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 required to maintain a safe distance from the racecourse at all times.

(b) *Effective Date:* This section becomes effective annually at 12 p.m. and terminates at 4:30 p.m. EDT, on the third Sunday of July.

Dated: April 24, 1998.

R.C. Olsen, Jr.,

Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.

[FR Doc. 98–12138 Filed 5–6–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD11–98–005]

RIN 2115–AA97

Safety/Security Zone; San Francisco Bay, San Pablo Bay, Carquinez Straits, and Suisun Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a moving safety/security zone around vessels transporting foreign research reactor spent nuclear materials on the navigable waters of San Francisco Bay, San Pablo Bay, Carquinez Straits, and Suisun Bay, CA. The zone will extend 200 yards ahead and astern, and 100 yards to each side of each vessel carrying the nuclear materials, during transit from buoys 7 and 8 in the San Francisco Bay Traffic Lane to the Weapons Support Facility Seal Beach Detachment Concord on Suisun Bay. When the vessel is safely moored at the Weapons Support Facility, the zone will close to encompass all waters within 100 yards of the vessels and will remain so until all nuclear materials cargo handling operations have been completed.

The purpose of this safety/security zone are two-fold: To ensure the safety of the participant transport vessels and crew, and of all other vessels and crew in the vicinity of the participant transport vessels; and to ensure the security of the participant transport vessels, and of the property of the United States Government contained on those vessels, against sabotage or other subversive and/or disruptive acts. No persons or vessels will be allowed to enter, operate, or anchor within this zone, except as may be authorized by Commander, Eleventh Coast Guard District, or his designated representative.

DATES: Comments must be received on or before July 6, 1998.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Mark Dix, Coast Guard Marine Safety Office San Francisco Bay, at (510) 437–3073, between the hours of 7:30 a.m. and 4 p.m. PDT, Monday through Friday, except federal holidays.

ADDRESSES: U.S. Coast Guard Marine Safety Office San Francisco Bay, Building 14, Coast Guard Island, Alameda, CA 94501–5100.

SUPPLEMENTARY INFORMATION:

Request for Comments

Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identifying this proposal by docket number (CGD11–98–005) and the specific section of this proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. The proposed rule may be changed in light of comments received. No public hearing on this proposal is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity for oral presentation will enhance the rulemaking process.

Background and Purpose

As part of a major national security objective to further the objectives of the 1968 Treaty On Non-Proliferation of Nuclear Weapons, the United States Department of Energy (DOE) will be receiving shipments of foreign research reactor spent nuclear fuel at the Weapons Support Facility Seal Beach Detachment Concord in Concord, CA. As such, DOE is responsible for the shipments necessitating promulgation of this safety/security zone.

The Coast Guard proposes to establish a moving safety/security zone around each vessel transporting these foreign research reactor spent nuclear materials on behalf of DOE and the United States Government on the navigable waters of San Francisco Bay, San Pablo Bay, Carquinez Straits, and Suisun Bay, CA, and at the Weapons Support Facility Seal Beach Detachment Concord.

The Coast Guard does not anticipate that maritime traffic will be significantly impacted by the promulgation of this safety/security zone because DOE has advised that there will be irregular and infrequent shipments, and that expeditious transits will be scheduled for days and times of light maritime traffic so as to maximize safety and minimize any delay or inconvenience caused by the shipments. The purposes of this safety/security zone are two-fold: (1) Pursuant to 33 CFR 165.23, to ensure that safety of the participant transport vessels and crew, and of all other vessels and crew in the vicinity of the participant transport vessels; and, (2) pursuant to 33 CFR 165.33, to ensure the security of the participant transport vessels, and of the property of the United States Government contained on those vessels, against sabotage or other subversive and/or disruptive acts.

Discussion and Proposed Rule

The proposed safety/security zone will extend 200 yards ahead and astern, and 100 yards to each side of vessels carrying the nuclear materials, during transit from buoys 7 and 8 in the San Francisco Bay Traffic Lane (LLNR 4190 & 4195, positions 37°46.9′N, 122°35.4′W & 37°46.5′N, 122°35.2′W, respectively) to the Weapons Support Facility Seal Beach Detachment Concord on Suisun Bay (position 38°03.3′N, 122°02.5′W). Once the vessel is safety moored, the zone will close to encompass all waters within 100 yards of the vessel and will remain so until all nuclear materials cargo handling operations have been completed. No persons or vessels will be allowed to enter, operate, or anchor, including any emergency mooring or anchoring, within this zone during the vessel's transit and subsequent cargo handling operations except as may be authorized by Commander, Eleventh Coast Guard District, or his designated representative.

DOE anticipates that these shipments will take place at irregular intervals for an undetermined period of years. Thus, the actual dates and times that this safety/security zone will be activated are not known by the Coast at this time. The Eleventh Coast Guard District Commander will cause notice of the activation of this safety/security zone to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the **Federal Register** as practicable, in accordance with the provisions of 33 CFR 165.7(a); such means of announcement may include, but are not limited to,

Broadcast Notice to Mariners. The Coast Guard will also issue a Broadcast Notice to Mariners notifying the public when nuclear materials cargo handling has been completed.

Regulatory Evaluation

This proposal 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Maritime traffic will not be significantly impacted because of the infrequent transits necessitating activation of this safety zone, and the limited duration of the zone during transit and cargo operations.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal 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 respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, is not expected to have a significant economic impact on any substantial number of entities, regardless of their size.

Assistance for Small Entities

In accordance with 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact LCDR Mark Dix, Coast Guard Marine Safety Office San Francisco Bay, at the address listed in **ADDRESSES**.

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 proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule 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 rulemaking in accordance with Figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, and has determined that this particular action is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist is in file in the rulemaking docket, and is available for inspection at the address shown above in the paragraph entitled **FOR FURTHER INFORMATION CONTACT**.

A copy of DOE's ''Final Environmental Impact Statement on a Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel'' has also been placed in the rulemaking docket and is available for inspection at the address shown above in the paragraph entitled **FOR FURTHER INFORMATION CONTACT**. To request your own copy of this document, contact: Charles Head, Program Manager, Office of Spent Nuclear Fuel Management (EM–67), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local, or tribal government entities will be affected by this rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

List of Subjects in 33 CFR Part 165

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

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend subpart F of part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 150.5; 49 CFR 1.46.

2. A new § 165.1115 is added to read as follows:

§ 165.1115 Safety/Security Zone: San Francisco Bay, San Pablo Bay, Carquinez Straits, and Suisun Bay, CA.

(a) *Regulated area.* The following area is established as a safety/security zone:

(1) All waters 200 yards ahead and astern and 100 yards to each side of every vessel transporting nuclear materials on behalf of the United States Department of Energy while such vessels transit from a line drawn between buoys 7 and 8 in the San Francisco Bay Traffic Lane (LLNR 4190 & 4195, positions 37°46.9′N, 122°35.4′W & 37°46.5′N, 122°35.2′W, respectively) until safely moored to the Weapons Support Facility Seal Beach Detachment Concord on Suisun Bay (position 38°03.3′N, 122°02.5′W).

All coordinates referenced use datum: NAD 1983.

(2) All waters within 100 yards of each vessel described in paragraph (a)(1) of this section while moored at the Weapons Support Facility Seal Beach Detachment Concord until all nuclear materials cargo handling operations have been completed.

(b) *Notification.* Commander, Eleventh Coast District, will cause notice of the activation of this safety/security zone to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the **Federal Register** as practicable, in accordance with the provisions of 33 CFR 165.7(a); such means of announcement may include, but are not limited to, Broadcast Notice to Mariners. The Coast Guard will issue a Broadcast Notice to Mariners notifying the public when nuclear materials cargo handling has been completed.

(c) *Effective Period.* The safety/security zone will be effective

commencing at the time any vessel described in paragraph (a)(1) of this section enters the zone described in paragraph (a)(1) of this section and will remain in effect until all spent nuclear materials cargo handling operations have been completed at Weapons Support Facility Seal Beach Detachment Concord.

(d) *Regulations.* The general regulations governing safety and security zones contained in both 33 CFR 165.23 and in 33 CFR 165.33 apply. Entry into, transit through, or anchoring within this safety/security zone is prohibited unless authorized by Commander, Eleventh Coast Guard District, or his designated representative.

Dated: April 21, 1998.

J.C. Card,

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

[FR Doc. 98–12137 Filed 5–6–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 047–1047; FRL–6010–8]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the State Implementation Plan (SIP) revisions submitted by the state of Missouri to broaden the current visible emission rule exceptions to include smoke generating devices. This revision would allow smoke generators to be used for military and other types of training when operated under applicable requirements.

DATES: Comments must be received on or before June 8, 1998.

ADDRESSES: Comments may be mailed to Kim Johnson, U.S. Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Kim Johnson at (913) 551–7975.

SUPPLEMENTARY INFORMATION: This amendment broadens the current visible emission rule exceptions to include smoke generating devices in general, when a required permit or a written determination that a permit is not required has been issued. The visible emission rule 10 CSR 10–3.080 is a general limit on opacity from all contaminated sources located in certain geographic areas in Missouri. The amendment adds certain categories such as smoke-generating devices to the list of sources exempted from the opacity limit. The amendment defines a smoke generating device as a specialized piece of equipment which is not an integral part of a commercial, industrial, or manufacturing process, and whose sole purpose is the creation and dispersion of fine solid or liquid particles in a gaseous medium. This revision would allow smoke generators to be used for military training at such facilities as Fort Leonard Wood, as long as such facilities are subject to applicable permit requirements.

A modeling analysis was used to predict air quality impacts for Fort Leonard Wood Smoke Training School. Based on the modeling analysis, the proposed smoke training at Fort Leonard Wood, if operated under the requirements listed in the prevention of significant deterioration (PSD) permit, will not exceed the maximum allowable PSD PM_{10} increment of 30 $\mu g/m^3$ based on a 24-hour average, and will not cause or contribute to a violation of the PM_{10} national ambient air quality standards.

The amendment only exempts units which are subject to permit limits containing restrictions which ensure that air quality standards will not be violated, and units with *de minimis* emissions which have been determined by Missouri to be exempt from permitting. The EPA believes that the exemption will not interfere with attainment and maintenance of the ambient air quality standards.

Proposed Action

The EPA is proposing to approve as a revision to the SIP the amendment to rule 10 CSR 10–3.080, ''Restriction of Emission of Visible Air Contaminants,'' submitted by the state of Missouri on July 10, 1996.

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

Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the EPA 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, the EPA 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 section 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, the Administrator certifies 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 regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany 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 private sector, of $100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no