

include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 579

Animal feeds, Animal foods, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 579 is amended as follows:

PART 579—IRRADIATION IN THE PRODUCTION, PROCESSING, AND HANDLING OF ANIMAL FEED AND PET FOOD

1. The authority citation for 21 CFR part 579 continues to read as follows:

Authority: Secs. 201, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 343, 348, 371).

2. New § 579.40 is added to read as follows:

§ 579.40 Ionizing radiation for the treatment of poultry feed and poultry feed ingredients.

Ionizing radiation for the treatment of complete poultry diets and poultry feed ingredients may be safely used as follows:

(a) *Energy sources.* Ionizing radiation is limited to gamma rays from sealed units of cobalt-60.

(b) *Limitation.* The ionizing radiation is used for feed or feed ingredients that do not contain drugs.

(c) *Use.* Ionizing radiation is used as a single treatment for rendering complete poultry diets or poultry feed ingredients salmonella negative as follows:

(1) Minimum dose 2.0 kiloGrays (kGy) (0.2 megarad (Mrad)); maximum dose 25 kGy (2.5 megarads Mrad). The absorbed dose of irradiation is to be based on initial concentration of salmonella using the relationship that 1.0 kGy (0.1 Mrad) reduces salmonella concentration by one log cycle (one decimal reduction).

(2) Feeds treated by irradiation should be formulated to account for nutritional loss.

(3) If an irradiated feed ingredient is less than 5 percent of the final product, the final product can be irradiated without being considered to be reirradiated.

Dated: September 21, 1995.
Stephen F. Sundlof,
Director, Center for Veterinary Medicine.
[FR Doc. 95-24154 Filed 9-27-95; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Parts 192 and 1212

[Docket No. 91-17; Notice 4]

RIN 2127-AF93

Drug Offender's Driver's License Suspension

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

ACTION: Final rule; technical amendment.

SUMMARY: The Drug Offender's Driver's License Suspension Law, 23 U.S.C. 159, requires the withholding of certain Federal-aid highway funds from States that do not enact either legislation requiring the revocation or suspension of an individual's driver's license upon conviction for any violation of the Controlled Substances Act or any drug offense, or a resolution opposing such legislation. The NHTSA and the FHWA had joint responsibility for administering the law. The statute's implementing regulation appeared in Chapter II of 23 CFR, which contains regulations jointly administered by the two agencies.

Responsibility for administering the law has since been redelegated to FHWA alone. This final rule removes the implementing regulation from Chapter II of 23 CFR, and places it in Chapter I of 23 CFR, which contains regulations administered only by FHWA.

EFFECTIVE DATE: September 28, 1995.

FOR FURTHER INFORMATION CONTACT: In FHWA: Ms. Mila Plosky, Office of Highway Safety, Room 3407, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590, telephone (202) 366-6902; or Mr. Paul L. Brennan, Office of Chief Counsel, Room 4217, Federal Highway

Administration, 400 Seventh Street, SW., Washington, D.C. 20590, telephone (202) 366-0834.

In NHTSA: Mr. Gary Butler, Office of State and Community Services, National Highway Traffic Safety Administration, 400 7th Street, SW., 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, SW., Washington, D.C. 20590, telephone (202) 366-1834.

SUPPLEMENTARY INFORMATION: The Department of Transportation and Related Agencies Appropriations Act for FY 1992, Pub. L. 102-143, added section 159 to title 23 of the United States Code. The new section required the withholding of certain Federal-aid highway funds from States that did not enact either legislation requiring the revocation or suspension of an individual's driver's license upon conviction for any violation of the Controlled Substances Act or any drug offense, or a resolution opposing such legislation.

On August 12, 1992 (57 FR 35989), NHTSA and FHWA published a final rule, promulgating a regulation to implement this requirement, 23 CFR 1212. The regulation appeared in Chapter II, Title 23 of the Code of Federal Regulations, which contains regulations administered jointly by NHTSA and FHWA.

The regulation required that each State certify by April 1, 1993, and by January 1 of each subsequent year, that it meets the requirements of 23 U.S.C. 159 and the implementing regulation.

NHTSA and FHWA had joint responsibility for administration of this program. NHTSA reviewed State laws and resolutions to determine compliance with the statutory provisions. FHWA administered the Act's penalty provisions.

All States have now submitted laws and resolutions that comply with 23 U.S.C. 159. Responsibility for administering this program has been redelegated to FHWA alone. This final rule removes the implementing regulation from Chapter II of 23 CFR, which contains regulations that are administered jointly by NHTSA and FHWA, and places it instead in Chapter I of 23 CFR, which contains regulations administered only by the FHWA.

Redelegating the entire responsibility for 23 U.S.C. 159 to FHWA will help in streamlining the certification process and eliminate the duplication of government efforts. This redelegation is also consistent with President Clinton's memorandum of March 4, 1995, titled

“Regulatory Reinvention Initiative” which directed heads of departments and agencies to review all existing regulations to eliminate those that are outdated and modify others to increase flexibility and reduce burden.

This final rule also amends portions of the regulation to remove any references to NHTSA and to modify the number of copies of the certification to be submitted to the local FHWA Division Administrator for further FHWA distribution.

Rulemaking Analyses and Notices

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 final rule does not impose any additional burden on the public. It is technical in nature and does not change the requirements of the program. It is anticipated that the economic impact of this rulemaking will be minimal; therefore, 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 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. Any withholding of funds under the regulation will be from States. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

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.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

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.

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 has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 192

Driver licensing, Drug abuse, Highway Safety, Reporting and recordkeeping requirements, Transportation.

In accordance with the foregoing, and under the authority of 23 U.S.C. 315, NHTSA and FHWA hereby amend chapters I and II of title 23, Code of Federal Regulations, as set forth below.

CHAPTERS I AND II [AMENDED]

1. Part 1212 (§§ 1212.1 through 1212.10) in chapter II is redesignated as part 192 (§§ 192.1 through 192.10, respectively) in chapter I, Subchapter B.

2. The authority citation for newly redesignated part 192 in chapter I is revised to read as follows:

Authority: 23 U.S.C. 159 and 315.

3. Redesignated § 192.5 is amended by revising paragraph (d) to read as follows:

§ 192.5 Certification requirements.

* * * * *

(d) The Governor each year shall submit the original and three copies of the certification to the local FHWA Division Administrator. The FHWA Division Administrator shall retain the original and forward one copy each to the FHWA Regional Administrator, FHWA Chief Counsel, and the Director of the Office of Highway Safety.

§ 192.10 [Amended]

4. In redesignated § 192.10 paragraph (a) is amended by removing the words “NHTSA’s and” and paragraph (b) is amended by removing the words “NHTSA and” and replacing the words

“National Highway Traffic Safety Administration” with the words “Federal Highway Administration”; and paragraph (c) is amended by removing the words “NHTSA’s and”.

Issued on: September 22, 1995.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 95-23988 Filed 9-22-95; 3:19 pm]

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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 MITSCHER (DDG 57) 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 functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 13, 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 MITSCHER (DDG 57) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provision of 72 COLREGS without