

Transfer Program and the procedures to follow to apply for transfer as follows:

(a) Through information provided in the institution's admission and orientation program; and

(b) Through individual notice given to an inmate who is a citizen or national of a treaty nation. The notice must:

(1) Reiterate the availability of the transfer program;

(2) Provide the inmate with an opportunity to inquire about transfer to the country of which the inmate is a citizen or national; and

(3) Inform the inmates of the procedures set forth in this part.

**§ 527.44 Request for transfer to country of which inmate is a citizen or national.**

An inmate who is eligible for and desires to transfer to the country of which the inmate is a citizen or national for service of a sentence imposed in a United States Court must indicate the inmate's interest by completing and signing the appropriate form and giving it to Bureau staff for further processing.

**§ 527.45 Bureau determination on request for transfer.**

The following is the process by which determinations are made on an inmate's request to be transferred to the country of which the inmate is a citizen or national to serve a sentence imposed in a United States Court.

(a) *Warden's determination.* Upon verifying that the inmate is eligible for transfer, the Warden forwards all relevant information, including a complete application package, to the Assistant Director, Correctional Programs Division, Central Office.

(b) *Central Office and Department of Justice determination.*

(1) The Assistant Director, Correctional Programs Division reviews the submitted material and forwards the application package to the Department of Justice for review.

(2) The Department of Justice notifies the inmate of the determinations made.

**§ 527.46 Transfer procedures.**

(a) *Treaty nation determination.* If the Department of Justice approves the transfer request, the treaty nation will be asked if it consents to the transfer of its citizen or national. The inmate will be informed of the determination made by the treaty nation.

(b) *Transfer to departure institution.* The Bureau and the Department of Justice will arrange for the inmate to be transferred to an appropriate departure institution.

(c) *Consent verification hearing.* If the treaty nation consents to the transfer, the United States will arrange a consent

verification hearing for the prisoner as required by 18 U.S.C. 4107, 4108. This hearing is held before a U.S. Magistrate Judge or other judicial officer as specified in sections 4107 and 4108.

The Bureau must ensure that the prisoner is available and present at the consent verification hearing.

(d) *Transfer to departure institution and foreign retrieval of inmate.* If the foreign national prisoner gives consent to transfer at the consent verification hearing, the Department of Justice will notify the treaty transfer nation.

**§ 527.47 Transfer of state prisoners to other countries.**

The Bureau of Prisons may assume custody of a state prisoner who has been approved for transfer to a treaty nation for the purpose of facilitating the transfer to the treaty nation. Once the state prisoner has consented to the transfer at the consent verification hearing, the Bureau assumes custody of the prisoner. The state is not required to contract for the placement of the prisoner in federal custody, nor to reimburse the United States for the cost of confinement (as would ordinarily be required by 18 U.S.C. 5003).

**§ 527.48 Transfer of American national prisoners from foreign countries.**

The Bureau of Prisons is responsible for:

(a) Sending escorts to foreign countries to retrieve American national prisoners who have been approved for transfer to the United States and who have had their consent verified at the consent verification hearing specified in 18 U.S.C. 4108; and

(b) Making logistical arrangements for the transfer and coordinating with the United States Parole Commission for proceedings to determine how the sentence will be administered.

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**DEPARTMENT OF JUSTICE**

**Bureau of Prisons**

**28 CFR Part 571**

[BOP-1154-F]

RIN 1120-AB54

**Commutation of Sentence: Technical Change**

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Final rule.

**SUMMARY:** This document finalizes a minor technical change to the Bureau of Prisons (Bureau) regulations on

sentence commutation which clarifies that Bureau staff, other than institution-level staff, will recalculate the inmate's sentence in accordance with the terms of the commutation order if a petition for commutation of sentence is granted.

**DATES:** This rule is effective on August 6, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 307-2105.

**SUPPLEMENTARY INFORMATION:** This document finalizes a minor technical change to the Bureau regulations on sentence commutation which clarifies that Bureau staff other than institution-level staff will recalculate the inmate's sentence in accordance with the terms of the commutation order if a petition for commutation of sentence is granted. That function is currently completed by the Bureau's Designation and Computation Center (DSCC), located in Grand Prairie, Texas. We received no comments on the interim rule that was published on March 23, 2010.

For the aforementioned reasons, the interim rule on this subject on that was published on March 23, 2010 (75 FR 13680) is adopted as final without change.

**Executive Order 12866**

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review", section 1(b), Principles of Regulation. The Director of the Bureau of Prisons has determined that this rule is not a "significant regulatory action" under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

**Executive Order 13132**

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, under Executive Order 13132, we determine that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Regulatory Flexibility Act**

The Director of the Bureau of Prisons, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), reviewed this regulation and by approving it certifies that it will not have a significant economic impact upon a substantial number of small entities for the following reasons: 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, and its economic impact is limited to the Bureau's appropriated funds.

#### 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 § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. 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 571

Prisoners.

Accordingly, the interim rule on this subject amending 28 CFR part 571 that was published on March 23, 2010 (75 FR 13680) is adopted as final without change.

L.C. Eichenlaub,

Deputy Director, Bureau of Prisons.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2015-0422]

RIN 1625-AA00

#### Safety Zone: Underwater Vessel Testing, San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in the navigable waters of San Francisco Bay in San Francisco, CA near Hunters

Point, in support of the Underwater Vessel Testing. This safety zone is established to ensure the safety of the testing participants and mariners transiting the area. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

**DATES:** This rule is effective without actual notice from July 7, 2015 until October 31, 2015. For purposes of enforcement, actual notice will be used from July 1, 2015 until July 7, 2015.

**ADDRESSES:** Documents mentioned in this preamble are part of docket USCG-2015-0422. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or email Lieutenant Marcia Medina, U.S. Coast Guard Sector San Francisco; telephone (415) 399-7443 or email at [D11-PF-MarineEvents@uscg.mil](mailto:D11-PF-MarineEvents@uscg.mil). If you have questions on viewing the docket, call Program Manager, Docket Operations, telephone (202)366-9826.

#### SUPPLEMENTARY INFORMATION:

##### Table of Acronyms

DHS Department of Homeland Security  
FR Federal Register

#### A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." The Coast Guard received the information about the event on May 11, 2015, and the event would occur before the rulemaking process would be completed. Due to the short timeframe for issuing this safety zone, we find that it is impracticable to solicit comments for this temporary final rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for similar reasons listed above. Due to the time constraints noted, it is impracticable to give 30 days notice before the effective date of this rule.

#### B. Basis and Purpose

The legal basis for the proposed rule is 33 U.S.C 1231; 50 U.S.C. 191, 33 CFR 1.05-1, 6.04-1, 6.04-6, 160.5; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones.

The Office of the Secretary of Defense will host Underwater Vessel Testing periodically between July 1 through October 31, 2015 in the navigable waters of San Francisco Bay in San Francisco, CA near Hunter's Point. The safety zone is needed to establish a temporary restricted area on the waters surrounding the testing. A restricted area is necessary to ensure the safety of mariners transiting the area.

#### C. Discussion of the Final Rule

The Coast Guard will enforce a safety zone in navigable waters around the testing. The Underwater Vessel Testing Safety Zone establishes a temporary restricted area on the water within an area connecting the following points: 37°43'30" N., 122°21'6" W.; 37°43'53" N., 122°19'17" W.; 37°41'34" N., 122°20'30" W.; 37°41'56" N., 122°18'42" W.; thence back to the point of origin (NAD 83). Periods of enforcement will be requested by the Office of the Secretary of Defense with one week notice and approved by the COTP. This safety zone will be enforced for a duration of 6 to up to 72 hours as announced via Broadcast Notice to Mariners periodically between July 1 through October 31, 2015. At the conclusion of the testing evolution the safety zone shall terminate for each evolution.

The effect of the temporary safety zone will be to restrict navigation in the vicinity of the testing. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the restricted area. These regulations are needed to keep vessels away from the vicinity of the testing to ensure the safety of mariners transiting the area.

#### D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses