

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 540 and 545

[BOP-1004-F]

RIN 1120-AA06

Telephone Regulations and Inmate Financial Responsibility

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule; delay of effective date.

SUMMARY: In this document, the Bureau of Prisons is further postponing the effective date for provisions in its regulations relating to limitations on telephone privileges for inmates who have refused participation in the inmate financial responsibility program. This action is necessary because of ongoing litigation.

EFFECTIVE DATE: Effective December 28, 1994, the effective date of §§ 540.105(c) and 545.11(d)(10) is delayed until January 4, 1996, and the amendments in this document are effective January 4, 1996.

ADDRESSES: 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, telephone (202) 514-6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons ("Bureau") is further delaying the effective date for certain provisions in its rules on telephone regulations and on the inmate financial responsibility program which were published in the **Federal Register** on April 4, 1994 (59 FR 15812).

In revising its rules on telephone regulations and on the inmate financial responsibility program, the Bureau delayed the effective date for provisions

in §§ 540.105(c) and 545.11(d)(10) which imposed limitations on the telephone privileges of inmates who had refused participation in the inmate financial responsibility program. These provisions were to become effective January 3, 1995. Due to ongoing litigation, the Bureau is further delaying the effective date until January 4, 1996. This date has been selected in order to allow staff to plan for an orderly implementation. If this date needs to be further adjusted because of the ongoing litigation, the Bureau shall publish such notice in a future issue of the **Federal Register**.

As published on April 4, 1994, §§ 540.105(c) and 545.11(d)(10) included parenthetical references to the delayed effective dates of those provisions. Emphasizing the delayed effectiveness of these specific provisions within the regulatory text served a useful purpose at that time, given the size and complexity of the published final rule. Because this information is noted editorially in the annually revised Code of Federal Regulations, the Bureau believes that such emphasis no longer serves a useful purpose and is therefore removing this redundant material.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly this rule has not been reviewed by the Office of Management and Budget pursuant to E.O. 12866. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 540 and 545

Prisoners.

Thomas R. Kane,*Acting Director, Bureau of Prisons.*

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), parts 540 and 545 in subchapter C of 28 CFR, chapter V are amended as set forth below.

Subchapter C—Institutional Management**PART 540—CONTACT WITH PERSONS IN THE COMMUNITY**

1. The authority citation for 28 CFR part 540 continues to read as follows:

Authority: 5 U.S.C. 301, 551, 552a; 18 U.S.C. 1791, 3013, 3571, 3572, 3621, 3622, 3624, 3663, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

§ 540.105 [Amended]

2. In § 540.105, paragraph (c) is amended by removing the concluding parenthetical sentence.

3. The authority citation for 28 CFR part 545 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3013, 3571, 3572, 3621, 3622, 3624, 3663, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4126, 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

§ 545.11 [Amended]

4. In § 545.11, paragraph (d)(10) is amended by removing the final parenthetical sentence.

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