter, remain in, or transit through the regulated area, and anyone in the vicinity must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The portion of the regulation 33 CFR 165.506 for Parker Island, NJ, as identified in entry 7 of table 1 to paragraph (h)(1), will be enforced from 9 p.m. through 10 p.m. on July 4, 2023, or on a rain date of July 5, 2023.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215–271–4814, email SecDelBayWWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry No. 7 for a barge-based fireworks display from 9 p.m. through 10 p.m. on July 4, 2023, or on a rain date of July 5, 2023. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after a fireworks display. Our regulation for safety zones of fireworks displays within the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 7 specifies the location of the regulated area as all waters of Little Egg Harbor within a 500-yard radius of the fireworks barge position. The approximate position for the barge is latitude 39°34'18.77" N, longitude 074°14'36.2" W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via Local Notice to Mariners and Broadcast Notice to Mariners.

Dated: May 30, 2023.

Jonathan D. Theel,

Captain, U.S. Coast Guard Captain of the Port Delaware Bay.

[FR Doc. 2023–12024 Filed 6–5–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No.: PTO–P–2018–0031]

RIN 0651–AD31

Setting and Adjusting Patent Fees During Fiscal Year 2020

AGENCY: United States Patent and Trademark Office, Department of Commerce.

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

SUMMARY: The United States Patent and Trademark Office (USPTO) published a final rule in the **Federal Register** on August 3, 2020, that includes a fee for patent applications that are not filed in the DOCX format, except for design, plant, or provisional applications. The effective date of this new fee was most recently delayed in a final rule published in the **Federal Register** on March 27, 2023, and was scheduled to become effective on June 30, 2023. Through this final rule, the USPTO is delaying the effective date of this fee until January 17, 2024.

DATES: This final rule is effective on January 17, 2024. As of June 6, 2023, the effective date of amendatory instruction 2.i. (affecting 37 CFR 1.16(u)), published at 85 FR 46932 on August 3, 2020; and delayed at 86 FR 66192 on November 22, 2021, and at 87 FR 80073 on December 29, 2022; and as further amended at 88 FR 17147 on March 22, 2023; and thereafter delayed at 88 FR 18052 on March 27, 2023, is further delayed until January 17, 2024. The change to 37 CFR 1.16(u) in amendatory instruction 2.i., published at 85 FR 46932 on August 3, 2020, is applicable only to nonprovisional utility applications filed under 35 U.S.C. 111 for an original patent on or after January 17, 2024.

FOR FURTHER INFORMATION CONTACT:

Mark O. Polutta, Senior Legal Advisor, Office of Patent Legal Administration, at

571–272–7709; or Eugenia A. Jones, Senior Legal Advisor, Office of Patent Legal Administration, at 571–272–7727. You can also send inquiries to patentpractice@uspto.gov.

SUPPLEMENTARY INFORMATION: On August 3, 2020, the USPTO published a final rule in the **Federal Register** that included a new fee set forth in § 1.16(u) with an effective date of January 1, 2022. See *Setting and Adjusting Patent Fees During Fiscal Year 2020*, 85 FR 46932. As specified in § 1.16(u), the fee is due for any application filed under 35 U.S.C. 111 for an original patent—except design, plant, or provisional applications—where the specification, claims, and/or abstract do not conform to the USPTO requirements for submission in the DOCX format. Therefore, the fee is due for nonprovisional utility applications filed under 35 U.S.C. 111, including continuing applications, that are not filed in the DOCX format.

Currently, applicants may file patent applications in the DOCX format through EFS-Web and Patent Center. The USPTO plans to retire EFS-Web and therefore encourages stakeholders and applicants to review the information about Patent Center available at www.uspto.gov/PatentCenter. The USPTO continues to hold many discussions and training sessions with stakeholders to ensure a fair and reasonable transition to the DOCX format.

The USPTO is delaying the effective date of the fee set forth in § 1.16(u) until January 17, 2024. This further delay will give the USPTO an opportunity, through a separate **Federal Register** Notice, to invite and consider public comments on a proposed information collection pertaining to the impact of the § 1.16(u) fee on the filing of nonprovisional utility applications under 35 U.S.C. 111, including continuing applications. As required by the Paperwork Reduction Act of 1995 (PRA), the USPTO will submit the proposed information collection together with a summary of any received comments to the Office of Management and Budget for review under the PRA. **Federal Register** Notices published by the USPTO pertaining to the PRA are available at www.uspto.gov/learning-and-resources/federal-register-notices/federal-register-notices-2023. The USPTO expects that this delay will afford sufficient time to complete the PRA clearance process.

This delay will also provide applicants more time to adjust to filing patent applications in the DOCX format. Applicants are encouraged to begin filing patent applications in the DOCX

format before the new effective date of the fee. The USPTO also reminds applicants that they can file test submissions through the Patent Center training mode to practice filing in DOCX. Applicants who have not yet taken advantage of the DOCX training sessions the USPTO hosts are encouraged to do so. Information on filing application documents in DOCX and a link to the DOCX training sessions are available at www.uspto.gov/patents/docx.

Rulemaking Requirements

A. Administrative Procedure Act: This final rule revises the effective date of a final rule published on August 3, 2020, implementing a non-DOCX filing surcharge fee, and is a rule of agency practice and procedure pursuant to 5 U.S.C. 553(b)(A). See *JEM Broad. Co. v. F.C.C.*, 22 F.3d 32 (D.C. Cir. 1994) (“[T]he ‘critical feature’ of the procedural exception [in 5 U.S.C. 553(b)(A)] ‘is that it covers agency actions that do not themselves alter the rights or interests of parties, although [they] may alter the manner in which the parties present themselves or their viewpoints to the agency.’” (quoting *Batterton v. Marshall*, 648 F.2d 694, 707 (D.C. Cir. 1980))); see also *Bachow Commc’ns Inc. v. F.C.C.*, 237 F.3d 683, 690 (D.C. Cir. 2001) (rules governing an application process are procedural under the Administrative Procedure Act); *Inova Alexandria Hosp. v. Shalala*, 244 F.3d 342, 350 (4th Cir. 2001) (rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims). Prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553(b) or (c) (or any other law). See *Cooper Techs. Co. v. Dudas*, 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice-and-comment rulemaking for “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice” (quoting 5 U.S.C. 553(b)(A))).

Moreover, the Director of the USPTO, pursuant to the authority at 5 U.S.C. 553(b)(B), finds good cause to adopt the change to the effective date of § 1.16(u) in this final rule without prior notice and an opportunity for public comment, as such procedures would be impracticable and contrary to the public interest. The change to the effective date will provide the public an opportunity to more fully comprehend the nature of, and prepare to comply with, the DOCX format before the new fee is effective, as well as provide the USPTO sufficient time to complete the PRA clearance

process for the new fee. Delay of this provision to provide prior notice-and-comment procedures is also impracticable because it would allow § 1.16(u) to go into effect before the public is ready for the DOCX format. The Director finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness of this rule. Immediate implementation of the delay in the effective date of the fee is in the public interest because it will provide the public an opportunity to more fully comprehend the nature of, and prepare to comply with, the DOCX format before the new fee in § 1.16(u) is effective, as well as provide the USPTO sufficient time to complete the PRA clearance process for the new fee.

B. Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. See 5 U.S.C. 603.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

D. Paperwork Reduction Act: The PRA (44 U.S.C. 3507(d)) requires that the USPTO consider the impact of paperwork and other information collection burdens imposed on the public. The USPTO has determined that there are no new requirements for information collection associated with this final rule.

List of Subjects for 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the USPTO amends 37 CFR part 1 as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

§ 1.16 [Amended]

■ 2. In § 1.16, amend paragraph (u) introductory text by removing “June 30,

2023” and adding “January 17, 2024” in its place.

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2023–11917 Filed 6–5–23; 8:45 am]

BILLING CODE 3510–16–P

POSTAL SERVICE

39 CFR Part 111

New Mailing Standards for Domestic Mailing Services Products

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: On April 10, 2023, the Postal Service (USPS®) filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective July 9, 2023. This final rule contains the revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to implement the changes coincident with the price adjustments and other minor DMM changes.

DATES: Effective July 9, 2023.

FOR FURTHER INFORMATION CONTACT: Doriane Harley at (202) 268–2537 or Dale Kennedy at (202) 268–6592.

SUPPLEMENTARY INFORMATION:

On May 31, 2023, the PRC favorably reviewed the price adjustments proposed by the Postal Service. The price adjustments and DMM revisions are scheduled to become effective on July 9, 2023. Final prices are available under Docket No. R2023–2 (Order No. 6526) on the Postal Regulatory Commission’s website at www.prc.gov.

Marketing Mail Flat-Shaped—New Pricing Structure

Currently, the pricing structure for USPS Marketing Mail flat-shaped pieces uses a two-tier pricing approach. For pieces weighing 4 oz or less, only a per-piece price is charged. For pieces weighing over 4 oz but less than 16 oz, both a per-piece and per-pound rate is charged.

The Postal Service will change the way USPS Marketing Mail flats are priced. For each presort level, all pieces regardless of their weight will pay a piece price which will differ only by the entry level, *i.e.*, Origin, DNDC, DSCF, and DDU. The pound price would be applicable only to the weight above 4 ounces. For example, if the piece weighs 6 ounces, the pound price will be

charged only for the 2 ounces that are above 4 ounces.

Discount for USPS Marketing Mail Letter-Shaped Pieces on SCF Pallets

Currently, the Postal Service offers discounts for USPS Marketing Mail flat-shaped pieces on SCF pallets. This discount would now be extended to letter-shaped USPS Marketing Mail pieces on SCF Pallets. This discount will be applicable to Automation and Nonautomation (AADC, 3-Digit and 5-Digit Presort) Letters, Carrier Route Letters, High Density Letters, High Density Plus Letter and Saturation Letters on SCF Pallets regardless of the entry (None, DNDC, and DSCF).

Registered Mail Service Fees

The Postal Service is revising the fee structure for Registered Mail® service. Currently, the fee structure includes the combined cost of handling and insurance, which incrementally increases in accordance with an item’s declared value, up to \$50,000.00—the maximum available amount of insurance reimbursement. For items with declared value over \$50,000, there are incrementally increasing handling fees, although the maximum amount of insurance reimbursement remains capped at \$50,000. The Postal Service is revising the fee structure to eliminate the additional handling fees for items with declared value over \$50,000, and instead have a flat fee that will cover the cost of insurance (which remains capped at a maximum of \$50,000, regardless of the declared value) and handling on all items with declared values over \$50,000.00.

USPS Ground Advantage Insurance

Currently, the Postal Service does not include insurance coverage with USPS Ground Advantage—Retail and USPS Ground Advantage—Commercial (formerly First-Class Package Service—Retail and First-Class Package Service—Commercial) pieces against loss, damage, or missing contents. Additionally, the Postal Service does not include insurance with USPS Ground Advantage Return service (formerly First-Class Package Return Service) pieces.

The Postal Service will include insurance, limited to a maximum liability of \$100.00, with USPS Ground Advantage—Retail and USPS Ground Advantage—Commercial pieces.

In addition, the Postal Service will include the \$100.00 of insurance with USPS Ground Advantage Return service pieces. The inclusion of \$100.00 of insurance with USPS Ground Advantage Return service pieces, along

with Priority Mail Return service which already has insurance included, will eliminate the senders’ option to purchase insurance.

Elimination of Service Type Code Combinations

The Postal Service is eliminating certain service type code (STC)/extra service code (ESC) combinations. The decision is based on those product and extra service code combinations with low use or low demand, and those that do not follow Postal Service compliance with Intelligent Mail package barcode rules. Mailers can speak with a USPS representative for details.

Marriage Mail 2 oz Incentive Price

Marriage Mail is a form of marketing mail in which marketing service companies combine advertisements from multiple businesses into a single mailpiece to reduce the cost of the mailing for individual customers.

The Postal Service will provide marriage mailers an incentive price on Saturation USPS Marketing Mail letters and flats including EDDM (not EDDM Retail) that weigh 2 ounces or less, if they meet certain requirements.

Among the requirements to be eligible to claim the incentive price are that qualifying Marriage Mail pieces must include at least 4 advertisers and must be mailed at minimum 10 times every 12 months (starting with the month of first claiming the incentive price).

Information on the requirements to claim the Marriage Mail Incentive price will be posted on PostalPro at postalpro.usps.com.

2024 Mailing Promotions

The Postal Service has been incenting mailers to integrate mobile technology and use innovative print techniques in commercial mail since 2012. These promotions have become an integral way for industry to try new things and innovate their mail campaigns. A 2024 Promotions Calendar is planned with opportunities for mailers to receive a postage discount by applying treatments or integrating technology in their mail campaigns.

These revisions will provide consistency within postal products and add value for customers.

Market Dominant comments on Proposed changes and USPS responses.

The Postal Service did not receive any formal comments on the April 2023 proposed rule (88 FR 22973–22975).

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The Postal Service adopts the described changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM),