

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 541 and 551

[BOP-1074-F]

RIN 1120-AA70

Institutional Management; Editorial Amendments

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its regulations relating to institutional management to update an organizational reference, to make a stylistic correction, and to adjust codification. There is no change in the intent of any of the amended regulations.

EFFECTIVE DATE: January 30, 1998.

ADDRESSES: Rules Unit, Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Rules Unit, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on marriage of inmates (28 CFR part 551, subpart B). A final rule on this subject was published in the *Federal Register* on April 30, 1984 (49 FR 18385) and was amended on October 29, 1993 (58 FR 58248). When first promulgated, § 551.10 consisted of two undesignated paragraphs. In conformance with Office of Federal Register recommendations, these two undesignated paragraphs are being combined into one paragraph. More specifically, the two sentences of the second undesignated paragraph are being designated as the second and third sentences of the remaining paragraph.

The Bureau is also making two editorial amendments to its procedures for handling HIV-positive inmates who pose a danger to others (28 CFR part 541, subpart E). A final rule on this subject was published on March 17, 1989 (54 FR 11323) and was amended on April 27, 1989 (54 FR 18198) and on July 10, 1991 (56 FR 31530). These regulations are being amended to update the references to the organization and procedures of the Administrative

Remedy Program in §§ 541.65(c) and 541.67(e) and to use the singular rather than the plural form of a noun in § 541.63(a).

Because these amendments are editorial in nature, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the *Federal Register*.

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 was not reviewed by the Office of Management and Budget. 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 (5 U.S.C. 601 et seq.), does not have a significant economic impact on a substantial number of small entities, within the meaning of the Act. Because this rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, its economic impact is limited to the Bureau's appropriated funds.

List of Subjects*28 CFR Part 541*

Prisoners.

28 CFR Part 551

Prisoners.

Kathleen M. Hawk,*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 541 and 551 in subchapter C of 28 CFR, chapter V are amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT**PART 541—INMATE DISCIPLINE AND SPECIAL HOUSING UNITS**

1. The authority citation for 28 CFR part 541 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after

November 1, 1987), 4161-4166 (Repealed 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.

§ 541.63 [Amended]

2. In § 541.63(a), the word "recommendations" in the second sentence is revised as "recommendation".

3. In § 541.65, paragraph (c) is revised to read as follows:

§ 541.65 Regional Director review and appeal.

* * * * *

(c) An inmate may appeal a decision of the Regional Director, through the Administrative Remedy Program, directly to the National Inmate Appeals Administrator, Office of General Counsel, within 30 calendar days of the Regional Director's decision (see 28 CFR 542.15).

4. In § 541.67, paragraph (e) is revised to read as follows:

§ 541.67 Review of controlled housing status.

* * * * *

(e) An inmate may appeal a decision of the Regional Director, through the Administrative Remedy Program, directly to the National Inmate Appeals Administrator, Office of General Counsel, within 30 calendar days of the Regional Director's decision (see 28 CFR 542.15).

PART 551—MISCELLANEOUS

4. The authority citation for 28 CFR part 551 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 1512, 3621, 3622, 3624, 4001, 4005, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161-4166 (Repealed 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; Pub. L. 99-500 (sec. 209); 28 CFR 0.95-0.99; Attorney General's August 6, 1991 Guidelines for Victim and Witness Assistance.

§ 551.10 [Amended]

5. In § 551.10, designate the text of the undesignated second paragraph as the second and third sentences of the first paragraph.

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