

(b) For New Hampshire or Maine, except as provided in § 1215.4(c), if at any time in a fiscal year beginning after September 30, 1994, the State does not have in effect a law described in § 1215.4(a), the Secretary shall reserve 3 percent of the funds to be apportioned to the State for the succeeding fiscal year under 23 U.S.C. 104 (b)(1), (b)(2) and (b)(3) if the Secretary has not certified, in accordance with § 1215.4(d), that the State has achieved the applicable safety belt use rate.

(c) If, at the end of a fiscal year in which the funds are reserved for New Hampshire or Maine under paragraph (b) of this section, the Secretary has not certified that the State achieved the applicable safety belt use rate, the Secretary shall transfer the funds reserved from the State to the apportionment of the State under 23 U.S.C. 402.

(d) Any obligation limitation existing on transferred funds prior to the transfer will apply, proportionately, to those funds after transfer.

Issued on: May 31, 1996.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration

[FR Doc. 96-14258 Filed 6-5-96; 8:45 am]

BILLING CODE 4910-59-P

Federal Highway Administration

23 CFR Part 1230

[NHTSA Docket No. 95-83; Notice 1]

RIN 2127-AG10

Highway Safety Program Standards—Applicability to Federally Administered Areas

AGENCY: National Highway Traffic Safety Administration (NHTSA), Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule removes Part 1230 from title 23 of the Code of Federal Regulations (CFR). Part 1230 made the uniform highway safety standards, which were promulgated under 23 U.S.C. 402, applicable to federally administered areas where a Federal department or agency controlled the highways or supervised traffic operations. This regulation is being removed because 23 U.S.C. 402 was amended to provide that the Highway Safety Program Standards be changed to

Guidelines. The FHWA and NHTSA will be working with appropriate Federal lands managing agencies to develop procedures and agreements for carrying out the intent of 23 U.S.C. 402, as amended.

EFFECTIVE DATE: July 8, 1996.

FOR FURTHER INFORMATION CONTACT: In NHTSA: Mr. Gary Butler, Office of State and Community Services, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 366-2121; or Ms. Sharon Y. Vaughn, Office of Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 366-1834. In FHWA: Ms. Mila Plosky, Office of Highway Safety, Federal Highway Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 366-6902; or Mr. Paul Brennan, Office of Chief Counsel, Federal Highway Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 366-0834.

SUPPLEMENTARY INFORMATION: On March 4, 1995, President Clinton directed all Federal Departments and agencies to take four steps to overhaul the nation's regulatory system. The first step was to conduct a page-by-page review of all agency regulations now in force and eliminate or revise those that are outdated or otherwise in need of reform. The review was to include careful consideration of a number of issues, including whether the regulation is obsolete, whether its intended goal can be achieved in more efficient less intrusive ways, or whether States or local governments can do the job (making Federal regulation unnecessary).

NHTSA and FHWA conducted a thorough, page-by-page review of all agency regulations, including those that pertain to State and community highway safety programs.

As a result of these efforts, NHTSA and FHWA have determined that Part 1230 should be removed from title 23 of the Code of Federal Regulations (CFR), because the underlying statutory basis for the requirements, 23 U.S.C. 402, has been amended to provide that the uniform highway standards be changed to uniform highway safety guidelines.

Section 402 of the Highway Safety Act of 1966, 23 U.S.C. 402, was enacted on September 9, 1966. It provided that:

Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries and property damage resulting therefrom. Such programs shall be in accordance with uniform standards promulgated by the Secretary.

Section 402 provided further that:

Such standards as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

By 1972, the agencies had promulgated 18 uniform highway safety standards and, on July 13, 1973 (38 FR 18665), the agencies promulgated Part 1230, which made these uniform standards applicable to federally administered areas where a Federal department or agency controlled the highways or supervised traffic operations.

Part 1230 stated that its purpose was to ensure that the uniform standards established to regulate highway safety activities were applied uniformly throughout the United States to those highways and activities that were administered by Federal agencies.

Section 206 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Public Law 100-17, amended U.S.C. 402 by changing the term "standards" to "guidelines."

However, the statutory amendment, which required that the standards be changed to guidelines in no way diminishes the integrity and significant importance of the national highway safety program.

Pursuant to Section 402, such guidelines as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary of Transportation, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

To ensure the continued operation of this program, the FHWA and NHTSA will meet with representatives of Federal lands managing agencies to develop agreements for carrying out the provisions of 23 U.S.C. 402. This activity will include updating any existing agreements between the U.S. Department of Transportation and the Federal lands managing agencies. In addition, the FHWA and NHTSA have developed the Highway Safety Grant Management Manual which includes a chapter on Uniform Guidelines for State Highway Safety programs. This information will be made available to Federal lands managing agencies.

Rulemaking Analyses and Notices**(a) Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures**

The agencies have considered the impact of the rulemaking action under E.O. 12866, "Regulatory Planning and Review." This action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures.

(b) Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the agencies have evaluated the effects of this rule on small entities. Based on the evaluation, the agencies hereby certify that this action will not have a significant economic impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

(c) Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

(d) Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

(e) National Environmental Policy Act

The agencies have analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have determined that this action would not have any effect on the quality of the environment.

(f) Executive Order 12778 (Civil Justice Reform)

This action does not have any preemptive or retroactive effect. It imposes no requirements on the States, but rather simply removes a regulation to reflect statutory changes. The enabling legislation does not establish a procedure for judicial review of the final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or other administrative proceedings before they may file suit in court.

Notice and Comment

Because the amendments relate to a grant program and are therefore not covered by the Administrative Procedure Act, and since they reflect statutory changes and do not impose any additional requirements, the amendments are being made without prior notice and opportunity to comment.

List of Subjects in 23 CFR Part 1230

Highway Safety Program Standards—Applicability to Federally Administered Areas.

PART 1230—[REMOVED]

Under the authority of 49 CFR Parts 1.48 and 1.50, the Administrators of the National Highway Traffic Safety Administration and Federal Highway Administration amends Title 23 of the Code of Federal Regulations by removing part 1230.

Issued on: May 3, 1996.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Ricardo Martinez,

Administrator, National Highway Safety Traffic Administration.

[FR Doc. 96-14259 Filed 6-05-96; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE INTERIOR**National Park Service****36 CFR Part 7****RIN 1024-AC29****Cape Lookout National Seashore, Airstrip Closure**

AGENCY: National Park Service, Interior.
ACTION: Final rule.

SUMMARY: The National Park Service (NPS) is publishing this final rule to close the Portsmouth Village Airstrip at Cape Lookout National Seashore, North Carolina, to the operation of aircraft. The special regulation is necessary for the operation of the airstrip. Removal of the special regulation will effectively close the airstrip as a violation of 36 CFR 2.17. This action is necessary to prevent aircraft accidents and eliminate a use that is incompatible with preserving the historic scene in Portsmouth Village, a historic district listed on the National Register of Historic Places. This rule will protect the flying public by closing an airstrip that does not comply with Federal Aviation Administration (FAA) and North Carolina Department of

Transportation safety standards. Closure of the airstrip will also eliminate the potential for an aircraft accident that could destroy one or more irreplaceable historic structures, eliminate the anachronistic intrusion of aircraft in a historic village and provide for the safety of park visitors who cross the airstrip runway as they walk from Portsmouth Village to the beach.

EFFECTIVE DATE: This final rule becomes effective on July 8, 1996.

FOR FURTHER INFORMATION CONTACT: A. James Zahradka, Supervisory Park Ranger, Cape Lookout National Seashore, 131 Charles Street, Harkers Island, NC. 28531. Telephone 919-728-2250.

SUPPLEMENTARY INFORMATION:**Background**

Portsmouth Village Airstrip (Airstrip) is located on the northeast corner of Portsmouth Village (Village). The Village is geographically remote because of its location on a part of the outer banks (Core Banks) not connected to the mainland by bridge. The origins of Portsmouth Village can be traced back to 1752, when it was authorized by the Colonial Legislature of North Carolina. There are no permanent residents in this well-preserved "ghost town," although over 2,000 people visit annually. The historical significance of the Village is underscored by its listing on the National Register of Historic Places.

Long-term residents of the Village area report that the unpaved Airstrip was constructed by private individuals for recreational use shortly after World War II. In this earlier period, the Airstrip was not as long as it is today, but was leveled and extended to its present approximate length of 1640 feet in 1959.

The NPS began managing the Airstrip after the State of North Carolina ceded Core Banks to the Federal Government to establish Cape Lookout National Seashore (Seashore) in 1976. Operating or using aircraft on lands and waters managed by the NPS is prohibited (36 CFR 2.17(a)(1)) other than at locations designated pursuant to special regulations. In 1984, the NPS promulgated a special regulation (36 CFR 7.98(a)) legalizing aircraft operations on the Airstrip. Seashore management continued to maintain the grass surface and trimmed back encroaching woody vegetation to the extent that limited funding allowed.

Recently, the NPS became concerned about potential hazards related to aircraft operations on the Airstrip. These concerns stem from a report by an inspector of the North Carolina