

Pacific Exchange have total assets of \$5,000,000 or less. In addition, the proposed rule imposes no record-keeping or compliance burden, but merely exempts certain qualifying securities from state law registration requirements.

Dated: January 2, 1998.

Arthur Levitt, Jr.,
Chairman.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11-97-004]

RIN 2115-AE46

Special Local Regulation; Laughlin, Nevada

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: The Coast Guard amends the table of events in 33 CFR 100.1102 by adding the Laughlin Aquamoto Sports Challenge and Expo being conducted in the waters of the Colorado River from Davis Dam south to Harrah's Hotel and Casino on the following dates: annually, commencing on the last Thursday of May every year, and lasting a total of 4 days, ending on Sunday. These regulations are necessary to provide for the safety of life, property, and navigation on the navigable waters of the United States during scheduled events.

EFFECTIVE DATE: May 28, 1998.

FOR FURTHER INFORMATION CONTACT: Lieutenant Mike A. Arguelles, Coast Guard Marine Safety Office San Diego; telephone number (619) 683-6484.

SUPPLEMENTARY INFORMATION:

Regulatory History

On March 27, 1997, the Coast Guard published a notice of proposed rulemaking (NPRM) for this regulation in the **Federal Register** (62 FR 14379). The comment period ended May 10, 1997. The Coast Guard received one letter commenting on the proposal. A public hearing was not requested and no hearing was held. The only change the Coast Guard has made to the language of this regulation since the publication of the NPRM is to specify a more certain date and time schedule for the annual Laughlin Aquamoto Sports Challenge and Expo.

Background and Purpose

The Laughlin Aquamoto Sports Challenge and Expo will consist of five

various styles of watercraft racing. The races will take place, annually, over a four day period beginning on the last Thursday of May, and ending on Sunday. These regulations are necessary to provide for the safety of life, property, and navigation on the navigable waters of the United States during scheduled events. The race zone encompasses the Colorado River from the Davis Dam south to Harrah's Hotel and Casino. The race courses will be marked by vessels with signs, and both north and south boundaries of the race zone will have major signs to alert non-participants using the river. On the following days and times, the race zone will be in use by vessels competing in the event: (1) the first day of the event, the last Thursday of each May each year, from 3:00 PM PDT to 5:00 PM PDT, (2) the second day of the event, Friday, from 8:00 AM PDT to 2:00 PM PDT, and from 3:30 PM PDT to 6:00 PM PDT, (3) the third day of the event, Saturday, from 8:00 AM PDT to 1:30 PM PDT, and from 4:00 PM PDT to 5:00 PM PDT; and, (4) the fourth and final day of the event, Sunday, from 9:00 AM PDT to 1:30 PM PDT, from 3:00 PM PDT to 4:00 PM PDT, and from 6:00 PM PDT to 7:00 PM PDT. During these times the Colorado River from Davis Dam south to Harrah's Hotel and Casino will be closed with the exception of emergency vessels. No vessels other than participants or official patrol vessels will be allowed to enter this zone unless specifically cleared by or through an official patrol vessel. Once the zone is established, authorization to remain within the zone is subject to termination at any time.

The Patrol Commander may impose other restrictions within the zone if circumstances dictate. Restrictions will be tailored to impose the least impact on maritime interests yet provide the level of security deemed necessary to safely conduct the Aquamoto and Expo.

Discussion of Comments

The only comment received was from a local business that sought notice of the exact date of the event. The comment also expressed concern that closure of the area of the Colorado River specified in the NPRM for an entire Saturday afternoon in May or June might prejudice business; suggested that the river be open for unrestricted use on Saturday afternoon from 1 p.m. PDT until Sunday morning. The language of this Final Rule provides the public with more specific notice of the date and time schedule for the annual Laughlin Aquamoto Sports Challenge and Expo. It also alleviates the concern that the river not be closed for an entire Saturday afternoon, because on Saturday, the

river will be open from 1:30 P.M. PDT to 4 P.M. PDT, and from 5 P.M. PDT on.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require assessment of potential cost 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of the Department of Transportation is unnecessary.

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" may include small businesses and not-for-profit organizations that are not dominant in their fields and (2) governmental jurisdictions with populations less than 50,000. Because it expects the impact of this proposal to be so minimal, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this proposal, if adopted, will not have a substantial impact on a significant number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B as revised in 59 CFR 38654, July 29 1994 and 61 FR 13563, March 27, 1996, it will have no significant environmental impact and it is categorically excluded from further environmental

documentation. A Categorical Exclusion Determination and environmental analysis checklist will be available for inspection and copying in the docket to be maintained at the address listed in ADDRESSES.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Regattas and Marine parades.

Regulation

For the reasons set out in the preamble the Coast Guard proposes to amend 33 CFR Part 100, section 100.1102, Table I, 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.

2. Section 100.1102, Table I is amended by adding an entry for the Laughlin Aquamoto Sports Challenge and Expo immediately following the entry for the Laughlin Classic to read as follows:

§ 100.102— Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona).

* * * * *

Table 1

* * * * *

Laughlin Aquamoto Sports Challenge and Expo

Sponsor: Baja Promotions

Dates: The last Thursday of May every year, lasting a total of 4 days, ending on Sunday, per the following schedule: 1.) the first day of the event, the last Thursday of May each year, from 3 p.m. PDT to 5 p.m. PDT, 2.) the second day of the event, Friday, from 8 a.m. PDT to 2 p.m. PDT, and from 3:30 p.m. PDT to 6 p.m. PDT, 3.) the third day of the event, Saturday, from 8 a.m. PDT to 1:30 p.m. PDT, and from 4 p.m. PDT to 5 p.m. PDT; and, 4.) the fourth and final day of the event, Sunday, from 9 a.m. PDT to 1:30 p.m. PDT, from 3 p.m. PDT to 4 p.m. PDT, and from 6 p.m. PDT to 7 p.m. PDT.

Where: That portion of the Colorado River near Laughlin, Nevada, from Davis Dam to Harrah's Hotel and Casino.

Dated: December 19, 1997.

J.C. Card,

Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 041-1041; FRL-5948-4]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving revisions to the Missouri State Implementation Plan (SIP) related to the regulation of emissions of particulate matter as fugitive dust. These revisions include the addition of a new fugitive dust rule which replaces four previous fugitive dust rules. The new fugitive dust rule provides a consistent and enforceable mechanism to help maintain compliance with the National Ambient Air Quality Standards (NAAQS) for particulate matter.

DATES: This rule is effective on February 20, 1998.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and the EPA Air & Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Aaron J. Worstell at (913) 551-7787.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

On August 15, 1997, the EPA proposed revisions to the Missouri SIP related to the regulation of fugitive particulate emissions (see 62 FR 43679). Today, the EPA is taking final action on those proposed SIP revisions and is responding to comments received during the public comment period.

Missouri originally adopted new rule 10 CSR 10-6.170 (the fugitive dust rule) on June 28, 1990. The new fugitive dust rule replaced four previous SIP-approved rules that were rescinded by the state on September 28, 1990 (effective date). The new fugitive dust rule was amended by Missouri and submitted to the EPA for SIP approval on November 20, 1996. The SIP revisions approved here, the incorporation of the new fugitive dust rule and rescission of the four previous rules, will reconcile the Missouri state

regulations with the Federally approved SIP. In addition, the SIP revisions will strengthen the existing SIP by making the fugitive control requirements consistent throughout the state, by clarifying the actions which constitute prohibited emissions, and by clarifying the types of measures which must be implemented to minimize such emissions.

B. Response to Comments

On September 2, 1997, the EPA received comments from the Missouri AG Industry Council (MO-AG) on the proposed fugitive dust SIP revisions. Subsequently, the EPA received comments from the Missouri Limestone Producers Association (MLPA) on September 5, 1997, and additional comments from MO-AG on September 11, 1997. Many of the comments submitted from MO-AG and MLPA overlap and will be addressed together where appropriate.

Both commentors contend that the EPA has no authority to take final action on the fugitive dust SIP revisions in light of the pending appeal to the Missouri Air Conservation Commission (MACC). The appeal was requested on behalf of MLPA, the Missouri Concrete Association, and others, and is in regard to the Missouri Department of Natural Resources' (MDNR) request that the EPA approve 10 CSR 10-6.170 for incorporation into the SIP.

The EPA acknowledges that an appeal has been granted by the MACC in regard to inclusion of the fugitive dust rule in the Missouri SIP. However, this in no way stays the EPA's processing of the SIP revisions. The fugitive dust rule was submitted by the Director of the MDNR on February 24, 1997, pursuant to authority granted by the Missouri statutes and rule 10 CSR 10-1.010(2)(B)6. Moreover, Missouri has not withdrawn its request to include the fugitive dust rule in the SIP. Therefore, the EPA has determined that Missouri's submission meets the requirements of 40 CFR 51.103(a), relating to procedures for submission of plan revisions.

Additionally, the commentors dispute the EPA's statement that the fugitive dust rule will help maintain compliance with the PM₁₀ NAAQS. The commentors assert that the EPA has failed to provide sufficient scientific evidence to support this claim, that it is contrary to assertions made by MDNR staff when the consolidated rule was originally adopted, that the fugitive dust rule is in fact a "nuisance rule," and that EPA entered into an "agreement" with the MDNR not to include the fugitive dust rule in the SIP. The EPA does not believe that any of the