

current offense or if the total score from Items A-F is 10.

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**Special Instructions—Federal Probation Violators**

Item G Use the age at commencement of the probation violation, not the original offense.

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**Special Instructions—Federal Parole Violators**

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Item G Use the age at commencement of the new criminal/parole violation behavior.

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**Special Instructions—Federal Confinement/Escape Status Violators With New Criminal Behavior in the Community**

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Item G Use the age at commencement of the confinement/escape status violation.

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Dated: July 26, 1995.

**Edward F. Reilly, Jr.,**

*Chairman, U.S. Parole Commission.*

[FR Doc. 95-19312 Filed 8-4-95; 8:45 am]

BILLING CODE 4410-01-P

**28 CFR Part 2**

**Designation of a Commissioner To Act as a Hearing Examiner**

**AGENCY:** Parole Commission, Justice.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Parole Commission is amending 28 CFR § 2.59 by replacing it with a regulation which allows the Chairman of the Parole Commission to designate any Commissioner to serve as a hearing examiner. The deleted regulation concerned the authority of a Regional Commissioner to exercise the functions of a hearing examiner in the absence of a hearing examiner. Designation of a Commissioner to serve as a hearing examiner will be made with the Commissioner's consent for specified hearing dockets. A Commissioner who serves as a hearing examiner will not vote in the same proceeding as a Commissioner. This amendment replaces an obsolete rule with a regulation that permits the agency to use more of its resources to accomplish its mission.

**EFFECTIVE DATE:** October 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Pamela A. Posch, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-5959.

**SUPPLEMENTARY INFORMATION:** This new rule provides explicit authority in the

Commission's regulations for the Parole Commission's Chairman to designate a Parole Commissioner to act as a hearing examiner and thereby assist the Commission in balancing its workload as the Commission nears the end of its existence on November 1, 1997. See 18 U.S.C. 4204(a)(3) (authorizing the Chairman to assign duties among agency staff and Commissioners so as to balance the workload and provide for orderly administration). Such designations will be made for specified hearing dockets, and only with the designated Commissioner's consent.

If a Commissioner acts as a hearing examiner in a parole proceeding, the rule provides that the Commissioner will be disqualified from voting in the case as a Commissioner during the course of the same proceeding. This includes voting on an appeal filed by the prisoner or parolee to the National Appeals Board under 28 CFR 2.26, or the full Commission under 28 CFR 2.27. This important limitation preserves the distinction in function between the hearing examiner and the Parole Commissioner in making release and revocation decisions, and ensures that appropriate checks and balances are maintained in the agency's decisionmaking.

The Commission has decided to place this regulation at 28 CFR 2.59, which has been occupied by a rule which allows a Regional Commissioner to exercise the authority of a hearing examiner only in the absence of an examiner. This regulation has been rarely used by the Commission, and the agency determined that it should be removed as obsolete.

**Implementation**

This rule may be utilized for any hearings scheduled on or after October 2, 1995.

**Executive Order 12866 and Regulatory Flexibility Statement**

The U.S. Parole Commission has determined that this final rule is not a significant rule within the meaning of Executive Order 12866, and the rule, has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

**List of Subjects in 28 CFR Part 2**

Administrative practice and procedure, Probation and parole, Prisoners.

**The Amendment**

Accordingly, the U.S. Parole Commission is adopting the following amendment to 28 CFR part 2.

**PART 2—[AMENDED]**

(1) The authority citation for 28 CFR part 2 continues to read as follows:

**Authority:** 18 U.S.C. 4203(a)(1) and 4204(a)(6).

(2) 28 CFR part 2, § 2.59 is revised to read as follows:

**§ 2.59 Designation of a Commissioner to act as a hearing examiner.**

The Chairman may designate a Commissioner, with the Commissioner's consent, to serve as a hearing examiner on specified hearing dockets. The Commissioner who serves as a hearing examiner may not vote in the same proceeding as a Commissioner.

Dated: July 27, 1995.

**Edward F. Reilly, Jr.,**

*Chairman, Parole Commission.*

[FR Doc. 95-19313 Filed 8-4-95; 8:45 am]

BILLING CODE 4410-01-P

**28 CFR Part 2**

**Parole Date Advancements for Substance Abuse Treatment Program Completion**

**AGENCY:** Parole Commission, Justice.

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

**SUMMARY:** The U.S. Parole Commission is amending 28 CFR 2.60 to permit a prisoner to be considered for a special advancement of his presumptive release date, by up to twelve months, if the prisoner is a non-violent offender who has completed a treatment program for a recognized problem of substance abuse. Although 28 CFR 2.60 already sets forth a schedule of permissible advancements for superior program achievement, the Commission is adding the above-described provision in order to provide to parole-eligible prisoners an incentive to complete the treatment program that is comparable to the incentive under 18 U.S.C. 3621(e)(2) that will be available from the Bureau of Prisons for federal prisoners serving sentences for crimes committed after November 1, 1987.

**DATES:** *Effective Date:* October 2, 1995. Comments must be submitted by October 31, 1995.

**ADDRESSES:** Send comments to Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815.