

a Regulatory Flexibility Analysis is unnecessary.

*Paperwork Reduction Act*

The requirements relating to the regulation that this rule is amending that States retain and report to the Federal government information which demonstrates compliance with drunk driving prevention incentive grant criteria, are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR Part 1320.

Accordingly, these requirements have been submitted previously to and approved by OMB, pursuant to the Paperwork Reduction Act (44 U.S.C. 3501, et seq.). These requirements have been approved under OMB No. 2127-0501. A request for an extension of this approval through 11/30/98 is currently pending.

*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 it will not have any significant impact on the quality of the human environment.

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

List of Subjects in 23 CFR Part 1313

Alcohol abuse, Drug abuse, Grant programs—transportation, Highway safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, NHTSA amends 23 CFR Part 1313 as set forth below:

**PART 1313—INCENTIVE GRANT CRITERIA FOR DRUNK DRIVING PREVENTION PROGRAMS**

1. The authority citation for Part 1313 continues to read as follows:

Authority: 23 U.S.C. 410; delegation of authority at 49 CFR 1.50.

2. Section 1313.5 is amended by removing the word "six" in the introductory text and by adding paragraphs (c)(4) and (g) to read as follows:

**§ 1313.5 Requirements for a basic grant.**

\* \* \* \* \*

(c) \* \* \*

(4)(i) A State shall be treated as having met the requirement of this paragraph if the highest court of the State has issued a decision indicating that implementation of paragraph (c)(1) of this section would constitute a violation of the constitution of the State and NHTSA determines, based on data contained in the Fatal Accident Reporting System (FARS) and using NHTSA's method for estimating alcohol involvement, that the alcohol involvement rate in fatal crashes in the State:

(A) Has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

(B) The alcohol involvement rate in fatal crashes in the State has been lower than the average such rate for all States in each of such calendar years.

(ii) To demonstrate compliance under this paragraph in each fiscal year the State receives a basic grant based on this criterion, the State shall submit:

(A) A certification that the highest court of the State has issued a decision indicating that a Statewide program for the stopping of motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether or not the operators of such motor vehicles are driving while under the influence of alcohol, would constitute a violation of the State's Constitution; and

(B) A copy of the court's decision.

\* \* \* \* \*

(g) *Per se law for persons under age 21.* (1) Provide that any person under age 21 with an alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated and shall be subject to the temporary debarring of all driving privileges for a term of not less than 30 days.

(2)(i) To demonstrate compliance in each year the State receives a basic grant based on this criterion, a Law State shall submit a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for each element of the per se law for persons under age 21 criterion.

(ii) For the purpose of this paragraph, "Law State" means a State that has a law, regulation or binding policy directive implementing or interpreting an existing law or regulation which provides for each element of the per se law for persons under age 21 criterion.

(3)(i) To demonstrate compliance in each year the State receives a basic grant

based on this paragraph, a Data State shall submit a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for each element of the per se law for persons under age 21 criterion and data showing that the average length of the suspension term for offenders under this law meets or exceeds 30 days.

(ii) The State can provide the necessary data based on a representative sample. Data on the average length of the suspension term must not include license suspension periods which exceed the terms actually prescribed by the State, and must reflect terms only to the extent that they are actually completed.

(iii) For the purpose of this paragraph, "Data State" means a State that has a law, regulation or binding policy directive implementing or interpreting an existing law or regulation which provides for each element of the per se law for persons under age 21 criterion, except that it does not specifically provide for the temporary debarring of all driving privileges for a term of not less than 30 days.

**§ 1313.6 [Amended]**

3. Section 1313.6 is amended by removing paragraph (a) and redesignating paragraphs (b) through (g) as paragraphs (a) through (f), respectively.

Issued on: February 29, 1996.

Ricardo Martinez,

*Administrator, National Highway Traffic Safety Administration.*

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**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 SEAWOLF (SSN 21) is a vessel of the Navy which, due to its special construction and purpose,

cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

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

**FOR FURTHER INFORMATION CONTACT:** Captain R. R. Pixa, 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 SEAWOLF (SSN 21) is a vessel of the

Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 21(b), pertaining to the arc of visibility of the sidelights; Rule 21(c), pertaining to the arc of visibility of the sternlight; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex I, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex I, section 3(b), pertaining to the location of the sidelights. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the aforementioned lights 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), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

**PART 706—[AMENDED]**

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

Authority: 33 U.S.C. 1605.

2. Table One of § 706.2 is amended by adding the following vessel:

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

\* \* \* \* \*

TABLE ONE

Vessel	No.	Distance in meters of forward masthead light below minimum required height; § 2(a)(i), annex I
USS SEAWOLF .....	SSN-21	4.62

3. Table Three of 706.2 is amended by adding the following vessel:

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

\* \* \* \* \*

TABLE 3

Vessel	No.	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance in-board of ship's sides in meters; 3(b), annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(K), annex 1	Anchor lights relationship of aft light to forward light in meters; 2(K), annex 1
USS SEAWOLF .....	SSN-21	225°	118.3°	205°	5.1	10.7	2.8	1.8 below

Dated: December 26, 1995.  
 R.R. Pixa,  
 Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).  
 [FR Doc. 96-5329 Filed 3-6-96; 8:45 am]  
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**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 CHEYENNE (SSN 773) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as