

DEPARTMENT OF JUSTICE**Bureau of Prisons****28 CFR Part 524****[BOP-1067-P]****RIN 1120-AA63****Progress Reports: Triennial Preparation****AGENCY:** Bureau of Prisons, Justice.**ACTION:** Proposed Rule.

SUMMARY: The Bureau of Prisons is proposing to amend its regulations on progress reports to require that progress reports for designated inmates be prepared at least once every 36 months. The purpose of this change is to streamline operations at Bureau facilities while continuing to provide appropriate program services to inmates.

DATES: Comments due by May 5, 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 progress reports (28 CFR part 524, subpart E). A final rule on this subject was published in the Federal Register on December 3, 1990 (55 FR 49977), and was amended February 11, 1994 (59 FR 6856) and February 27, 1995 (60 FR 10722).

Progress reports are used to maintain current information on an inmate such as his/her institutional adjustment, program participation, and readiness for release. Paragraph (e) of § 524.41 had previously specified that a progress report shall be prepared on each federal inmate at least once every 24 months, if for no other reason than to update report information. This paragraph was amended in 1995 to allow for a triennial rather than biennial progress report for inmates at independent camps. This amendment allowed the Bureau to allocate staff resources at independent camps in a more efficient manner. The Bureau wishes to extend such streamlining of operations to its other facilities, and therefore proposes to require that a progress report be prepared on each designated inmate at least once every 36 months if not previously generated for another reason required by § 524.41.

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.**

Ronald G. Thompson,
Acting 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 § 524.41, paragraph (e) is revised to read as follows:

§ 524.41 Types of progress reports.

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(e) *Triennial Report*—prepared on each designated inmate at least once every 36 months if not previously generated for another reason required by this section.

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DEPARTMENT OF JUSTICE**Bureau of Prisons****28 CFR Part 511****[BOP 1066-P]****RIN 1120-AA61****Searching and Detaining or Arresting Persons Other Than Inmates****AGENCY:** Bureau of Prisons, Justice.**ACTION:** Proposed Rule.

SUMMARY: In this document, the Bureau of Prisons is proposing to amend its regulations on searching/detaining of non-inmates to authorize the Warden to conduct visual searches of visitors suspected of introducing contraband into a low and above security level institution (or administrative institution, or in a pretrial or in a jail unit within any security level institution) when there is reasonable suspicion that the visitor possesses contraband or is introducing or attempting to introduce contraband into the institution. Currently, such searches are authorized at medium and higher security level institutions (or administrative institution, or in a pretrial or in a jail unit within any security level institution). This amendment is intended to provide for the continued secure and safe operation of Bureau institutions.

DATES: Comments due by May 5, 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 searching/detaining non-inmates (28 CFR part 511, subpart A. A final rule on this subject was published in the Federal Register on November 1, 1984 (49 FR 44057) and was amended on July 18, 1986 (51 FR 26126), February 1, 1991 (56 FR 4159), and on February 8, 1994 (59 FR 5924).

Current regulations in § 511.12(d) permit the Warden to authorize a visual

search (visual inspection of all body surfaces and cavities) of a visitor as a prerequisite to a visit in a medium or high security level institution, or administrative institution, or in a pretrial or in a jail (detention) unit within any security level institution when there is reasonable suspicion that the visitor possesses contraband or is introducing or attempting to introduce contraband into the institution. Any visitor who objects to the search procedure has the option of refusing and leaving the institution property, unless there is reason to detain and/or arrest.

Low security level institutions, like medium and higher security level institutions, maintain secure perimeter barriers and, to various degrees, are characterized by security factors similar to those of medium and higher security level institutions. Consistent with the needs of these secure institutions, the Bureau proposes to authorize the use of a visual search at low security level institutions. Minimum security level institutions are unaffected by this proposal.

As an editorial change, the Bureau is also revising the title of the regulation to "Searching and Detaining or Arresting Persons Other Than Inmates." This title more completely reflects the scope of the regulation.

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 institution security requirements, 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 511

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 511 in subchapter A of 28 CFR, chapter V is proposed to be amended as set forth below.

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

PART 511—GENERAL MANAGEMENT POLICY

1. The authority citation for 28 CFR part 511 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 751, 752, 1791, 1792, 1793, 3050, 3621, 3622, 3624, 4001, 4012, 4042, 4081, 4082 (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, 6.1.

2. In 28 CFR part 511, the heading for subpart B is revised to read as follows:

Subpart B—Searching and Detaining or Arresting Persons Other Than Inmates

3. In § 511.12, paragraph (d) is revised to read as follows:

§ 511.12 Procedures for searching visitors.

* * * * *

(d) The Warden may authorize a visual search (visual inspection of all body surfaces and cavities) of a visitor as a prerequisite to a visit to an inmate in a low and above security level institution, or administrative institution, or in a pretrial or in a jail (detention) unit within any security level institution when there is reasonable suspicion that the visitor possesses contraband or is introducing or attempting to introduce contraband into the institution.

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