

vessels from the dangers of the dredging and landfill activities in the project area and to prevent interference with vessels engaged in these operations. All persons and vessels are prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port Los Angeles-Long Beach, CA.

Regulatory Assessment

This interim rule 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 10(e) of the regulatory policies and procedures of the Department of Transportation is unnecessary. Only minor delays to mariners are foreseen as vessel traffic can be directed around the area of the safety zones.

Collection of Information

This regulation 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 regulation under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this regulation and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This regulation is expected to have no significant effect on the environment. A Categorical Exclusion Determination and Environmental Analysis Checklist is available for inspection and copying in the docket to be maintained at the address under ADDRESSES in this preamble.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

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 160.5; 49 CFR 1.46.

2. Section 165.1110 is revised to read as follows:

§ 165.1110 Safety Zone: Los Angeles Harbor—San Pedro Bay, CA.

(a) *Location.* All waters within the following boundaries are established as safety zones:

(1) Pier 400: Those waters of Los Angeles Harbor and San Pedro Bay in the vicinity of Pier 400 as defined by the lines connecting the following coordinates:

<i>Latitude</i>	<i>Longitude</i>
33°-44'-29.06" N	118°-14'-17.25" W;
	thence to
33°-43'-48.06" N	118°-13'-59.25" W;
	thence to
33°-43'-48.50" N	118°-14'-11.72" W;
	thence to
33°-42'-46.17" N	118°-15'-04.78" W;
	thence to
33°-43'-00.00" N	118°-15'-29.90" W;
	thence to
33°-43'-21.94" N	118°-15'-41.51" W;
	thence to
33°-43'-45.04" N	118°-15'-30.81" W;
	thence to
33°-43'-58.55" N	118°-14'-44.38" W;
	thence to
33°-44'-03.70" N	118°-14'-26.65" W.

and thence to the point of origin. All coordinates referred use Datum: NAD 83.

(2) Shallow Water Habitat: Those waters of Los Angeles Harbor and San Pedro Bay as defined by the lines connecting the following coordinates.

<i>Latitude</i>	<i>Longitude</i>
33°-42'-32.10" N	118°-15'-00.00" W;
	thence to
33°-42'-49.84" N	118°-15'-41.51" W;
	thence to
33°-42'-47.06" N	118°-15'-58.26" W;
	thence to
33°-42'-24.99" N	118°-15'-23.59" W.

and thence to the point of origin. All coordinate referred use Datum: NAD 83.

(3) Moving Safety Zone: Dredge FLORIDA. All waters within 50 yards on all sides of the Dredge FLORIDA when it is in the waters of Los Angeles Harbor and San Pedro Bay, CA, and engaged in dredging operations associated with the Pier 400 project.

(b) *Effective Date.* This section is effective from 6 A.M. PDT on July 22, 1997 until 11:59 P.M. PST on December 31, 1999, unless canceled earlier by the Captain of the Port.

(c) Regulations. In accordance with the general regulations in § 165.23 of the part, entry into, transit through, or anchoring within any of these safety zones is prohibited unless authorized by the Captain of the Port Los Angeles-Long Beach, CA.

Dated: July 21, 1997.

G.F. Wright,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.

[FR Doc. 97-30292 Filed 11-18-97; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 4

RIN 1024-AC63

Safety Belt Use Within the NPS System

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is amending its regulations concerning seatbelt use within units of the NPS. Currently, the NPS has regulations requiring seatbelt use by the operator and each front seat passenger. On April 16, 1997, President Clinton signed Executive Order 13043 directing NPS and other Federal agencies to promulgate regulations that require all occupants of motor vehicles to use safety belts or child restraint devices at all times within units of the NPS when the vehicle is in motion.

EFFECTIVE DATE: This rule becomes effective on December 19, 1997.

FOR FURTHER INFORMATION CONTACT: Dennis Burnett, Ranger Activities Division, National Park Service, at (202) 208-4874.

SUPPLEMENTARY INFORMATION:

Background

NPS administers 375 areas throughout the country under the statutory mandate to conserve the scenery, the natural and cultural objects and the wildlife therein; and to provide for their enjoyment in such manner as will leave them unimpaired for the enjoyment of future generations. Although the nearly 300 million annual visitors to the National Park System use a variety of access methods, the vast majority rely on motor vehicles and roadways to reach park areas and to circulate within them.

Consequently, NPS is involved in road construction and maintenance, traffic safety and traffic law enforcement.

NPS currently administers over 8,000 miles of roads within the National Park System that are open to the public. These 8,000 miles compare in magnitude to the State of Arizona's state road system, except that they are scattered throughout the United States and its territories. There is great variety in the nature and extent of park roads, ranging from very short lengths of unpaved secondary roadways, to well-developed road systems complete with spur roads, parking areas and overlooks, to parkways running for hundreds of miles through several States, to parkways used primarily as commuter routes in the Washington, DC area. In addition, many park areas contain State and/or county highways and roads over which the NPS may exercise varying degrees of jurisdiction.

On December 13, 1989, the NPS promulgated a final rule (36 CFR 4.15) concerning the use of safety belts (54 FR 51199). That rule requires the operator of a motor vehicle and each front seat passenger to wear a safety belt at all times when the vehicle is in motion, unless (1) the vehicle was not originally equipped by the manufacturer with a safety belt or (2) the operator or front seat passenger has a medical condition that prevents the use of a safety belt. The regulation is applicable in park areas located within States that do not have a mandatory seatbelt law in effect and can be enforced only when another traffic violation had occurred. The regulation is implemented primarily through signing, text in brochures and incidental public contact.

Executive Order 13043, signed by President Clinton on April 16, 1997 (62 FR 19217, April 18, 1997), directed NPS to propose rules and take other appropriate measures to further the use of safety belts in the national parks. This initiative includes, but is not limited to, conducting education, awareness and other appropriate programs about the importance of wearing safety belts and the consequences of not wearing them. In addition, NPS was directed to consider implementing regulations to enhance safety belt use requirements and begin primary enforcement of such requirements in park areas. The order also required NPS to consider publicizing and actively enforcing such regulations. Under the final rule as adopted after consideration of public comment, each operator and passenger occupying any seating position of a motor vehicle in a park area, whose seat is equipped with a seatbelt or child restraint system, shall have the seatbelt

or child restraint system properly fastened at all times when the vehicle is in motion. Primary enforcement means that a motor vehicle may be stopped and seatbelt regulations enforced when the operator or any occupant is not wearing their seatbelt. The rule would not require another traffic violation to occur before the vehicle may be stopped. The seatbelt regulation in this rulemaking is intended to apply in all NPS areas.

The President, the Department of the Interior and NPS strongly support the use of appropriate restraint systems by all motor vehicle occupants and view the potential reduction in personal injuries and fatalities that may result from the promulgation of this regulation as highly desirable. The benefits of wearing seatbelts have been documented extensively.

Summary of Comments

During the public review period for the proposed regulation (62 FR 40317, July 28, 1997), two written comments were received. Both commenters supported the regulation from a safety perspective, but had other concerns about the proposed rule.

One commenter, who operates a tour bus equipped with seatbelts, was concerned about the difficulty in getting passengers to buckle-up and whether the driver would be responsible, and therefore liable, if passengers do not buckle-up.

NPS believes that the responsibility of the bus driver is to announce to all passengers that the use of seatbelts is required whenever the bus is in motion. After that, it is the responsibility of each passenger, and not the driver, to ensure that they keep their seatbelts fastened. NPS does not intend this rule to be overly cumbersome, but rather to encourage the use of seatbelts.

The other commenter had several points to address. First, the commenter was concerned about the penalty for not using a seatbelt. Under Title 36 of the Code of Federal Regulations (36 CFR), § 1.3, penalties for "all" violations of 36 CFR shall be punished as provided by law, which means a fine up to \$5,000, or by imprisonment not exceeding 6 months, or both. This maximum penalty is in accordance with the Criminal Fine Improvements Act of 1987 (18 U.S.C. 3571). However, every unit of the NPS is located within a U.S. Judicial District that has established fines for seatbelt and child restraint regulations for that specific District. These fines range from \$10 to \$100 Servicewide, depending on the Judicial District in which the park is located. The most common fine is \$50. These fines will not change with the new regulation.

Second, the commenter was concerned that the seatbelt rule would create confusion and a new layer of regulation in those States where there is already a seatbelt rule in effect. The commenter requested that the NPS post this new regulation at the entrance to all park areas. NPS agrees with the comment that prior notice is best course of action to ensure compliance with this regulation. NPS will therefore encourage all park areas to post, or otherwise make this information readily available to this visiting public. The commenter's concerns about the additional layer of regulations is understandable, but E.O. 13043 is clear that the rule apply to all occupants of motor vehicles in motion in all NPS units.

Drafting information: The primary author of this rule is Dennis Burnett, Ranger Activities Division, National Park Service, Washington, D.C. 20240.

Paperwork Reduction Act

This rulemaking does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are negligible.

NPS has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of \$100 million or more in any given year on local, State or tribal governments or private entities.

The Department has determined that this rule meets the applicable standards provided in Section 3(a) and 3(b)(2) of Executive Order 12988.

This rule is not a major rule under the Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 8-4(2)).

The NPS has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce incompatible uses which compromise the nature and

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