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1. Orthopaedic and Rehabilitation Devices Panel—Classification of Spinal Sphere Devices Meeting, December 12, 2013, available at <https://wayback.archive-it.org/7993/20170114044038/http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/OrthopaedicandRehabilitationDevicesPanel/UCM378083.pdf>.

#### List of Subjects in 21 CFR Part 888

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 888 is amended as follows:

#### PART 888—ORTHOPEDIC DEVICES

- 1. The authority citation for part 888 continues to read as follows:

**Authority:** 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

- 2. In § 888.3083, add paragraph (c) to read as follows:

#### § 888.3083 Spinal spheres for use in intervertebral fusion procedures.

\* \* \* \* \*

(c) *Date premarket approval application (PMA) or notice of completion of product development protocol (PDP) is required.* A PMA or notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before October 30, 2025, for any spinal sphere for use in intervertebral fusion procedures as identified in paragraph (a) of this section that was in commercial distribution before May 28, 1976, or that has, on or before October 30, 2025, been found to be substantially equivalent to any spinal sphere device for use in intervertebral fusion procedures identified in paragraph (a) of this section, that was in commercial distribution before May 28, 1976. Any other spinal sphere device for use in intervertebral fusion procedures identified in paragraph (a) of this section shall have an approved PMA or declared completed PDP in effect before being placed in commercial distribution.

Dated: March 24, 2023.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2023-06565 Filed 3-29-23; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2023-0259]

#### Safety Zone; Military Ocean Terminal Concord Safety Zone, Suisun Bay, Military Ocean Terminal Concord, CA

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce the safety zone in the navigable waters of Suisun Bay, off Concord, CA, in support of explosive on-loading to Military Ocean Terminal Concord (MOTCO) from March 30, 2023, through April 14, 2023. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential explosion within the explosive arc. The safety zone is open to all persons and vessels for transitory use, but vessel operators desiring to anchor or otherwise loiter within the safety zone must obtain the permission of the Captain of the Port San Francisco or a designated representative. All persons and vessels operating within the safety zone must comply with all directions given to them by the Captain of the Port San Francisco or a designated representative.

**DATES:** The regulations in 33 CFR 165.1198 will be enforced from 12:01 a.m. on March 30, 2023, until 11:59 p.m. on April 14, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email Lieutenant William Harris, Coast Guard Sector San Francisco, Waterways Management Division, 415-399-7443, [SFWaterways@uscg.mil](mailto:SFWaterways@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the safety zone in 33 CFR 165.1198 for the Military Ocean Terminal Concord, CA (MOTCO) regulated area from 12:01 a.m. on March 30, 2023, until 11:59 p.m. on April 14, 2023, or as announced via marine local broadcasts. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential explosion within the explosive arc. The regulation for this safety zone, § 165.1198, specifies the location of the safety zone which encompasses the navigable waters in the area between 500 yards of MOTCO Pier 2 in position 38°03'30" N, 122°01'14" W and 3,000 yards of the pier. During the enforcement periods, as reflected in

§ 165.1198(d), if you are the operator of a vessel in the regulated area you must comply with the instructions of the COTP or the designated on-scene patrol personnel. Vessel operators desiring to anchor or otherwise loiter within the safety zone must contact Sector San Francisco Vessel Traffic Service at 415-556-2760 or VHF Channel 14 to obtain permission.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via marine information broadcasts.

Dated: March 23, 2023.

**Taylor Q. Lam,**

*Captain, U.S. Coast Guard, Captain of the Port San Francisco.*

[FR Doc. 2023-06613 Filed 3-29-23; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2022-0928]

RIN 1625-AA00

#### Safety Zones; Coast Guard Sector Ohio Valley Annual and Recurring Safety Zones Update

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending and updating its safety zone regulations for annual events that take place in the Coast Guard Sector Ohio Valley area of responsibility (AOR). This action is necessary to update the current list of recurring safety zones with revisions, additional events, and removal of events that no longer take place in the Sector Ohio Valley. When these safety zones are enforced, certain restrictions are placed on marine traffic in specified areas.

**DATES:** This rule is effective on March 30, 2023.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0928 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 Petty Officer William Miller, Sector Ohio Valley, U.S. Coast Guard;

telephone 502-779-5347, email [William.R.Miller@uscg.mil](mailto:William.R.Miller@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

#### I. Table of Abbreviations

AOR Area of Responsibility  
COTP Captain of the Port Sector Ohio Valley  
CFR Code of Federal Regulations  
DHS Department of Homeland Security  
E.O. Executive Order  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

#### II. Background Information and Regulatory History

The Captain of Port Sector Ohio Valley (COTP) is amending 33 CFR 165.801 to update the table of annual fireworks displays and other events in Coast Guard Sector Ohio Valley Area of Responsibility (AOR). These events include air shows, fireworks displays, and other events requiring a safety zone.

On January 23, 2023, the Coast Guard published a notice of proposed rulemaking (NPRM) titled, Safety Zones; Coast Guard Sector Ohio Valley Annual and Recurring Safety Zones Update (86 FR 68948). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to those recurring safety zones. During the comment period that ended on February 22, 2023, no comments were received.

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 ensure the safety of the events occurring in March.

#### 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 Coast Guard is amending and updating the safety zones under 33 CFR part 165 to include the most up to date list of recurring safety zones for events held on or around navigable waters within the Sector Ohio Valley AOR. These events include fireworks displays, air shows, and festivals. The current list in 33 CFR 165.801 requires amending to provide new information on existing safety zones and to include new safety zones expected to recur annually or biannually. Issuing individual regulations for each new safety zone, amendment of existing safety zones creates unnecessary administrative costs and burdens. This rulemaking reduces administrative overhead and provides

the public with notice through publication in the **Federal Register** of the upcoming recurring safety zones. Based on the nature of these events, large numbers of participants and spectators, and event locations, the COTP has determined that the events listed in this rule could pose a risk to participants or waterway users if the normal vessel traffic were to interfere with the events. Possible hazards include risks of injury or death from near or actual contact among participant vessels and spectators or mariners traversing through the regulated area. This purpose of this rule is to ensure the safety of all waterway users, including event participants and spectators, during the scheduled events.

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

As noted above, we received no comments on our NPRM published January 23, 2023. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule amends and updates part 165 of 33 CFR by revising the current table for Sector Ohio Valley, and by adding eight new recurring safety zones, removing four safety zones, and amending four safety zones as described in the NPRM. Vessels intending to transit the designated waterway through the safety zone will only be allowed to transit the area when the COTP, or designated representative, has deemed it safe to do so or at the completion of the event.

#### 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 duration of the safety zones. These safety zones are limited in size and duration, and are usually positioned away from high vessel traffic areas.

Moreover, the Coast Guard would issue a Broadcast Notices to Mariners, Local Notices to Mariners, and Marine Safety Information Broadcasts to inform the community of these safety zones.

##### 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. It is categorically excluded from further review under paragraph L60 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, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. In § 165.801, revise and republish Table 1 to read as follows:

#### § 165.801 Annual Fireworks displays and other events in the Eighth Coast Guard District recurring safety zones.

\* \* \* \* \*

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
1. 3 days—Third or Fourth weekend in April.	Henderson Breakfast Lions Club Tri-Fest.	Henderson, KY .....	Ohio River, Miles 802.5–805.5 (Kentucky).
2. 2 days—Third Friday and Saturday in April.	Thunder Over Louisville .....	Louisville, KY .....	Ohio River, Mile 597.0–604.0 (Kentucky).
3. Multiple days—April through November.	Pittsburgh Pirates Season Fireworks ....	Pittsburgh, PA .....	Allegheny River, Miles 0.2–0.9 (Pennsylvania).
4. Multiple days—April through November.	Cincinnati Reds Season Fireworks .....	Cincinnati, OH .....	Ohio River, Miles 470.1–470.4; extending 500 ft. from the State of Ohio shoreline (Ohio).
5. Multiple days—April through November.	Pittsburgh Riverhounds Season Fireworks.	Pittsburgh, PA .....	Monongahela River, Miles 0.22–0.77 (Pennsylvania).
6. 1 day—First week in May .....	Belterra Park Gaming Fireworks .....	Cincinnati, OH .....	Ohio River, Miles 460.0–462.0 (Ohio).
7. 1 day—One Friday in May prior to Memorial Day.	Live on the Levee Memorial Day Fireworks/City of Charleston.	Charleston, WV .....	Kanawha River, Mile 58.1–59.1 (West Virginia).
8. 1 day—Saturday before Memorial Day.	Venture Outdoors Festival .....	Pittsburgh, PA .....	Allegheny River, Miles 0.0–0.25; Monongahela River, Miles 0.0–0.25 (Pennsylvania).
9. 1 day—Saturday before Memorial Day.	Ironton-Lawrence County Memorial Day Fireworks.	Ironton, OH .....	Ohio River, Mile 328 (West Virginia).
10. 1 day—First Sunday in June .....	West Virginia Symphony Orchestra/Symphony Sunday.	Charleston, WV .....	Kanawha River, Miles 59.5–60.5 (West Virginia).
11. 3 days in June .....	CMA Festival .....	Nashville, TN .....	Cumberland River, Miles 190.7–191.1 extending 100 feet from the left descending bank (Tennessee).
12. 1 day in June .....	Cumberland River Compact/Nashville Splash Bash.	Nashville, TN .....	Cumberland River, Miles 189.7–192.1 (Tennessee).
13. 2 days—A weekend in June .....	Rice's Landing Riverfest .....	Rice's Landing, PA .....	Monongahela River, Miles 68.0–68.8 (Pennsylvania).
14. 2 days—Second Friday and Saturday in June.	City of Newport, KY/Italianfest .....	Newport, KY .....	Ohio River, Miles 468.6–471.0 (Kentucky and Ohio).
15. 1 day in June .....	Friends of the Festival, Inc./Riverbend Festival Fireworks.	Chattanooga, TN ...	Tennessee River, Miles 462.7–465.2 (Tennessee).
16. 1 day in June .....	Junteenth/Black Complex of Louisville	Louisville, KY .....	Ohio River, Miles 603.5–604.5.
17. 1 day in June .....	CMA Festival Fireworks .....	Nashville, TN .....	Cumberland River 190–191 (Tennessee).
18. 1 day—Second or Third week of June.	TriState Pottery Festival Fireworks .....	East Liverpool, OH	Ohio River, Miles 42.5–45.0 (Ohio).
19. 3 days—One of the last three weekends in June.	Hadi Shrine/Evansville Freedom Festival Air Show.	Evansville, IN .....	Ohio River, Miles 790.0–796.0 (Indiana).
20. One weekend in June .....	Alzheimer's Water Lantern Festival/IC Care.	Wheeling, WV .....	Ohio River Mile, 90.3–91.8.

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
21. 1 day—Last weekend in June or first weekend in July.	Riverview Park Independence Festival	Louisville, KY .....	Ohio River, Miles 617.5–620.5 (Kentucky).
22. 1 day—Last weekend in June or First weekend in July.	City of Point Pleasant/Point Pleasant Sternwheel Fireworks.	Point Pleasant, WV	Ohio River, Miles 265.2–266.2, Kanawha River Miles, 0.0–0.5 (West Virginia).
23. 1 day—Last weekend in June or first weekend in July.	City of Aurora/Aurora Firecracker Festival.	Aurora, IN .....	Ohio River, Mile 496.7; 1,400 ft. radius from the Consolidated Grain Dock located along the State of Indiana shoreline at (Indiana and Kentucky).
24. 1 day—Last week of June or first week of July.	PUSH Beaver County/Beaver County Boom.	Beaver, PA .....	Ohio River, Miles 25.2–25.6 (Pennsylvania).
25. 1 day—Last weekend in June or first week in July.	Evansville Freedom Celebration/4th of July Fireworks.	Evansville, IN .....	Ohio River, Miles 790.0–796.0 (Indiana).
26. 1 day—Last week in June or First week in July.	Rising Sun Fireworks .....	Rising Sun, IN .....	Ohio River, Miles 506.0–507.0 (Indiana).
27. 1 day—Weekend before the 4th of July.	Kentucky Dam Marine/Kentucky Dam Marina Fireworks.	Gilbertsville, KY .....	350 foot radius, from the fireworks launch site, on the entrance jetties at Kentucky Dam Marina, on the Tennessee River at Mile Marker 23 (Kentucky).
28. 1 day in July .....	Clarksville Independence Day Fireworks.	Ashland City, TN ...	Cumberland River, Miles 127–129 (Tennessee).
29. 1 day in July .....	Gallatin Marina Fireworks .....	Gallatin, TN .....	Cumberland River, Miles 236.5–237.5 (Tennessee).
30. 1 day in July .....	Town of Cumberland City/Lighting up the Cumberlands.	Cumberland City, TN.	Cumberland River, Miles 103.0–105.5 (Tennessee).
31. 1 day in July .....	Chattanooga Presents/Pops on the River.	Chattanooga, TN ...	Tennessee River, Miles 462.7–465.2 (Tennessee).
32. 1 day in July .....	Randy Boyd/Independence Celebration Fireworks Display.	Knoxville, TN .....	Tennessee River, Miles 625.0–628.0 (Tennessee).
33. 1 day—July 3rd .....	Moors Resort and Marina/Kentucky Lake Big Bang.	Gilbertsville, KY .....	600 foot radius, from the fireworks launch site, on the entrance jetty to Moors Resort and Marina, on the Tennessee River at mile marker 30.5 (Kentucky).
34. 1 day—3rd or 4th of July .....	City of Paducah, KY .....	Paducah, KY .....	Ohio River, Miles 934.0–936.0; Tennessee River, Miles 0.0–1.0 (Kentucky).
35. 1 day—3rd or 4th of July .....	City of Hickman, KY/Town of Hickman Fireworks.	Hickman, KY .....	700 foot radius from GPS coordinate 36°34.5035 N, 089°11.919 W, in Hickman Harbor located at mile marker 921.5 on the Lower Mississippi River (Kentucky).
36. 1 day—July 4th .....	City of Knoxville/Knoxville Festival on the 4th.	Knoxville, TN .....	Tennessee River, Miles 646.3–648.7 (Tennessee).
37. 1 day in July .....	Nashville NCVC/Independence Celebration.	Nashville, TN .....	Cumberland River, Miles 189.7–192.3 (Tennessee).
38. 1 day in July .....	Shoals Radio Group/Spirit of Freedom Fireworks.	Florence, AL .....	Tennessee River, Miles 254.5–257.4 (Alabama).
39. 1 day—4th of July (Rain date—July 5th).	Monongahela Area Chamber of Commerce/Monongahela 4th of July Celebration.	Monongahela, PA ..	Monongahela River, Miles 032.0–033.0 (Pennsylvania).
40. 1 day—July 4th .....	Cities of Cincinnati, OH and Newport, KY/July 4th Fireworks.	Newport, KY .....	Ohio River, Miles 469.6–470.2 (Kentucky and Ohio).
41. 1 day—July 4th .....	Wellsburg 4th of July Committee/ Wellsburg 4th of July Freedom Celebration.	Wellsburg, WV .....	Ohio River, Miles 73.5–74.5 (West Virginia).
42. 1 day—week of July 4th .....	Wheeling Symphony fireworks .....	Wheeling, WV .....	Ohio River, Miles 90–92 (West Virginia).
43. 1 day—First week or weekend in July.	Summer Motions Inc./Summer Motion	Ashland, KY .....	Ohio River, Miles 322.1–323.1 (Kentucky).
44. 1 day—week of July 4th .....	Chester Fireworks .....	Chester, WV .....	Ohio River, Mile 42.0–44.0 (West Virginia).
45. 1 day—First week of July .....	Toronto 4th of July Fireworks .....	Toronto, OH .....	Ohio River, Mile 58.2–58.8 (Ohio).
46. 1 day—First week of July .....	Cincinnati Symphony Orchestra .....	Cincinnati, OH .....	Ohio River, Miles 460.0–462.0 (Ohio).
47. 1 day—First week or weekend in July.	Gallia County Chamber of Commerce/ Gallipolis River Recreation Festival.	Gallipolis, OH .....	Ohio River, Miles 269.5–270.5 (Ohio).
48. 1 day—First week or weekend in July.	Kindred Communications/Dawg Dazzle	Huntington, WV .....	Ohio River, Miles 307.8–308.8 (West Virginia).
49. 1 day—First week or weekend in July.	Greenup City .....	Greenup, KY .....	Ohio River, Miles 335.2–336.2 (Kentucky).
50. 1 day—First week or weekend in July.	Middleport Community Association .....	Middleport, OH .....	Ohio River, Miles 251.5–252.5 (Ohio).
51. 1 day—First week or weekend in July.	People for the Point Party in the Park ..	South Point, OH ....	Ohio River, Miles 317–318 (Ohio).
52. 1 day—One of the first two weekends in July.	City of Bellevue, KY/Bellevue Beach Park Concert Fireworks.	Bellevue, KY .....	Ohio River, Miles 468.2–469.2 (Kentucky & Ohio).
53. 1 day—First Week of July .....	Pittsburgh 4th of July Celebration .....	Pittsburgh, PA .....	Ohio River, Miles 0.0–0.5, Allegheny River, Miles 0.0–0.5, and Monongahela River, Miles 0.0–0.5 (Pennsylvania).
54. 1 day—First week or weekend in July.	City of Charleston/City of Charleston Independence Day Celebration.	Charleston, WV .....	Kanawha River, Miles 58.1–59.1 (West Virginia).
55. 1 day—First week or weekend in July.	Portsmouth River Days .....	Portsmouth, OH ....	Ohio River, Miles 355.5–357.0 (Ohio).
56. 1 day—During the first week of July	Louisville Bats Baseball Club/Louisville Bats Firework Show.	Louisville, KY .....	Ohio River, Miles 602.0–605.0 (Kentucky).
57. 1 day—During the first week of July	Waterfront Independence Festival/Louisville Orchestra Waterfront 4th.	Louisville, KY .....	Ohio River, Miles 602.0–605.0 (Kentucky).
58. 1 day—During the first week of July	Celebration of the American Spirit Fireworks/All American 4th of July.	Owensboro, KY .....	Ohio River, Miles 754.0–760.0 (Kentucky).
59. 1 day—During the first week of July	Riverfront Independence Festival Fireworks.	New Albany, IN .....	Ohio River, Miles 606.5–609.6 (Indiana).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
60. 1 day in July .....	Grand Harbor Marina/Grand Harbor Marina July 4th Celebration.	Counce, TN .....	Tennessee-Tombigbee Waterway, Miles 448.5–451.0 (Tennessee).
61. 1 night in July .....	Steubenville fireworks .....	Steubenville, OH ..	Ohio River, Mile 67.5–68.5.
62. 1 day—During the first two weeks of July.	City of Maysville Fireworks .....	Maysville, KY .....	Ohio River, Miles 408–409 (Kentucky).
63. 1 day—One of the first two week-ends in July.	Madison Regatta, Inc./Madison Regatta .....	Madison, IN .....	Ohio River, Miles 554.0–561.0 (Indiana).
64. 1 day—Third Saturday in July .....	Pittsburgh Irish Rowing Club/St. Brendan's Cup Currach Regatta.	Pittsburgh, PA .....	Ohio River, Miles 7.0–9.0 (Pennsylvania).
65. 1 day—Third or fourth week in July	Upper Ohio Valley Italian Heritage Festival/Upper Ohio Valley Italian Heritage Festival Fireworks.	Wheeling, WV .....	Ohio River, Miles 90.0–90.5 (West Virginia).
66. 1 day—Saturday Third or Fourth full week of July (Rain date—following Sunday).	Oakmont Yacht Club/Oakmont Yacht Club Fireworks.	Oakmont, PA .....	Allegheny River, Miles 12.0–12.5 (Pennsylvania).
67. 2 days—One weekend in July .....	Marietta Riverfront Roar Fireworks .....	Marietta, OH .....	Ohio River, Miles 171.6–172.6 (Ohio).
68. 1 day—Last weekend in July or first weekend in August.	Fort Armstrong Folk Music Festival .....	Kittanning, PA .....	Allegheny River, Mile 45.1–45.5 (Pennsylvania).
69. 1 day in August .....	Music City Grand Prix Fireworks .....	Nashville, TN .....	Cumberland River 190–191 (Tennessee).
70. 1 day in August .....	Nashville ASAE Fireworks .....	Nashville, TN .....	Cumberland River 190–191 (Tennessee).
71. 3 Days in August .....	Music City Grand Prix .....	Nashville, TN .....	Cumberland River 190–191 (Tennessee).
72. 1 day—First week in August .....	Gliers Goetta Fest LLC .....	Newport, KY .....	Ohio River, Miles 469.0–471.0.
73. 1 day—First or second week of August.	Bellaire All-American Days .....	Bellaire, OH .....	Ohio River, Miles 93.5–94.5 (Ohio).
74. 1 day—Second full week of August	PA FOB Fireworks Display .....	Pittsburgh, PA .....	Allegheny River, Miles 0.8–1.0 (Pennsylvania).
75. 1 day—Second Saturday in August	Guyasuta Days Festival/Borough of Sharpsburg.	Pittsburgh, PA .....	Allegheny River, Miles 005.5–006.0 (Pennsylvania).
76. 1 day—In the Month of August .....	Pittsburgh Foundation/Bob O'Connor Cookie Cruise.	Pittsburgh, PA .....	Ohio River, Mile 0.0–0.5 (Pennsylvania).
77. 1 day—Third week of August .....	Beaver River Regatta Fireworks .....	Beaver, PA .....	Ohio River, Miles 25.2–25.8 (Pennsylvania).
78. 1 day—One weekend in August .....	Parkersburg Homecoming Festival-Fireworks.	Parkersburg, WV ..	Ohio River, Miles 183.5–185.5 (West Virginia).
79. 1 day—One weekend in August .....	Ravenswood River Festival .....	Ravenswood, WV ..	Ohio River, Miles 220–221 (West Virginia).
80. 1 day—The second or third week-end of August.	Green Turtle Bay Resort/Grand Rivers Marina Day.	Grand Rivers, KY ..	420 foot radius, from the fireworks launch site, at the entrance to Green Turtle Bay Resort, on the Cumberland River at mile marker 31.5 (Kentucky).
81. 1 day—last 2 weekends in August/first week of September.	Wheeling Dragon Boat Race .....	Wheeling, WV .....	Ohio River, Miles 90.4–91.5 (West Virginia).
82. 1 day—One weekend in the month of August or September.	Owensboro Fireworks and Bridge Lights show.	Owensboro, KY .....	Ohio River, Miles 756–757 (Kentucky).
83. Sunday, Monday, or Thursday from August through February.	Pittsburgh Steelers Fireworks .....	Pittsburgh, PA .....	Allegheny River, Miles 0.0–0.25, Ohio River, Miles 0.0–0.1, Monongahela River, Miles 0.0–0.1 (Pennsylvania).
84. 1 day—One weekend before Labor Day.	Riverfest/Riverfest Inc .....	Nitro, WV .....	Kanawha River, Miles 43.1–44.2 (West Virginia).
85. 1 day—The weekend of Labor Day	Newburgh Fireworks Display .....	Newburgh, IN .....	Ohio River, Miles 777.3–778.3 (Indiana).
86. 2 days—Sunday before Labor Day and Labor Day.	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH .....	Ohio River, Miles 469.2–470.5 (Kentucky and Ohio) and Licking River, Miles 0.0–3.0 (Kentucky).
87. 1 day in September .....	Nashville Symphony/Concert Fireworks	Nashville, TN .....	Cumberland River, Miles 190.1–192.3 (Tennessee).
88. 1 day—Second weekend in September.	City of Clarksville/Clarksville Riverfest ..	Clarksville, TN .....	Cumberland River, Miles 124.5–127.0 (Tennessee).
89. 3 days—Second or third week in September.	Wheeling Heritage Port Sternwheel Festival Foundation/Wheeling Heritage Port Sternwheel Festival.	Wheeling, WV .....	Ohio River, Miles 90.2–90.7 (West Virginia).
90. 1 day—One weekend in September	Ohio River Sternwheel Festival Committee fireworks.	Marietta, OH .....	Ohio River, Miles 171.5–172.5 (Ohio).
91. 1 day—One weekend in September	Tribute to the River .....	Point Pleasant, WV	Ohio River, Miles 264.6–265.6 (West Virginia).
92. 1 day—One weekend in September	Aurora Fireworks .....	Aurora, IN .....	Ohio River, Mile 496.3–497.3 (Ohio).
93. 1 day—Last two weekends in September.	Cabana on the River .....	Cincinnati, OH .....	Ohio River, Mile 483.2–484.2 (Ohio).
94. Multiple days—September through January.	University of Pittsburgh Athletic Department/University of Pittsburgh Fireworks.	Pittsburgh, PA .....	Ohio River, Miles 0.0–0.1, Monongahela River, Miles 0.0–0.1, Allegheny River, Miles 0.0–0.25 (Pennsylvania).
95. 1 day—First three weeks of October	Leukemia & Lymphoma Society/Light the Night.	Pittsburgh, PA .....	Ohio River, Mile 0.0–0.5, Allegheny River, Mile 0.0–0.5, and Monongahela River, Mile 0.0–0.5 (Pennsylvania).
96. 1 day in October .....	Leukemia and Lymphoma Society/Light the Night Walk Fireworks.	Nashville, TN .....	Cumberland River, Miles 189.7–192.1 (Tennessee).
97. 1 day—First two weeks in October	Yeatman's Fireworks .....	Cincinnati, OH .....	Ohio River, Miles 469.0–470.5 (Ohio).
98. 1 day—One weekend in October ....	West Virginia Motor Car Festival .....	Charleston, WV .....	Kanawha River, Miles 58–59 (West Virginia).
99. 2 days—One of the last three week-ends in October.	Monster Pumpkin Festival .....	Pittsburgh, PA .....	Allegheny River, Mile 0.0–0.25 (Pennsylvania).
100. 1 day—Within two weeks of Thanksgiving.	Pittsburgh Downtown Partnership/Light Up Night.	Pittsburgh, PA .....	Allegheny River, Miles 0.0–1.0 (Pennsylvania).
101. 1 day—Friday before Thanksgiving	Kittanning Light Up Night Firework Display.	Kittanning, PA .....	Allegheny River, Miles 44.5–45.5 (Pennsylvania).
102. 1 day—within 2 weeks of Thanksgiving.	Santa Spectacular/Light up Night .....	Pittsburgh, PA .....	Ohio River, Mile 0.0–0.5, Allegheny River, Mile 0.0–0.5, and Monongahela River, Mile 0.0–0.5 (Pennsylvania).
103. 1 day—Friday before Thanksgiving	Monongahela Holiday Show .....	Monongahela, PA ..	Ohio River, Miles 31.5–32.5 (Pennsylvania).
104. 1 day in November .....	Friends of the Festival/Cheer at the Pier.	Chattanooga, TN ...	Tennessee River, Miles 462.7–465.2 (Tennessee).
105. 1 day—Third week of November ...	Gallipolis in Lights .....	Gallipolis, OH .....	Ohio River, Miles 269.2–270 (Ohio).

TABLE 1 OF § 165.801—SECTOR OHIO VALLEY ANNUAL AND RECURRING SAFETY ZONES—Continued

Date	Sponsor/name	Sector Ohio Valley location	Safety zone
106. 1 day—December 31 .....	Pittsburgh Cultural Trust/Highmark First Night Pittsburgh.	Pittsburgh, PA .....	Allegheny River, Miles 0.5–1.0 (Pennsylvania).
107. 7 days—Scheduled home games	University of Tennessee/UT Football Fireworks.	Knoxville, TN .....	Tennessee River, Miles 645.6–648.3 (Tennessee).

\* \* \* \* \*

Dated: March 27, 2023.

**H.R. Mattern,**

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

[FR Doc. 2023–06521 Filed 3–29–23; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG–2023–0173]

#### Security Zone; Lower Mississippi River, Mile Marker 94 to 97 Above Head of Passes, New Orleans, LA

**AGENCY:** Coast Guard, DHS.

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

**SUMMARY:** The Coast Guard will enforce a security zone for all navigable waters within 400 yards of the Left Descending Bank (LDB) on the Lower Mississippi River (LMR) Mile Marker (MM) 94.4 to MM 95.1, Above Head of Passes (AHP), New Orleans, LA. This security zone is necessary to provide security and protection for visiting personnel during the events related to the French Quarter Festival. Except for Vessel Movement Reporting System Users operating in the Algiers Point VT Special Area, no person or vessel may enter this security zone unless authorized by the Captain of the Port New Orleans (COTP) or a designated representative.

**DATES:** The regulations in 33 CFR 165.846 will be enforced from 10 a.m. on April 13, 2023, through 10 p.m. on April 16, 2023.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email Lieutenant Commander William A. Stewart, Sector New Orleans, U.S. Coast Guard; telephone 504–365–2246, email [William.A.Stewart@uscg.mil](mailto:William.A.Stewart@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce a security zone in 33 CFR 165.846 for events related to the French Quarter Festival from 10 a.m. on April 13, 2023, through 10 p.m. on April

16, 2023. This action is being taken to provide security and protection for visiting personnel during the events related to the French Quarter Festival. The security zone will cover all navigable waters within 400 yards of the Left Descending Bank on the Lower Mississippi River from MM 94.4 to MM 95.1 AHP, New Orleans, LA. Except for Vessel Movement Reporting System Users operating in the Algiers Point VT Special Area, no person or vessel may enter this security zone unless authorized by the COTP or a designated representative. A designated representative means any Coast Guard commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of Sector New Orleans; to include a Federal, State, and/or local officer designated by or assisting the COTP in the enforcement of the security zone. To seek permission to enter, contact the COTP or a designated representative on VHF–FM Channel 12 or 67. Those in the security zone must transit at their slowest speed and comply with all lawful orders or directions given to them by the COTP or a designated representative.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Vessel Traffic Service Advisories, Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs).

Dated: March 22, 2023.

**K.K. Denning,**

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

[FR Doc. 2023–06572 Filed 3–29–23; 8:45 am]

**BILLING CODE 9110–04–P**

## NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

### National Endowment for the Humanities

#### 45 CFR Parts 1168 and 1174

**RIN 3136–AA46**

#### Civil Penalty Adjustments

**AGENCY:** National Endowment for the Humanities, National Foundation on the Arts and the Humanities.

**ACTION:** Final rule.

**SUMMARY:** The National Endowment for the Humanities (NEH) is adjusting the maximum and minimum civil monetary penalties that may be imposed for violations of its New Restrictions on Lobbying and Program Fraud Civil Remedies Act regulations to reflect the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. This final rule provides the 2023 annual inflation adjustments to the initial “catch-up” adjustments made on April 21, 2020, and August 13, 2021, and reflects all other inflation adjustments made in the interim. This final rule also codifies the statutory formula for inflation adjustments in NEH’s New Restrictions on Lobbying and Program Fraud Civil Remedies Act regulations, so that NEH may publish a Notice in the **Federal Register** indicating the civil monetary penalty adjustment amounts for each regulation in January 2024 and every calendar year thereafter.

**DATES:** This rule is effective on March 30, 2023.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Voyatzis, Deputy General Counsel, Office of the General Counsel, National Endowment for the Humanities, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606–8322; [gencounsel@neh.gov](mailto:gencounsel@neh.gov).

#### SUPPLEMENTARY INFORMATION:

##### 1. Background

The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of