

Market area	Low range \$1,120	Medium range \$1,710	High range \$2,190
Big Bear:			
1-family dwelling	64,300	120,500	
2-family dwelling		144,500	
3-family dwelling			
4-family dwelling			
Bishop:			
1-family dwelling	60,000	114,000	
2-family dwelling		145,000	
3-family dwelling			
4-family dwelling			

Market area	Low range \$910	Medium range \$1,280	High range \$2,000
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Field Office: Tucson, Ariz.

Tucson:			
1-family dwelling	\$42,500	\$66,900	\$101,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Serra Vista:			
1-family dwelling	41,200	60,800	85,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Nogales-Safford:			
1-family dwelling	40,200	59,700	82,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Douglas:			
1-family dwelling	39,700	58,100	81,300
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range \$1,020	Medium range \$1,450	High range \$1,900
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Field Office: Anchorage, Alaska

Anchorage:			
1-family dwelling	\$98,600	\$132,300	\$186,400
2-family dwelling	158,700	201,300	261,000
3-family dwelling	211,500	297,600	360,300
4-family dwelling	265,200	364,000	444,900
Fairbanks:			
1-family dwelling	\$89,300	\$125,600	\$169,700
2-family dwelling	139,500	179,200	238,600
3-family dwelling	194,600	267,600	341,300
4-family dwelling	242,700	334,900	421,400
Juneau:			
1-family dwelling	\$89,800	\$124,000	\$173,900
2-family dwelling	148,300	189,200	244,900
3-family dwelling	199,800	277,400	346,500
4-family dwelling	259,300	349,300	433,100

Market area	Low range \$910	Medium range \$1,220	High range \$2,340
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Field Office: Boise, Idaho

Boise:			
1-family dwelling	\$51,400	\$61,600	\$94,900
2-family dwelling	69,800		
3-family dwelling			
4-family dwelling		168,400	
Idaho Falls:			
1-family dwelling	49,500	57,500	91,200
2-family dwelling	66,600		
3-family dwelling			
4-family dwelling		160,600	
McCall:			
1-family dwelling	50,700		
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pocatello:			
1-family dwelling	50,500	58,800	92,500
2-family dwelling	67,900		
3-family dwelling			
4-family dwelling		165,700	
Twin Falls:			
1-family dwelling	51,700	62,200	95,100
2-family dwelling	71,000		
3-family dwelling			
4-family dwelling		168,900	
Lewiston:			
1-family dwelling	50,100		
2-family dwelling			
3-family dwelling			
4-family dwelling			
Coeur D'Alene:			
1-family dwelling	55,100	64,100	100,700
2-family dwelling	74,400		
3-family dwelling			
4-family dwelling		179,300	

Market area	Low range \$1,160	Medium range \$1,700	High range \$2,180
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Field Office: Portland, Oreg.

Portland:			
1-family dwelling	\$53,300	\$62,300	\$75,600
2-family dwelling	82,300	90,700	104,000
3-family dwelling	124,900	136,500	156,300
4-family dwelling	150,800	165,500	189,900
Bend-Cods Bay-Eugene:			
1-family dwelling	51,500	61,000	73,100
2-family dwelling	79,100	89,600	101,500
3-family dwelling	123,000	133,200	152,400
4-family dwelling	146,500	160,800	183,900
Medford:			
1-family dwelling	51,800	60,300	71,100
2-family dwelling	78,700	88,200	101,600
3-family dwelling	122,500	134,000	153,600
4-family dwelling	148,200	166,800	186,900

Market area	Low range \$1,060	Medium range \$1,130	High range \$1,340
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Field Office: Seattle, Wash.

Seattle:			
1-family dwelling	\$66,500	\$74,700	\$83,800
2-family dwelling	84,000	102,500	133,600
3-family dwelling		153,600	
4-family dwelling		211,600	
Bellingham:			
1-family dwelling	64,100	73,200	82,100
2-family dwelling	82,500	100,800	131,700
3-family dwelling		151,200	
4-family dwelling		209,600	
Olympia-Port Angeles:			
1-family dwelling	63,100	72,400	81,200
2-family dwelling	81,800	100,500	131,900
3-family dwelling		152,400	
4-family dwelling		211,200	
Aberdeen:			
1-family dwelling	61,300	70,500	79,100
2-family dwelling	79,800	98,300	128,500
3-family dwelling		149,100	
4-family dwelling		207,600	
Longview:			
1-family dwelling	61,500	70,600	79,300
2-family dwelling	79,900	98,200	128,500
3-family dwelling		148,700	
4-family dwelling		207,100	
Yakima:			
1-family dwelling	61,200	70,000	77,400
2-family dwelling	79,000	96,700	126,400
3-family dwelling		146,200	
4-family dwelling		203,300	

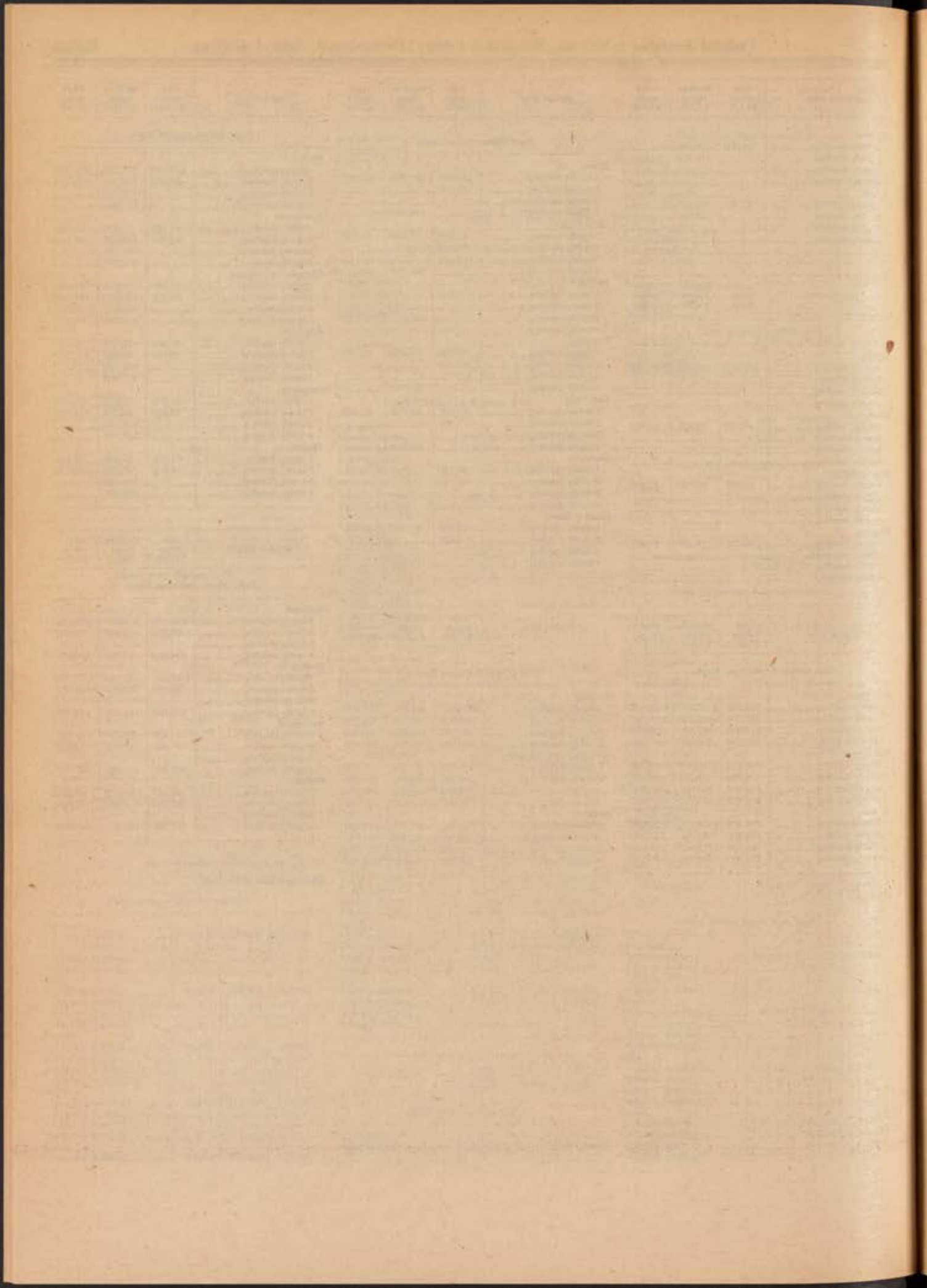
Market area	Low range \$1,000	Medium range \$1,000	High range \$1,100
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Field Office: Spokane, Wash.

Spokane:			
1-family dwelling	\$48,000	\$58,800	\$78,100
2-family dwelling	65,200	78,800	99,600
3-family dwelling			
4-family dwelling	104,600	120,300	141,800
Cheney:			
1-family dwelling	48,500	59,400	79,100
2-family dwelling	66,000	77,800	100,800
3-family dwelling			
4-family dwelling	106,000	121,900	143,700
Kennewick:			
1-family dwelling	47,400	68,100	91,300
2-family dwelling	71,800	87,000	113,600
3-family dwelling			
4-family dwelling	122,400	138,300	160,100
Pullman:			
1-family dwelling	48,000	61,300	84,500
2-family dwelling	63,800	77,900	103,800
3-family dwelling			
4-family dwelling	107,200	124,900	148,500

[PR Doc. 81-34801 Filed 12-3-81; 8:45 am]

BILLING CODE 4210-01-M



Federal Register

Friday
December 4, 1981

Part VI

Department of Justice

Bureau of Prisons

**Control, Custody, Care, Treatment and
Instruction of Inmates; Final and
Proposed Regulations**

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 503, 522, 527, 543, 551, and 571

Control, Custody, Care, Treatment and Instruction of Inmates; Final Rules

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains Bureau of Prisons rules relating to the control, custody, care, treatment, and instruction of inmates. Included are final and amended rules on (1) Admission and Orientation Program, (2) Transfer of Offenders to or from Foreign Countries, (3) Grooming, (4) Inmate Legal Activities, and (5) Release Gratuities. This document also updates the list of Bureau of Prisons institutions and staff training centers.

The rule on Admission and Orientation Program requires that newly committed inmates be offered an orientation to the institution. The rule on Transfer of Offenders to or from Foreign Countries establishes Bureau of Prisons procedures to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of any existing treaty with a foreign government. The amended rule on Grooming incorporates correctional standards on hair care services and personal hygiene. The amended rule on Inmate Legal Activities deletes reference to the now closed Federal Community Treatment Centers and Federal Detention Center, El Paso, Texas. The rule on Release Gratuities is amended to delete reference to the Federal Community Treatment Centers and to reflect the minimum amount of money the Immigration and Naturalization Service allows aliens to retain upon deportation. This document is intended to provide the public with notice of the rules in each of these areas, not just changes from prior policy.

EFFECTIVE DATES: The changes to Parts 503, 543, 551, and 571 concerning amendments to grooming regulations, inmate legal activities, release gratuities, and list of Bureau of Prisons institutions and staff training centers are effective on December 4, 1981; the amendments to Parts 522 and 527 on admission and orientation program and transfer of offenders to or from foreign countries are effective on January 4, 1982.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General

Counsel, Bureau of Prisons, phone 202-724-3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final rules on (1) Admission and Orientation Program and (2) Transfer of Offenders to or from Foreign Countries. These subjects were published in the *Federal Register* as proposed rules June 12, 1981 (at 46 FR 31210 et seq.). No public comment was received. On the basis of internal staff review of Bureau policies, some changes have been made.

This document also contains amendments to Bureau of Prisons final rules on Grooming, Inmate Legal Activities, and Release Gratuities. These subjects were published in the *Federal Register* as final rules June 29, 1979 (at 44 FR 38236 et seq.). The amended rule on Grooming places in writing the Bureau's expectation that inmate hair care services comply with applicable health and sanitation requirements, and that Wardens make available to inmates those articles necessary for maintaining personal hygiene. The amended rule on Inmate Legal Activities deletes reference to the now-defunct Federal Community Treatment Centers and the Federal Detention Center, El Paso, Texas. The amended rule on Release Gratuities deletes reference to Federal Community Treatment Centers and provides that aliens released to immigration authorities retain at least \$10.00. As revised, this latter change is consistent with the policy of the Immigration and Naturalization Service in respect to deportation. Amendments to the list of Bureau of Prisons institutions and staff training centers, published in the *Federal Register* May 1, 1981 (at 46 FR 24898), reflect the closing of one institution and two staff training centers, as well as the opening of a new staff training center and redesignation of an existing institution.

The present amendments place no increased burden on either the inmate or the public. They are intended to either clarify the scope of the Bureau's present rules, to delete information that is no longer current, or to be consistent with the policies of a related federal agency. For these reasons, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Members of the public may submit comments concerning these final and amended rules by writing 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 these rules are not major rules for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (PL 96-354), do not have a significant impact on a substantial number of small entities.

Summary of Changes

Part 503—Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers

1. *Section 503.6*—Section 503.6(d) is redesignated "USP, Lompoc, California 93438". Section 503.6(e) is deleted, as the Bureau of Prisons no longer has an institution at McNeil Island, Steilacoom, Washington. These revisions reflect Attorney General Order No. 954-81, published in the *Federal Register* September 14, 1981 (at 46 FR 45714). Based on the deletion of § 503.6(e), existing § 503.6(f)-(i) become new final § 503.6(e)-(h).

2. *Section 503.7*—The Bureau of Prisons has consolidated its training program. As a result, the staff training centers in Atlanta, Georgia and Dallas, Texas have been closed. In their stead, the Bureau of Prisons has established a new training program at the Federal Law Enforcement Training Center in Glynco, Georgia (this facility is used by over 40 federal agencies). This reorganization reflects the Bureau of Prisons' efforts to reduce costs while maintaining a quality training program. As a result of these revisions, § 503.7(a) is revised to read the Federal Law Enforcement Training Center, Glynco, Georgia. Present § 503.7(c) is deleted, with present § 503.7(d) becoming new final § 503.7(c).

Part 522—Subpart E—Admission and Orientation Program

1. *Section 522.41*—New § 522.41(c) requires staff involved in the A&O Program to notify the A&O staff coordinator of any new arrival who appears to be experiencing significant emotional stress. The staff coordinator, upon being notified, is expected to take appropriate action.

2. *Section 522.42*—For clarification, § 522.42(e) inserts the word "ordinarily". Revised § 522.42(g) requires staff documentation that the inmate has

received a copy of the institution's inmate handbook.

Part 527.43—Subpart E—Transfer of Offenders to or From Foreign Countries

1. *Section 527.43*—The identifying phrase "Criminal Division" is added to § 527.43(c). Reference to the Department of Justice is deleted from subsection (d) as the full organizational title is now included in final subsection (c). Section 527.43(g) is clarified to read prior to the inmate's transfer "from" rather than "to" the departure institution. In this same section, the authorization to conduct a verification hearing is expanded to include "or other appointed U.S. official". Section 527.43(h)(2) is clarified by substituting the phrase "required documentation" for "appropriate documentation" and by requiring that the judgment and commitment be a certified copy.

2. *Section 527.45*—Section 527.45(b) is expanded to reference 28 CFR 0.96b as the Bureau's authority to transport offenders.

Part 543—Subpart B—Inmate Legal Activities

1. *Section 543.10*—The last sentence of § 543.10 is deleted as both the Federal Detention Center at El Paso, Texas and the Federal Community Treatment Centers have been closed.

Part 551—Subpart A—Grooming

1. *Section 551.2*—The final rule states the Warden "shall", as opposed to "may", require a beard covering to be worn when an inmate is working in food service or in any other location where a beard could result in the likelihood of work injury. As amended, the rule recognizes safety and health concerns and is consistent with the existing requirements in § 551.4(b).

2. *Section 551.4*—New § 551.4(c) requires that each institution's inmate hair care services comply with applicable health and sanitation requirements.

3. *Section 551.6*—New § 551.6, Personal Hygiene, requires the Warden to make available to inmates those articles necessary for maintaining personal hygiene. As a result of new § 551.6, existing § 551.6, Bathing and Clothing, is redesignated § 551.7.

Part 571—Subpart B—Release Gratuities

1. *Section 571.21*—Based on the closing of the Federal Community Treatment Centers, § 571.21(c) is deleted, with § 571.21(d)-(f) becoming new final § 571.21(c)-(e). New § 571.21(e) is amended as the Immigration and Naturalization Service

has notified the Bureau of Prisons that aliens being processed for removal are allowed to retain at least \$10.00. The Bureau's existing rule specified at least \$20 cash. For compatibility with INS policy, § 571.21(e) is amended to read \$10.00.

Conclusion

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(q), 28 CFR Chapter V is amended as set forth below:

In Subchapter A, Part 503 is amended;

In Subchapter B, Part 522, Subpart E and Part 527, Subpart E are added;

In Subchapter C, Part 543, Subpart B and Part 551, Subpart A are amended; and

In Subchapter D, Part 571, Subpart C is amended.

Dated: November 30, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

A. Subchapter A, Part 503 is amended as follows:

**PART 503—BUREAU OF PRISONS
CENTRAL OFFICE, REGIONAL
OFFICES, INSTITUTIONS, AND STAFF
TRAINING CENTERS**

1. The authority citation for Part 503 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4003, 4042, 4081, 4082, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99; Attorney General Orders 646-76 (41 FR 14805), 842-79 (44 FR 44629), 854-79 (44 FR 58002), 860-79 (44 FR 64822), 904-80 (45 FR 52284), 938-81 (46 FR 22296), 954-81 (46 FR 45714).

2. In § 503.6, paragraph (d) is revised, paragraph (e) is removed, and paragraphs (f) through (i) are redesignated as new paragraphs (e) through (h) respectively, to read as follows:

§ 503.6 Bureau of Prisons Western Regional Office.

- (d) USP, Lompoc, California 93438.
- (e) FCI, Pleasanton, California 94568.
- (f) FPC, Safford, Arizona 85546.
- (g) MCC, San Diego, California 92101.
- (h) FCI, Terminal Island, California 90731.

3. In § 503.7, paragraph (a) is revised, paragraph (c) is removed, and paragraph (d) is redesignated as new paragraph (c) to read as follows:

§ 503.7 Bureau of Prisons Staff Training Centers.

(a) Federal Law Enforcement Training Center, Building 67, Glynco, Georgia 31524.

(c) Food Service Training Center, c/o FCI, Oxford, Wisconsin 53952

PART 522—ADMISSION TO INSTITUTION

B. Subchapter B is amended as follows:

1. In part 522, Subpart E is added; and

Subpart E—Admission and Orientation Program

Sec.

522.40 Purpose and scope.

522.41 Responsibility.

522.42 Guidelines for an admission and orientation program.

Authority: 5 U.S.C. 301, 18 U.S.C. 4001, 4042, 4081, 4082, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subpart E—Admission and Orientation Program

§ 522.40 Purpose and scope.

(a) Each inmate committed or transferred to a Bureau of Prisons institution shall become involved in the institution's Admission and Orientation (A&O) Program. The Warden shall ensure that staff involved with this program offer each newly committed inmate an orientation to the institution, to include information on institutional requirements and, whenever practicable, visits to the various areas of the institution. The institution admission and orientation program also shall provide the inmate with an awareness of the:

- (1) Inmate's rights and responsibilities;
- (2) Institution's program opportunities; and
- (3) Institution's disciplinary system.

(b) Staff shall develop orientation materials (for example, a pamphlet) to supplement lectures and discussions.

(c) Pre-trial inmates and inmates in holdover status (en route to a different institution) are excluded from the provisions of this rule.

§ 522.41 Responsibility.

(a) The Warden shall assign to a staff member the responsibility to co-ordinate the institution's A&O Program.

(b) Staff involved in the lecture portion of the A&O Program shall develop an outline of the information they wish to include in their presentation.

(c) A staff member involved in the A&O Program who considers an inmate

to be experiencing significant emotional stress shall notify the A&O staff coordinator of this determination so that the inmate may be offered appropriate assistance.

§ 522.42 Guidelines for an admission and orientation program.

(a) Location—Each Warden shall determine the appropriate location for the institution's A&O Program.

(b) Quarters—Each Warden shall establish procedures for the assignment of living quarters.

(c) Inmate Participation—The newly committed inmate is to be provided the opportunity to see and participate in institutional activities.

(d) Activities—The A&O staff coordinator is to ensure that the admission and orientation program provides a full schedule of activities for the newly committed inmate. Scheduled activities shall include exposure to programs responsive to a specialized need of the inmate, as well as exposure to various work assignments, education programs, and physical and social activity.

(e) Telephone Calls—Newly committed inmates shall ordinarily be permitted to complete at least two local or collect long distance phone calls during the admission process.

(f) Length of Admission and Orientation Program—An inmate's involvement in the institution's A&O program is based on the time necessary to accomplish the program's objectives.

(g) Documentation of A&O Program Involvement—Staff shall prepare documentation that the inmate has received a copy of the institution's inmate handbook and has completed the institution's admission and orientation program. Staff shall have the inmate sign and date a copy of this document. The original of this document shall be placed in the inmate central file.

PART 527—TRANSFERS

2. In Part 527, Subpart E is added.

Subpart E—Transfer of Offenders to or From Foreign Countries

- Sec.
527.40 Purpose and scope.
527.41 Definitions.
527.42 Notification of Bureau of Prisons inmates.
527.43 Transfer of Bureau of Prisons inmates to other countries.
527.44 Transfer of State prisoners to other countries.
527.45 Receiving United States citizens from other countries.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4100-4115, 4161-4166, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subpart E—Transfer of Offenders to or From Foreign Countries

§ 527.40 Purpose and scope.

Public Law 95-144 (18 U.S.C. 4100 et seq.) authorizes the transfer of offenders to or from foreign countries, pursuant to the conditions of a current treaty which provides for such transfer. 18 U.S.C. 4102 authorizes the Attorney General to act on behalf of the United States in regard to such treaties. In accordance with the provisions of 28 CFR 0.96b the Attorney General has delegated to the Director of the Bureau of Prisons, and to designees of the Director, the authority to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of the treaty.

§ 527.41 Definitions.

For purpose of this rule the following definitions apply.

(a) Treaty nation—A country which has entered into a treaty with the United States on the Execution of Penal Sentences.

(b) State prisoner—An inmate serving a sentence imposed in a court in one of the states of the United States, or in a territory or commonwealth of the United States.

(c) Departure institution—The Bureau of Prisons institution to which an eligible inmate is finally transferred for return to his or her country of citizenship.

(d) Admission institution—The Bureau of Prisons institution where a United States citizen-inmate is first received from a treaty nation.

§ 527.42 Notification of Bureau of Prisons inmates.

(a) The Warden shall ensure that the institution's admission and orientation program includes information on international offender transfers.

(b) The case manager of an inmate who is a citizen of a treaty nation shall inform the inmate of the treaty and provide the inmate with an opportunity to inquire about transfer to the country of citizenship. The inmate is to be given an opportunity to indicate on an appropriate form whether he or she is interested in transfer to the country of citizenship.

§ 527.43 Transfer of Bureau of Prisons inmates to other countries.

(a) An inmate who is qualified for and desires to return to his or her country of citizenship for service of a sentence imposed in a United States Court shall indicate his or her interest by completing and signing the appropriate form and forwarding it to the Warden at

the institution where the inmate is confined.

(b) Upon verifying that the inmate is qualified for transfer, the Warden shall forward all relevant information, including a complete classification package, to the Assistant Director, Correctional Programs Division.

(c) The Assistant Director, Correctional Programs Division shall review the submitted material and forward it to the Office of International Affairs (OIA), Criminal Division, Department of Justice, for review.

(d) The Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of the decision of OIA.

(1) When the Department of Justice determines that transfer is not appropriate, the Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of this determination and informed that the inmate may request the reason(s) for such action from OIA.

(2) When the Department of Justice determines that transfer is appropriate, the Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of the determination and of the probability that the inmate will be given an interview with his or her nation's consular officials.

(e) Upon notification from OIA of the treaty nation's decision in regard to the inmate's transfer, the Assistant Director, Correctional Programs Division shall arrange for the inmate to be informed of that decision.

(f) At an appropriate time subsequent to notification by the Department of Justice of an inmate's approval for transfer, the Assistant Director shall arrange for the inmate to be transferred to an appropriate departure institution.

(g) Prior to the inmate's transfer from the departure institution, the inmate shall receive a verification hearing before a U.S. Magistrate or U.S. Judge or other appointed U.S. official to document the inmate's voluntary consent for transfer. Counsel is provided the inmate for purpose of this hearing. Where requested, the Warden shall allow counsel to interview the inmate prior to the hearing.

(h) Following the verification hearing, the Assistant Director, Correctional Programs Division shall arrange a schedule for delivery of the inmate to the authorities of the country of citizenship.

(1) The Assistant Director shall advise the Warden of those arrangements.

(2) The Warden shall arrange for the inmate to be transported to the foreign authorities. The Warden shall assure

that required documentation (for example, a certified copy of the judgment and commitment order, current progress report, summary face sheet, and proof of citizenship) accompanies each inmate transported.

§ 527.44 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 approved, 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).

§ 527.45 Receiving United States citizens from other countries.

(a) Staff accepting custody of American inmates from a foreign authority shall ensure that the following documentation is available prior to accepting custody of the inmate:

(1) A certified copy of the sentence handed down by an appropriate, competent judicial authority of the transferring country and any modifications thereof;

(2) A statement (and a copy translated into English from the language of the country of origin if other than English), duly authenticated, detailing the offense for which the offender was convicted, the duration of the sentence, and the length of time already served by the inmate. Included should be statements of credits to which the offender is entitled, such as work done, good behavior, pre-trial confinement, etc.; and

(3) Citizenship papers necessary for the inmate to enter the United States.

(b) The Warden shall direct in writing specific staff, preferably staff who speak the language of the treaty nation, to transport the offender from the transporting country to the admission institution. The directive shall cite 28 CFR 0.96b as the authority to transport the offender. When the admission institution is not able to accept the inmate (for example, a female inmate transported to a male institution), the Warden shall make appropriate housing arrangements with a nearby jail.

(c) As soon as practicable after the inmate's arrival at the admission institution, staff shall initiate the following actions:

(1) Arrange for the inmate to receive a complete physical examination;

(2) Advise the local U.S. Probation Office of the inmate's arrival; and

(3) Notify the U.S. Parole Commission of the inmate's arrival. Inmates

returning from other countries are by law immediately eligible for parole. Staff at the admission institution shall determine if each inmate received at that institution should be retained at the admission institution for the initial parole hearing or promptly transferred to a more appropriate institution.

(d) If upon computation of sentence staff determine that an inmate is entitled to immediate release via mandatory release or expiration of sentence with credits applied, release procedures shall be implemented but only after receiving a medical clearance and the results of an FBI fingerprint check.

c. Subchapter C is amended as follows:

1. In Part 543, Subpart B is amended.
2. In Part 551, Subpart A is revised.

PART 543—LEGAL MATTERS

1. The authority citation for Part 543, Subpart B reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart B—Inmate Legal Activities

2. By revising § 543.10 to read as follows:

§ 543.10 Purpose and scope.

The Bureau of Prisons affords an inmate reasonable access to legal materials and counsel, and reasonable opportunity to prepare legal documents. The Warden shall establish an inmate law library, and procedures for access to legal reference materials and to legal counsel, and for preparation of legal documents.

PART 551—MISCELLANEOUS

The authority citation for Part 551 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A—Grooming

1. By amending the table of contents by adding a new § 551.6, and renumbering present § 551.6 as new § 551.7 to read as follows:

Sec.

- 551.1 Policy.
- 551.2 Mustaches and beards.
- 551.3 Hairpieces.
- 551.4 Hair length.
- 551.5 Restrictions and exceptions.
- 551.6 Personal hygiene.
- 551.7 Bathing and clothing.

2. By revising § 551.2 to read as follows:

§ 551.2 Mustaches and beards.

An inmate may wear a mustache or

beard or both. The Warden shall require an inmate with a beard to wear a beard covering when working in food service or where a beard could result in increased likelihood of work injury.

3. By adding a new paragraph (c) to § 551.4 to read as follows:

§ 551.4 Hair length.

(c) The Warden shall make available to an inmate hair care services which comply with applicable health and sanitation requirements.

4. By adding a new § 551.6 and redesignating existing § 551.6 as new final § 551.7 to read as follows:

§ 551.6 Personal hygiene.

The Warden shall make available to an inmate those articles necessary for maintaining personal hygiene.

§ 551.7 Bathing and clothing.

Each inmate must observe the standards concerning bathing and clothing that exist in the institution as required by standards of § 551.1.

PART 571—RELEASE FROM CUSTODY

D. Subchapter D, Part 571, Subpart C is amended as follows:

1. The authority citation for Part 571 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 4201–4218, 5006–5024, 5031–5042; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart C—Release Gratuities

2. By removing § 571.21(c) and redesignating present § 571.21 (d) through (f) new § 571.21 (c) through (e) to read as follows:

§ 571.21 Procedures.

(c) The inmate who is without personal funds may receive a gratuity when transferred to a contract halfway house. The amount shall enable the inmate to care for needs in transit and allow for the purchase of necessary personal items upon arrival.

(d) Staff shall provide the inmate released to a detainer with information on how to apply for a gratuity if released prior to expiration of the federal sentence.

(e) The Warden shall insure that each alien released to immigration authorities has \$10 cash. This provision does not apply to aliens serving 60 days or less in contract facilities.

[FR Doc. 81-34888 Filed 12-3-81; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 571

Control, Custody, Care, Treatment and Instruction of Inmates; Petitions for Commutation of Sentence; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: The Bureau of Prisons is proposing a new rule for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's program to publish in the *Federal Register*, and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates. This installment encompasses the Bureau of Prisons' proposed rule on Petitions for Commutation of Sentence. The proposed rule provides current information on the procedures for an inmate to file a petition for a commutation of sentence.

DATE: Comments must be received on or before January 15, 1982.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(q), notice is hereby given that the Bureau of Prisons intends to publish in the *Federal Register* its proposed rule on Petitions for Commutation of Sentence. The rule provides to inmates instructions on how to obtain the appropriate forms for filing a petition and on the role of the Bureau of Prisons in the commutation of sentence process.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After

review of the law and the 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.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. Comments received on or before January 15, 1982 will be considered before final action is taken. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR Chapter V as follows: In Subchapter D, add Subpart E to Part 571.

SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE

By adding Subpart E to Part 571 to read as follows:

PART 571—RELEASE FROM CUSTODY

* * *

Subpart E—Petitions for Commutation of Sentence

Sec.
571.40 Purpose and scope.
571.41 Procedures

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5006-5024, 5039; 28 U.S.C. 509, 510; U.S. Const., Art. II, Sec. 2; 28 CFR 0.95-0.99, 1.1-1.9.

* * *

Subpart E—Petitions for Commutation of Sentence

§ 571.40 Purpose and scope.

An inmate may file a petition for commutation of sentence in accordance with the provisions of 28 CFR Part 1.

(a) An inmate may request from the inmate's case manager the appropriate forms (and instructions) for filing a petition for commutation of sentence.

(b) When specifically requested by the U.S. Pardon Attorney, the Director, Bureau of Prisons will forward a

recommendation on the inmate's petition for commutation of sentence.

§ 571.41 Procedures.

(a) Staff shall suggest that an inmate who wishes to submit a petition for commutation of sentence do so through the Warden to the U.S. Pardon Attorney. This procedure allows institution staff to forward with the application the necessary supplemental information (for example, sentencing information, presentence report, progress report, pertinent medical records if the petition involves the inmate's health, etc.). Except as provided in paragraph (b) of this section, no Bureau of Prisons recommendation is to be forwarded with the package of material submitted to the U.S. Pardon Attorney.

(b) When specifically requested by the U.S. Pardon Attorney, the Director, Bureau of Prisons shall submit a recommendation on the petition. Prior to making a recommendation, the Director may request comments from the Warden at the institution where the inmate is confined. Upon review of those comments, the Director will forward a recommendation on the petition to the U.S. Pardon Attorney.

(c) When a petition for commutation of sentence is granted, the U.S. Pardon Attorney sends the warrant of clemency to the Warden at the detaining institution, with a copy to the Director, Bureau of Prisons. The Warden shall take action as indicated on the warrant of clemency.

(1) If immediate parole eligibility is granted, the inmate is to be placed on the next parole docket.

(2) If a petition for commutation of sentence is granted, institutional staff shall recalculate the inmate's sentence in accordance with the terms of the commutation order.

(d) When a petition for commutation of sentence is denied, the U.S. Pardon Attorney ordinarily notifies the Warden, requesting that the Warden notify the inmate of the denial.

Dated: November 30, 1981.

Norman A. Carlson,
Director, Bureau of Prisons.

[FR Doc. 81-34087 Filed 12-3-81; 8:45 am]

BILLING CODE 4410-05-M