

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR PART 100**

[CGD08-98-051]

Special Local Regulations; Rising Sun Regatta, Ohio River Mile 505.0-507.0, Rising Sun, IN

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Rising Sun Regatta Inboard Hydroplane Races. This event will be held on September 12 & 13, 1998 from 12 p.m. until 6 p.m. at Rising Sun, Indiana. If the event is cancelled due to weather this rule will be effective from 12 p.m. until 6 p.m., on September 26 & 27, 1998. These regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations are effective from 12 p.m. until 6 p.m., on September 12 and 13, 1998.

ADDRESSES: Unless otherwise indicated, all documents referred to in this regulation are available for review at Marine Safety Office, Louisville, 600 Martin Luther King Jr. Place, Rm 360, Louisville, KY 40202-2230.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jeff Johnson, Chief, Port Management Department, USCG Marine Safety Office, Louisville, KY (502) 582-5194, ext. 39.

SUPPLEMENTARY INFORMATION:

Drafting Information. The drafters of this regulation are Lieutenant Jeff Johnson, Project Officer, Chief, Port Management Department, UACG Marine Safety Office, Louisville, KY, and LTJG M. Woodruff, Project Attorney, Eighth Coast Guard District Legal Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rule making for these regulations has not been published, and good cause exists for making them effective in less than 30 days from the date of publication in the **Federal Regulation**. Following normal rule making procedures would be impracticable. The details of the event not finalized in sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation is a series of high speed hydroplane boat races. The event is sponsored by the Community Heritage

Promotions. The course to be followed by the race participants will be marked by precisely placed marker buoys, mid-channel of the Ohio River, between river miles 505.0-507.0. Commercial vessels will be permitted to transit the area every three hours.

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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration, and commercial vessel transit schedule stated above.

Small Entities

The Coast Guard finds that the impact, if any, on small entities is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq) that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration, and commercial vessel transit schedule stated above.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq).

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2-1, paragraph (34)(h) of Commandant Instruction M16465.1C, this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended 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 temporary section 100.35-T08-051 is added to read as follows:

§ 100.35-T08-051 Ohio River at Rising Sun, Indiana.

(a) *Regulated Area:* A regulated area is established between mile 505.0 and 507.0 of the Ohio River.

(b) *Special Local Regulation:* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. "Participants" are those persons and/or vessels identified by the sponsor as taking part in the event. The "official patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessel assigned to patrol the event. The Coast Guard "Patrol Commander" is a Coast Guard commissioned, warrant, or petty officer who has been designated by Commanding Officer, Coast Guard Marine Safety Office Louisville.

(1) No vessel shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given, failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF-FM Channel 16 by using the call sign "PATCOM".

(c) *Effective Date:* This section is effective from 12 p.m. until 6 p.m. on September 12 & 13, 1998. If this event is canceled due to weather, this section is effective from 12 p.m. until 6 p.m., on September 26 & 27, 1998.

Dated: August 21, 1998.

Paul J. Pluta,

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

[FR Doc. 98-24423 Filed 9-11-98; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL-047-1-9825a; FRL 6156-9]

Approval and Promulgation of Implementation Plans: Revisions to Several Chapters of the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Alabama Department of Environmental Management's (ADEM) Administrative Code submitted on March 5, 1998, by the State of Alabama. They made these revisions to comply with the regulations set forth in the Clean Air Act (CAA). Included are revisions to the definition of volatile organic compounds (VOC), the capture efficiency regulations in Appendix F, and the requirements for new source review.

DATES: This action is effective November 13, 1998, unless adverse or critical comments are received by October 14, 1998. If EPA receives such comments, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments may be mailed to Kimberly Bingham at the EPA Region 4 address listed below. Copies of the material submitted by ADEM may be examined during normal business hours at the following locations:

Air and Radiation Docket and
Information Center (Air Docket 6102),
U.S. Environmental Protection
Agency, 401 M Street, SW,
Washington DC 20460.

Environmental Protection Agency,
Atlanta Federal Center, Region 4 Air
Planning Branch, Atlanta Federal
Center, 61 Forsyth Street, SW,
Atlanta, Georgia 30303-3104.

Alabama Department of Environmental
Management, 1751 Congressman W.
L. Dickinson Drive, Montgomery,
Alabama 36109.

FOR FURTHER INFORMATION CONTACT:

Kimberly Bingham, Regulatory Planning
Section, Air Planning Branch, Air,
Pesticides and Toxics Management
Division, Region 4, Environmental
Protection Agency, Atlanta Federal
Center, 61 Forsyth Street, SW, Atlanta,
Georgia 30303. The telephone number is
(404) 562-9038.

SUPPLEMENTARY INFORMATION:

I. Analysis of State Submittal

Chapter 335-3-1—General Provisions

The Alabama Department of Environmental Management (ADEM) submitted the revisions to this chapter to add to the list of chemicals excluded from the definition of VOC on the basis that these chemicals have been determined to have negligible photochemical reactivity. The chemicals listed below have a potential for use as refrigerants, aerosol propellants, fire extinguishants, blowing agents and solvents.

- (HFC-32) Difluoromethane;
- (HFC-161) Ethylfluoride;
- (HFC-236fa) 1,1,1,3,3,3-Hexafluoropropane;
- (HFC-245ca) 1,1,2,2,3-Pentafluoropropane;
- (HFC-245ea) 1,1,2,3,3-Pentafluoropropane;
- (HFC-245eb) 1,1,1,2,3-Pentafluoropropane;
- (HFC-245fa) 1,1,1,3,3-Pentafluoropropane;
- (HFC-236ea) 1,1,1,2,3,3-Hexafluoropropane;
- (HFC-365mfc) 1,1,1,3,3-Pentafluorobutane;
- (HCFC-31) Chlorofluoromethane;
- (HCFC-123a) 1,2-Dichloro-1,1,2-trifluoroethane;
- (HCFC-151a) 1-Chloro-1-fluoroethane;
- (C4F9OCH3) 1,1,1,2,2,3,3,4,4-Nonafluoro-4-methoxybutane;
- ((CF3) 2CFCF2OCH3) 2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-Heptafluoropropane;
- (C4F9OC2H5) 1-Ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane; and
- ((CF3) 2CFCF2OC2H5) 2-(Ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane.

Periodically EPA updates the list of exempt chemicals after extensive research has been conducted on the specified chemicals. For a more detailed rationale on why these chemicals were found to have negligible photochemical reactivity see the document published in the **Federal Register** on August 25, 1997, (62 FR 44900).

Chapter 335-3-12—Continuous Monitoring Requirements for Existing Sources

Rule 335-3-12-.02(1)(b) deletes the phrase "of this Chapter" and replaces it with "of Chapter 335-3-10." ADEM submitted this revision to clarify and make the appropriate reference to Chapter 335-3-10.

Chapter 335-3-14—Air Permits

On August 30, 1993, EPA granted Alabama a waiver exempting new source review offsets for NO_x in the Birmingham ozone nonattainment area under section 182(f) of the CAA. EPA determined at the time that the area had clean air data that supported the exemption. On August 18, 1995, violations of the ozone national ambient air quality standard were detected. Subsequent exceedances of the ozone NAAQS propelled EPA to rescind the NO_x waiver effective September 19, 1997. As a result, ADEM revised this chapter to include NO_x offsets for major new or modified stationary sources of NO_x. In addition, ADEM submitted minor wording changes. All of the revisions that are being approved in this action are listed below:

- Rule 335-3-14-.01(7)(c) will include a reference to rule "335-3-14-.06";
- Rule 335-3-14-.05(2)(c)2 now reads as follows, "Furthermore, a major facility that is major for volatile organic compounds and/or nitrogen oxides also shall be considered major for the pollutant ozone"; and
- Rule 335-3-14-.05(3)(c) changes the paragraph number (6) to (7).

Appendix F—Capture Efficiency Procedures

ADEM submitted numerous revisions to Appendix F. ADEM amended the capture efficiency procedures to adopt EPA's current rule.

II. Final Action

EPA is approving the aforementioned changes to the SIP. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective November 13, 1998 without further notice unless the Agency receives relevant adverse comments by October 14, 1998.

If the EPA receives such comments, then EPA will publish a timely