

DEPARTMENT OF STATE**Bureau of Consular Affairs****22 CFR Part 40**

[Public Notice 2361]

Regulations Pertaining to Both Nonimmigrants and Immigrants Under the Immigration and Nationality Act, as Amended; Failure to Comply With INA; Correction**AGENCY:** Bureau of Consular Affairs, DOS.**ACTION:** Correction to final rule.

SUMMARY: This document contains a correction to the final rule published on March 8, 1996 [61 FR 9325]. The regulation implements sec. 212(o) of the Immigration and Nationality Act (INA) as amended by section 506(b) of Pub. L. 103-317.

EFFECTIVE DATE: October 1, 1994.

FOR FURTHER INFORMATION CONTACT: Stephen K. Fischel, Chief, Legislation and Regulations Division, 202-663-1204.

SUPPLEMENTARY INFORMATION: On March 8, 1996 the Department published Public Notice 2345 [61 FR 9325] which finalized the interim rule published on October 11, 1994 at 59 FR 51367. The document contained an error in the third column of page 9325 in the final paragraph. This document corrects the Federal Register citation in that paragraph to read 59 FR 51367.

Dated: March 14, 1996.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 96-6699 Filed 3-19-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****National Highway Traffic Safety Administration****23 CFR Part 1260**

[Docket No. 96-06; Notice 1]

RIN 2125-AD77

Certification of Speed Limit Enforcement

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

ACTION: Final rule.

SUMMARY: Section 205(d) of the National Highway System Designation Act of

1995 repealed the National Maximum Speed Limit (NMSL) Compliance Program. It made the repeal effective on December 8, 1995, but provided that the Governors of certain States could delay the effective date of the repeal. This Final Rule provides that 23 CFR Part 1260, which contains the procedures for implementing the NMSL, is now applicable only to those States whose Governor delayed the effective date of the repeal of the NMSL. In effect, the regulation is rescinded for all other States. This Final Rule also rescinds the provisions of Part 1260 concerning speed monitoring, certification requirements and compliance standards.

EFFECTIVE DATE: March 20, 1996.

FOR FURTHER INFORMATION CONTACT: In FHWA, Janet Coleman, Office of Highway Safety, 202-366-4668; or Raymond W. Cuprill, Office of the Chief Counsel, 202-366-1377. In NHTSA, J. Michael Sheehan, Police Traffic Services Division, 202-366-4295; or Heidi L. Coleman, Office of the Chief Counsel, 202-366-1834.

SUPPLEMENTARY INFORMATION:**Background**

The 55 mph National Maximum Speed Limit (NMSL) was first instituted in 1974 as a temporary conservation measure in response to the oil embargo imposed by certain oil-producing nations. Because of the reduction in traffic fatalities that accompanied the institution of the speed limit, it was made permanent in 1975.

In 1978, Congress amended the law to require that, in addition to posting and enforcing the speed limit, States would have to achieve specific levels of compliance. In April 1987, Congress passed legislation which allowed States to post 65 mph maximum speed limits on rural Interstate highways. In December 1987, the President approved legislation enacting a limited demonstration program, which allowed the posting of speed limits as high as 65 mph on certain rural non-Interstate highways through the end of FY 1991.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) made the demonstration program permanent, and allowed other rural non-Interstate highways that were not a part of the demonstration program to be posted at the 65 mph speed limit, provided they met certain criteria.

ISTEA also required the Secretary of Transportation to publish a rule to establish speed limit compliance requirements on 65 mph roads, in addition to 55 mph roads, and to include a formula for determining compliance by the States.

FHWA and NHTSA had shared responsibility for the implementation of the NMSL compliance program since 1980. To implement this program and the requirements of ISTEA, the agencies promulgated a joint regulation, 23 CFR Part 1260.

On November 28, 1995, the President signed into law the National Highway System Designation Act of 1995 (NHS Act). Section 205(d) of the NHS Act repealed the NMSL compliance program, as set forth in 23 U.S.C. §§ 141(a) and 154.

The NHS Act made the repeal effective on December 8, 1995, but provided some States with an option to delay this effective date. In any State whose legislature was not in session on November 28, 1995, the Governor could declare, before December 8, 1995, that the legislature was not in session and that the State preferred to delay the effective date until after the State's legislature next convenes. In accordance with the NHS Act, such a declaration would delay the effective date of the repeal of the NMSL until the 60th day following the date on which the legislature next convenes. The agencies are aware of five States that have chosen to exercise the option: Kansas, Louisiana, Mississippi, Missouri and Ohio.

Accordingly, as provided in the NHS, on December 8, 1995, the NMSL was repealed for all States other than these five States. In these five States, it remains in effect until the 60th day following the date on which the legislature of that State next convenes.

This final rule adds an applicability section to Part 1260 (section 1260.4), making the regulation applicable only to these five States. By adding this section, the agencies in effect rescind the regulation for all other States.

While Part 1260 will continue to apply to these five States, the agencies have decided to rescind the sections of the regulation that pertain to speed monitoring, certification requirements and compliance standards (sections 1260.9, 1260.11, 1260.13, 1260.15, 1260.17, 1260.19 and 1260.21). This rescission will greatly reduce the regulatory burden on these States. The section of the regulation that pertains to the adoption of the NMSL (1260.7) will remain in effect. Conforming changes have been made to other sections of the regulation (1260.1, 1260.3 and 1260.5).

Once the legislature has convened in each of these five States, and 60 additional days have passed, the NMSL will be repealed for each State. The agencies plan to rescind 23 CFR Part 1260 in its entirety upon the expiration of the 60-day period for the last State.

Regulatory Analyses and Notices

Civil Justice Reform

This final rule will not have any preemptive or retroactive effect. It imposes no requirements on the States, but rather removes regulatory obligations that are no longer authorized by statute.

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

The agencies have analyzed the effect of this action and determined that it is not significant within the meaning of Executive Order 12866 or of Department of Transportation regulatory policies and procedures. This final rule imposes no additional burden on the public. Regulatory obligations have been removed since they are no longer authorized by statute. Therefore, a regulatory evaluation is not required and was not prepared.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, 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 economic impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements associated with 23 CFR Part 1260 (OMB Clearance No. 2125-0027). By rescinding the sections of Part 1260 that pertain to speed monitoring, certification requirements and compliance standards, the information collection requirement, as that term is defined by OMB in 5 CFR Part 1320, has been reduced by 93,024 reporting hours, to zero.

National Environmental Policy Act

The agencies have analyzed this action for the purpose of compliance with the National Environmental Policy Act and have determined that it will not have a significant effect on the human environment.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. There are no federalism implications pursuant to Executive Order 12612 since regulatory obligations are being suspended because they are no longer authorized under current law.

Under these circumstances, the preparation of a Federalism Assessment is not warranted.

Notice and Comment

The agencies find that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B) because the agencies are not exercising discretion in a way that could be meaningfully affected by public comment. Instead, this repeal of the agencies' speed limit compliance regulations is mandated by the repeal of the NMSL compliance program in Section 205(d) of the NHS Act. Therefore, notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation.

In addition, good cause exists to dispense with the 30-day delayed effective date requirement of 5 U.S.C. 553(d) because this final rule "grants or recognizes an exemption or relieves a restriction" in accordance with 5 U.S.C. 553(d)(1). In repealing the NMSL regulation for all but five States, this action lifts Federal speed limit provisions and enables these States to make their own decisions as to appropriate speed limits. Consequently, the agencies are proceeding directly to a final rule which is effective upon its date of publication.

List of Subjects in 23 CFR Part 1260

Grant programs—transportation, Highway and roads, Motor vehicles, Traffic regulations.

In consideration of the foregoing, Part 1260 of Title 23, Code of Federal Regulations, is amended as follows:

PART 1260—[AMENDED]

1. The authority citation for Part 1260 is revised to read as follows:

Authority: Pub. L. 104-59, Stat. 577 and 23 U.S.C. 118, 141, 154, 315; delegation of authority at 49 CFR 1.48 and 1.50.

2. Section 1260.1 is revised to read as follows:

§ 1260.1 Purpose.

The purpose of this part is to implement the provisions of 23 U.S.C. 154 as amended by the National Highway System Designation Act of 1995 relating to the adoption of the National Maximum Speed Limit.

3. Section 1260.3 is revised to read as follows:

§ 1260.3 Objective.

The objective is to maintain the fund transfer provisions for noncompliance with the National Maximum Speed Limits until 60 days after each State's legislature next convenes.

4. A new § 1260.4, is added to read as follows:

§ 1260.4 Applicability.

This part applies to each State only until the 60th day after the first date after December 8, 1995, on which the legislature in such State convenes.

5. Section 1260.5 is revised to read as follows:

§ 1260.5 Definitions.

As used in this part:

(a) *Highway* means all streets, roads or parkways under the jurisdiction of a State, including its political subdivisions, open for use by the general public, and including toll facilities.

(b) *Interstate System* means the Interstate System as is described in 23 USC 103(e).

(c) *Motor vehicle* means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

(d) *National Maximum Speed Limits* mean the speed limits provided for the highways described in Section 1260.7 of this Part.

(e) *State* means the States in which the legislature was not in session on November 28, 1995, and the Governor of the State declared, before December 8, 1995, that the legislature was not in session and that the State prefers to delay the effective date of the repeal of the National Maximum Speed Limits until after the State's legislature next convenes.

§§ 1260.9, 1260.11, 1260.13, 1260.15, 1260.17, 1260.19, 1260.21 and Appendix to Part 1260 [Removed]

6. Sections 1260.9, 1260.11, 1260.13, 1260.15, 1260.17, 1260.19 and 1260.21, and the Appendix to Part 1260, are removed.

Issued on: March 13, 1996.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 96-6485 Filed 3-19-96; 8:45 am]

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