

governments in the aggregate or to the private sector.

#### D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted a report containing this rule and other required information to the U.S. Senate, 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 5 U.S.C. 804(2).

#### 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 May 8, 1998. Filing a petition for reconsideration of this final rule by the Regional Administrator does not affect the finality of this rule for purposes of judicial review; nor does it extend the time within which a petition for judicial review may be filed, or postpone the effectiveness of this rule. 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, General conformity, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compounds.

Dated: February 9, 1998.

**Lynda F. Carroll,**

*Acting Regional Administrator, Region 6.*

Part 52, 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 *et seq.*

#### Subpart T—Louisiana

2. Section 52.970 is amended by adding paragraph (c)(75) to read as follows:

##### **§ 52.970 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(75) A revision to the Louisiana State Implementation Plan for General Conformity: LAC 33:III. Chapter 14. Subchapter A "Determining Conformity

of General Federal Actions to State or Federal Implementation Plan," Section 1405.B as adopted by the Louisiana Department of Environmental Quality Secretary and published in the Louisiana Register, Vol. 23, No. 6, 720, June 20, 1997, was submitted by the Governor on September 8, 1997.

(i) Incorporation by reference.

(A) Louisiana General Conformity: LAC 33:III. Chapter 14. Subchapter A "Determining Conformity of General Federal Actions to State or Federal Implementation Plan", Section 1405.B as adopted by the Louisiana Department of Environmental Quality Secretary and published in the Louisiana Register, Vol. 23, No. 6, 720, June 20, 1997.

#### **§ 52.994 [Removed]**

3. Section 52.994 is removed.

[FR Doc. 98-5983 Filed 3-6-98; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 86

[AMS-FRL-5975-2]

RIN 2060-AF75

#### Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Finding of National Low Emission Vehicle Program in Effect

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Finding of National Low Emission Vehicle (LEV) Program in effect.

**SUMMARY:** Today EPA is finding the National LEV program in effect. Nine northeastern states and 23 manufacturers have opted into this voluntary clean car program and the opt-ins have met the criteria set forth by EPA in its National LEV regulations. This means light-duty vehicles and light light-duty trucks cleaner than those available today will be produced and sold starting later this year. The National LEV program demonstrates how cooperative, partnership efforts can produce a smarter, cheaper program that reduces regulatory burden while increasing protection of the environment and public health.

**DATES:** This finding is effective March 2, 1998.

**ADDRESSES:** Materials relevant to this finding have been placed in Public Docket No. A-95-26. The docket is located at the Air Docket Section, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460

(Telephone 202-260-7548; Fax 202-260-4400) in Room M-1500, Waterside Mall, and may be inspected weekdays between 8:00 a.m. and 5:30 p.m. A reasonable fee may be charged by EPA for copying docket materials. For further information on electronic availability of this final rule, see the **SUPPLEMENTARY INFORMATION** section below.

**FOR FURTHER INFORMATION CONTACT:** Karl Simon, Office of Mobile Sources, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. Telephone (202) 260-3623; Fax (202) 260-6011; e-mail simon.karl@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

#### Obtaining Electronic Copies of the Regulatory Documents

This finding, along with rulemaking documents and other documents related to this finding are available electronically from the EPA Internet Web site. This service is free of charge, except for any cost you already incur for internet connectivity. An electronic version of this finding is made available on the day of publication on the primary Web site listed below. The EPA Office of Mobile Sources also publishes **Federal Register** notices and related documents on the secondary Web site listed below.

1. <http://www.epa.gov/docs/fedrgstr/EPA-AIR/> (either select desired date or use Search feature)
2. <http://www.epa.gov/OMSWWW/lev-nlev.htm>

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

#### In Effect Finding

Today EPA is taking the final step necessary for the National Low Emission Vehicle program to come into effect. The National LEV program is a voluntary clean car program which will reduce smog and other pollution from new motor vehicles. On December 16, 1997, EPA finalized the regulations for the National Low Emission Vehicle (National LEV) program. 63 FR 926 (January 7, 1998). Because it is a voluntary program, it could only come into effect if agreed upon by the northeastern states and the auto manufacturers. EPA has now received notifications from all the auto manufacturers and the relevant states lawfully opting into the program. As a result, starting in the northeastern states in model year 1999 and nationally in model year 2001, new cars and light

light-duty trucks will meet tailpipe standards that are more stringent than EPA can mandate prior to model year 2004. Now that the program is agreed upon, these standards will be enforceable in the same manner as any other federal new motor vehicle program.

National LEV will reduce air pollution nationwide, harmonize federal and California motor vehicle standards to reduce manufacturers' design and testing costs, avoid a patchwork of state regulatory requirements, and achieve emission reductions in the northeast equivalent to or better than would be achieved if each northeastern state adopted the California Low Emission Vehicle program. Although it originated as a way to help the northeastern states address their smog problems, National LEV will have public health and environmental benefits nationwide. Across the country, National LEV will reduce ground level ozone, the principle harmful component in smog, as well as emissions of other pollutants, including particulate matter, benzene and formaldehyde. This will assist states in achieving cleaner air while the economy grows.

This program is the result of a remarkable effort by EPA, the northeastern states, the auto industry and other interested parties. EPA applauds the effort, time and energy that all parties have invested in the National LEV program. As a result of this cooperative, partnership approach, we now have a smarter, cheaper, cleaner program that reduces regulatory burden while increasing protection of the environment and public health.

In the December Final Rule, EPA promulgated the criteria for the Agency to find the National LEV program in effect. 40 CFR 86.1706-99(b) provides that EPA shall find the National LEV program in effect if each of the manufacturers listed in the rule submits an opt-in notification that complies with the requirements for opt-ins, each opt-in submitted by an Ozone Transport Commission (OTC) State complies with the requirements for opt-ins, any conditions placed on any of the opt-ins are satisfied, and no valid opt-out has become effective pursuant to 40 CFR 86.1707-99. As set forth below, these criteria have been met.

The following northeastern states have agreed to the National LEV program and have lawfully opted in pursuant to 40 CFR 86.1705-99(e):

Connecticut  
Delaware  
District of Columbia  
Maryland  
New Hampshire

New Jersey  
Pennsylvania  
Rhode Island  
Virginia

Several of these states conditioned their opt-ins on all auto manufacturers opting into the program and/or on EPA finding that National LEV was in effect pursuant to 40 CFR 86.1706-99. All of the conditions these states placed on their opt-ins are now met.

All auto manufacturers have agreed to the National LEV program and have lawfully opted in pursuant to 40 CFR 86.1705-99(c). These auto manufacturers are listed below and at 40 CFR 86.1706-99(c):

American Honda Motor Company, Inc.  
American Suzuki Motor Corporation  
BMW of North America, Inc.  
Chrysler Corporation  
Fiat Auto U.S.A., Inc.  
Ford Motor Company  
General Motors Corporation  
Hyundai Motor America  
Isuzu Motors America, Inc.  
Jaguar Motors Ltd.  
Kia Motors America, Inc.  
Land Rover North America, Inc.  
Mazda (North America) Inc.  
Mercedes-Benz of North America  
Mitsubishi Motor Sales of America, Inc.  
Nissan North America, Inc.  
Porsche Cars of North America, Inc.  
Rolls-Royce Motor Cars Inc.  
Saab Cars USA, Inc.  
Subaru of America, Inc.  
Toyota Motor Sales, U.S.A., Inc.  
Volkswagen of America, Inc.  
Volvo North America Corporation

Several of these manufacturers conditioned their opt-ins on the nine northeastern states listed above opting into the program, on all auto manufacturers opting into the program, and/or on EPA finding the program in effect or finding it in effect no later than March 2, 1998. All of the conditions the auto manufacturers placed on their opt-ins are now met.

No state or manufacturer has withdrawn its opt-in, nor has any submitted an opt-out notification.

Thus, pursuant to 40 CFR 86.1706-99(b), EPA finds that the National LEV program is in effect. This finding is a nationally applicable final action.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, as that term is defined in 5 U.S.C. 804(3).

Dated: March 2, 1998.

**Carol M. Browner,**  
*Administrator.*

[FR Doc. 98-5981 Filed 3-6-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5972-8]

### 40 CFR Part 300

#### National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Deletion of Monsanto Superfund Site from the National Priorities List (NPL).

**SUMMARY:** EPA, Region 4, announces the deletion of the Monsanto Superfund Site from the NPL. The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). EPA and the State of Georgia (State) have determined that all appropriate CERCLA actions have been implemented and that no further cleanup by responsible parties is appropriate under CERCLA. Moreover, EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment and that the remaining groundwater monitoring and treatment are adequately being addressed by the State under the Resource Conservation and Recovery Act (RCRA).

**DATES:** Effective March 9, 1998.

**ADDRESSES:** Comprehensive information on this Site is available through the EPA Region 4 public docket, which is located at the Region 4 office and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the regional public docket should be directed to the EPA Region 4 Docket Office.

The address for the Regional Docket Office is: Ms. Debbie Jourdan, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, Telephone No.: (404) 562-8862.

Background information from the regional public docket is also available for viewing at the Site information repository located at the following address: Augusta Richmond County Public Library, 902 Green Street, Augusta, Georgia 30901, Telephone No.: (706) 821-2600.