

31, 1995. The Act provides that there will be an Inspector General in SSA, appointed in accordance with the Inspector General Act of 1978, as amended (5 U.S.C. App.3). Appropriate personnel from the HHS Office of Inspector General transferred to SSA to staff the new OIG. Ongoing investigations pertaining to programs and operations of SSA also were transferred.

Since 1979, the Office of Inspector General of the Department of Health and Human Services has been designated as among the agencies with law enforcement officers authorized to request the issuance of search warrants under 28 CFR Part 60. To make this authority explicit, this rule amends § 60.2 of 28 CFR Part 60 by designating special agents of the Office of Inspector General of the former parent agency, the Department of Health and Human Services (§ 60.2(q)), and adding special agents of the Office of Investigations of the newly-created Social Security Administration (new § 60.2(p)). It also adds the Office of Investigations of the Office of Inspector General, Social Security Administration as new § 60.3(a)(18). The Office of Investigations, Office of Inspector General, Department of Health and Human Services will continue to be separately designated in § 60.3(a)(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. It has been determined that this rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and accordingly this rule has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Attorney General has reviewed this rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities.

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 is revised to read as follows:

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

2. Section 60.2 is amended by adding paragraphs (p) and (q), to read as follows:

§ 60.2 Authorized categories.

* * * * *

(p) Any special agent of the Office of Inspector General, Social Security Administration.

(q) Any special agent of the Office of Inspector General, Department of Health and Human Services.

3. Section 60.3 is amended by adding a new paragraph (a)(18) to read as follows:

§ 60.3 Agencies with authorized personnel.

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(a) * * *

(18) Social Security Administration, Office of Inspector General

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Dated: November 28, 1995.

Janet Reno,

Attorney General.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY-209]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Kentucky regulatory

program (hereinafter referred to as the "Kentucky program" under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Kentucky proposed revisions to the Kentucky Administration Regulations (KAR) pertaining to outcrop barrier pillars at 405 KAR 16:010 and 405 KAR 18:010. The amendment is intended to provide additional safeguards and clarify ambiguities.

EFFECTIVE DATE: December 7, 1995.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503. Telephone: (606) 233-2896.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program
II. Submission of the Proposed Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 18, 1982 Federal Register (47 FR 21404). Subsequent actions concerning conditions of approval and program amendments can be found at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

II. Submission of the Proposed Amendment

By letter dated August 2, 1994, (Administrative Record No. KY-1305) Kentucky submitted a proposed amendment to its program pursuant to SMCRA at its own initiative. Kentucky is revising 405 KAR 16:010 pertaining to surface mining activities affecting outcrop barrier pillars and 405 KAR 18:010 pertaining to underground mining activities affecting outcrop barrier pillars.

OSM announced receipt of the proposed amendment in the September 6, 1994, Federal Register (59 FR 46013), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on October 6, 1994.

By letter dated January 11, 1995 (Administrative Record No. KY-1332), Kentucky proposed additional revisions to 405 KAR 16:010 and 405 KAR 18:010. Based upon the additional revisions to