

TABLE 1 TO § 100.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING MARINE EVENTS—Continued

Date	Event/sponsor	Ohio valley location	Regulated area
74. 1 day—One Sunday in September.	Ohio River Sternwheel Festival Committee Sternwheel race reenactment.	Marietta, OH .....	Ohio River, Mile 170.5–172.5 (Ohio).
75. 1 Day—One weekend in September.	Parkeburg Paddle Fest .....	Parkersburg, WV .....	Ohio River, Mile 184.3–188 (West Virginia).
76. 2 days—One of the last three weekends in September.	Madison Vintage Thunder .....	Madison, IN .....	Ohio River, Mile 556.5–559.5 (Indiana).
77. 1 day—Third Sunday in September.	Team Rocket Tri Club/Swim Hobbs Island.	Huntsville, AL .....	Tennessee River, Mile 332.3–338.0 (Alabama).
78. 1 day—Fourth or fifth weekend in September.	Knoxville Open Water Swimmers/Bridges to Bluffs.	Knoxville, TN .....	Tennessee River, Mile 641.0–648.0 (Tennessee).
79. 1 day—Fourth or fifth Sunday in September.	Green Umbrella/Great Ohio River Swim.	Cincinnati, OH .....	Ohio River, Mile 468.8–471.2 (Ohio and Kentucky).
80. 1 day—One of the last two weekends in September.	Ohio River Open Water Swim ...	Prospect, KY .....	Ohio River, Mile 587.0–591.0 (Kentucky).
81. 2 days—One of the last three weekends in September or the first weekend in October.	Captain Quarters Regatta .....	Louisville, KY .....	Ohio River, Mile 594.0–598.0 (Kentucky).
82. 3 days—One of the last three weekends in September or one of the first two weekends in October.	Owensboro Air Show .....	Owensboro, KY .....	Ohio River, Mile 754.0–760.0 (Kentucky).
83. 1 day—Last weekend in September.	World Triathlon Corporation/IRONMAN Chattanooga.	Chattanooga, TN .....	Tennessee River, Mile 462.7–467.5 (Tennessee).
84. 3 days—Last weekend of September and/or first weekend in October.	New Martinsville Records and Regatta Challenge Committee.	New Martinsville, WV	Ohio River, Mile 128–129 (West Virginia).
85. 2 days—First weekend of October.	Three Rivers Rowing Association/Head of the Ohio Regatta.	Pittsburgh, PA .....	Allegheny River mile 0.0–5.0 (Pennsylvania).
86. 1 day in October .....	Chattajack .....	Chattanooga, TN .....	Tennessee River, Miles 462.7–465.5 (Tennessee).
87. 1 day in October .....	Cumberland River Compact/Cumberland River Dragon Boat Festival.	Nashville, TN .....	Cumberland River, Mile 189.7–192.1 (Tennessee).
88. 1 day in October .....	Outdoor Chattanooga/Swim the Suck.	Chattanooga, TN .....	Tennessee River, Miles 452.0–454.5 (Tennessee).
89. 1 day—First or second weekend in October.	Lookout Rowing Club/Chattanooga Head Race.	Chattanooga, TN .....	Tennessee River, Mile 463.0–468.0 (Tennessee).
90. 1 day in October .....	Shoals Scholar Dollar .....	Florence, AL .....	Tennessee River 255–257 (Alabama).
91. 2 days in October .....	Music City Head Race .....	Nashville, TN .....	Cumberland River 190–195 (Tennessee).
92. 2 days—First or second week of October.	Head of the Ohio Rowing Race	Pittsburgh, PA .....	Allegheny River, Mile 0.0–3.0 (Pennsylvania).
93. 2 days—One of the first three weekends in October.	Norton Healthcare/Ironman Triathlon.	Louisville, KY .....	Ohio River, Mile 600.5–605.5 (Kentucky).
94. 2 days—Two days in October	Secret City Head Race Regatta	Oak Ridge, TN .....	Clinch River, Mile 49.0–54.0 (Tennessee).
95. 3 days—First weekend in November.	Atlanta Rowing Club/Head of the Hooch Rowing Regatta.	Chattanooga, TN .....	Tennessee River, Mile 463.0–468.0 (Tennessee).
96. 1 day—Second weekend in December.	Charleston Lighted Boat Parade	Charleston, WV .....	Kanawha River, Mile 54.3–60.3 (West Virginia).

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Dated: January 11, 2023.

H.R. Mattern,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2023–00925 Filed 1–18–23; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Department of the Army, Corps of Engineers**

**33 CFR Part 334**

[Docket Number COE–2022–0009]

**Establishment of Three Danger Zones for the Naval Support Activity Annapolis, Annapolis, Maryland, in the Waters of Carr Creek and Whitehall Bay**

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** On December 5, 2022, the U.S. Army Corps of Engineers (Corps) published a proposed rule to establish three danger zones in the waters of Carr Creek and Whitehall Bay in the vicinity of the Naval Support Activity Annapolis. The comment period ended on January 4, 2023. The Corps received numerous requests to extend the comment period, so we are reopening the comment period for 45 days. Comments previously submitted on the proposed rule do not need to be resubmitted, as they have already been incorporated into the administrative

record and will be fully considered in the Corps' decision-making process for this rulemaking action.

**DATES:** The comment period for the proposed rule published at 87 FR 74348 on December 5, 2022 is reopened. Written comments must be submitted on or before March 6, 2023.

**ADDRESSES:** You may submit comments, identified by docket number COE-2022-0009, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Email:* [david.b.olson@usace.army.mil](mailto:david.b.olson@usace.army.mil). Include the docket number, COE-2022-0009 in the subject line of the message.

*Mail:* U.S. Army Corps of Engineers, Attn: CECW-CO-R (David B. Olson), 441 G Street NW, Washington, DC 20314-1000.

*Hand Delivery/Courier:* Due to security requirements, we cannot receive comments by hand delivery or courier.

*Instructions:* Instructions for submitting comments are provided in the proposed rule published on December 5, 2022 (87 FR 74348). Consideration will be given to all comments received by March 6, 2023.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson, Headquarters, Operations and Regulatory Division, Washington, DC at 202-761-4922.

**SUPPLEMENTARY INFORMATION:** In the December 5, 2022, issue of the **Federal Register** (87 FR 74348), the Corps published a proposed rule to establish three permanent danger zones in the waters of Carr Creek and Whitehall Bay in the vicinity of the Naval Support Activity Annapolis, Annapolis, Maryland. The establishment of the proposed danger zone in Carr Creek is necessary to enable safe operation of the United States Naval Academy firing range and to reflect the routine and periodic usage of the firing range for training Sailors, Midshipmen, and law enforcement personnel. The establishment of the two proposed danger zones in Whitehall Bay is necessary to enable the safe operation of the United States Naval Academy firing range and to reflect irregular and infrequent usage of the range for training Sailors, Midshipmen, and law enforcement personnel. The firing range faces Carr Creek and, during times of operation, may present a danger to vessels located in the proposed danger zones. According to the installation, the firing range is normally in operation for live firing approximately 4 to 6 times per year.

The Corps has received numerous requests for an extension of the comment period for the proposed rule. Because the original comment period ended on January 4, 2023, we are reopening the comment period for 45 days. Comments must be received by March 6, 2023.

**Thomas P. Smith,**

*Chief, Operations and Regulatory Division.*

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## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### 43 CFR Part 11

**[Docket No. DOI-DOI-2022-0016; 23XD1618EN, DS61600000, DMNHQ0000.000000]**

**RIN 1090-AB26**

#### Natural Resource Damages for Hazardous Substances

**AGENCY:** Office of Restoration and Damage Assessment, Interior.

**ACTION:** Advance notice of proposed rulemaking; request for public comment.

**SUMMARY:** The Office of Restoration and Damage Assessment (ORDA) is seeking comments and suggestions from state, tribal, and federal natural resource co-trustees, other affected parties, and the interested public on revising the simplified Type A procedures in the regulations for conducting natural resource damage assessments and restoration (NRDAR) for hazardous substance releases.

**DATES:** We will accept comments through March 20, 2023.

**ADDRESSES:** You may submit comments to ORDA on this advance notice of proposed rulemaking (ANPRM); request for public comment by any of the following methods. Please reference the Regulation Identifier Number (RIN) 1090-AB26 in your comments.

- *Electronically:* Go to <https://www.regulations.gov>. In the "Search" box enter "DOI-2022-0016." Follow the instructions to submit public comments. We will post all comments.

- Hand deliver or mail comments to the Office of Restoration and Damage Assessment, U.S. Department of the Interior, 1849 C Street Northwest, Mail Stop/Room 2627, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Emily Joseph, Director, Office of Restoration and Damage Assessment at

(202) 208-4438 or email to [emily\\_joseph@ios.doi.gov](mailto:emily_joseph@ios.doi.gov).

**SUPPLEMENTARY INFORMATION:** We are proposing to revise the simplified (Type A) procedures for assessment of natural resource damages resulting from releases of hazardous substances. The Department of the Interior has previously developed two types of natural resource damage assessment regulations: Standard procedures for simplified assessments requiring minimal field observations (Type A Rule); and site-specific procedures for detailed assessments in individual cases (Type B Rule).

The Type B Rule was last revised in 2008 to emphasize natural resource restoration over economic damages, resolve a timing inconsistency, and respond to two previous Court decisions addressing the regulations: *State of Ohio v. U.S. Department of the Interior*, 880 F.2d 432 (D.C. Cir. 1989); and *Kennecott Utah Copper Corp. v. U.S. Department of the Interior*, 88 F.3d 1191 (D.C. Cir. 1996).

The Type A Rule was last revised in November 1997. It provides two distinct formulas for modeling damages for natural resource injuries caused by hazardous substance releases to coastal and marine environments and Great Lakes environments, respectively. In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA) 42 U.S.C. 9601 *et seq.*, damages calculated in accordance with Type A or Type B procedures are entitled to a "rebuttable presumption" of correctness in any administrative or judicial proceeding. The rebuttable presumption for the Type A procedure under the current version of the rule is limited to damages of \$100,000 or less.

#### Background

Since its promulgation, the Type A Rule has rarely been utilized to resolve CERCLA Natural Resource Damage Assessment and Restoration (NRDAR) claims. This may be partly due to the Type A Rule's restrictive scope—to two specific aquatic environments when relatively low-impact, single substance spills occur. Additionally, the model equation for each Type A environment is the functional part of the rule itself—with no provisions to reflect evolving toxicology, ecology, technology, or other scientific understanding without a formal amendment to the Type A Rule each time a parameter is modified. The result is an inefficient and inflexible rule that is not currently useful as a means to resolve NRDAR claims and promote natural resource restoration.