

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.

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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 PM₁₀ increment of 30 µg/m³ based on a 24-hour average, and will not cause or contribute to a violation of the PM₁₀ 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

additional costs to state, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: April 14, 1998.

Dennis Grams,

Regional Administrator, Region VII.

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