

DEPARTMENT OF JUSTICE**28 CFR Part 345****[BOP-1060-F]****RIN 1120-AA50****Federal Prison Industries (FPI) Inmate Work Programs: Sick Call Status****AGENCY:** Federal Prison Industries, Inc., Bureau of Prisons, Justice.**ACTION:** Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its rule on Federal Prison Industries (FPI) Inmate Work Programs to clarify the definition of "FPI Work Status" with respect to an inmate on sick call or on medical idle. An inmate on sick call during assigned hours is now considered to be in FPI work status. This amendment is intended to provide for administrative consistency in the operation of FPI inmate work assignments. The proviso pertinent to an inmate on medical idle due to an FPI work-related injury has been reworded for clarity of cross reference.

EFFECTIVE DATE: November 20, 1996.**ADDRESSES:** Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.**SUPPLEMENTARY INFORMATION:** The Bureau of Prisons is amending its regulations on Federal Prison Industries (FPI) Inmate Work Programs (28 CFR part 345). A final rule on this subject was published in the Federal Register on March 27, 1995 (60 FR 15827).

Under the previous definition of FPI Work Status in § 345.11(c)(1), an inmate on sick call was not considered to be in

FPI work status. In order to prevent inconsistencies in interpreting retention of benefit provisions, the Bureau is reversing this presumption and is revising paragraph (c)(1) to specify that an inmate is considered to be in FPI work status if he or she is on sick call during assigned hours. The status of an inmate on sick call with regard to retention of benefits is therefore consistent with the status of an inmate for the first thirty days on medical idle for an FPI work-related injury.

The work status of an inmate for the first thirty days on medical idle due to an FPI work-related injury was contingent upon the injury's being not intentional and not the result of a violation of safety regulations. This proviso has been reworded in order to refer more clearly to the pertinent provisions on inmate work safety standards in § 345.40.

Because this amendment either is editorial in nature or confers a benefit on its regulated public, 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 (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities. 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 in 28 CFR Part 345**Prisoners.**

Kathleen M. Hawk,
Director, Bureau of Prisons, and
Commissioner of Federal Prison Industries.

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 and the Board of Directors, Federal Prison Industries in 28 CFR 0.96(p) and 0.99, part 345 in chapter III of 28 CFR is amended as set forth below.

PART 345—FEDERAL PRISON INDUSTRIES (FPI) INMATE WORK PROGRAMS

1. The authority citation for 28 CFR part 345 continues to read as follows:

Authority: 18 U.S.C. 4126, 28 CFR 0.99, and by resolution of the Board of Directors of Federal Prison Industries, Inc.

2. In § 345.11, paragraph (c)(1) is revised to read as follows:

§ 345.11 Definitions.

* * * * *

(c) * * *

(1) An inmate is in FPI work status if on the job, on sick call during the inmate's assigned hours, on furlough, on vacation, for the first thirty days on writ, for the first 30 days in administrative detention, or for the first 30 days on medical idle for FPI work-related injury so long as the injury did not result from an intentional violation by the inmate of work safety standards.

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[FR Doc. 96-29640 Filed 11-19-96; 8:45 am]

BILLING CODE 4410-05-P