

\* \* \* \* \*

Dated: November 13, 1995.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 95-28599 Filed 11-22-95; 8:45 am]

BILLING CODE 4160-01-F

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****23 CFR Part 1317**

[NHTSA Docket No. 95-82; Notice 1]

RIN 2127-AG08

**Highway Safety Innovative Project Grants Program**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule removes Part 1317 from title 23 of the Code of Federal Regulations (CFR). Part 1317 established criteria and administrative procedures for awards of innovative project grants to States and their political subdivisions, and to non-profit organizations including volunteer groups, in accordance with 23 U.S.C. 407. The regulation is being removed because it is unnecessary and obsolete. Funds for the section 407 program have not been authorized since 1981.

**EFFECTIVE DATE:** December 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary Butler, Office of State and Community Services, National Highway Traffic Safety Administration, 400 7th 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.

**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step was to conduct a page-by-page review of all agency regulations now in force and eliminate or revise those that are outdated or otherwise in need of reform. The review was to include careful consideration of a number of issues, including whether the regulation is obsolete, whether its intended goal can be achieved in more efficient less intrusive ways, or whether States or local governments can do the job (making Federal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 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 has determined that Part 1317 should be removed from title 23 of the Code of Federal Regulations (CFR), because it is unnecessary and obsolete.

Part 1317 established criteria and administrative procedures for awards of innovative project grants to States and their political subdivisions, and to non-profit organizations including volunteer groups, in accordance with 23 U.S.C. 407. It was first published in the Federal Register, as 23 CFR Part 1217, on December 22, 1980 (45 FR 84037). It was redesignated as 23 CFR Part 1317 on March 22, 1984 (49 FR 10664).

Funds for the section 407 program have not been authorized since 1981. Because the regulation implements a program which is no longer active, and currently appears in the CFR among regulations that implement programs that continue to be active, its removal will avoid confusion for potential grant applicants.

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

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed 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 agency has evaluated the effects of this rule on small entities. Based on the evaluation, the agency hereby certifies 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 agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

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

This amendment to the regulation does not have any preemptive or retroactive effect. It imposes no requirements on the States, but rather simply removes from the regulation outdated and obsolete provisions that no longer apply. 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.

**Notice and Comment**

Because the amendments relate to a grant program and are therefore not covered by the Administrative Procedure Act, and since they merely contain technical changes that remove outdated and obsolete provisions from the regulation 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 1317**

Grant programs, Highway safety.

Under the authority of 49 CFR Part 1.50, the Administrator of the National Highway Traffic Safety Administration amends Title 23 of the Code of Federal Regulations by removing Part 1317.

Issued on: November 20, 1995.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 95-28684 Filed 11-22-95; 8:45 am]

BILLING CODE 4910-59-P

**DEPARTMENT OF JUSTICE****Office of Justice Programs****28 CFR Part 70**

[OJP No. 1004; AG Order No. 1998-95]

RIN 1121-AA18

**Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations; Correction****AGENCY:** Department of Justice, Office of Justice Programs.**ACTION:** Correction to final rule.

**SUMMARY:** This document contains corrections to the final rule, 28 CFR part 70, which was published in the Federal Register on Wednesday, July 26, 1995, (60 FR 38241). This regulatory clarification and correction document provides clarification on the Department of Justice implementation of the revised Office of Management and Budget Circular A-110 concerning "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" and corrects a number of typographical errors and section references in the text of the rule.

**EFFECTIVE DATE:** This correction document is effective November 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Cynthia J. Schwimer, Director, Financial Management Division, Office of the Comptroller, Office of Justice Programs at 202-307-3186.

**SUPPLEMENTARY INFORMATION:** This document serves to clarify and correct the Department of Justice (hereinafter "Department") Rule, 28 CFR part 70, which implements Office of Management and Budget (hereinafter "OMB") Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" (hereinafter "A-110" or "Circular"). The final rule was published in the Federal Register on Wednesday, July 26, 1995 at 60 FR 38241.

The Department implemented OMB's Circular A-110 by promulgating 28 CFR part 70 and in doing so incorporated most of its provisions. As appropriate, however, the Department has elaborated on, streamlined, or left out provisions of the Circular to make the rule pertain more directly to the Department's customers and their activities. For example, directives to the federal agencies and organizations not currently

receiving funding from the Department were left out of the final rule so as not to include information that would make the rule confusing or cumbersome. For instance, A-110 \_\_\_\_\_.22 directed that no more than an original and two copies of any forms authorized for use under § 70.22 could be required of grantees. The Department abides by this, and other such requirements, but did not include these Agency-directed instructions in this rule. The Department will include the requisite instructions as part of any administrative guidance it provides. Requirements in addition to, or inconsistent with, those in A-110, will not be imposed on grantees unless specifically authorized by law, as defined in A-110 \_\_\_\_\_.1 and \_\_\_\_\_.25.

Specifically, regulatory language with respect to research and hospitals in A-110 \_\_\_\_\_.24 and \_\_\_\_\_.25 was not included in the Department's rule. The Department does not currently make awards for the type of research activities that A-110 was intended to cover. In addition, it does not make awards to hospitals, as defined in the Circular. If, in the future, however, the Department does make such awards, the Department's rule will be amended to incorporate all the provisions of A-110 that would apply. All organizations that currently have awards with the Department must comply with the provisions of this rule, as it is codified and modified by this correction notice.

The rule, as published in the Federal Register, included several typographical errors and incorrect section references. In some places reference was made to "DOS" instead of the "Department." Two incorrect section references in § 70.25 have been corrected to reflect the proper sections. Section 70.25(j) is also corrected by adding after "thirty" the words "calendar days from the date of receipt" which were left out of the original publication.

The fixed sum amount is being changed by this correction in the definition of "small awards" in § 70.2(ff) to reflect the "small purchase threshold" (renamed "simplified acquisition threshold") definition in 41 U.S.C. 403(11), which was recently increased from \$25,000 to \$100,000. A clause, inadvertently left out of section 70.33 on "exempt property", is being added for clarification. By adding the clause "[w]hen statutory authority exists" at the beginning of paragraph (b) in section 70.33, and changing "will" to "may" in that paragraph, the Department hopes to clarify that title to "exempt property" may only vest with the recipient when the requisite statutory authority exists.

Section 70.44 is corrected by replacing the first "must" that appears in paragraph (c) with a "may" to indicate that the type of procuring instrument used *may* be determined by the recipient, although such a determination is not required. Further, in section 70.52, the deadline for submission of the financial status reports should be 45 days rather than the 40 days that appeared in the final rule. The 45-day time period includes the 30 days provided for in A-110, with the addition of a 15 day grace period that the Department customarily provides its recipients for submission of these reports. The Department provides this 15 day grace period because of its strict policy to withhold funding to an organization when it becomes delinquent in its submission of these reports.

**Need for Correction**

As published in the Federal Register on July 26, 1995, (60 FR 38241), the final rule left out an important clause and contained typographical errors and incorrect section references that are misleading or incorrect. These errors are in need of correction.

**Correction of Publication**

Accordingly, the final rule, as published in the Federal Register on July 26, 1995, which was the subject of FR Doc. 95-18157, is corrected as follows:

**§ 70.2 [Corrected]**

Paragraph 1. On page 38244, in the first column, § 70.2, paragraph (ff) is corrected by amending "small purchase threshold" to read "simplified acquisition threshold" and amending the parenthetical statement "(currently \$25,000)" at the end of the paragraph to read "(currently \$100,000)".

**§ 70.22 [Corrected]**

Paragraph 2. On page 38246, in the third column, § 70.22, paragraph (h)(2), the reference "DOS" is corrected to read "the Department".

**§ 70.25 [Corrected]**

Paragraph 3. On page 38248, in the third column, § 70.25, paragraph (e) contains a reference paragraph "(h)". The reference to paragraph "(h)" is corrected to "(g)".

Paragraph 4. On page 38248, in the third column, § 70.25 paragraph (f) the reference to paragraph "(e)" is corrected to read "(f)".

Paragraph 5. On page 38248, in the third column, § 70.25, paragraph (j) is corrected in the first sentence by adding "calendar days from the date of receipt" after "thirty" in the first sentence.

**§ 70.33 [Corrected]**

Paragraph 6. On page 38250, in column one, § 70.33 paragraph (b) is corrected to read as follows:

\* \* \* \* \*

(b) *Exempt property.* When statutory authority exists, the Department may vest title to property acquired with Federal funds in the recipient without further obligation to the Federal Government when such property is "exempt property."

\* \* \* \* \*

**§ 70.36 [Corrected]**

Paragraph 7. On page 38251, in the second column, § 70.36 paragraph (c) is corrected by adding "in" before "paragraphs".

**§ 70.44 [Corrected]**

Paragraph 8. On page 38252, in the second column, § 70.44 in paragraph (c) the first sentence is corrected by changing "must be determined" to "may be determined".

**§ 70.51 [Corrected]**

Paragraph 9. On page 38253, in column two, in § 70.51, paragraph (e) the reference to "DOS" is corrected to read "the department".

**§ 70.52 [Corrected]**

Paragraph 10. On page 38253, in column three, in § 70.52, paragraph (a)(1)(iii), the first sentence is corrected by inserting the word "five" after "forty".

**§ 70.59 [Corrected]**

Paragraph 11. On page 38254, in the first column, in § 70.53, paragraph (b)(3) is corrected by changing the reference to "DOS" to "the Department".

**§ 70.62 [Corrected]**

Paragraph 12. On page 38255, in column one, in § 70.62, paragraph (d), "DOS" is corrected to read "the Department".

*Appendix A to Part 70, Section 6 [Corrected]*

Paragraph 13. on page 38256, in column one, in § 6 of Appendix A to Part 70, the reference in the second sentence to "DOS" is corrected to read "Department".

Dated: November 9, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95-28361 Filed 11-22-95; 8:45 am]

BILLING CODE 4410-18-M

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 706**

**Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment**

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS BENFOLD (DDG 65) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** August 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** Commander K.P. McMahon, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (703) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS BENFOLD (DDG 65) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights; Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 3(c) pertaining to placement of task lights not less than 2 meters from

the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

**PART 706—[AMENDED]**

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

**§ 706.2 [Amended]**

2. Table Four of § 706.2 is amended by:

a. Adding the following entry to Paragraph 15:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

\* \* \* \* \*

Vessel	No.	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
USS BENFOLD	DDG 65	1.90 meters.

b. Adding the following entry to Paragraph 16:

Vessel	No.	Obstruction angle relative ship's headings
USS BENFOLD	DDG 65	101.86 thru 112.50°.

**§ 706.2 [Amended]**

3. Table Five of § 706.2 is amended by adding the following entry: