

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.

[FR Doc. 98–8262 Filed 3–27–98; 8:45 am]

BILLING CODE 4910–15–M

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 (SO₂) 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 SO₂ 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 SO₂ 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 SO₂ 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 SO₂ for Lucas County. The Plan was approved because it was demonstrated to provide for attainment and maintenance of the SO₂ NAAQS in Lucas County. The plan included all major SO₂ 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 SO₂ 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 SO₂ content (#2 fuel oil and #6 fuel oil) as the fuels burned for the three heaters (B006, B008, B010) at this facility. The

structure of the FIP, in requiring that no more than two of these three units operate at any time, allows various combinations of these units to operate. Modeling in support of the federally promulgated limits demonstrated attainment even for the worst case combination of two of these three sources operating. The revisions adopted by the State would provide no change in maximum emissions from B010 and would reduce maximum emissions from B006 and B008 from about 28 pounds per hour down to about 1 pound per hour for each source. It is clear that the worst case combined impacts from sources B006 and B008 under the new limits will be less than the worst case impact of just one of these sources operating under the federally promulgated limits. The worst case impact of B010 is unchanged. Thus, Ohio EPA has demonstrated that the worst case impact of all three sources operating within the new limits will be less than the worst case combination of two of the three sources operating under the federally promulgated limits, such that the new limits provide even greater assurance of attainment.

The three Sun Oil facility heaters are listed in the documentation to the SIP submittal. The FIP limits are 1.10 pounds per million British thermal units actual heat input (#/MM Btu) for heaters B006 and B008, and 1.60 #/MM Btu for heater B010. The revised limits are 0.04 #/MM Btu for heaters B006 and B008, and B010 limit is unchanged. (The limits and rules for Lucas County, other than for the Sun Oil Company facility, are not addressed in this rulemaking.)

A September 28, 1994, memorandum from the Director, Air Quality Management Division, Office of Air Quality Planning and Standards, USEPA, to the Director, Air and Radiation Division, Region 5, entitled, "Response to Request for Guidance on Issues with Ohio Sulfur Dioxide Federal Implementation Plan" provides guidance on this type of submittal. This memo sets forth three criteria to be met so that FIP limits can be reverted to the SIP without new modeling. Under the first two criteria, there must be no known inadequacy in the original attainment demonstration. Under the third criteria, the State limits must reflect no relaxation of existing emission limits. All three of these criteria are met. Therefore, the revised limits may be considered to be adequate to assure attainment without further modeling.

In addition to the requested revision, Sun Oil Company has informed the Ohio EPA that heater number H-301

(OEPA source number B001) has been removed from the facility. Therefore, Ohio EPA is also requesting revision to the emission limits for that source from 1.50 pounds of SO₂ per million Btu heat input to 0.0 pounds of SO₂ per million Btu heat input.

Finally, the name of the company is being changed in the rule to reflect the current name of the company "Sun Company, Inc. (R&M)".

In terms of enforceability, the submitted limits can be evaluated using a stack test, which is acceptable to USEPA. Recordkeeping and reporting requirements are the same as those applied to other sources and are fully satisfactory. The emission limits are clear and should be readily enforceable.

B. Exemption for Sources Burning Natural Gas

The second revision to Ohio's State Implementation Plan for sulfur dioxide is a statewide provision exempting any regulated SO₂ source from applicable limits on hours of operation for days it is solely burning natural gas. To qualify, the gas must have a heat content greater than 950 Btu/scf (British thermal unit per Standard cubic feet) and a sulfur content less than 0.6 pounds per million standard cubic feet, and thus must have negligible emissions (less than 0.0006 pounds per million Btu). The restrictions on operating rates were originally intended to reduce daily total sulfur dioxide emissions below the level associated with full capacity operation for sources designed to burn high sulfur fuels. While sources are burning natural gas instead they are emitting negligible sulfur dioxide. Thus, operating rate restrictions are not needed on such days to assure attainment. If another fuel is burned during any part of a calendar day (from midnight to midnight) the respective emission limits and operating rates would remain effective.

Strictly speaking, as Ohio's rule is written, the exemption is applied to all limitations in rules 3745-18-06 to 3745-18-94 for days a source is burning natural gas. That is, on these days a source is exempted from limitations on emission rates and stack heights as well as on hours of operation. However, the nominal exemptions from these other provisions are not meaningful in a practical sense. To qualify for the nominal exemption from emissions limits (which range from 0.15 to 9.5 pounds per million Btu), the source must burn a fuel with emissions more than 200 to 10,000 times lower than the otherwise applicable limits. Sources under qualifying conditions would also be nominally exempt from requirements to vent emissions from stacks of at least

a mandated minimum height, but it is unlikely that a source would vent its gas burning emissions from a lower height than it vents its emissions from higher sulfur rules, and in any case the emissions from burning qualifying gas are sufficiently low that stack height restrictions should be unnecessary to assure attainment. Consequently, the exemption from restrictions on operating hours is the only type of exemption in this submittal with practical significance and thus is being approved.

C. Other Provisions of Rule 3745-18-06

The third revision to Ohio's State Implementation Plan for sulfur dioxide is an approval of previous revisions to rule OAC 3745-18-06, entitled general emission limit provisions. This includes paragraph (F), relating to stationary gas turbines, and paragraph (G), relating to stationary internal combustion engines. Neither gas turbines nor internal combustion engines are steam-generating units. They, therefore, did not have general emission limits in the SO₂ rules except for a few cases where peaking units were included at power plants. These emission limits will strengthen the SIP because they add federally-enforceable emission limits to source categories that heretofore had no limits.

III. Final Action

USEPA is approving Ohio EPA's December 9, 1996, submittal to replace the federally promulgated site specific SO₂ limits for the Sun Oil Company facility with State rules modified to reduce limits for two sources in conjunction with removal of a prohibition against simultaneous operation of three sources.

USEPA is also approving an exemption from limits on operating hours and rates for sources on days when only natural gas is burned. Finally, USEPA is approving the addition of emission limits for stationary gas turbines and stationary internal combustion engines.

The USEPA is publishing this action without prior proposal because the USEPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should specified written adverse or critical comments be filed. This action will become effective without further notice unless the EPA receives relevant adverse written comment on the parallel proposed rule (published in the proposed rules section of this **Federal**

Register) by April 29, 1998. Should the USEPA receive such comments, it will publish a final rule informing the public that this action did not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on May 29, 1998.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from review under Executive Order 12866.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and subchapter I, part D of the Clean Air Act (CAA) do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with any proposed or final rule that includes a federal mandate that

may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. This Federal action approves pre-existing requirements under state law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

D. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. USEPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Audit Privilege

Nothing in this action should be construed as making any determination or expressing any position regarding Ohio's audit privilege and immunity law (Sections 3745.70–3745.73 of the Ohio Revised Code). USEPA will be reviewing the effect of the Ohio audit privilege and immunity law on various Ohio environmental programs, including those under the CAA, and taking appropriate action(s), if any, after thorough analysis and opportunity for Ohio to state and explain its views and positions on the issues raised by the law. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any Ohio CAA program resulting from the effect of the audit privilege and immunity law. As a consequence of the review process, the regulations subject to the action taken herein may be disapproved, federal approval for the CAA program under which they are implemented may be withdrawn, or other appropriate action may be taken, as necessary.

F. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of appeals for the appropriate circuit by May 29, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not

affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2))

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated February 23, 1998.

Michelle D. Jordan,

Acting Regional Administrator, Region V.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart KK—Ohio

2. Section 52.1870 is amended by adding paragraph (c)(116) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(116) On December 9, 1996, the Ohio Environmental Protection Agency submitted two revisions to its sulfur dioxide rules. The first revision provides adjusted, State adopted limits for a Sun Oil Company facility. The second revision, applicable Statewide, exempts sources from operating hour limits on days when only natural gas is burned. Further, by letter of December 15, 1997, the State requested that U.S. Environmental Protection Agency address the addition of emission limits for stationary gas turbines and stationary internal combustion engines in rule 3745–18–06 that have been adopted previously.

(i) *Incorporation by reference.* (A) Ohio Administrative Code (OAC) rule 3745–18–54 (O) and OAC rule 3745–18–06, adopted October 7, 1996, effective October 31, 1996.

3. Section 52.1881 is amended by revising paragraphs (a)(4) and (a)(8) to read as follows:

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

(a) * * *

(4) Approval-USEPA approves the sulfur dioxide emission limits for the

following counties: Adams County (except Dayton Power & Light-Stuart), Allen County (except Cairo Chemical), Ashland County, Ashtabula County, Athens County, Auglaize County, Belmont County, Brown County, Carroll County, Champaign County, Clark County, Clermont County, (except Cincinnati Gas & Electric-Beckjord), Clinton County, Columbiana County, Coshocton County, (except Columbus & Southern Ohio Electric-Conesville), Crawford County, Darke County, Defiance County, Delaware County, Erie County, Fairfield County, Fayette County, Fulton County, Gallia County (except Ohio Valley Electric Company-Kyger Creek and Ohio Power-Gavin), Geauga County, Greene County, Guernsey County, Hamilton County, Hancock County, Hardin County, Harrison County, Henry County, Highland County, Hocking County, Holmes County, Huron County, Jackson County, Jefferson County, Knox County, Lake County (except Ohio Rubber, Cleveland Electric Illuminating Company-Eastlake, and Painesville Municipal Boiler #5), Lawrence County (except Allied Chemical-South Point), Licking County, Logan County, Lorain County (except Ohio Edison-Edgewater, Cleveland Electric Illuminating-Avon Lake, U.S. Steel-Lorain, and B.F. Goodrich), Lucas County (except Gulf Oil Company, Coulton Chemical Company, Phillips Chemical Company and Sun Oil Company), Madison County, Marion County, Medina County, Meigs County, Mercer County, Miami County, Monroe County, Morgan County, Montgomery County (except Bergstrom Paper, Miami Paper, Bergstrom Paper, Morrow County, Muskingum County, Noble County, Ottawa County, Paulding County, Perry County, Pickaway County, Pike County (except Portsmouth Gaseous Diffusion Plant), Portage County, Preble County, Putnam County, Richland County, Ross County (except Mead Corporation), Sandusky County (except Martin Marietta Chemicals), Scioto County, Seneca County, Shelby County, Trumbull County, Tuscarawas County, Union County, Van Wert County, Vinton County, Warren County, Washington County (except Shell Chemical), Wayne County, Williams County, Wood County (except Libbey-Owens-Ford Plants Nos. 4 and 8 and No. 6), and Wyandot County.

* * * * *

(8) No Action-USEPA is neither approving nor disapproving the emission limitations for the following counties on sources pending further review: Adams County (Dayton Power &

Light-Stuart), Allen County (Cairo Chemical), Butler County, Clermont County (Cincinnati Gas & Electric-Beckjord), Coshocton County (Columbus & Southern Ohio Electric-Conesville), Cuyahoga County, Franklin County, Gallia County (Ohio Valley Electric Company-Kyger Creek, and Ohio Power-Gavin), Lake County (Ohio Rubber, Cleveland Electric Illuminating Company-Eastlake, and Painesville Municipal-Boiler #5), Lawrence County (Allied Chemical-South Point), Lorain County (Ohio Edison-Edgewater Plant, Cleveland Electric Illuminating Avon Lake, U.S. Steel-Lorain, and B.F. Goodrich), Lucas County (Gulf Oil Company, Coulton Chemical Company, Phillips Chemical Company and Sun Oil Company), Mahoning County, Montgomery County (Bergstrom Paper and Miami Paper), Pike County (Portsmouth Gaseous Diffusion Plant), Stark County, Washington County (Shell Chemical Company), and Wood County (Libbey-Owens-Ford Plants Nos. 4 and 8 and No. 6).

* * * * *

[FR Doc. 98-7759 Filed 3-27-98; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 207-0068b; FRL-5987-3]

Interim Final Determination That State has Corrected the Deficiency; State of California; San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Elsewhere in today's **Federal Register**, EPA has published a proposed rulemaking to fully approve the State of California's submittal of its State implementation plan (SIP) revision concerning San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 4401. Based on the proposed full approval, EPA is making an interim final determination by this action that the State has corrected the deficiencies for which a sanctions clock began on September 27, 1996. This action will defer the imposition of the offset sanction and defer the imposition of the highway sanction. Although this action is effective upon publication, EPA will take comment. If no relevant adverse comments are received on EPA's proposed approval of the State's submittal, EPA will finalize the approval of Rule 4401 and will also

finalize the determination that the State has corrected the deficiencies that started the sanctions clock. If relevant adverse comments are received on EPA's proposed approval of Rule 4401 and this interim final action, EPA will publish a final determination taking into consideration any comments received.

DATES: This action is effective March 30, 1998. Comments must be received by April 29, 1998.

ADDRESSES: Comments should be sent to Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule and EPA's evaluation report, which are the basis for this action, are available for public review at the above address. Copies of the submitted rule are also available for inspection at the following locations:

California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 2020 "L" Street,
Sacramento, CA 95814.
San Joaquin Valley Unified Air
Pollution Control District, 1999
Tuolumne Street, Suite 200, Fresno,
CA 93721.

FOR FURTHER INFORMATION CONTACT: Mae Wang, Rulemaking Office (AIR-4), U.S. EPA Region IX, Air Division, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744-1200.

SUPPLEMENTARY INFORMATION:

I. Background

On January 28, 1992, the State submitted SJVUAPCD Rule 465.1 as a revision to the SIP, which EPA disapproved in part on August 28, 1996. See 61 FR 44161. EPA's disapproval action started an 18-month clock for the imposition of one sanction (followed by a second sanction 6 months later) and a 24-month clock for promulgation of a Federal implementation plan (FIP). The State subsequently submitted a revised rule on March 10, 1998, in the form of SJVUAPCD Rule 4401, adopted on January 15, 1998. In the Proposed Rules section of today's **Federal Register**, EPA has proposed full approval of SJVUAPCD Rule 4401.

Based on the proposed full approval set forth in today's **Federal Register**, EPA believes that it is more likely than not that the State has corrected the original disapproval deficiencies. Therefore, EPA is taking this interim final action, effective on publication, finding that the State has corrected the deficiencies. However, EPA is also providing the public with an opportunity to comment on this action. If, based on any comments on this action or any comments on EPA's