

## DEPARTMENT OF JUSTICE

## Bureau of Prisons

## 28 CFR Part 524

[BOP-1068-P]

RIN 1120-AA64

Classification and Program Review:  
Team Meetings

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

**SUMMARY:** The Bureau of Prisons is proposing to amend its regulations on classification and program review to discontinue the practice of permitting inmates to waive appearance at classification team meetings for program reviews. The purpose of this change is to ensure that inmates participate in their own program reviews.

**DATES:** Comments due by June 20, 1997.

**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, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.

**SUPPLEMENTARY INFORMATION:** The Bureau of Prisons is proposing to amend its regulations on classification and program review (28 CFR part 524, subpart B). A final rule on this subject was published in the **Federal Register** on July 3, 1991 (56 FR 30676), and was amended August 5, 1992 (57 FR 34662) and June 27, 1995 (60 FR 33320).

Program reviews provide the inmate with an opportunity to discuss staff's assessment of the inmate's performance in the institution's programming. Current regulations in § 524.12(c), permit an inmate to elect not to attend program reviews subsequent to the initial classification meeting. In order to ensure that the inmate participates in

program reviews, the Bureau is proposing to eliminate the inmate's option not to attend program reviews. Sanctions for an inmate's unexcused absence, contained in the Bureau's regulations on inmate discipline (see 28 CFR 541.13), remain unchanged.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly 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 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.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First Street, NW., HOLC Room 754, Washington, DC 20534. Comments received during the comment period will be considered before final action is taken. Comments received after the expiration of the comment period will be considered to the extent practicable. All comments received remain on file for public inspection at the above address. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

**List of Subjects in 28 CFR Part 524**

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), part 524 in subchapter B of 28 CFR, chapter V is proposed to be amended as set forth below.

**SUBCHAPTER B—INMATE ADMISSION,  
CLASSIFICATION, AND TRANSFER****PART 524—CLASSIFICATION OF  
INMATES**

1. The authority citation for 28 CFR part 524 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 3521–3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. In § 524.12, paragraph (c) is revised to read as follows:

**§ 524.12 Initial classification and program reviews.**

\* \* \* \* \*

(c) Staff shall notify an inmate at least 48 hours prior to that inmate's scheduled appearance before the classification team (whether for the initial classification or subsequent program review). An inmate may waive in writing the 48-hour notice requirement. The inmate is expected to attend the initial classification and all subsequent program reviews. If the inmate refuses to appear at a scheduled meeting, staff shall document on the Program Review Report the inmate's refusal and, if known, the reasons for refusal. A copy of this report is to be forwarded to the inmate. The inmate is responsible for becoming aware of, and will be held accountable for, the classification team's actions.

\* \* \* \* \*

[FR Doc. 97-10137 Filed 4-18-97; 8:45 am]

BILLING CODE 4410-05-P