

SUMMARY: This rule delegates authority to the Assistant Attorney General for Administration to accept official-capacity subpoenas directed to the Attorney General. This action is being undertaken to promote administrative efficiency.

EFFECTIVE DATE: July 18, 1995.

FOR FURTHER INFORMATION CONTACT:

Rafael A. Madan, Attorney-Advisor, Office of the General Counsel, Justice Management Division, U.S. Department of Justice, (202) 514-3452.

SUPPLEMENTARY INFORMATION: Currently, 28 CFR 0.77(j) authorizes the Assistant Attorney General for Administration to accept official-capacity process, except subpoenas, directed to the Attorney General. Because the Assistant Attorney General for Administration does not have authority to accept official-capacity subpoenas directed to the Attorney General, the Justice Management Division's Office of General Counsel, acting for the Assistant Attorney General for Administration, at present conducts a preliminary review (to determine facial validity) of all such subpoenas that are served at the Main Justice Building in Washington, D.C., and escorts the process servers through the building to named individuals, usually on the Attorney General's staff, who have specific authority to accept them. This procedure will be significantly disrupted by the relocation of Justice Management Division's Office of General Counsel out of the Main Justice Building. Thus, for administrative convenience, the Attorney General has determined to delegate authority to the Assistant Attorney General for Administration to accept such subpoenas.

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 impact on a substantial number of small business entities. This rule is not considered to be a "significant regulatory action" within the meaning of section 3(f) of Executive Order 12866, nor does it have federalism implications warranting the preparation of a federalism assessment in accordance with Executive Order 12612. This rule pertains to agency management and is not subject the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553(b). This rule is not considered to have a significant impact on family formation, maintenance, or general well-being in accordance with Executive Order 12606.

List of Subjects in 28 CFR part 0

Authority delegations (Government agencies); Government employees; Organization and functions (Government agencies); Whistleblowing. Accordingly, 28 CFR part 0 is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for part 0 is amended to read as follows:

Authority: 5 U.S.C. 301, 3151; 28 U.S.C. 509, 510, 515-519.

2. Section 0.77 of subpart 0 of title 28 of the Code of Federal Regulations is amended by revising paragraph (j) to read as follows:

§ 0.77 Operational functions.

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(j) Accepting service of summonses, complaints, or other papers, including, without limitation, subpoenas, directed to the Attorney General in his official capacity, as a representative of the Attorney General, under the Federal Rules of Civil and Criminal Procedure or in any suit within the purview of subsection (a) of section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560 (43 U.S.C. 666(a))).

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Dated: July 7, 1995.

Janet Reno,

Attorney General.

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Chapter II

Completing Reviews and Audits of Royalty Payments

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of guidance.

SUMMARY: The extent of the time periods covered by audits of royalty payments has been a matter of considerable controversy between the Minerals Management Service (MMS) and the minerals industry for several years. During the 1980's, MMS increased audit activities in compliance with the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1711). The resulting orders issued to companies for royalty underpayments often covered periods more than six years old. Many

companies have challenged MMS orders on statute of limitations grounds and their theories have been asserted in Federal court cases and in a large number of administrative appeals.

In order to be more responsive to the public we serve, the MMS, in consultation with affected states, Indian tribes, and the minerals industry, has developed guidance regarding the extent of the time periods to be covered when reviewing and auditing royalty payments. Copies of this guidance may be obtained by contacting the Office of the Deputy Associate Director for Compliance at (303) 231-3641.

FOR FURTHER INFORMATION CONTACT: Mr. David Guzy, Chief, Rules and Procedures Staff, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS-3101, Denver, Colorado, 80225-0165, telephone number (303) 231-3432, fax number (303) 231-3194.

Dated: July 12, 1995.

James W. Shaw,

Associate Director for Royalty Management.

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POSTAL SERVICE

39 CFR Part 265

Compliance With Subpoenas, Summonses, and Court Orders by Postal Employees Within the Inspection Service Where the Postal Service or the United States Is Not a Party

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service has established procedures for Postal Service employees within the Postal Inspection Service to respond to subpoenas, summonses, and court orders to produce records or give testimony in cases where the Postal Service is not a party. The purpose of this rule is to minimize disruption of normal Postal Inspection Service functions caused by compliance with those demands, maintain control over release of public information, prevent the disclosure of information that should not legally be disclosed, prevent the Postal Service from being misused for private purposes, and otherwise protect the interests of the United States. These procedures prohibit postal employees within or assigned to the Postal Inspection Service from complying with subpoenas, summonses, and other court orders in cases where