

were inadvertently omitted from the Text of Amendments.

### Correction of Publication

Accordingly, the publication on March 20, 1995 of the final rule [Release No. 34-35483], which was the subject of FR Doc. 95-6696, is corrected as follows:

#### § 200.30-5 [Amended]

1. On Page 14628, in the third column, amendatory instruction 31a is added to read as follows: "31a. Section 200.30-5 is amended by removing paragraph (f)(5) and redesignating paragraphs (f)(6), (f)(7), (f)(8) and (f)(9) as paragraphs (f)(5), (f)(6), (f)(7) and (f)(8)."

Dated: March 21, 1995.

**Margaret H. McFarland,**

*Deputy Secretary.*

FR Doc. 95-7394 Filed 3-24-95; 8:45 am]

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## DEPARTMENT OF JUSTICE

### 28 CFR Part 0

[AG Order No. 1958-95]

#### Authority of United States Attorneys To Compromise and Close Civil Claims

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule increases the United States Attorneys' settlement authority in civil matters. It also inserts appropriate references to the Associate Attorney General as an official with certain decisionmaking authority and to whom certain reports are to be made. This rule is being promulgated to increase Department efficiency.

**EFFECTIVE DATE:** March 27, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Juliet A. Eurich, Legal Counsel, Executive Office for U.S. Attorneys, Department of Justice, Main Building, Room 1643, 10th & Pennsylvania Avenue NW., Washington, DC 20530; telephone (202) 514-4024.

**SUPPLEMENTARY INFORMATION:** In subpart Y of 28 CFR part 0, the Attorney General has delegated to the various Assistant Attorneys General certain of her authority to compromise and close civil claims. Section 0.168(d) authorizes the various Assistant Attorneys General to redelegate certain of that authority to United States Attorneys. They have done so in various directives reprinted as appendices to subpart Y.

This rule increases the dollar value of claims that may be settled by United States Attorneys. This change is

occasioned in part by the increase in the value of the claims brought by and against the United States.

This rule also inserts appropriate references to the Associate Attorney General as an official with certain decisionmaking authority in this area and to whom certain reports are to be made.

This rule furthers the efficient operation of the Department of Justice and advances the goals of civil justice reform and alternative dispute resolution.

As a regulation related to internal Department of Justice management, this rule may become effective without provision for public comment pursuant to 5 U.S.C. 553(b)(A). This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and, accordingly, it has not been reviewed by the Office of Management and Budget. Pursuant to 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant adverse economic impact on a substantial number of small business entities.

#### List of Subjects in 28 CFR Part 0

Authority delegations (government agencies), Government employees, Organization and functions (government agencies), Whistleblowing.

For the reasons set forth in the preamble, subpart Y of part 0 of chapter I of Title 28 of the Code of Federal Regulations is amended as follows:

#### PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

##### Subpart Y—Authority To Compromise and Close Civil Claims and Responsibility for Judgments, Fines, Penalties, and Forfeitures

1. The authority citation for Part 0 continues to read as follows:

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

2. Section 0.160 is revised to read as follows:

##### § 0.160 Offers that may be accepted by Assistant Attorneys General.

(a) Subject to the limitations set forth in paragraph (c) of this section, Assistant Attorneys General are authorized, with respect to matters assigned to their respective divisions, to:

(1) Accept offers in compromise of claims asserted by the United States in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed \$2,000,000 or 15 percent of the original claim, whichever is greater;

(2) Accept offers in compromise of, or settle administratively, claims against the United States in all cases in which the principal amount of the proposed settlement does not exceed \$2,000,000; and

(3) Accept offers in compromise in all nonmonetary cases.

(b) Subject to the limitations set forth in paragraph (c) of this section, the Assistant Attorney General, Tax Division, is further authorized to accept offers in compromise of, or settle administratively, claims against the United States, regardless of the amount of the proposed settlement, in all cases in which the Joint Committee on Taxation has indicated that it has no adverse criticism of the proposed settlement.

(c) Any proposed settlement, regardless of amount or circumstances, must be referred to the Deputy Attorney General or the Associate Attorney General, as appropriate:

(1) When, for any reason, the compromise of a particular claim would, as a practical matter, control or adversely influence the disposition of other claims and the compromise of all the claims taken together would exceed the authority delegated by paragraph (a) of this section; or

(2) When the Assistant Attorney General concerned is of the opinion that because of a question of law or policy presented, or because of opposition to the proposed settlement by a department or agency involved, or for any other reason, the proposed settlement should receive the personal attention of the Deputy Attorney General or the Associate Attorney General, as appropriate;

(3) When the proposed settlement converts into a mandatory duty the otherwise discretionary authority of a department or agency to promulgate, revise, or rescind regulations;

(4) When the proposed settlement commits a department or agency to expend funds that Congress has not appropriated and that have not been budgeted for the action in question, or commits a department or agency to seek particular appropriation or budget authorization; or

(5) When the proposed settlement otherwise limits the discretion of a department or agency to make policy or managerial decisions committed to the department or agency by Congress or by the Constitution.

3. Section 0.161 is revised to read as follows:

**§ 0.161 Acceptance of certain offers by the Deputy Attorney General or Associate Attorney General, as appropriate.**

(a) In all cases in which the acceptance of a proposed offer in compromise would exceed the authority delegated by § 0.160, the Assistant Attorney General concerned shall, when he is of the opinion that the proposed offer should be accepted, transmit his recommendation to that effect to the Deputy Attorney General or the Associate Attorney General, as appropriate.

(b) The Deputy Attorney General or the Associate Attorney General, as appropriate, is authorized to exercise the settlement authority of the Attorney General as to all claims asserted by or against the United States.

4. Section 0.164 is revised to read as follows:

**§ 0.164 Civil claims that may be closed by Assistant Attorneys General.**

Assistant Attorneys General are authorized, with respect to matters assigned to their respective divisions, to close (other than by compromise or by entry of judgment) claims asserted by the United States in all cases in which they would have authority to accept offers in compromise of such claims under § 0.160(a), except:

(a) When for any reason, the closing of a particular claim would, as a practical matter, control or adversely influence the disposition of other claims and the closing of all the claims taken together would exceed the authority delegated by this section; or

(b) When the Assistant Attorney General concerned is of the opinion that because of a question of law or policy presented, or because of opposition to the proposed closing by the department or agency involved, or for any other reason, the proposed closing should receive the personal attention of the Attorney General, the Deputy Attorney General or the Associate Attorney General, as appropriate.

5. Section 0.165 is revised to read as follows:

**§ 0.165 Recommendations to the Deputy Attorney General or Associate Attorney General, as appropriate, that certain claims be closed.**

In all cases in which the closing of a claim asserted by the United States would exceed the authority delegated by §§ 0.160(a) and 0.164, the Assistant Attorney General concerned shall, when he is of the opinion that the claim should be closed, transmit his recommendation to that effect, together with a report on the matter, to the Deputy Attorney General or the Associate Attorney General, as

appropriate, for review and final action. Such report shall be in such form as the Deputy Attorney General or the Associate Attorney General may require.

6. Section 0.168 is revised to read as follows:

**§ 0.168 Redelelegation by Assistant Attorneys General.**

(a) Assistant Attorneys General are authorized, with respect to matters assigned to their respective divisions, to redelegate to subordinate division officials and United States Attorneys any of the authority delegated by §§ 0.160 (a) and (b), 0.162, 0.164, and 0.172(b), except that any disagreement between a United States Attorney or other Department attorney and a client agency over a proposed settlement that cannot be resolved below the Assistant Attorney General level must be presented to the Assistant Attorney General for resolution.

(b) Redelelegations of authority under this section shall be in writing and shall be approved by the Deputy Attorney General or the Associate Attorney General, as appropriate, before taking effect.

(c) Existing delegations and re delegations of authority to subordinate division officials and United States Attorneys to compromise or close civil claims shall continue in effect until modified or revoked by the respective Assistant Attorneys General.

(d) Subject to the limitations set forth in § 0.160(c) and paragraph (a) of this section, re delegations by the Assistant Attorneys General to United States Attorneys may include the authority to:

(1) Accept offers in compromise of claims asserted by the United States in all cases in which the gross amount of the original claim does not exceed \$5,000,000 and in which the difference between the original claim and the proposed settlement does not exceed \$1,000,000; and

(2) Accept offers in compromise of, or settle administratively, claims against the United States in all cases in which the principal amount of the proposed settlement does not exceed \$1,000,000.

Dated: March 21, 1995.

**Janet Reno,**

*Attorney General.*

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 943**

**Texas Permanent Regulatory Program**

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

**ACTION:** Final rule; approval of proposed amendment.

**SUMMARY:** OSM is announcing its decision to approve, with certain additional requirements, a proposed amendment to the Texas permanent regulatory program (hereinafter, the Texas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consisted of changes to Texas' existing rules pertaining to identification of interests and compliance information, review of permit applications, criteria for permit approval or denial, and Railroad Commission of Texas (Commission) review of outstanding permits. The amendment was intended to revise the Texas program to be consistent with the corresponding Federal regulations.

**EFFECTIVE DATE:** March 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** James H. Moncrief, telephone: (918) 581-6430.

**SUPPLEMENTARY INFORMATION:**

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

**I. Background on the Texas Program**

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. General background information on the Texas program including the Secretary's findings, the disposition of comments, and the conditions of approval of the Texas program can be found in the February 27, 1980, **Federal Register** (45 FR 12998). Subsequent actions concerning the Texas program and program amendments are codified at 30 CFR 943.15 and 943.16.

**II. Proposed Amendment**

By letter dated May 24, 1994 (Administrative Record No. TX-576), Texas submitted to OSM a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment in response to the required amendments codified at 30 CFR 943.16