

**§ 100.731 Special local regulations; annual Ft. Lauderdale Air & Sea Show, Ft. Lauderdale, FL.**

(a) *Regulated area.* The following is a regulated area: All waters of the Atlantic Ocean west of a line drawn from 26–10.32N, 080–05.9W to 26–06.36N, 080–05.58W. All coordinates referenced use Datum: NAD 83.

(b) *Special local regulations.* (1) All vessels, with the exception of event participants, are prohibited from entering the regulated area without the specific permission of the patrol commander.

(2) All vessels shall immediately follow any specific instructions given by event patrol craft and exercise extreme caution while operating in or near the regulated area. A succession of not fewer than five short whistle or horn blasts from a patrol vessel will be the signal for any non-participating vessel to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(3) After the termination of the Air and Sea Show event for each respective day, all vessels may resume normal operations.

(c) *Dates.* These regulations become effective annually on the first Friday, Saturday and Sunday of May, from 9 a.m. to 3 p.m. EDT on Friday, and from 9 a.m. to 5 p.m. EDT on Saturday and Sunday.

Dated: March 20, 1998.

**Norman T. Saunders,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 100**

[CGD07 98–003]

RIN 2115–AE46

**Special Local Regulations; Miami Beach, Florida**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing permanent special local regulations for the Miami Super Boat Race. This event will be held annually on the third Sunday of April 1000 feet offshore Miami Beach, between 12 p.m. and 4 p.m. Easter Daylight Time (EDT). The regulations are necessary to provide for the safety of life on navigable waters during the event.

**DATES:** This rule becomes effective on March 30, 1998.

**FOR FURTHER INFORMATION CONTACT:** LTJG J. Delgado, Coast Guard Group Miami, FL at (305) 535–4409.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

On February 17, 1998 (63 FR 7741), the Coast Guard published a Notice of Proposed Rulemaking to establish permanent special local regulations for the Miami Super Boat Race, which will be held annually on the third Sunday in April. No comments were received during the comment period.

**Background and Purpose**

Super Boat International Productions Inc., is sponsoring a high speed power boat race with approximately thirty-five (35) race boats, ranging in length from 24 to 50 feet, participating in the event. There will be approximately two hundred (200) spectator craft. The race will take place in the Atlantic Ocean 1,000 feet off the Miami Beach shore, from the Miami Beach Clock Tower to Atlantic Heights. The race boats will be competing at high speeds with numerous spectator crafts in the area, creating an extra or unusual hazard in the navigable waterways. These regulations will create regulated areas for the competing vessels and for spectator craft.

In accordance with 5 U.S.C. 553, good cause exists for making these regulations effective in less than 30 days after **Federal Register** publication. Delaying the effective date would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public as the event is scheduled to occur in less than 30 days. Further, upon receiving the permit application, the Coast Guard published a Notice of Proposed Rulemaking and received no comments. The permit application was not received in time to allow for an acceptable comment period and a 30 day delay in the effective date of the regulations.

**Regulatory Evaluation**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this

proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. Entry into the regulated area is prohibited for only four hours on the day of the event.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), The Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. “Small entities” include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdiction with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities as the regulations would only be in effect for approximately four hours for one day each year.

**Collection of Information**

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

**Federalism**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environmental Assessment**

The Coast Guard has considered the environmental impact of this action and has determined pursuant to section 2.B.2.a (CE #34(h)) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

**List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

**Final Regulations**

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, as follows:

**PART 100—[AMENDED]**

1. The authority citation for Part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. A new section 100.730 is added to read as follows:

**§ 100.730 Annual Miami Super Boat Race; Miami Beach, Florida**

(a) *Regulated area.* (1) A regulated area is established by a line joining the following points: 25–46.3N, 080–07.85W; thence to, 25–46.3N, 080–06.82W; thence to, 25–51.3N, 080–06.20W; thence to, 25–51.3N, 080–07.18W; thence along the shoreline to the starting point. All coordinate referenced use Datum: NAD 83.

(2) A spectator area is established in the vicinity of the regulated area for spectator traffic and is defined by a line joining the following points, beginning from: 25–51.3N, 080–06.15W; thence to, 25–51.3N, 080–05.85W; thence to, 25–46.3N, 080–06.55W; thence to, 25–46.3N, 080–06.77W; and back to the starting point. All coordinates referenced use Datum: NAD 83.

(3) A buffer zone of 300 feet separates the race course and the spectator areas.

(b) *Special local regulations.* (1) Entry into the regulated area by other than event participants is prohibited unless otherwise authorized by the Patrol Commander. At the completion of scheduled races and departure of participants from the regulated area, traffic may resume normal operations. Traffic may be permitted to resume normal operations between scheduled racing events, at the discretion of the Patrol Commander.

(2) A succession of not fewer than five short whistle or horn blasts from a patrol vessel will be the signal for any and all vessels to take immediate steps to avoid collision. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(3) Spectators are required to maintain a safe distance from the race course at all times.

(c) *Dates:* These regulations become effective annually at 12 p.m. and terminate at 4 p.m. EDT on the third Sunday in April.

Dated: March 20, 1998.

**Norman T. Saunders,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[OH103–1a; FRL–5978–6]

**Approval and Promulgation of Implementation Plans; Ohio**

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

**ACTION:** Direct final rule.

**SUMMARY:** USEPA approves State Implementation Plan (SIP) revisions submitted by the State of Ohio on December 9, 1996, which added a Statewide exemption for sources burning natural gas from operating rate restrictions that would otherwise apply for purposes of sulfur dioxide control, and changed the sulfur dioxide (SO<sub>2</sub>) limits on a site specific basis by removing a restriction on the simultaneous operation of the three heaters (B010, B008, and B006) at the Sun Oil Company facility in Lucas County. USEPA also approves previously adopted revisions to rule OAC 3745–18–06, entitled general emission limit provision, adding limits for stationary gas turbines and stationary internal combustion engines. **DATES:** The “direct final” approval is effective on May 29, 1998 unless written adverse or critical comments are received by April 29, 1998. If the effective date is delayed timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of the revisions request are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604

(It is recommended that you telephone Phuong Nguyen, Environmental Scientist, at (312) 886–6701 before visiting the Region 5 office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Phuong Nguyen at (312) 886–6701.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Federal Implementation Plan (FIP) containing SO<sub>2</sub> regulations regarding sources in Ohio was promulgated on August 27, 1976 (41 FR 36324).

On May 4, 1981 (46 FR 24966), USEPA proposed to disapprove the

Ohio SO<sub>2</sub> SIP for Lucas County. This proposed disapproval was based on the modeling analysis of Lucas County submitted by the Toledo Edison Company. This analysis predicted violations of the 24-hour and the 3-hour National Air Quality Standard (NAAQS) under applicable rules in Lucas County.

After May 4, 1981, Ohio EPA provided updated emission data for sources in Lucas County. USEPA initiated a remodeling analysis. The purpose of the reanalysis was to evaluate the effect of the updated emissions on the previously predicted violations. Results of the remodeling showed no violation of either the 24-hour or 3-hour standard. On January 13, 1982 (47 FR 1398) USEPA proposed to approve the State of Ohio's SO<sub>2</sub> plan for Lucas County and withdrew the prior proposed rule.

On June 30, 1982, the final rulemaking became effective (47 FR 28377). In the June 30, 1982 action, USEPA approved the Ohio SIP for SO<sub>2</sub> for Lucas County. The Plan was approved because it was demonstrated to provide for attainment and maintenance of the SO<sub>2</sub> NAAQS in Lucas County. The plan included all major SO<sub>2</sub> sources in the county except for Gulf Oil Company, Coulton Chemical Company, Phillips Chemical Company and Sun Oil Company.

**II. Review of State Submittal**

In its December 9, 1996 submittal, Ohio requested approval of OAC 3745–18–54 (O) for the Sun Oil Company to replace the current applicable FIP and approval of revisions to OAC 3745–18–06 (A) exempting sources burning natural gas from otherwise applicable limits. The submittal provides a technical support document for the requested SO<sub>2</sub> limits for the Sun Oil Company facility and a synopsis of the requested revision of Ohio administrative code rule 3745–18–06 (A). The revision was adopted on October 7, 1996, and became effective on October 31, 1996. By letter of December 15, 1997, Ohio submitted further clarification of its exemption for sources burning natural gas and requested the USEPA also rulemake on other previously adopted revisions to rule 3745–18–06, notably including added limits on emissions from stationary gas turbines and stationary internal combustion engines.

**A. Sun Oil Company**

Originally, Sun Oil Company chose to use two fuel sources with different SO<sub>2</sub> content (#2 fuel oil and #6 fuel oil) as the fuels burned for the three heaters (B006, B008, B010) at this facility. The