

provided vessels assigned to patrol the event.

(1) No spectators 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 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 protections of life and/or property and can be reached on VHF-FM Channel 16 by using the call sign "PATCOM"

(c) Dates: This section is effective at 1:30 p.m. and terminates at 3:30 p.m. on July 19, 1998.

Dated: July 7, 1998.

Fred J. Plute,

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

[FR Doc. 98-19180 Filed 7-17-98; 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 Strait, and Suisun Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing 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 Strait, 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 San Francisco Main Ship Channel buoys 7 and 8 to the Weapons Support Facility Seal Beach Detachment Concord on Suisun Bay. The zone will remain in effect while the transport vessels are moored at the Weapons Support Facility Seal Beach Detachment Concord until all nuclear materials cargo operations have been completed.

The purposes of this safety/security zone are three-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; to protect the environment against potential harm; 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: This rule becomes effective July 8, 1998.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Mark Dix, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437-3073.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 7, 1998, the Coast Guard published a notice of proposed rulemaking entitled Safety/Security Zone: San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay, CA in the **Federal Register** (63 FR 25189-25191). The comment period ended July 6, 1998. The Coast Guard received no comments on the proposal. No public hearing was requested, and none was held.

Good cause exists for making this rule effective prior to publication of this Final Rule in the **Federal Register** because the shipments of spent nuclear materials necessitating promulgation of this safety/security zone may begin immediately. Consequently, shipments of spent nuclear materials might occur prior to the effective date of this regulation if the regulation does not become effective until 30 days after publication of this Final Rule in the **Federal Register**, creating hazardous, unsafe navigation conditions and serious national security concerns during the shipments.

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 several shipments of foreign research reactor spent nuclear fuel at the Weapons Support Facility Seal Beach Detachment Concord in Concord, CA over a period of years. As such, DOE is responsible for the shipments

necessitating promulgation of this safety/security zone.

The Coast Guard is establishing a temporary moving safety/security zone around any/all vessels 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 Strait, and Suisun Bay, CA, and at the Weapons Support Facility Seal Beach Detachment.

The Coast Guard does not anticipate that maritime traffic will be significantly impacted by the promulgation of this safety/security zone because the transit of the transport vessel(s) is expected to be expeditious, and it has been scheduled on a day and time of historically light maritime traffic, so as to maximize safety and minimize any delay or inconvenience caused by the shipment. The purposes of this safety/security zone are three-fold: (1.) Pursuant to 33 CFR 165.23, to ensure the safety of the participant transport vessel(s) and crew, and of all other vessels and crew in the vicinity of the participant transport vessel(s) (2.) pursuant to 33 CFR 165.23, to protect the environment against potential harm; and, (3.) pursuant to 33 CFR 165.33, to ensure the security of the participant transport vessel(s), 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 moving zone during transport vessel transit, including any emergency mooring or anchoring, except as may be authorized by Commander, Eleventh Coast Guard District, or his designated representative.

Discussion

The safety/security zone will extend 200 yards ahead and astern, and 100 yards to each side of each vessel carrying the nuclear materials, during transit from San Francisco Main Ship Channel buoys 7 and 8 to the Weapons Support Facility Seal Beach Detachment Concord on Suisun Bay. Once each vessel carrying the nuclear materials is safely moored, the zone will close to encompass all waters within 100 yards of each 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 within this zone, 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 Guard 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.

Discussion of Comments

No comments were received.

Regulatory Evaluation

This regulation 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 regulation 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 expeditious nature of the transit necessitating this safety/security 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 regulation 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 regulation 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 regulation 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 (510) 437-3073.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612 and has determined that this regulation 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 regulation and concluded that under Chapter 2.B.2. of Commandant Instruction M16475.1C, Figure 2-1, paragraph (34), it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist is on file in the rulemaking docket, and is available for inspection at the address referenced 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 effected 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.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended 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; CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; 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 Strait, and Suisun Bay, CA.

(a) *Regulated area.* The following area is established as a moving 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 San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9'N, 122°35.4'W & 37°46.5'N, 122°35.2'W, respectively) until safely moored at 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 such vessels described in paragraph (a)(1) of this section while such vessels are conducting cargo operations at the Weapons Support Facility Seal Beach Detachment Concord.

(b) *Notification.* Commander, Eleventh Coast Guard 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 in 33 CFR 165.33 apply. Entry into, transit through, or anchoring within this moving safety/security zone is prohibited unless authorized by Commander, Eleventh Coast Guard District, or his designated representative.

Dated: July 7, 1998.

R.D. Sirois,

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

[FR Doc. 98-19179 Filed 7-17-98; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 050-1050; FRL-6124-7]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving new Missouri rule 10 CSR 10-2.360, "Emission Restrictions for Bakeries," as a revision to the Missouri State Implementation Plan (SIP). This rule restricts volatile organic compound (VOC) emissions from large commercial bakery operations in the Kansas City ozone maintenance area.

DATES: This rule is effective on August 19, 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: Joshua A. Tapp at (913) 551-7606.

SUPPLEMENTARY INFORMATION: The Clean Air Act (CAA) requires states to apply reasonably available control technology (RACT) to sources of VOCs in ozone nonattainment areas to reduce such emissions. For the Kansas City area, the Act required RACT for sources not covered by a control techniques guideline emitting more than 100 tons per year. RACT is defined as the lowest emissions limit that a particular source is capable of meeting by the application of control technology that is both reasonably available, as well as technologically and economically feasible.

Kansas City is currently an ozone maintenance area. It was redesignated to attainment on June 23, 1992, with the assumption that all existing major sources had RACT controls. Recently, the Missouri Department of Natural Resources discovered a major, uncontrolled commercial bakery located in Kansas City with a potential to emit greater than 100 tons per year of VOCs. This source sector should have been addressed prior to redesignation. However, this rule now addresses such sources consistent with the EPA's Alternative Control Technology Document on commercial bakery emission controls. Specifically, Missouri's rule requires a minimum of 80 percent VOC destruction and contains provisions addressing compliance determinations and recordkeeping. Rules such as this will aid Kansas City in its efforts to maintain air quality to meet the national ambient air quality standards. For more background information, the reader is referred to the proposal for this rulemaking published on August 5, 1996, at 61 FR 40591.

On September 3, 1996, the EPA received one comment from the American Bakers Association (ABA). The ABA opposes the capture efficiency language contained in subsection (4)(C) of the rule. The ABA's position is that bakery ovens operate under negative pressure and, therefore, should not be subject to capture efficiency

requirements. The ABA further comments that if the language addressing capture efficiency in subsection (4)(C) is not changed, at a minimum the language referencing section 20 of rule 10 CSR 10-6.030 as a compliance method should be deleted so that the rule is consistent with the St. Louis bakery rule.

The EPA's response to these comments is that, as written, the rule is consistent with the Clean Air Act in that it addresses emissions from major sources of VOCs in an ozone maintenance area. The rule contains enforceable limitations, the requirements for compliance are clear, and the methods for determining compliance have been provided. Therefore, because this rule meets the minimum SIP approval criteria under the ACT, the EPA is approving it as a revision to the Missouri SIP.

In addition, the EPA does not have authority to revise language contained in a state rule. Such concerns are more appropriately conveyed at the time that the state holds a public hearing on such rules. In any event, under the Missouri rule the Director may approve an alternative compliance method, including a method which accounts for operation of a source under negative pressure, as long as such method has been approved by the EPA. Therefore, the rule provides the Director with the flexibility to address the ABA's concerns on a case-by-case basis.

This response to comments is also documented in an addendum to the Technical Support Document for this rulemaking.

I. Final Action

In this document, the EPA takes final action to approve Missouri rule 10 CSR 10-2.360, submitted on March 13, 1996, as a revision to the Missouri SIP.

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.

II. Administrative Requirements

A. Executive Orders 12866 and 13045

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

The final rule is not subject to Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an