

One of the categories of federal law enforcement officers authorized to seek the issuance of search warrants is "[a]ny person who has been authorized to execute search warrants by the head of a department, bureau, or agency (or his delegate, if applicable) pursuant to any statute of the United States." See 28 CFR 60.2(b). Section 3061(a) of Title 18, United States Code, provides, in pertinent part:

Postal Inspectors and other agents of the United States Postal Service designated by the Board of Governors to investigate criminal matters related to the Postal Service and the mails may—

(1) Serve warrants and subpoenas issued under the authority of the United States;

* * *

The Omnibus Consolidated Appropriations Act for Fiscal Year 1997 established an Office of Inspector General in the United States Postal Service with the authority to conduct criminal investigations pursuant to the Inspector General Act of 1978, as amended. See Public Law 104-208 div. A, tit. I, sec. 101(f) (tit. VI, sec. 662(b)(1)-(2)), 110 Stat. 3009-379 (1996), codified at 5 U.S.C.A. App. 3, section 8G(f) (West Supp. 1997). This authority had previously been lodged in the Postal Inspection Service. Thereafter, pursuant to Resolution 97-3 (March 4, 1997), the Board of Governors of the United States Postal Service drew up an allocation of functions between the Postal Inspection Service and the Office of Inspector General. This resolution provides, in pertinent part:

To the full extent necessary to enable the Office of Inspector General properly to perform its investigative functions consistent with the Inspector General Act, the Governors authorize the Office of Inspector General to exercise, concurrent with the Postal Inspection Service, the investigative functions, powers, and duties delegated to the Postal Inspection Service under authority of * * * 18 U.S.C. 3061 * * *.

In accordance with 18 U.S.C. 3061, Pub. L. 104-208, and Resolution 97-3 of the Board of Governors, criminal investigators of the Office of Inspector General of the United States Postal Service are now authorized to seek the issuance of search warrants pursuant to 28 CFR 60.2(b). Consequently, the Office of Inspector General of the United States Postal Service must be added to the list of agencies set forth in 28 CFR 60.3.

Because the material contained herein is a matter of Department of Justice practice and procedure, the provision of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date is inapplicable. This rule has been

drafted and reviewed in accordance with section 1(b) of Executive Order 12866. This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute "significant regulatory actions" under section 3(f) of Executive Order 12866 and, accordingly, it has not been reviewed by OMB.

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Attorney General certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule merely adds the Office of the Inspector General of the United States Postal Service to the list of agencies whose officers may request search warrants in conformity with the Postal Service's recent allocation of investigative functions within the agency.

This rule will not have a substantial direct impact upon the states, on the relationship between the national government and the states, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 28 CFR Part 60

Law enforcement officers, Search warrants.

By virtue of the authority vested in me by Rule 41(h) of the Federal Rules of Criminal Procedure, part 60 of chapter I of Title 28, Code of Federal Regulations is hereby amended as follows:

PART 60—AUTHORIZATION OF FEDERAL LAW ENFORCEMENT OFFICERS TO REQUEST THE ISSUANCE OF A SEARCH WARRANT

1. The authority citation for part 60 continues to read as follows:

Authority: Rule 41(h), Fed. R. Crim. P (18 U.S.C. appendix).

2. Section 60.3 is amended by revising paragraph (a)(8) to read as follows:

§ 60.3 Agencies with authorized personnel.

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(a) * * *

(8) U.S. Postal Service:

Inspection Service

Office of Inspector General

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Dated: March 2, 1998.

Janet Reno,

Attorney General.

[FR Doc. 98-5828 Filed 3-5-98; 8:45 am]

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DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 61

AG Order No. 2142-98

National Environmental Policy Act: Categorical Exclusions

AGENCY: Department of Justice.

ACTION: Interim rule.

SUMMARY: The Department of Justice is adding a categorical exclusion for actions by the Bureau of Prisons (Bureau). This new categorical exclusion is for actions undertaken by the Bureau that normally do not require the preparation of either an environmental impact statement or an environmental assessment, including contracts for halfway houses, community corrections centers, comprehensive sanction centers, community detention centers, or other similar facilities. The Bureau will continue to determine independently whether the preparation of an environmental impact statement or an environmental assessment is required for an agency action not otherwise covered by a categorical exclusion. In addition, when a proposed agency action that could be classified as a categorical exclusion involves extraordinary circumstances that may affect the environment, the Bureau shall conduct appropriate environmental studies to determine if the categorical exclusion classification is proper.

DATES: Effective March 6, 1998. Comments must be submitted by May 5, 1998.

ADDRESSES: Comments must be submitted to the Rules Unit, Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.

SUPPLEMENTARY INFORMATION: The Department of Justice is noting an amendment to the internal procedures developed by the Bureau that supplement the department-wide procedures for the implementation of the National Environmental Policy Act (NEPA). These procedures (28 CFR part

61) were originally published at 46 FR 7953 (Jan. 26, 1981).

The Bureau's procedures were included as Appendix A of 28 CFR part 61 for informational purposes. Section 9 of Appendix A identifies actions that normally do not require the preparation of either an environmental impact statement or an environmental assessment. This amendment adds a new paragraph (3) to Section 9 in order to categorically exclude contracts for certain types of facilities. These categorically excluded actions include contracts for halfway houses, community corrections centers, comprehensive sanction centers, community detention centers, or other similar facilities. Based upon the Bureau's experience in undertaking such actions in the past, no significant environmental impacts normally occur as a result of such contracts and activities. A new Section 12 is also being added providing that if a proposed action is not covered by Sections 8 through 10 of the appendix, the Bureau of Prisons will independently determine whether to prepare either an environmental impact statement or an environmental assessment. In addition, when a proposed action that could be classified as a categorical exclusion under Section 9 of the appendix involves extraordinary circumstances that may affect the environment, the Bureau shall conduct appropriate environmental studies to determine if the categorical exclusion classification is proper for that proposed action.

As the Department noted when initially promulgating the regulations, the requirements of 5 U.S.C. 553 do not apply to the publication of these internal procedures. The provisions of the Department of Justice and component procedures that provide for internal management of NEPA review are exempt under 5 U.S.C. 553(a)(2). The Department, nevertheless, is issuing this amendment as an interim rule in order to afford the public an opportunity to comment.

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute "significant regulatory actions" under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB. After review of the law and regulations, the Attorney General herein certifies that this amendment, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), does not have a significant impact on a substantial number of small

entities because it pertains to the agency's internal management.

This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Section 6 of Executive Order 12612, the Department of Justice has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Interested persons may submit comments on this amendment in writing to the Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First Street, NW., HOLC Room 754, Washington, DC 20534. Comments received during the comment period will be considered before the rule is finalized; comments received after the deadline will be considered to the extent practicable. All comments received remain on file for public inspection at the above address.

List of Subjects in 28 CFR Part 61

Environmental impact statements.

Accordingly, by virtue of the authority vested in the Attorney General by law, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, part 61 of title 28 of the Code of Federal Regulations is amended as follows:

PART 61—PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT

1. The authority citation for 28 CFR part 61 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301; Executive Order No. 11991.

2. Appendix A is amended by adding a new paragraph 9.(3) and a new Section 12 to read as follows:

Appendix A—Bureau of Prisons—Procedures Relating to the Implementation of the National Environmental Policy Act

* * * * *

9. * * *

(3) Contracts for halfway houses, community corrections centers, comprehensive sanction centers, community detention centers, or other similar facilities.

* * * * *

12. Review.

(1) If a proposed action is not covered by Sections 8 through 10 of this appendix, the Bureau of Prisons will independently determine whether to prepare either an environmental impact

statement or an environmental assessment.

(2) When a proposed action that could be classified as a categorical exclusion under Section 9 of this appendix involves extraordinary circumstances that may affect the environment, the Bureau shall conduct appropriate environmental studies to determine if the categorical exclusion classification is proper for that proposed action.

Dated: February 26, 1998.

Janet Reno,

Attorney General.

[FR Doc. 98-5791 Filed 3-5-98; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 2

RIN 2900-AJ14

Delegations of Authority—Decisionmaking Regarding Discrimination

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends regulations of the Department of Veterans Affairs (VA) by revising the delegations of authority concerning decisionmaking regarding complaints alleging discrimination on grounds of race, color, religion, sex, national origin, age, disability or reprisal. The delegations of authority are set forth in the regulatory text portion of this document and are consistent with the provisions of the "Veterans' Benefits Act of 1997" (Public Law 105-114).

DATES: Effective Date: March 6, 1998.

FOR FURTHER INFORMATION CONTACT: John W. Klein, Assistant General Counsel (024), 202-273-6380.

SUPPLEMENTARY INFORMATION: This document is published without regard to the notice and comment and effective date provisions of 5 U.S.C. 553 since it relates to agency management and personnel.

Regulatory Flexibility Act

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This final rule would affect only individuals. Accordingly, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.