

The filing and service of any pleadings under this rule may be made by facsimile transmission. The filing of a petition shall not stay the effect of the Judge's order unless the Commission so directs; a motion for such a stay will be granted only under extraordinary circumstances. Any response shall be filed within 5 days following service of a petition. The Commission's ruling on a petition shall be made on the basis of the petition and any response (any further briefs will be entertained only at the express direction of the Commission), and shall be rendered within 10 days following receipt of any response or the expiration of the period for filing such response. In extraordinary circumstances, the Commission's time for decision may be extended.

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7. Section 2700.70 is amended by revising paragraphs (a) and (d) to read as follows:

§ 2700.70 Petitions for discretionary review.

(a) *Procedure.* Any person adversely affected or aggrieved by a Judge's decision or order may file with the Commission a petition for discretionary review within 30 days after issuance of the decision or order. Filing of a petition for discretionary review, including a facsimile transmission, is effective upon receipt. Two or more parties may join in the same petition; the Commission may consolidate related petitions. Procedures governing petitions for review of temporary reinstatement orders are found at § 2700.45(f).

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(d) *Requirements.* Each issue shall be separately numbered and plainly and concisely stated, and shall be supported by detailed citations to the record, when assignments of error are based on the record, and by statutes, regulations, or other principal authorities relied upon. Except by permission of the Commission and for good cause shown, petitions for discretionary review shall not exceed 35 pages. A motion requesting an extension of the page limit shall be filed not less than 10 days prior to the date the petition for discretionary review is due to be filed, shall state the approximate length of the extension required, and shall comply with § 2700.10. Except for good cause shown, no assignment of error by any party shall rely on any question of fact or law upon which the Judge had not been afforded an opportunity to pass.

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8. Section 2700.75 is amended by revising paragraphs (c) and (d), by

redesignating paragraph (f) as (g), and by adding a new paragraph (f) to read as follows:

§ 2700.75 Briefs.

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(c) *Length of brief.* Except by permission of the Commission and for good cause shown, opening briefs shall not exceed 35 pages, response briefs shall not exceed 25 pages, and reply briefs shall not exceed 15 pages. A brief of an amicus curiae shall not exceed 25 pages. A brief of an intervenor shall not exceed the page limitation applicable to the party whose position it supports in affirming or reversing the Judge, or if a different position is taken, such brief shall not exceed 25 pages. Tables of contents or authorities shall not be counted against the length of a brief.

(d) *Motion for extension of time.* A motion for an extension of time to file a brief shall comply with § 2700.9. The Commission may decline to accept a brief that is not timely filed.

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(f) *Motion for extension of page limit.* A motion requesting an extension of the page limit for a brief shall be filed not less than 10 days prior to the date the brief is due to be filed, shall state the approximate length of the extension required, and shall comply with § 2700.10.

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9. Section 2700.76 is amended by revising paragraph (a) to read as follows:

§ 2700.76 Interlocutory review.

(a) *Procedure.* Interlocutory review by the Commission shall not be a matter of right but of the sound discretion of the Commission. Procedures governing petitions for review of temporary reinstatement orders are found at § 2700.45(f).

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Mary Lu Jordan,

Chairman, Federal Mine Safety and Health Review Commission.

[FR Doc. 98-12157 Filed 5-6-98; 8:45 am]

BILLING CODE 6735-01-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 218, 250, and 256

RIN 1010-AC32

Postlease Operations Safety

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Extension of comment period for proposed rule.

SUMMARY: This notice extends to July 17, 1998, the deadline for submitting comments on the proposed rule on Postlease Operations Safety.

DATES: We will consider all comments received by July 17, 1998, and we may not fully consider comments received after July 17, 1998.

ADDRESSES: Mail or hand-carry written comments (three copies) to the Department of the Interior; Minerals Management Service; 381 Elden Street; Mail Stop 4024; Herndon, Virginia 20170-4817; Attention: Rules Processing Team.

FOR FURTHER INFORMATION CONTACT: Kumkum Ray, Engineering and Operations Division, at (703) 787-1600.

SUPPLEMENTARY INFORMATION: MMS was asked to extend the deadline for submitting comments on the proposed Postlease Operations Safety rule published on February 13, 1998 (63 FR 7335) and the correction to the proposed rule published on March 9, 1998 (63 FR 11385). The request explains that the proposed rule has a number of important changes that require careful consideration for comprehensive comments. Because the proposed rule was rewritten in "plain English" and sections, paragraphs, and sentences do not have the same order and numbering sequence as the current regulations in 30 CFR part 250, subpart A, additional time was requested to sort out the proposed rule for comparison.

Dated: May 1, 1998.

E. P. Danenberger,

Chief, Engineering and Operations Division.
[FR Doc. 98-12057 Filed 5-6-98; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07-98-024]

RIN 2115-AE46

Special Local Regulations; Deerfield Beach, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish permanent special local regulations for the Annual Deerfield Beach Super Boat Grand Prix powerboat race. This event will be held annually offshore Deerfield Beach on the third Sunday of July, between 12:30 p.m. and 4 p.m. Eastern Daylight Time (EDT). These regulations are necessary to

provide for the safety of life on navigable waters during the event.

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

ADDRESSES: Comments may be mailed to U.S. Coast Guard Group Miami, 100 MacArthur Causeway Miami Beach, Florida 33139, or may be delivered to the Operations Department at the same address between 7 a.m. and 3:30 p.m., Monday through Friday, except federal holidays. The telephone number is (305) 535-4448. Comments will become a part of the public docket and will be available for copying and inspection at the same address.

FOR FURTHER INFORMATION CONTACT:

QMCS T. Kjerulff, Coast Guard Group Miami, FL at (305) 535-4448.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views or arguments. Persons submitting comments should include their names and addresses, identify the rulemaking (CGD07-98-024) and the specific section of this proposal to which each comment applies, and give the reason for each comment.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments received. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Each year in July, Super Boat International Productions Inc., sponsors a high speed power boat race with approximately thirty-five (35) race boats, ranging in length from 24 to 50 feet, participating in the event. There are approximately two hundred (200) spectator craft. The race takes place in the Atlantic Ocean 1,000 feet off Deerfield Beach. The race boats compete at high speeds with numerous spectator craft in the area, creating an extra or unusual hazard in the navigable waterways. These regulations will prohibit entry into the regulated area by non-participating vessels, and will establish spectator craft areas for boaters to safely watch the race.

Regulatory Evaluation

This 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 proposed rule to be so minimal that a full regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Entry into the regulated area is prohibited for only 4.5 hours annually on the day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdiction with populations of less than 50,000.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as the regulations would only be in effect for approximately 4.5 hours for one day each year in a limited area offshore Deerfield Beach. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

These proposed regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking 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 proposal consistent with Section 2.B.2.a (CE #34(h)) of Commandant Instruction M16475.1C, and has determined that this action is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, 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 and 33 CFR 100.35.

2. A new § 100.733 is added to read as follows:

§ 100.733 Annual Deerfield Beach Super Boat Race, Deerfield Beach, FL

(a) *Regulated areas.*—(1) *Regulated Areas.* An area within a line joining the following points:

Corner point 1: 26-19.7N-080-04.4W
Corner point 2: 26-19.7N-080-03.9W
Corner point 3: 26-15.7N-080-04.4W
Corner point 4: 26-15.7N-080-04.9W. All coordinates reference Datum: NAD 83.

(2) *Spectator Area.* 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:

Corner point 1: 26-15.7N-080-03.9W
Corner point 2: 26-15.7N-080-04.1W
Corner point 3: 26-19.7N-080-03.7W
Corner point 4: 26-19.7N-080-03.5W. All coordinates reference Datum: NAD 83.

(3) *Buffer Zone.* A buffer zone of 406 yards separates the racecourse and the spectator fleet.

(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 the 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 5 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 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 safely 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,