

submitted for approval in accordance with paragraph (d) of this section. A complainant may not withdraw the complaint after the filing of objections to the Assistant Secretary's findings and/or preliminary order.

(b) The Assistant Secretary may withdraw the findings and/or preliminary order at any time before the expiration of the 30-day objection period described in § 1992.106, provided that no objection has been filed yet, and substitute new findings and/or a new preliminary order. The date of the receipt of the substituted findings or order will begin a new 30-day objection period.

(c) At any time before the Assistant Secretary's findings and/or order become final, a party may withdraw objections to the Assistant Secretary's findings and/or order by filing a written withdrawal with the ALJ. If the case is on review with the ARB, a party may withdraw a petition for review of an ALJ's decision at any time before that decision becomes final by filing a written withdrawal with the ARB. The ALJ or the ARB, as the case may be, will determine whether to approve the withdrawal of the objections or the petition for review. If the ALJ approves a request to withdraw objections to the Assistant Secretary's findings and/or order, and there are no other pending objections, the Assistant Secretary's findings and/or order will become the final order of the Secretary. If the ARB approves a request to withdraw a petition for review of an ALJ decision, and there are no other pending petitions for review of that decision, the ALJ's decision will become the final order of the Secretary. If objections or a petition for review are withdrawn because of settlement, the settlement must be submitted for approval in accordance with paragraph (d) of this section.

(d)(1) *Investigative settlements.* At any time after the filing of a complaint, but before the findings and/or order are objected to or become a final order by operation of law, the case may be settled if OSHA, the complainant, and the respondent agree to a settlement. OSHA's approval of a settlement reached by the respondent and the complainant demonstrates OSHA's consent and achieves the consent of all three parties.

(2) *Adjudicatory settlements.* At any time after the filing of objections to the Assistant Secretary's findings and/or order, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the ALJ if the case is before the ALJ, or by the ARB if the ARB has accepted the case for review. If the

Secretary has accepted the case for discretionary review, or directed that the case be referred for discretionary review, the settlement must be filed with the ARB for approval by the Secretary. A copy of the settlement will be filed with the ALJ or the ARB, as appropriate.

(e) Any settlement approved by OSHA, the ALJ, the ARB or the Secretary will constitute the final order of the Secretary and may be enforced in United States district court pursuant to § 1992.113.

#### § 1992.112 Judicial review.

(a) Within 60 days after the issuance of a final order for which judicial review is available (including a decision issued by the Secretary upon discretionary review), any person adversely affected or aggrieved by the order may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of the violation.

(b) A final order is not subject to judicial review in any criminal or other civil proceeding.

(c) If a timely petition for review is filed, the record of the case, including the record of proceedings before the ALJ, will be transmitted by the ARB or the ALJ, as the case may be, to the appropriate court pursuant to the Federal Rules of Appellate Procedure and the local rules of such court.

#### § 1992.113 Judicial enforcement.

Whenever any person has failed to comply with a preliminary order of reinstatement or a final order issued under AMLA, including one approving a settlement agreement, the Secretary may file a civil action seeking enforcement of the order in the United States district court for the district in which the violation was found to have occurred. Whenever any person has failed to comply with a preliminary order of reinstatement or a final order issued under AMLA, including one approving a settlement agreement, a person on whose behalf the order was issued may file a civil action seeking enforcement of the order in the appropriate United States district court.

#### § 1992.114 District court jurisdiction of retaliation complaints.

(a) If the Secretary has not issued a final decision within 180 days of the filing of the complaint, and there is no showing that there has been delay due to the bad faith of the complainant, the complainant may bring an action at law or equity for de novo review in the

appropriate district court of the United States, which will have jurisdiction over such an action without regard to the amount in controversy. Either party shall be entitled to a trial by jury.

(b) Within seven days after filing a complaint in Federal court, a complainant must file with OSHA, the ALJ, or the ARB, depending on where the proceeding is pending, a copy of the file-stamped complaint. A copy of the complaint also must be served on the OSHA official who issued the findings and/or preliminary order, the Assistant Secretary, and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor.

#### § 1992.115 Special circumstances; waiver of rules.

In special circumstances not contemplated by the provisions of this part, or for good cause shown, the ALJ or the ARB on review may, upon application, and after three days' notice to all parties, waive any rule or issue such orders that justice or the administration of AMLA requires.

[FR Doc. 2025-00539 Filed 1-13-25; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### 33 CFR Part 234

[Docket ID: COE-2023-0005]

RIN 0710-AB41

#### Corps of Engineers Agency Specific Procedures To Implement the Principles, Requirements, and Guidelines for Federal Investments in Water Resources; Correction

**AGENCY:** U.S. Army Corps of Engineers, Army, Department of Defense (DoD).

**ACTION:** Final rule; correction.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps) ACF is correcting a final rule (FR) that was published in the **Federal Register** on December 19, 2024, with an effective date of January 17, 2025. This rule establishes Agency Specific Procedures (ASPs) for the Corps to implement the Principles, Requirements, and Guidelines (PR&G) for Federal water resources investments. It provides a framework to govern how the Corps would evaluate proposed water resources investments, subject to the PR&G. The rule incorporates recommendations from interested parties. This correction ensures that this final rule will be effective 30 days after

its publication on December 19, 2024, which is January 18, 2025.

**DATES:** This correction is effective January 17, 2025.

**FOR FURTHER INFORMATION CONTACT:** Mr. Milton Boyd, Acting Director for Policy and Legislation, Office of the Assistant Secretary of the Army (Civil Works), 108 Army Pentagon, Washington, DC 20310-0108, at (202) 761-8546 or [milton.w.boyd.civ@army.mil](mailto:milton.w.boyd.civ@army.mil).

**SUPPLEMENTARY INFORMATION:** In the final rule published December 19, 2024, there was one technical error that is now identified and corrected in this document. The provisions in this correction document are effective as if they had been included in the document published December 19, 2024. Accordingly, the following corrections are effective January 18, 2025.

### Corrections to Regulations

In FR Doc. 2024-29652, appearing on page 103992 in the **Federal Register** of Thursday, December 19, 2024, the following correction is made:

1. On page 103992, in the first column, correct the **DATES** section to read as follows:

**DATES:** This rule is effective on January 18, 2025.

**Jaime A. Pinkham,**

*Acting Assistant Secretary of the Army, Civil Works.*

[FR Doc. 2025-00617 Filed 1-13-25; 8:45 am]

**BILLING CODE 3720-58-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Parts 1, 41, and 42

[Docket No. PTO-P-2022-0033]

RIN 0651-AD64

### Setting and Adjusting Patent Fees During Fiscal Year 2025

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

**ACTION:** Final rule; correction.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is correcting several minor typographical and other nonsubstantive inadvertent errors in the preamble and amendatory instructions to a final rule that appeared in the **Federal Register** on November 20, 2024. That final rule set or adjusted patent fees as authorized by the Leahy-Smith America Invents Act (AIA), as amended by the Study of Underrepresented Classes Chasing Engineering and

Science Success Act of 2018 (SUCCESS Act). These corrections do not result in any substantive changes to the final rule.

**DATES:** The final rule correction is effective January 19, 2025.

**FOR FURTHER INFORMATION CONTACT:** C. Brett Lockard, Director, Forecasting and Analysis Division, at 571-272-0928 or [Christopher.Lockard@uspto.gov](mailto:Christopher.Lockard@uspto.gov).

**SUPPLEMENTARY INFORMATION:** On November 20, 2024, the USPTO published a final rule setting or adjusting patent fees as authorized by the AIA, as amended by the SUCCESS Act. See 89 FR 91898. Subsequent to the publication of that final rule, it was discovered that the preamble discussion and several amendatory instructions contained inadvertent errors requiring correction. For example, in the preamble, example 10, which provides guidance for “Adding timely benefit claims under 35 U.S.C. 120 after filing; multiple fees due,” contained an incorrect internal cross-reference to the subject application. The subject application in the example should be “J” and not “I.” Also, in table 20, in the entry for § 1.17(m)(2), for a “Petition to excuse applicant’s failure to act within prescribed time limits in an international design application, delay less than or equal to two years,” the table reflected that the final rule fee applicable to a micro entity for this action was “\$54,” which is incorrect. The correct fee should be “\$452.” In addition, in the regulatory text at § 42.15(e), the description of the fee did not reflect changes made by an intervening final rule published on October 10, 2024, entitled “Expanding Opportunities To Appear Before the Patent Trial and Appeal Board” (89 FR 82172), which revised the terminology used to reference counsel recognized *pro hac vice* before the Patent Trial and Appeal Board. This correction updates the description of the fee in paragraph (e) to reflect the revision made by the October 10, 2024 final rule. No changes are being made to the fee amount that was published in the November 20, 2024, final rule. This final rule corrects these errors, as well as other minor typographical errors in the amendatory instructions. These changes are administrative in nature and are intended to provide clarification to impacted entities to avoid any potential confusion.

### Rulemaking Considerations

#### *Administrative Procedure Act*

This final rule corrects typographical and format errors in a rulemaking

setting and adjusting patent fees. The changes in this final rule involve rules of agency practice and procedure and/or interpretive rules and do not require notice-and-comment rulemaking. See *Perez v. Mortg. Bankers Ass’n*, 135 S.Ct. 1199, 1204 (2015) (explaining that interpretive rules “advise the public of the agency’s construction of the statutes and rules which it administers” and do not require notice-and-comment rulemaking when issued or amended); *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”); and *JEM Broadcasting Co. v. F.C.C.*, 22 F.3d 320, 328 (D.C. Cir. 1994) (explaining that rules are not legislative because they do not “foreclose effective opportunity to make one’s case on the merits”).

Moreover, the Director of the USPTO, pursuant to authority at 5 U.S.C. 553(b)(B) and (d)(1), finds good cause to adopt the changes in this final rule without prior notice and an opportunity for public comment or a 30-day delay in effectiveness, as such procedures would be unnecessary, impracticable, and contrary to the public interest. As discussed above, the changes in this rulemaking involve correcting minor typographical and other nonsubstantive errors in the final rule published on November 20, 2024, which itself underwent notice and comment and a delay in effective date. These changes are administrative in nature and are intended to provide clarification to impacted entities to avoid any potential confusion that could result if these errors are not corrected prior to the effective date of the November 20, 2024, final rule. Therefore, good cause exists to dispense with the requirement for prior notice and an opportunity for public comment and a 30-day delay in effectiveness.

### Correction

In FR Doc. 2024-26821 appearing on page 91898 in the **Federal Register** of Wednesday, November 20, 2024, the following corrections are made:

■ 1. On page 91913, in the first column, *Example 10: Adding timely benefit claims under 35 U.S.C. 120 after filing; multiple fees due* is corrected to read as follows:

*Example 10: Adding timely benefit claims under 35 U.S.C. 120 after filing; multiple fees due.* Application J is a nonprovisional application filed on July 5, 2029. The ADS present upon J’s filing contains a benefit claim under 35 U.S.C.