

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. 0170.1.

- 2. Add § 165.T17-0838 to read as follows:

#### § 165.T17-0838 Safety Zone for Explosive Dredging Operations; Tongass Narrows, Ketchikan, AK.

(a) *Location.* The following area is a safety zone: All navigable waters of the Tongass Narrows, from shoreline to shoreline, within a 500-yard radius of Pinnacle Rock (located at approximately latitude 55°20'37" N, longitude 131°38'96" W) before, during, and after the scheduled operation between December 16, 2019 and January 31, 2020.

(b) *Definitions.* As used in this section:

(1) *Captain of the Port (COTP)* means the Commander, U.S. Coast Guard Sector Juneau.

(2) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Southeast Alaska to assist in enforcing the safety zone described in paragraph (a) of this section.

(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. All vessels underway within this safety zone at the time it is activated are to depart the zone.

(2) To seek permission to enter, contact the COTP or the COTP's designated representative by telephone at 907-463-2980 or on Marine Band Radio VHF-FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF-FM channel 16 (156.8 MHz).

(3) 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 officials.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement.* This safety zone may be enforced during the period described in paragraph (f) of this section. Contract Drilling & Blasting LLC will have two safety vessels on-scene near the location described in paragraph (a) of this section.

(f) *Enforcement period.* This section may be enforced from 30 minutes after sunrise to one hour before sunset between December 16, 2019, and January 31, 2020, during explosive dredging operations by Contract Drilling & Blasting LLC.

Dated: December 10, 2019.

Stephen R. White,

*Captain, U.S. Coast Guard, Captain of the Port Southeast Alaska.*

[FR Doc. 2019-27195 Filed 12-17-19; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Parts 2 and 7

[Docket No. PTO-T-2017-0004]

RIN 0651-AD15

#### Changes to the Trademark Rules of Practice To Mandate Electronic Filing

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

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** On July 31, 2019, the United States Patent and Trademark Office published in the **Federal Register** a final rule amending the regulations to mandate electronic filing of trademark applications and all submissions associated with trademark applications

and registrations, and to require the designation of an email address for receiving USPTO correspondence, with limited exceptions. That final rule had an effective date of October 5, 2019, which was subsequently delayed until December 21, 2019. A correction to the July 31, 2019 rule was published on December 13, 2019 and is also effective on December 21, 2019. This action further delays the effective date of the both the July 31, 2019 final rule, and the December 13, 2019 correction, until February 15, 2020.

**DATES:** The effective date of the final rule published on July 31, 2019 (84 FR 37081), delayed on October 2, 2019 (84 FR 52363), is further delayed from December 21, 2019 to February 15, 2020. The correction published on December 13, 2019 (84 FR 68045), is delayed from December 21, 2019 to February 15, 2020.

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

**SUPPLEMENTARY INFORMATION:** On July 31, 2019, the United States Patent and Trademark Office (USPTO) published in the **Federal Register** (84 FR 37081, July 31, 2019) a final rule amending the regulations to mandate electronic filing of trademark applications and all submissions associated with trademark applications and registrations, and to require the designation of an email address for receiving USPTO correspondence, with limited exceptions. The effective date of the July 31, 2019 rule was delayed from October 5, 2019 until December 21, 2019 (84 FR 52363, October 2, 2019). A correction to the July 31, 2019 rule was published on December 13, 2019 (84 FR 68045) and is also effective on December 21, 2019.

In response to recent feedback received from external stakeholders regarding their need to more fully comprehend the nature of, and prepare to comply with, the new requirements before they become effective, the effective date of both the July 31, 2019 final rule and the December 13, 2019 correction is being delayed until February 15, 2020. This final rule will also allow the USPTO additional time to ensure that internal implementation of the requirements associated with the mandate that applicants and registrants electronically file their trademark applications and all submissions associated with trademark applications and registrations, and that they designate an email address for receiving USPTO correspondence, is in place.

## Rulemaking Requirements

*Administrative Procedure Act:* This final rule revises the effective date of the July 31, 2019 final rule implementing procedures requiring the electronic filing of trademark applications and all submissions associated with trademark applications and registrations, and the subsequent correction rule published on December 13, 2019, and it is a rule of agency practice and procedure, and/or interpretive rules 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). Accordingly, prior notice and 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), does 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 authority at 5 U.S.C. 553(b)(B), finds good cause to adopt the change 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. Immediate implementation of the delay in effective date is in the public interest, because it is responsive to recent feedback received from external stakeholders regarding their need to more fully comprehend the nature of, and prepare to comply with, the new requirements before they are effective. It will also allow the USPTO additional time to ensure that internal implementation of the requirements associated with the July 31, 2019 final rule and the December 13, 2019 correction is in place. Delay of the July 31, 2019 final rule and the December 13, 2019 correction to provide prior notice and comment procedures is

impracticable, because it would allow the July 31, 2019 final rule and December 13, 2019 correction to go into effect before external stakeholders are ready to comply with, and the agency is ready to implement, the new requirements. Therefore, the Director finds there is good cause to waive notice and comment procedures for this rule.

Finally, the change in this final rule may be made effective earlier than the required 30-day delay in effectiveness because this is not a substantive rule under 35 U.S.C. 553(d). Moreover, pursuant to 5 U.S.C. 553(d)(3), the Director finds good cause to waive the 30-day delay in effectiveness for this final rule because such a delay would allow the July 31, 2019 final rule and December 13, 2019 correction to go into effect before external stakeholders are ready to comply with, and the agency is ready to implement, the new requirements.

Dated: December 16, 2019.

**Andrei Iancu,**

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

[FR Doc. 2019–27426 Filed 12–17–19; 8:45 am]

**BILLING CODE 3510–16–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R10–OAR–2018–0823; FRL–10003–24–Region 10]

### Air Plan Approval; AK: Interstate Transport Requirements for the 2015 Ozone Standard

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

**ACTION:** Final rule.

**SUMMARY:** The Clean Air Act requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting emissions that will have certain adverse air quality effects in other states. On October 25, 2018, the State of Alaska made a submission to the Environmental Protection Agency (EPA) to address these requirements for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The EPA approves the Alaska SIP as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state.

**DATES:** This final rule is effective January 17, 2020.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2018–0823. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at <https://www.regulations.gov>, or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Kristin Hall (15–H13), Air and Radiation Division, EPA Region 10, 1200 Sixth Avenue (Suite 155), Seattle, WA 98101, (206) 553–6357, [hall.kristin@epa.gov](mailto:hall.kristin@epa.gov).

### SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we,” “us,” or “our” is used, it refers to the EPA.

### Table of Contents

- I. Background
- II. Response to Comment
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### I. Background

On October 25, 2018, the Alaska Department of Environmental Conservation (ADEC) made a submission addressing the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2015 ozone NAAQS.<sup>1</sup> This “good neighbor” provision of the CAA requires that a SIP for a new or revised NAAQS must contain adequate provisions prohibiting any source or other type of emissions activity within the State from emitting air pollutants in amounts that will significantly contribute to nonattainment of such NAAQS in any other state or that will interfere with maintenance of the NAAQS in any other state.

On June 5, 2019, we proposed to approve Alaska’s SIP submission (84 FR 26041). The reasons for our proposed approval are included in the proposed

<sup>1</sup> Alaska’s October 25, 2018 submission addresses all CAA sections 110(a)(1) and (2) infrastructure requirements for the 2015 ozone NAAQS (including interstate transport prongs 1 and 2) and includes regulatory updates and permitting rule revisions for approval into the SIP. This action addresses the portion of the submission related to interstate transport prongs 1 and 2. We are addressing the remainder of the submission in separate actions on August 29, 2019 (84 FR 45419) and October 15, 2019 (84 FR 55094).