

(lat. 38°53'25" N., long 90°02'46" W.)  
St. Charles County Smartt Airport, St.  
Charles, MO

(lat. 38°55'47" N., long 90°25'48" W.)  
St. Louis VORTAC  
(lat. 38°51'39" N., long 90°28'57" W.)  
Foristell VORTAC

(lat. 38°41'40" N., long 90°58'17" W.)  
ZUMAY LOM  
(lat. 38°47'17" N., long 90°16'44" W.)  
OBLIO LOM

(lat. 38°48'01" N., long 90°28'29" W.)  
Civic Memorial NDB  
(lat. 38°53'32" N., long 90°03'23" W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Lambert-St. Louis International Airport, and within 4 miles southeast and 7 miles northwest of the Lambert-St. Louis International Airport Runway 24 ILS localizer course extending from the airport to 10.5 miles northeast of the ZUMAY LOM, and within 4 miles southwest and 7.9 miles northeast of the Lambert-St. Louis Airport Runway 12R ILS localizer course extending from the airport to 10.5 miles northwest of the OBLIO LOM, and within 4 miles southwest and 7.9 miles northeast of the Lambert-St. Louis Airport Runway 30L ILS localizer southeast course extending from the airport to 8.7 miles southeast of the airport, and within a 6.6-mile radius of Spirit of St. Louis Airport and within 2.6 miles each side of the 098° radial of the Foristell VORTAC extending from the 6.6-mile radius area to 8.3 miles west of the airport, and within a 6.4-mile radius of St. Charles County Smartt Airport, and within a 6.7-mile radius of St. Louis Regional Airport, and within 4 miles each side of the 014° bearing from the Civic Memorial NDB extending from the 6.7-mile radius to 7 miles north of the airport, and within 4.4 miles each side of the 190° radial of the St. Louis VORTAC extending from 2 miles south of the VORTAC to 22.1 miles south of the VORTAC.

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ACE MO E5 Monett, MO

Monett Municipal Airport, MO  
(lat. 36°54'32"N., long. 94°00'45"W.)  
Neosho VORTAC  
(lat. 36°50'33"N., long. 94°26'09"W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Monett Municipal Airport and within 1.8 miles each side of the Neosho VORTAC 079° radial extending from the 6.5-mile radius to 7 miles west of the airport.

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ACE MO E5 Butler, MO

Butler Memorial Airport, MO  
(lat. 38°17'23"N., long. 94°20'24"W.)  
Butler VORTAC  
(lat. 38°16'20"N., long. 94°29'18"W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Butler Memorial Airport and within 1.8 miles each side of the 082° radial of the

Butler VORTAC extending from the 6.4-mile radius to the VORTAC.

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ACE MO E5 Monroe City, MO

Monroe City Regional Airport, MO  
(lat. 39°38'04"N., long. 91°43'37"W.)  
Quincy VORTAC  
(lat. 39°50'53"N., long. 91°16'44"W.)

That airspace extending upward from 700 feet above the surface within a 6.2-mile radius of Monroe City Regional Airport and within 3.5 miles each side of the Quincy VORTAC 239° radial extending from the 6.2-mile radius to 7 miles northeast of the airport.

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ACE MO E5 Farmington, MO

Farmington Regional Airport, MO  
(lat. 37°45'42"N., long. 90°25'42"W.)  
Farmington VORTAC  
(lat. 37°40'24"N., long. 90°14'03"W.)  
Perrine NDB  
(lat. 37°45'54"N., long. 90°25'45"W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Farmington Regional Airport and within 2.6 miles each side of the 034° bearing from the Perrine NDB extending from the 6.4 mile radius to 7.9 miles north of the airport, and within 2.6 miles each side of the 191° bearing from the Perrine NDB extending from the 6.4 mile radius to 7.9 miles south of the airport, and within 1.3 miles each side of the Farmington VORTAC 300° radial extending from the 6.4-mile radius to the VORTAC.

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ACE MO E5 Kansas City International Airport, MO

Kansas City International Airport, MO  
(lat. 39°17'51"N., long. 94°42'50"W.)  
Kansas City Downtown Airport, MO  
(lat. 39°07'24"N., long. 94°35'34"W.)  
Fort Leavenworth, Sherman Army Airfield (AAF), KS  
(lat. 39°22'06"N., long. 94°54'53"W.)  
Kansas City VORTAC  
(lat. 39°16'46"N., long. 94°35'29"W.)  
DOTTE LOM  
(lat. 39°13'15"N., long. 94°45'00"W.)  
Riverside VOR/DME  
(lat. 39°07'14"N., long. 94°35'48"W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Kansas City Downtown Airport and within 3 miles each side of the 210° radial of the Riverside VOR/DME extending from the 6.7-mile radius to 12.6 miles southwest of the Downtown Airport, and within a 6.5 mile radius of the Sherman AAF, and within a 7.3-mile radius of the Kansas City International Airport and within 4.4 miles west of the Kansas City International Runway 19R ILS localizer north course and within 4.4 miles east of the Kansas City

International Runway 19L ILS localizer north course extending from the 7.3-mile radius to 21.7 miles north of the DOTTE LOM and within 4.4 miles each side of the 096° radius of the Kansas City VORTAC extending from the Kansas City International Airport 7.3-mile radius to 5 miles east of the Kansas City VORTAC, and within 2.5 miles west of the Kansas City International Runway 1L ILS localizer south course and within 2.5 miles east of the Kansas City International Runway 1R ILS localizer course extending from the 7.3-mile radius to 9.5 miles south of the DOTTE LOM.

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ACE KS E5 Dodge City, KS

Dodge City Regional Airport, KS  
(lat. 37°45'47"N., long. 99°57'56"W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dodge City Regional Airport.

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Issued in Kansas City, MO on May 10, 1996.

Bryan H. Burleson,

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 96-14263 Filed 6-5-96; 8:45 am]

BILLING CODE 4910-13-M

## Federal Highway Administration

### National Highway Traffic Safety Administration

#### 23 CFR Part 1206

[Docket No. 96-02; Notice 2]

RIN 2127-AG10

### Rules of Procedure for Invoking Sanctions Under the Highway Safety Act of 1966

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

**ACTION:** Final rule.

**SUMMARY:** This rule replaces the outdated procedures contained in 23 CFR Part 1206 with new procedures as a part of the regulatory review directed by President Clinton on March 4, 1995. It changes the regulation to reflect the current sanction authority of 23 U.S.C. 402 and to replace the present burdensome hearing process with a simplified review process.

**EFFECTIVE DATE:** June 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** In FHWA, Mila Plosky, Office of Highway Safety, 202-366-6902; or Raymond W. Cuprill, Office of the Chief Counsel, 202-366-1377. In NHTSA, Gary Butler,

Office of State and Community Services, 202-366-2121; or Heidi L. Coleman, Office of the Chief Counsel, 202-366-1834.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 4, 1995, President Clinton directed all Federal Departments and agencies to overhaul the nation's regulatory system. One of the actions required by the directive was to revise any regulation that had become outdated or otherwise in need of reform. The Department has identified 23 CFR Part 1206 as a regulation that should be revised to conform to the current provisions of 23 U.S.C. 402.

This regulation was first promulgated in May 1974. Since that time, 23 U.S.C. 402 has been amended to provide more flexibility to the States regarding the planning and implementation of highway safety programs.

When the Section 402 program was first established, under the Highway Safety Act of 1966, the Act required DOT to establish uniform standards for State highway safety programs to assist States and local communities in organizing their highway safety programs. Eighteen such standards were established. Until 1976, the Section 402 program was principally directed towards achieving State and local compliance with these 18 standards, which were considered mandatory requirements with financial sanctions for non-compliance.

Under the Highway Safety Act of 1976, Congress provided for a more flexible implementation of the program so the Department would not have to require State compliance with every uniform standard or with each element of every uniform standard. As a result, the standards became more like guidelines for use by the States, and management of the program shifted from enforcing standards, to problem identification and countermeasure development and evaluation, using the standards as a framework for State programs. In 1987, Section 402 of the Highway Safety Act was formally amended to provide that the standards be changed to guidelines.

To reflect these changes, the agencies published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on March 22, 1996 (61 FR 11794), proposing to amend the regulation by removing from Section 1206.1, Scope, the requirement that States must comply with highway safety program standards, and by removing the term "highway safety program standards" from the definitions

contained in Section 1206.3. The notice also proposed to remove definitions of other obsolete terms from Section 1206.3.

This notice proposed to make additional revisions to the regulation to reflect other changes that have been made to the Section 402 statute, and to the manner in which the Section 402 program is implemented.

In 1974, when Part 1206 was first promulgated, States were required to submit to DOT both a Comprehensive Highway Safety Plan (a multi-year plan of the State and its political subdivisions for implementing the highway safety program standards) and an Annual Highway Safety Work Program (detailing the activities and proposed expenditures of the State and its political subdivisions for implementing selected components of the State's Comprehensive Highway Safety Plan during the year) for approval. Any state which was not implementing a highway safety program approved by DOT would be subject to the reduction of its Federal aid highway Section 104 apportionments by 10 percent.

The documentation States are required to submit for approval has since been dramatically reduced, and the sanction contained in Section 402 has been changed. The 10 percent reduction in Section 104 (Federal aid highway) apportionments was replaced in 1976 by a 50 percent reduction of Section 402 (highway safety grant) apportionments. The NPRM proposed to revise the definition of the term "highway safety program" contained in Section 1206.3, and provisions in Section 1206.4, Sanctions, to reflect these changes and to conform the regulation to the current provisions of 23 U.S.C. 402.

The regulation required that extensive procedures be followed to determine whether a sanction is to be invoked against a State. It provided, for example, that upon making a proposed recommended determination to invoke sanctions against a State, DOT must send to the Governor of that State and publish in the Federal Register a notice proposing the recommended determination. A hearing must be held before a three-member hearing board, and a prehearing conference and consent determination may be sought by the State or by DOT.

These procedures had not been followed since 1976, when the Section 402 program changed. Accordingly, the NPRM proposed to update and streamline these outdated procedures. It proposed to replace the extensive hearing process with a simplified

process based on documentation. The agencies stated in the NPRM that they believe this revision to the regulation would continue to ensure that States have a full and fair opportunity to be heard on the issues involved, should the agencies propose to invoke sanctions against a State, but in a manner that would be less costly and burdensome for both the State and the Federal agencies.

##### Comments

The NPRM requested comments not later than May 6, 1996. No comments were received. Accordingly, the agencies have adopted the revision proposed in the NPRM without change in the final rule.

##### Regulatory Analyses and Notices

###### *Executive Order 12778 (Civil Justice Reform)*

This rule does not have any preemptive or retroactive effect. It imposes no requirements on the States, but simply revises outdated or burdensome provisions in the regulation. The enabling legislation does not establish a procedure for judicial review of 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.

###### *Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

The agencies have determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation Regulatory Policies and Procedures. This rule will not impose any additional burden on the public. It is technical in nature and will not change the requirements of the program. It is anticipated that there will be no economic impact as a result of this rulemaking. Accordingly, a full regulatory evaluation is not required.

##### *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 action on small entities. Based on the evaluation, we certify that this action will not have a significant impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

**Paperwork Reduction Act**

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

**National Environmental Policy Act**

The agencies have analyzed this rule for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have determined that it will not have any significant impact on the quality of the human environment.

**Executive Order 12612 (Federalism Assessment)**

This rule 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. Accordingly, the preparation of a Federalism Assessment is not warranted.

**List of Subjects in 23 CFR Part 1206**

Grant programs—transportation, Highway safety.

In accordance with the foregoing, Part 1206 of Title 23 of the Code of Federal Regulations is revised to read as follows:

**PART 1206—RULES OF PROCEDURE FOR INVOKING SANCTIONS UNDER THE HIGHWAY SAFETY ACT OF 1966**

**Sec.**

- 1206.1 Scope
- 1206.2 Purpose
- 1206.3 Definitions
- 1206.4 Sanctions
- 1206.5 Review process.

Authority: 23 U.S.C. 402; delegation of authority at 49 CFR 1.48 and 1.50.

**§ 1206.1 Scope.**

This part establishes procedures governing determinations to invoke the sanctions applicable to any State that does not comply with the highway safety program requirements in the Highway Safety Act of 1966, as amended (23 U.S.C. 402).

**§ 1206.2 Purpose.**

The purpose of this part is to prescribe procedures for determining whether and the extent to which the 23 U.S.C. 402 sanctions should be invoked, and to ensure that, should sanctions be proposed to be invoked against a State, the State has a full and fair opportunity to be heard on the issues involved.

**§ 1206.3 Definitions.**

As used in this part:

(a) *Administrators* means the Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration.

(b) *Highway safety program* means an approved program in accordance with 23 U.S.C. 402, which is designed by a State to reduce traffic accidents, and death, injuries and property damage resulting therefrom.

(c) *Implementing* means both having and putting into effect an approved highway safety program.

**§ 1206.4 Sanctions.**

(a) The Administrators shall not apportion any funds under 23 U.S.C. 402 to any State which is not implementing a highway safety program.

(b) If the Administrators have apportioned funds to a State and subsequently determine that the State is not implementing a highway safety program, the Administrators shall reduce the funds apportioned under 23 U.S.C. 402 to the State by amounts equal to not less than 50 per centum, until such time as the Administrators determine that the State is implementing a highway safety program.

(c) The Administrators shall consider the gravity of the State's failure to implement a highway safety program in determining the amount of the reduction.

(d) If the Administrators determine that a State has begun implementing a highway safety program before the end of the fiscal year for which the funds were withheld, they shall promptly apportion to the State the funds withheld from its apportionment.

(e) If the Administrators determine that the State did not correct its failure before the end of the fiscal year for which the funds were withheld, the Administrators shall reapportion the withheld funds to the other States, in accordance with the formula specified in 23 U.S.C. 402(c), not later than 30 days after such determination.

**§ 1206.5 Review process.**

(a) In any fiscal year, if the Administrators determine, based on a preliminary review, that a State is not implementing a highway safety program in accordance with 23 U.S.C. 402, the Administrators shall issue jointly to the State an advance notice, advising the State that the Administrators expect to either withhold funds from apportionment under 23 U.S.C. 402, or reduce the State's apportioned funds under 23 U.S.C. 402. The Administrators shall state the amount of the expected withholding or reduction.

The advance notice will normally be sent not later than ninety days prior to final apportionment.

(b) If the Administrators issue an advance notice to a State, based on a preliminary review, the State may, within 30 days of its receipt of the advance notice, submit documentation demonstrating that it is implementing a highway safety program. Documentation shall be submitted to the Administrator for NHTSA, 400 Seventh Street SW, Washington, D.C. 20590.

(c) If the Administrators decide, after reviewing all relevant information, that a State is not implementing a highway safety program in accordance with 23 U.S.C. 402, they shall issue a final notice, advising the State either of the funds being withheld from apportionment under 23 U.S.C. 402, or of the apportioned funds being reduced under 23 U.S.C. 402 and the amount of the withholding or reduction. The final notice of a withholding will normally be issued on October 1. The final notice of a reduction will be issued at the time of a final decision.

Issued on: May 31, 1996.

Rodney E. Slater,  
*Administrator, Federal Highway Administration.*

Ricardo Martinez,  
*Administrator, National Highway Traffic Safety Administration.*

[FR Doc. 96-14257 Filed 6-5-96; 8:45 am]

BILLING CODE 4910-59-P

**National Highway Traffic Safety Administration**

**Federal Highway Administration**

**23 CFR Part 1215**

[Docket No. 92-40; Notice 3]

RIN 1217-AG23

**Use of Safety Belts and Motorcycle Helmets; Compliance and Transfer-of-Funds Procedures**

**AGENCIES:** National Highway Traffic Safety Administration (NHTSA) and Federal Highway Administration (FHWA).

**ACTION:** Final rule.

**SUMMARY:** This rule implements portions of the National Highway System Designation Act of 1995 that changed the transfer-of-funds provisions contained in section 153 of title 23, United States Code. As amended, section 153 subjects a State to a transfer of funds apportioned under its Federal-aid highway programs to its apportionment under the section 402