

necessary to keep them operationally current. It, therefore—(1) is not a “significant regulation action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1970); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will not affect air traffic procedures and air navigation, it is certified that this rule will have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR 71 continues to read as follows:

**Authority:** 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

*Paragraph 5000 Class D Airspace*

\* \* \* \* \*

**AWP AZ D Williams Gateway, AZ [Revised]**

Williams Gateway Airport, AZ  
(Lat. 33°18'28" N, long. 111°39'19" W)

That airspace extending upward from the surface to and including 3,900 feet MSL within a 5-mile radius of the Williams Gateway Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Director.

\* \* \* \* \*

Issues in Los Angeles, California, on March 3, 1995.

**Dennis T. Koehler,**

*Acting Manager, Air Traffic Division,  
Western-Pacific Region.*

[FR Doc. 95–6380 Filed 3–14–95; 8:45 am]

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**COMMODITY FUTURES TRADING COMMISSION**

**17 CFR Part 1**

**Risk Assessment for Holding Company Systems; Correction**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Correction to final rules.

**SUMMARY:** This document contains a correction to the final rules which were published Wednesday, December 28, 1994 (59 FR 66674). The rules implemented the risk assessment authority set forth in Section 4f(c) of the Commodity Exchange Act and imposed reporting and recordkeeping requirements for certain registered futures commission merchants (“FCMs”).

**EFFECTIVE DATE:** March 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Lawrence B. Patent, Associate Chief Counsel, or Lawrence T. Eckert, Attorney Adviser, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street N.W., Washington D.C. 20581. Telephone (202) 254–8955.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 28, 1994, the Commission published notice of the adoption of Rules 1.14 and 1.15 to implement the risk assessment authority set forth in Section 4f(c) of the Commodity Exchange Act. The rules generally require FCMs that are subject to the rules to maintain and file with the Commission certain information concerning their financial activities and the activities of their material affiliates.

Rule 1.15(a)(1) required that each FCM subject to the rule file copies of its organizational chart and financial, operational and risk management policies, procedures and systems “with the regional office with which it files periodic financial reports and with its designated self-regulatory organization \* \* \*” Rule 1.15(a)(2), however, required that an FCM’s consolidated and consolidating financial statements be filed only with “the regional office with which [the FCM] files periodic financial reports \* \* \*” The inclusion of a filing requirement with the FCM’s designated self-regulatory organization (“DSRO”) in Rule 1.15(a)(1) was inadvertent and is at odds with the Commission’s intent as discussed in the preamble to the **Federal Register** release accompanying the risk assessment rules. In discussing the degree of confidentiality to be afforded

information filed by FCMs with the Commission under the risk assessment rules, and in particular the issue of whether risk assessment information should be made available to self-regulatory organizations, the Commission stated that “[t]he Commission recognizes the sensitivity of certain information required to be reported under these rules [and] \* \* \* plans to make the information reported to it available only on an as-needed basis, as determined in its sole discretion.”<sup>1</sup> Because the inclusion of a requirement that FCMs file certain information with their DSROs was not intended, the Commission is publishing this notice deleting from Rule 1.15(a)(1) and (a)(4) the references to a filing requirement with FCMs’ DSROs.

**Need for Correction**

As published, the final rules contain errors which may prove to be misleading and are in need of clarification.

**List of Subjects in 17 CFR Part 1**

Commodity futures consumer protection, Reporting and recordkeeping requirements.

**Correction of Publication**

Accordingly, the publication on December 28, 1994 of the final rules (59 FR 66674) which were the subject of FR Doc. 94–31828, is corrected as follows:

**PART 1—[CORRECTED]**

On pages 66690 and 66691 paragraphs (a)(1) introductory text and (a)(4) of § 1.15 are corrected to read as follows:

**§ 1.15 Risk assessment reporting requirements for futures commission merchants.**

(a) *Reporting requirements with respect to information required to be maintained by § 1.14.* (1) Each futures commission merchant registered with the Commission pursuant to Section 4d of the Act, unless exempt pursuant to paragraph (c) of this section, shall file the following with the regional office with which it files periodic financial reports by no later than April 30, 1995, provided that in the case of a futures commission merchant whose registration becomes effective after December 31, 1994, such futures commission merchant shall file the following within 60 calendar days after the effective date of such registration, or by April 30, 1995, whichever comes later:

\* \* \* \* \*

<sup>1</sup> 59 FR 66674, 66687 (December 28, 1994).

(4) The reports required to be filed pursuant to paragraphs (a)(1) and (a)(2) of this section shall be considered filed when received by the regional office of the Commission with whom the futures commission files financial reports pursuant to § 1.10.

\* \* \* \* \*

Issued in Washington, D.C. on March 8, 1995, by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 95-6212 Filed 3-14-95; 8:45 am]

BILLING CODE 6351-01-P

## DEPARTMENT OF JUSTICE

### Office of the Attorney General

#### 28 CFR Part 40

[AG Order No. 1955-95]

#### Standards for Inmate Grievance Procedures

**AGENCY:** Department of Justice.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This interim rule modifies the standards for state prison inmate grievance procedures to allow for certification of a procedure which, if not in substantial compliance with minimum standards promulgated by the Attorney General, nevertheless is found by the Attorney General to be otherwise fair and effective. This interim rule also adjusts the time limits for processing grievances to help ensure final disposition within the period of time allowed for judicial continuance. These amendments are necessary to implement new statutory authority.

**DATES:** This interim rule is effective March 15, 1995; comments must be submitted on or before May 15, 1995.

**ADDRESSES:** Please submit comments to Office of General Counsel, Bureau of Prisons, HOLC room 709, 320 First Street NW., Washington, DC 20534.

**FOR FURTHER INFORMATION CONTACT:** John Megathlin, Administrator, National Inmate Appeals, Federal Bureau of Prisons, 320 First Street NW., Washington, DC 20534, telephone (202) 514-6165.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an effort to reduce unnecessary prisoner litigation, Congress enacted the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997). Section 7 of the Act, 42 U.S.C. 1997e, adopted a qualified exhaustion requirement for civil rights actions filed by state

prisoners in federal district court under 42 U.S.C. 1983. That section allowed the court, if appropriate and in the interests of justice, to continue proceedings for a period of 90 days in order to compel prisoners to exhaust local administrative prison grievance procedures. Exhaustion could not be required unless the Attorney General had certified or the court had determined that such administrative grievance procedure was in substantial compliance with the minimum standards promulgated by the Attorney General pursuant to 42 U.S.C. 1997e(b).

The Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103-322) amended 42 U.S.C. 1997e. As amended, 42 U.S.C. 1997e now allows the court to continue proceedings for up to 180 days. In addition, exhaustion may be required if the Attorney General certifies or the court determines that the administrative grievance procedure in question, even if it is not in compliance with the minimum standards promulgated by the Attorney General, is "otherwise fair and effective."

This interim rule accordingly revises § 40.11 in 28 CFR part 40 in order to address the evaluation of an applicant's submission under the "otherwise fair and effective" standard as well as under the existing standards. Sections 40.14, 40.15, 40.16, 40.18 (a) and (b), 40.19(a), and 40.22 are amended to include reference to determination that a grievance procedure is otherwise fair and effective.

In addition, § 40.7(e) is amended to specify that in all instances grievances must be processed from initiation to final disposition within 180 days, including any extensions. Formerly, paragraph (e) had required final disposition within 90 days, excluding any extension of time agreed to in writing by the grievant. This amendment is intended to provide applicants the flexibility to set time limits for the final disposition of grievances within the extended period of time allowed under newly revised 42 U.S.C. 1997e(a)(1). As revised, paragraph (e) no longer requires written consent from the grievant for an extension of time on a response. However, notification to the grievant of an extension of time for a response at any stage of the process remains necessary in order to require exhaustion of that stage.

##### Regulatory Process Matters

The Department of Justice's implementation of this rule as an interim rule, with provisions for post-promulgation public comment, is based on the "good cause" exception of 5

U.S.C. 553(d)(3). This rule is necessary to conform existing regulations to recent statutory amendments. Immediate implementation will allow the Attorney General to use without undue delay the statutory "otherwise fair and effective" standard in consideration of current applications by States or local jurisdictions for certification, and consequently reduce regulatory burdens on these government entities.

The Attorney General has determined that this rule is not a significant regulatory action under Executive Order 12866, section 3(f), and accordingly this rule was not reviewed by the Office of Management and Budget. This rule does not have federalism implications warranting the preparation of a Federalism Assessment in accordance with section 6 of Executive Order 12612. The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

##### List of Subjects in 28 CFR Part 40

Administrative practice and procedure, Civil rights, Inmate grievance procedures, Prisoners.

Accordingly, by virtue of the authority vested in the Attorney General by law, including 5 U.S.C. 301, 28 U.S.C. 509, and 42 U.S.C. 1997e, part 40 of Chapter I of title 28 of the Code of Federal Regulations is amended as follows:

#### PART 40—STANDARDS FOR INMATE GRIEVANCE PROCEDURES

1. The authority citation for part 40 continues to read as follows:

**Authority:** 42 U.S.C. 1997e.

2. In § 40.7, paragraph (e) is revised to read as follows:

##### § 40.7 Operation and decision.

\* \* \* \* \*

(e) *Fixed time limits.* Responses shall be made within fixed time limits at each level of decision. Time limits may vary between institutions, but expeditious processing of grievances at each level of decision is essential to prevent grievance from becoming moot. Unless the grievant has been notified of an extension of time for a response, expiration of a time limit at any stage of the process shall entitle the grievant to move to the next stage of the process. In all instances grievances must be processed from initiation to final