

listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

In the notice of filing, FDA gave interested parties an opportunity to submit comments on the petitioner's environmental assessment. FDA received no comments in response to that notice.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 6, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall 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 173

Food additives, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and

Applied Nutrition, 21 CFR part 173 is amended as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 173 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

2. Section 173.325 is amended by revising paragraph (b) and adding paragraphs (c) and (d) to read as follows:

§ 173.325 Acidified sodium chlorite solutions.

* * * * *

(b) The additive is used as an antimicrobial agent in poultry processing water as a component of a carcass spray or dip solution prior to immersion of the carcass in a prechiller or chiller tank, or in a prechiller or chiller solution in accordance with current industry practice for use of poultry process water.

(1) When used in a carcass spray or dip solution, the additive is used at levels that result in sodium chlorite concentrations between 500 and 1,200 parts per million (ppm), in combination with any GRAS acid at levels sufficient to achieve a solution pH of 2.5 to 2.9.

(2) When used in a prechiller or chiller tank, the additive is used at levels that result in sodium chlorite concentrations between 50 and 150 ppm, in combination with any GRAS acid at levels sufficient to achieve a solution pH of 2.8 to 3.2.

(c) The additive is used as an antimicrobial agent in the processing of red meat as a component of a carcass spray in accordance with current industry practice. In the carcass spray, the additive is used at levels that result in sodium chlorite concentrations between 500 and 1,200 parts per million (ppm) in combination with any GRAS acid at levels sufficient to achieve a solution pH of 2.5 to 2.9.

(d) The concentration of sodium chlorite is determined by a method entitled "Determination of Sodium Chlorite: 50 ppm to 1500 ppm Concentration," September 13, 1995, developed by Alcide Corp., Redmond, WA, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Division of Petition Control (HFS-215), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204-0001, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC 20204-0001, or the Office of the Federal

Register, 800 North Capitol St. NW., suite 700, Washington, DC.

Dated: February 27, 1998

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

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DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 60

[AG Order No. 2144-98]

Authorization of Federal Law Enforcement Officers to Request the Issuance of a Search Warrant

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Rule 41(h) of the Federal Rules of Criminal Procedure authorizes the Attorney General to designate categories of federal law enforcement officers who may request the issuance of search warrants. This rule adds the Office of Inspector General of the United States Postal Service to the list of agencies having federal law enforcement officers authorized to request the issuance of search warrants pursuant to Rule 41(h).

EFFECTIVE DATE: March 6, 1998.

FOR FURTHER INFORMATION CONTACT: Frederick D. Hess, Director, or Donald B. Nicholson, Attorney, Office of Enforcement Operations, Criminal Division, Department of Justice, Washington, D.C. 20530 (202-305-4023) (not a toll-free number).

SUPPLEMENTARY INFORMATION: Previous authorizations by the Attorney General under Rule 41(h) were made by Order No. 510-73 (38 FR 7244, March 19, 1973), as amended by Order No. 521-73 (38 FR 18389, July 10, 1973), Order No. 826-79 (44 FR 21785, April 12, 1979), Order No. 844-79 (44 FR 46459, August 8, 1979), Order No. 960-81 (46 FR 52360, October 27, 1981), Order No. 987-82 (47 FR 39161, September 7, 1982), Order No. 1005-83 (48 FR 11450, March 18, 1983), Order No. 1026-83 (48 FR 37376, August 18, 1983), Order No. 1137-86 (51 FR 22282, June 19, 1986), Order No. 1143-86 (51 FR 26878, July 28, 1986), Order No. 1188-87 (52 FR 19137, May 21, 1987), Order No. 1327-89 (54 FR 9430, March 7, 1989), Order No. 1344-89 (54 FR 20123, May 10, 1989), and Order No. 2000-95 (60 FR 62733, December 7, 1995).

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.

* * * * *

(a) * * *

(8) U.S. Postal Service:

Inspection Service
Office of Inspector General
* * * * *

Dated: March 2, 1998.

Janet Reno,

Attorney General.

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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