

(d) *Enforcement period.* This section will be enforced from 7 a.m. through 10 a.m. on July 16, 2022.

(e) *Information broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notice to Mariners of any changes in the planned schedule.

Dated: May 16, 2022.

**Z. Merchant,**

*Captain, U.S. Coast Guard, Captain of the Port, New York.*

[FR Doc. 2022-10846 Filed 5-19-22; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2022-0386]

#### Safety Zones; Annual Events in the Captain of the Port Buffalo Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a safety zone located in federal regulations for a recurring marine event. This action is necessary and intended for the safety of life and property on navigable waters during this event. During the enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo or a designated representative.

**DATES:** The regulations listed in 33 CFR 165.939 as listed in Table 165.939(c)(1) will be enforced from 7:15 a.m. through 1:15 p.m. on August 13, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email LT Jared Stevens, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone (216) 937-0124, email *D09-SMB-MSUCLEVELAND-WWM@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Safety Zones; Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939, Table 165.939(c)(1) for the Whiskey Island Paddlefest in Cleveland, OH. on all U.S. waters of Lake Erie; Cleveland Harbor, from 41°29'59.5" N and 081°42'59.3" W to 41°30'4.4" N and 081°42'44.5" W to 41°30'17.3" N and 081°43'0.6" W to 41°30'9.4" N and 081°43'2.0" W to 41°29'54.9" N and 081°43'34.4" W to 41°30'0.1" N and

081°43'3.1" W and back to 41°29'59.5" N and 081°42'59.3" W (NAD 83) from 7:15 a.m. through 1:15 p.m. on August 13, 2022. The scheduled date of zone enforcement differs from that published in 33 CFR 165.939 in order to accommodate the sponsoring organization's priority to better align their event schedule with co-occurring special local events, other paddle races taking place in the Great Lakes region, and to ensure availability of the personnel and material resources required.

Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or a designated representative. Those seeking permission to enter the safety zone may request permission from the Captain of the Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552 (a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: May 10, 2022.

**M.I. Kuperman,**

*Captain, U.S. Coast Guard, Captain of the Port Buffalo.*

[FR Doc. 2022-10908 Filed 5-19-22; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2022-0140]

**RIN 1625-AA00**

#### Safety Zone; Columbia River, Vancouver, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for certain waters of the Columbia River. This action is necessary to provide for the safety of life on these navigable waters near Vancouver, WA during a high-speed hydroplane boat testing event on May 20, 2022. This regulation prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Columbia River or a designated representative.

**DATES:** This rule is effective from 8:30 a.m. to 3:30 p.m. on May 20, 2022.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0140 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Lieutenant Sean Murphy, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503-240-9319, email *D13-SMB-MSUPortlandWWM@uscg.mil*.

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port Columbia River  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

On January 19, 2022, the H1 Unlimited notified the Coast Guard that it will be conducting a hydroplane testing event from 9 a.m. to 3 p.m. on May 20, 2022. The hydroplane event will consist of individual testing of 10 hydroplane vessels in between the I-5 and I-205 bridges on the Columbia River. The Captain of the Port Columbia (COTP) has determined that potential hazards associated with the high-speed hydroplane boat testing would be a safety concern for anyone within the regulated area.

In response, on March 30, 2022 the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Columbia River, Vancouver, WA (87 FR 18757). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this fireworks display. During the comment

period that ended May 2, 2022, we received two comments.

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 impracticable because immediate action is needed to respond to the potential safety hazards associated with the high-speed hydroplane boat testing. The Coast Guard's limited notice of the parameters of the high-speed boat testing makes it necessary to expedite the effective date of this rule.

### 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 Columbia River (COTP) has determined that the potential hazards associated with high-speed hydroplane boat testing would be a safety concern for anyone within the regulated area. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

### IV. Discussion of Comments, Changes, and the Rule

As noted above, we received two comments on our NPRM published May 30, 2022. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

One comment expressed concern that the waterway would be completely taken over for use by a private company. However, the safety zone only covers a specific duration of 7 hours for a single day. Vessels that need or want to enter the safety zone may seek permission from the COTP to do so. Another comment raises concerns about the environmental impact of the boat racing event itself, conflating the event and the safety zone. Due to the size and length of time the zone will be in effect, the safety zone will have a minimal expected impact on the environment.

This rule establishes a safety zone from 8:30 a.m. to 3:30 p.m. on May 20, 2022. The safety zone covers all navigable waters of the Columbia River, from surface to bottom, starting approximately 700 yards east of the I-5 bridge from shoreline to shoreline heading east for approximately 1.2 miles; specifically beginning at the shoreline at 45°36'40.7" N, 122°40'11.2" W, northeast to 45°37'08.7" N, 122°39'53.8" W, southeast to 45°36'41.3" N, 122°38'32.0" W, thence southwest to 45°36'15.8" N, 122°38'53.0" W, and along the shoreline back to the

beginning point. The duration of the safety zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9 a.m. to 3 p.m. high-speed hydroplane boat testing. No vessel or person is permitted 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 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 the duration of the safety zone. The safety zone will impact a 1.2 mile stretch of the Columbia River during the hydroplane boat testing for 7 hours and thus is limited in scope. The Coast Guard will issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter.

#### 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 received no comments from the Small Business Administration on this rulemaking. 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 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. 4321–4370f), 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 safety zone lasting 7 hours that would prohibit entry within an approximate 1.2 miles of the Columbia River for the duration of a high-speed hydroplane testing event. It is categorically excluded from further review under 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.T13–0140 to read as follows:

#### § 165.T13–0140 Safety Zone; Columbia River, Vancouver, WA

(a) *Location.* The following area is a safety zone: All navigable waters of the Columbia River, from surface to bottom, starting approximately 700 yards east of the I–5 bridge from shoreline to shoreline heading east for approximately 1.2 miles; specifically beginning at the shoreline at 45°36′40.7″ N, 122°40′11.2″ W, northeast to 45°37′08.7″ N, 122°39′53.8″ W, southeast to 45°36′41.3″ N, 122°38′32.0″ W, thence southwest to 45°36′15.8″ N, 122°38′53.0″ W, and along the shoreline back to the beginning point.

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

*Designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the COTP in the enforcement of the regulations in this section.

*Participant* means all persons and vessels registered with the event sponsor as a participant in the testing event.

(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 by calling (503) 209–2468 or the Sector Columbia River Command Center on Channel 16 VHF–FM. 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 section will be enforced from 8:30 a.m. until 3:30 p.m. on May 20, 2022. It will be subject to enforcement this entire period unless the COTP determines it is no longer needed, in which case the Coast Guard will inform mariners via Notice to Mariners.

Dated: May 13, 2022.

**G.M. Bailey,**

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

[FR Doc. 2022–10835 Filed 5–19–22; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Part 1

[Docket No. PTO–P–2021–0006]

RIN 0651–AD53

### Standard for Presentation of Nucleotide and Amino Acid Sequence Listings Using eXtensible Markup Language (XML) in Patent Applications To Implement WIPO Standard ST.26; Incorporation by Reference

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

**ACTION:** Final rule.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) is amending the rules of practice for submitting biological sequence data associated with disclosures of nucleotide and amino acid sequences in patent applications by incorporating by reference certain provisions of World Intellectual Property Office Standard ST.26 (WIPO Standard ST.26) into the USPTO rules of practice. Other conforming changes to accommodate the new rules of practice based on the new standard are also included. In addition to simplifying the process for applicants filing in multiple countries, the requirement to submit a single sequence listing in eXtensible Markup Language (XML) format, or “Sequence Listing XML,” will result in better preservation, accessibility, and sorting of the submitted sequence data for the public.

**DATES:** *Effective date:* This final rule is effective on July 1, 2022. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of July 1, 2022.

*Applicability date:* Patent applications filed on or after July 1, 2022, having disclosures of nucleotide and/or amino acid sequences as defined in 37 CFR 1.831(b) must comply with new rules for submission of a “Sequence Listing XML” in accordance with 37 CFR 1.831 through 1.835. All other provisions of this final rule apply to all patent applications filed before, on, or after July 1, 2022.

**FOR FURTHER INFORMATION CONTACT:** Mary C. Till, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, at [Mary.Till@uspto.gov](mailto:Mary.Till@uspto.gov) or 571–272–7755; or Ali Salimi, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy