

inclusion on the list, and thus are beyond the scope of the interim rule.

12. Some commenters questioned the Department's use of standardized settlement documents. These comments likewise do not relate to either the minimum qualifications or the procedures for inclusion on the list, and thus are beyond the scope of the interim rule. Indeed, these comments appear to contradict section 11015(b), which affords United States Attorneys the exclusive authority to select a broker from the list, "provided that all documents related to any settlement comply with Department of Justice requirements."

13. Finally, some commenters raised questions about the Department's valuation of settlements. These comments likewise do not relate to either the minimum qualifications or the procedures for inclusion on the list, and thus are beyond the scope of the interim rule.

In summary, the only comment that addressed the minimum qualifications established by the interim rule suggested that the qualifications should be more stringent. Because section 11015(a) requires only that the Attorney General establish a list of annuity brokers who meet minimum qualifications, the Attorney General is adopting the interim rule as a final rule without amendment. The other comments concerned the operation or effect of the interim rule and, for the most part, are addressed by the language of section 11015. The format of the annuity broker list has been changed from an alphabetical listing by state to an alphabetical listing by the last name of the broker.

#### **Executive Order 12866**

This rule has been drafted and reviewed in accordance with Executive Order 12866, *Regulatory Planning and Review*, section 1(b), "The Principles of Regulation." The Attorney General has determined that this rule is a significant regulatory action under section 3(f), "Definitions," and accordingly this rule has been reviewed by the Office of Management and Budget. The Attorney General also has assessed both the costs and benefits of this rule as required by section 1(b)(6), and has made a reasoned determination that the benefits of this regulation justify its costs. The costs considered in this connection included the costs attendant to the submission of declarations by annuity brokers who desire to make their services available to United States Attorneys in connection with structured settlements entered by the United States. Costs considered also included the establishing and

maintaining of a list of brokers and the transmitting of the lists, including updated lists, to United States Attorneys. The benefits of the rule clearly outweigh the costs because the costs are the lowest costs feasible to comply with the requirement that a list be established, as required under section 11015(a) of Public Law 107-273.

#### **Executive Order 13132**

This rule will not have substantial, direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

#### **Civil Justice Reform**

##### **Executive Order 12988**

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

#### **Paperwork Reduction Act**

The information collection requirement contained in this final rule has been submitted to the Office of Management and Budget for review and approval under 5 CFR 1320.13.

#### **Regulatory Flexibility Act**

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), certifies that this rule will not have a significant economic impact on a substantial number of small entities. The cost of completing the declaration required by this rule will be minimal. Brokers are required to submit a new declaration each calendar year if they want to be included on the list. The declaration is a two-page document that requires the broker to (i) review the minimum qualification criteria in the rule; (ii) complete the declaration by providing his or her name and address, and by signing and dating the declaration; and (iii) mail the document to the Department of Justice. The economic impact is not expected to be significant for purposes of the Regulatory Flexibility Act (5 U.S.C. 605(b)).

#### **Unfunded Mandates Reform Act of 1995**

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small

governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### **Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### **List of Subjects in 28 CFR Part 50**

Administrative practice and procedure, Annuities, and Brokers.

#### **PART 50—[AMENDED]**

Accordingly, the interim rule amending 28 CFR part 50, which was published at 68 FR 18119 on April 15, 2003, is adopted as a final rule without change.

Dated: February 28, 2006.

**Alberto R. Gonzales,**  
*Attorney General.*

[FR Doc. 06-2079 Filed 3-3-06; 8:45 am]

BILLING CODE 4410-19-P

## **POSTAL SERVICE**

### **39 CFR Part 230**

#### **Office of Inspector General; Technical Amendments**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule makes editorial corrections to the Office of Inspector General regulations pertaining to subpoenas served on employees of the Office of Inspector General.

**DATES:** *Effective Date:* March 6, 2006.

**FOR FURTHER INFORMATION CONTACT:** Gladis Griffith, Deputy General Counsel, Office of Inspector General, (703) 248-4683.

**SUPPLEMENTARY INFORMATION:** The Postal Service has previously published rules, at 68 FR 57372, that govern compliance with subpoenas, summonses, and court orders served on Office of Inspector General employees. This notice corrects a faulty cross-reference in the earlier published text.

**List of Subjects in 39 CFR Part 230**

Administrative practice and procedure.

■ For the reasons stated, the Postal Service amends 39 CFR as follows:

**PART 230—OFFICE OF INSPECTOR GENERAL**

■ 1. The authority citation for part 230 continues to read as follows:

**Authority:** 5 U.S.C. App. 3; 39 U.S.C. 401(2) and 1001.

■ 2. Section 230.24 is amended by revising paragraph (a) to read as follows:

**§ 230.24 How is a demand for employee documents or testimony made to the Office of Inspector General.**

(a) All demands for the production of nonpublic documents or testimony of Office of Inspector General employees concerning matters relating to their official duties and subject to the conditions set forth in § 230.10(b) shall be made in writing and conform to the requirements outlined in paragraph (b) of this section.

\* \* \* \* \*

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 06–2030 Filed 3–3–06; 8:45 am]

**BILLING CODE 7710–12–P**

**POSTAL SERVICE****39 CFR Part 232****Conduct on Postal Property**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the enforcement provisions of the rules for conduct on Postal Service property to restate the statutory basis for the powers of members of the Postal Service security force, and the authority of postal installation heads to enter into agreements with state and local law enforcement agencies for the enforcement of those rules. Repeal and replacement of the law formerly cited as defining these powers and authority necessitates this amendment. The Postal Service intends no substantive change to the referenced powers and authority.

**DATES:** *Effective Date:* March 6, 2006.

**FOR FURTHER INFORMATION CONTACT:** Lawrence Katz, Inspector in Charge, Office of Counsel, U.S. Postal Inspection Service, 202–268–7732.

**SUPPLEMENTARY INFORMATION:** As the law enforcement arm of the Postal Service, the U.S. Postal Inspection Service is responsible for enforcing the rules

governing conduct on Postal Service property. The rules are published in 39 CFR 232.1. With regard to the enforcement of these rules, subsection (q) provides that (1) they are enforced by the Postal Service security force, (2) postal installation heads and postmasters may enter into agreements with state and local law enforcement agencies to enforce these rules, and (3) certain other designated persons may likewise enforce the rules.

The security force is a component of the Postal Inspection Service and comprises those armed employees whom the Postal Service has since 1971 been authorized by 39 U.S.C. 1201 to employ as guards for the protection of postal premises. In lieu of a provision for the specific police powers of such guards in permanent legislation, their powers have been provided through a general provision in annual appropriations acts, beginning with that of 1973 (Pub. L. 92–351, 86 Stat. 471, section 612). Such general provisions have uniformly incorporated by reference the powers given to special policemen by former 40 U.S.C. 318, *et seq.* The most recent act to do so was the Consolidated Appropriations Act for 2005 (Pub. L. 108–447, 118 Stat. 2809, section 611). However, those sections of title 40, United States Code were repealed in 2002 (Pub. L. 107–217, 116 Stat. 1062, section 6) and ultimately replaced by new provisions in the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2135, section 1706). In the annual appropriations act for 2006 (Pub. L. 109–115, 119 Stat. 2396, section 811), Congress for the first time cited relevant sections of the revised Title 40 U.S.C. to define the powers of members of the Postal Service security force. The enforcement provision at 39 CFR 232.1(q)(1) requires amendment accordingly.

The Postal Service assigns a security force of career postal employees at only a few of its more than 37,000 facilities—those where a need for full-time armed security for an indefinite period is identified. Postmasters and local installation heads may enter into agreements with state and local law enforcement agencies to enforce the rules for conduct on postal property. Like the powers of the security force, this authority has been provided and renewed annually through the appropriations act riders referred to above. Thus, the regulation at 39 CFR 232.1(q)(2) similarly requires amendment to cite the law that has replaced the provision of title 40, United States Code repealed in 2002.

The Postal Service intends by these amendments simply to maintain the

status quo with regard to both the powers of members of the postal security force and the authority of local installation heads and postmasters, albeit through citation to current provisions of title 40, United States Code, rather than to repealed sections.

**List of Subjects in 39 CFR Part 232**

Authority delegations (Government agencies), Crime, Federal buildings and facilities, Government property, Intergovernmental relations, Law enforcement officers, Postal Service, Security measures, State and local governments.

■ In view of the considerations discussed above, the Postal Service adopts the following amendment to 39 CFR part 232.

**PART 232—CONDUCT ON POSTAL PROPERTY**

■ 1. The authority citation for part 232 is revised to read as follows:

**Authority:** 18 U.S.C. 13, 3061; 21 U.S.C. 802, 844; 39 U.S.C. 401, 403(b)(3), 404(a)(7); 40 U.S.C. 1315; Sec. 811, Pub. L. 109–115, 119 Stat. 2396.

■ 2. In § 232.1, paragraphs (q)(1) and (2) are revised to read as follows:

**§ 232.1 Conduct on postal property.**

\* \* \* \* \*

(q) Enforcement. (1) Members of the U.S. Postal Service security force shall exercise such special police powers provided by 40 U.S.C. 1315(b)(2) as have been given to the security force by the Postal Service and shall be responsible for enforcing the regulations in this section in a manner that will protect Postal Service property.

(2) Local postmasters and installation heads may, pursuant to 40 U.S.C. 1315(d)(3) and with the approval of the chief postal inspector or his designee, enter into agreements with State and local enforcement agencies to insure that these rules and regulations are enforced in a manner that will protect Postal Service property.

\* \* \* \* \*

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 06–2029 Filed 3–3–06; 8:45 am]

**BILLING CODE 7710–12–P**