

Sec. D. The regulations in 27 CFR part 295 are amended as follows:

**PART 295—REMOVAL OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX FOR USE OF THE UNITED STATES**

Paragraph 1. The authority citation for part 295 continues to read as follows:

Authority: 26 U.S.C. 5703, 5704, 5705, 5723, 5741, 5751, 5762, 5763, 6313, 7212, 7342, 7606, 7805; 44 U.S.C. 3504(h).

Par. 2. Section 295.34 is amended by removing the phrase "or Part 285".

Signed: June 10, 1996.

John W. Magaw,  
Director.

Approved: July 29, 1996.

Dennis M. O'Donnell,  
Acting Deputy Assistant Secretary  
(Regulatory, Tariff and Trade Enforcement).  
[FR Doc. 96-26305 Filed 10-16-96; 8:45 am]

BILLING CODE 4810-31-M

**DEPARTMENT OF JUSTICE**

**Parole Commission**

**28 CFR Part 2**

**Paroling, Recommitting, and Supervising Federal Prisoners: Transfer Treaty Cases**

**AGENCY:** United States Parole Commission, Dept. of Justice.

**ACTION:** Final rule; correction.

**SUMMARY:** The U.S. Parole Commission is correcting typographical errors in the final rule regarding the number of hearing examiners required to conduct a hearing for a prisoner transferred to the United States pursuant to treaty. The rule appeared in the Federal Register on July 25, 1996 (61 FR 144).

**EFFECTIVE DATE:** October 17, 1996.

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

**SUPPLEMENTARY INFORMATION:** On July 25, 1996, the Parole Commission published a final rule regarding the procedures followed in cases involving prisoners who are transferred to the United States pursuant to treaty, to serve a sentence imposed in the transferring country. Prior to the rule change, the Commission's regulation required that special transferee hearings be conducted by panels of two hearing examiners. The rule was changed by

reducing the number from two hearing examiners to one hearing examiner. The following correction is made to the final rule published on July 25, 1996 (61 FR 144).

1. The first sentence of § 2.62(h)(6) in the second column on page 38570 which reads, "(6) The transferee shall be notified of the examiner's recommending findings of fact, and the examiner's recommended determination and reasons therefore, at the conclusion of the hearing. \* \* \*" is corrected to read as follows:

"(6) The transferee shall be notified of the examiner's recommended findings of fact, and the examiner's recommended determination and reasons therefore, at the conclusion of the hearing. \* \* \*"

\* \* \* \* \*

Dated: October 7, 1996.

Edward F. Reilly, Jr.,  
Chairman, U.S. Parole Commission.  
[FR Doc. 96-26656 Filed 10-16-96; 8:45 am]  
BILLING CODE 4410-10-P

**28 CFR Part 2**

**Paroling, Recommitting, and Supervising Federal Prisoners: Transfer Treaty Prisoners**

**AGENCY:** United States Parole Commission, Department of Justice.

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

**SUMMARY:** The U.S. Parole Commission is amending its regulations to extend the time within which the Commission normally conducts a hearing for a prisoner who is transferred to the United States to serve a foreign sentence. The extension is from four months to six months. This extension reflects the need for the preparation of postsentence reports supported by translations of foreign court documents, and for completion of other procedures (including a thorough prehearing assessment by Commission staff) prior to conducting a hearing to determine a release date and a period and conditions of supervised release. The Commission is also amending its regulations to permit the agency to render a determination without a hearing in the case of a transferee who is given a release date by the Bureau of Prisons that is less than six months from the date the transferee enters the United States. These are cases in which the time is too short for the Commission to prepare for, and conduct, an in-person hearing. The Commission must nonetheless discharge its statutory responsibility to place the transferee

under a period and conditions of supervised release before the transferee is released from prison.

**DATES:** November 18, 1996. Comments must be submitted by December 16, 1996.

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

**FOR FURTHER INFORMATION CONTACT:** Pamela A. Posch, Office of General Counsel, Telephone (301) 492-5959.

**SUPPLEMENTARY INFORMATION:** When the Commission originally established its procedures for conducting transfer treaty hearings under 18 U.S.C. 4106A, four months from the date of the prisoner's arrival in the United States appeared to be an adequate time to have a postsentence report prepared, the views of the prisoner's representative submitted, the case reviewed by Commission staff, and for the prisoner to be given an in-person hearing. A more realistic time frame would now appear to be six months. For those cases in which foreign court documents need to be translated (a procedure that will increasingly be requested by the Commission) an extended time frame is a practical necessity. This extension will not prejudice those transferees who believe that they are qualified to receive an early release date from the Commission, because the amended rule will set forth the Commission's current procedure permitting the transferee to waive a hearing in order to be released from prison within 60 days.

A special problem is raised by transferees who, through the application of jail credits and/or service credits from the Bureau of Prisons, are scheduled for release from prison shortly after their arrival in the United States. For example, some nations do not award credit for jail time, which is awarded by the Bureau of Prisons in accordance with U.S. law as soon as the transferee is received into United States custody. The Commission has experienced a number of cases wherein a release date is established by the Bureau of Prisons that does not permit the Commission time to conduct an in-person hearing. Yet, 18 U.S.C. 4106A requires the Commission to establish both a release date and a period and conditions of supervised release. Accordingly, the Commission is amending its regulation to permit it to render this determination without conducting a hearing when the release date established by the Bureau of Prisons falls too soon for a hearing to be conducted under normal procedures. Even in cases wherein the transferee's immediate release is required, the

Bureau of Prisons will contact the Parole Commission for an emergency determination prior to release of the prisoner, and a determination will be entered the same day the prisoner is released. Otherwise, a *nunc pro tunc* order will be entered.

In order to avoid minor disputes over the period and conditions of supervised release becoming grounds for an appeal to a U.S. Court of Appeals, the amended regulation permits the Commission to act upon a petition for a more favorable decision within a 60-day deadline from the date the determination is issued.

Public comment is expressly invited, especially from those who practice before the Commission, both in regard to the specific amendments published today, and in regard to any improvements or modifications in the Commission's pre-hearing procedures in transfer treaty cases that might be advisable.

#### Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a significant regulatory action for the purposes 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 Interim Rule

Accordingly, the U.S. Parole Commission makes the following changes to 28 CFR Part 2:

(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).

#### § 2.62 [Amended]

(2) 28 CFR Part 2, § 2.62(e) is revised to read as follows:

#### § 2.62 Prisoners transferred pursuant to treaty.

\* \* \* \* \*

(e) *Special Transferee Hearing.* A special transferee hearing shall be conducted within 180 days from the transferee's entry into the United States, or as soon as is practicable following completion of the postsentence report along with any corrections or addendum to the report and appointment of counsel for an indigent transferee.

(1) *Waivers.* The transferee may waive the special transferee hearing on a form provided for that purpose, and the Commission may either: (A) set a release date that falls within 60 days of receipt of the waiver and establish a period and conditions of supervised release; or (B) reject the waiver and schedule a hearing.

(2) *Short-term Cases.* In the case of a transferee who has less than six months from the date of his entry into the United States to his release date as calculated by the Bureau of Prisons under 18 U.S.C. 4105, the Commission may, without conducting a hearing or awaiting a waiver, set a release date and a period and conditions of supervised release. In such cases, the period of supervised release shall not exceed the minimum necessary to satisfy the applicable sentencing guideline (but may extend to the full-term of the foreign sentence if such period is shorter than the minimum of applicable sentencing guideline). The transferee may petition the Commission for a more favorable decision within 60 days of the Commission's determination, and the Commission may act upon the petition regardless of whether or not the transferee has been released from prison.

\* \* \* \* \*

Dated: October 10, 1996.

Edward F. Reilly, Jr.,  
Chairman, U.S. Parole Commission.

[FR Doc. 96-26655 Filed 10-16-96; 8:45 am]

BILLING CODE 4410-01-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Parts 90 and 174

#### Revitalizing Base Closure Communities; Redesignation of Parts

AGENCY: Department of Defense.

ACTION: Final rule.

**SUMMARY:** This final rule amends subchapter G to identify base closure and realignment documents and redesignates part 90 on revitalizing base closure communities as part 174.

**EFFECTIVE DATE:** October 17, 1996.

**FOR FURTHER INFORMATION CONTACT:** L.M. Bynum, 703-697-4111.

#### SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Parts 90 and 174

Community development, Environmental protection, Government employees, Homeless, Military

personnel, Surplus Government property.

Accordingly, by the authority of 10 U.S.C. 301, 32 CFR chapter I is amended as follows:

1. The heading of subchapter G is revised to read as follows:

#### Subchapter G—Closures and Realignment

#### PART 90—[REDESIGNATED AS] PART 174

2. Part 90 is redesignated as part 174 and added to subchapter G.

Dated: October 9, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96-26381 Filed 10-16-96; 8:45 am]

BILLING CODE 5000-04-M

#### Base Closure Communities; Redesignation of Parts

#### 32 CFR Parts 91 and 175

AGENCY: Department of Defense.

ACTION: Final rule.

**SUMMARY:** This administrative amendment is published to redesignate regulations on base closure communities in part 91 as part 175, to be included under the Closures and Realignment subchapter.

**EFFECTIVE DATE:** October 17, 1996.

**FOR FURTHER INFORMATION CONTACT:**

L.M. Bynum, 703-697-4111.

#### SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Parts 91 and 175

Community development, Environmental protection, Government employees, Homeless Military personnel, Surplus Government property.

#### PART 91—[REDESIGNATED AS] PART 175

Accordingly, 32 CFR part 91 is redesignated as part 175, added to subchapter G, and amended as follows:

1. The authority citation for newly redesignated part 175 continues to read as follows:

Authority: 10 U.S.C. 2687 note.

#### § 175.1 [Amended]

2.-3. Section 175.1 is amended by revising "part 90" to read "part 174".

#### § 175.6 [Amended]

4. Section 175.6(b) is amended by revising "\$ 90.5" to read "\$ 174.5".