characteristics of the area or cause physical damage to it;

(c) Conflict with adjacent ownership or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 4

National parks, Traffic regulations.

In consideration of the foregoing, 36 CFR chapter I is amended as follows:

PART 4—VEHICLES AND TRAFFIC SAFETY

1. The authority citation for Part 4 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

2. Section 4.15 is revised to read as follows:

§ 4.15 Safety belts.

(a) Each operator and passenger occupying any seating position of a motor vehicle in a park area will have the safety belt or child restraint system properly fastened at all times when the vehicle is in motion. The safety belt and child restraint system will conform to applicable United States Department of Transportation standards.

(b) This section does not apply to an occupant in a seat that was not originally equipped by the manufacturer with a safety belt nor does it apply to a person who can demonstrate that a medical condition prevents restraint by a safety belt or other occupant restraining device.

Dated: November 6, 1997.

Donald J. Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 97–30135 Filed 11–18–97; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA–33–1–7357; FRL–5924–6]

Approval and Promulgation of State Implementation Plans (SIP) for Louisiana: Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final disapproval.

SUMMARY: This EPA rulemaking addresses comments received in response to the proposed disapproval of the SIP revision submitted by Louisiana for establishing and operating a motor vehicle Inspection and Maintenance (I/M) Program, and finalizes disapproval of the plan. An enhanced I/M program is required in the Baton Rouge serious ozone nonattainment area under the Clean Air Act (the Act) as amended in 1990. The State lacks the legal authority to establish and operate an I/M program in the ozone nonattainment area. This action is being taken under section 110 of the Act.

DATES: This final rule is effective December 19, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Louisiana Department of Environmental Quality, Air Quality Compliance Division, 7290 Bluebonnet, 2nd Floor, Baton Rouge, Louisiana. Louisiana Department of Environmental Quality Capital Regional Office, 11720 Airline Highway, Baton Rouge, Louisiana.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Rennie, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7367.

SUPPLEMENTARY INFORMATION:

I. Background

On July 31, 1997 (62 FR 41002), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Louisiana. The NPR withdrew the previous conditional approval proposed June 9, 1997 (62 FR 31388), and proposed disapproval of the State's I/M program SIP submitted to satisfy requirements of section 182(c)(3) of the Act concerning serious ozone nonattainment areas.

The proposed conditional approval was withdrawn and disapproval proposed because the State Legislature did not reauthorize and provide continuous authorization for an I/M program during the 1997 Regular Legislative Session. Bills to reauthorize the I/M program for two more years, and to fund the program, were introduced, but neither was enacted. The I/M program start date, as stated in the SIP, is January 1, 1999. Program reauthorization was needed to develop the program in time to meet the January 1999 start date. Continuous program authorization is needed to satisfy I/M Rule 40 CFR 51.372 that requires states to provide legal authority for the I/M program until such time as it is no longer necessary. Legal authority in the revised Louisiana SIP is limited to reauthorization by the State Legislature in odd-numbered years starting in 1997. The EPA considered this a major deficiency in the SIP.

Other specific requirements of the Louisiana I/M SIP and the rationale for EPA's proposed action are explained in the NPRs and will not be restated here.

II. Public Comments/Response to Comments

This section discusses the content of the comments submitted to the docket during the Federal comment period for the notice of proposed rulemaking published in the July 31, 1997, **Federal Register** (FR), and provides EPA's response to those comments. The comment period closed September 2, 1997. One comment was received by the Region. The comment was from the Louisiana Department of Environmental Quality (LDEQ).

Comment—Transportation Conformity Rule

The LDEQ commented that the inclusion of transportation conformity sanctions in the proposed rulemaking is an error. The stated sanctions were in the form of a Transportation Improvement Plan lapse or freeze following final disapproval. The transportation conformity rule (58 FR 62216, November 24, 1993), clearly defines control strategy implementation plan. The Louisiana I/M SIP is not a control strategy implementation plan. Therefore, the State's I/M SIP should not include transportation conformity sanctions.

Response to Comment

The EPA agrees with LDEQ's comment adding the following explanation: When the previous NPR was being developed, and at the time of its publication, the transportation conformity rule was undergoing revision. The Region chose to include transportation conformity sanctions at that time as a precautionary measure, pending the publication of the revised transportation conformity rule. Subsequently, the revised transportation conformity rule was published (August 15, 1997, 62 FR 43779). Since the I/M

program is not part of Louisiana's 15% Rate-of-Progress Plan or its Post-1996 Rate of Progress/ Attainment Demonstration Plan, it is not considered a control strategy under the definition in the transportation conformity rule. The EPA agrees that the transportation conformity sanctions stated in the proposed disapproval notice do not apply to Louisiana in this case.

III. Final Rulemaking

The EPA is finalizing disapproval of the Louisiana I/M SIP under sections 110(k)(3) and 182 of the Act. During the last regular session ending June 23, 1997, the State Legislature did not provide either program reauthorization or continuous program authority for the I/M program as required in the Federal I/M Rule. The Legislature is not scheduled to meet in regular session until the Spring of 1999, which is after the January 1, 1999, start date designated in the SIP.

Under section 179(a)(2), if the EPA Administrator takes final disapproval action on a submission under section 110(k) for an area designated nonattainment based on the submission's failure to meet one or more of the elements required by the Act, and the deficiency is not corrected within 18 months of the effective date of the final disapproval action, the Administrator must apply one of the sanctions set forth in section 179(b) of the Act. Section 179(b) provides two sanctions: Imposition of 2:1 emission offset requirements and revocation of highway funding. If the Administrator imposes the first requirement of 2:1 offsets and the deficiency is not corrected within six months, then the second sanction pertaining to highway funding shall apply. The sanctions shall apply until the Administrator determines that the State has corrected the legislative deficiency, and EPA has issued final approval. This sanctions process is set forth in 40 CFR 52.31. Today's action constitutes final agency action and will be effective 30 days after publication. The 18-month sanction clock time frame for the State to correct the deficiency begins upon the effective date of this final disapproval action. This disapproval initiates the sanctions process of 179(a) of the Act.

Nothing in today's 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.

IV. 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.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. See 5 U.S.C. 603 and 604. Alternatively, 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.

The EPA's final disapproval of the State request under sections 110 and 301, and subchapter I, part D of the Act does not affect any existing requirements applicable to small entities. Any preexisting Federal requirements remain in place after this final disapproval. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, the EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, the EPA certifies that this final disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements, nor does it impose any new Federal requirements.

C. Small Business Regulatory Enforcement Fairness Act

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

D. Unfunded Mandates Act

Under section 202 of the Unfunded Mandate Reform Act of 1995, signed into law on March 22, 1995, 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 aggregate; or to the private sector of $100 million or more. Under section 205, 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 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 final disapproval action 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 does not impose new requirements. Accordingly, no additional costs to State, local, or tribal governments, or private sector, result from this action.

E. Petitions for Judicial Review

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone.

Dated: November 6, 1997.

Lynda F. Carroll,

Acting Regional Administrator.

Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart T—Louisiana

2. Section 52.994 is added to read as follows:

§ 52.994 Disapprovals.

The State of Louisiana motor vehicle Inspection and Maintenance (I/M) program SIP submittal of August 18, 1995, with later editions, is disapproved based on the failure of the State Legislature to grant legal authority to reauthorize and continuously operate the program until the program is no

longer necessary. The Baton Rouge serious ozone nonattainment area is required to have an enhanced I/M program under section 182 of the Clean Air Act (the Act) as amended in 1990. This disapproval initiates the sanction process of section 179(a) of the Act.

[FR Doc. 97–30376 Filed 11–18–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300557; FRL–5746–1]

Methyl Salicylate; Establishment of an Exemption from Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the insecticide methyl salicylate in or on food, when used as an insect repellent in food packaging and animal feed packaging at an application rate that does not exceed 0.2 mg of methyl salicylate per square inch of packaging materials.

EFFECTIVE DATE: NOVEMBER 19, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300557/PP 7F4818], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket control number [OPP–300557] and submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300557]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Sheryl K. Reilly, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Office location and telephone number: Room CS15-W31, 2800 Jefferson Davis Hwy., Arlington, VA, (703/308-8265); e-mail: reilly.sheryl@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Tenneco Packaging, 1603 Orrington Ave., Evanston, IL, 60201, requested in pesticide petition PP 7F4818 the establishment of an exemption from the requirement of a tolerance for residues of the insecticide methyl salicylate on food, when used as a insect repellent in food packaging and animal feed packaging materials alone or in conjunction with inert components which conform to the requirements of regulations issued by the Food and Drug Administration under section 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA). A notice of filing (FRL–5721–6) was published in the **Federal Register** (62 FR 32331) on June 13, 1997, and the notice announced that the comment period would end on July 13, 1997; no comments were received.

The data submitted in the petition and all other relevant material have been evaluated. Following is a summary of EPA's findings regarding this petition as required by section 408(d) of the FFDCA, as recently amended by the Food Quality Protection Act.

I. Risk Assessment and Statutory Findings

New section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement of a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe''. Section 408(c)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water an in residential settings, but does not include occupational exposure. Section 408(c)(2)(B) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue... .'' EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

II. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Additionally, section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' Methyl salicylate (CAS Registry Number 119–36–8) is the primary chemical component of a naturally occurring fragrant oil, oil of wintergreen. If present at all, residues of methyl salicylate that may be found in foods in contact with treated packaging materials is expected to be minimal and considerably below the levels expected in existing GRAS uses of the active ingredient as a direct food flavoring ingredient.

The toxicity of methyl salicylate has been extensively studied in animal bioassays of acute, subchronic, and chronic duration. Studies include assessments of the mutagenicity, developmental toxicity, and reproductive effects of methyl salicylate. The petitioner submitted data from the scientific literature to support all toxicology studies typically required for registration of biochemical pesticides.

1. *Acute toxicity* . The acute oral LD_{50} for methyl salicylate in the rat ranges