

will hold the following meetings during the week of September 30, 1985.

Closed meetings will be held on Tuesday, October 1, 1985, at 2:30 p.m. and on Thursday, October 3, 1985, following the 2:30 p.m. open meeting. Open meetings will be held on Thursday, October 3, 1985, at 10:00 a.m. and at 2:30 p.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Commissioner Peters, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, October 1, 1985, at 2:30 p.m., will be:

Formal orders of investigation.
Settlement of injunctive action.
Institution of administrative proceedings of an enforcement nature.
Consideration of *amicus* participation.

The subject matter of the closed meeting scheduled for Thursday, October 3, 1985, following the 2:30 p.m. open meeting, will be:

Post oral argument discussion.

The subject matter of the open meeting scheduled for Thursday, October 3, 1985, at 10:00 a.m., will be:

Consideration of whether to issue a release adopting amendments to the Customer Protection Rule, Rule 15c3-3 under the Securities Exchange Act of 1934, which will exclude the margin debit balances of certain persons who are related to principals of a broker-dealer or affiliated in a certain way with a broker-dealer from the Reserve Formula. The amendments will also exclude from the debit items the amount by which a broker-dealer's margin accounts receivable with a single customer exceeds a certain

percentage of a broker-dealer's net capital prior to securities haircuts, unless the broker-dealer can demonstrate that such debit balances are directly related to credit items in the reserve formula. For further information, please contact Julio A. Mojica at (202) 272-2372.

The subject matter of the open meeting scheduled for Thursday, October 3, 1985, at 2:30 p.m., will be:

The Commission will hear oral argument on an appeal by Alan Bennett Harp, a securities salesman, from the decision of an administrative law judge. For further information, please contact R. Moshe Simon at (202) 272-7400.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Joan Stempel at (202) 272-2149.

John Wheeler,

Secretary,

September 24, 1985.

[FR Doc. 85-23439 Filed 9-26-85; 4:19 pm]

BILLING CODE 8010-01-M

Federal Register

Tuesday
October 1, 1985

Part II

Department of Justice

Bureau of Prisons

28 CFR Parts 503, 527, 540, and 544
Control, Custody, Care, Treatment, and
Instruction of Inmates; Rules and
Proposed Rules

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 503

Control, Custody, Care, Treatment and Instruction of Inmates; Central and Regional Offices; Current Listing

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: This document contains a current listing of Bureau of Prisons Central and Regional Offices, Staff Training Centers, and institutions.

EFFECTIVE DATE: October 1, 1985.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street NW., Washington, DC 20534.

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

SUPPLEMENTARY INFORMATION: This document contains a current listing of Bureau of Prisons Central and Regional Offices, Staff Training Centers, and institutions. Prior listings have been published in the Federal Register May 1, 1981 (at 46 FR 24898), December 4, 1981 (at 46 FR 59507), and July 16, 1982 (at 47 FR 31248).

This listing is included in Title 28 of the Code of Federal Regulations for informational purposes. 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 as pertains to this information have been determined inapplicable.

The Bureau of Prisons has determined that EO 12291 does not apply to this document since the document involves agency organization and management. After review of the law and regulations, the Director, Bureau of Prisons has certified that this information, for purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 503

Organization and functions.

Conclusion

Accordingly, 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), 28 CFR Chapter V is amended by revising Part 503 as set forth below.

Dated: September 20, 1985.

Norman A. Carlson,
Director, Bureau of Prisons.

Subchapter A is amended by revising Part 503 to read as follows:

Subchapter A—General Management and Administration

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

Sec.

- 503.1 Bureau of Prisons Central Office.
- 503.2 Bureau of Prisons Northeast Regional Office.
- 503.3 Bureau of Prisons Southeast Regional Office.
- 503.4 Bureau of Prisons North Central Regional Office.
- 503.5 Bureau of Prisons South Central Regional Office.
- 503.6 Bureau of Prisons Western Regional Office.
- 503.7 Bureau of Prisons Staff Training Centers.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4003, 4042, 4061, 4082, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

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

§ 503.1 Bureau of Prisons Central Office.

The Bureau of Prisons Central Office is located at 320 First Street, NW, Washington, DC 20534.

§ 503.2 Bureau of Prisons Northeast Regional Office.

The Bureau of Prisons Northeast Regional Office is located at U.S. Customs House, 7th Floor, 2nd and Chestnut Street, Philadelphia, Pennsylvania 19106. The following institutions are located within this region.

- (a) Federal Correctional Institution (FCI), Alderson, West Virginia 24910
- (b) Federal Prison Camp (FPC, Allenwood), Montgomery, Pennsylvania 17752
- (c) FCI, Danbury, Connecticut 06811
- (d) United States Penitentiary (USP), Lewisburg, Pennsylvania 17837
- (e) FCI, Loretto, Pennsylvania 15940
- (f) FCI, Morgantown, West Virginia 26505
- (g) Metropolitan Correctional Center (MCC), 150 Park Row, New York, New York 10007-1779
- (h) FCI, Otisville, New York 10963
- (i) FCI, Petersburg, Virginia 23804-1000
- (j) FCI, Ray Brook, New York 12977-0300

§ 503.3 Bureau of Prisons Southeast Regional Office.

The Bureau of Prisons Southeast Regional Office is located at 523 McDonough Boulevard, SE, Atlanta, Georgia 30315. The following institutions are located within this region.

- (a) FCI, Ashland, Kentucky 41101
- (b) USP, Atlanta, Georgia 30315
- (c) FCI, Old N. Carolina Highway 75, Butner, North Carolina 27509
- (d) FPC, Eglin Air Force Base, Eglin, Florida 32542
- (e) FCI, Lexington, Kentucky 40511
- (f) FPC, Maxwell Air Force Base/Gunter Air Force Station, Montgomery, Alabama 36112
- (g) FCI, 1101 John A. Denie Road, Memphis, Tennessee 38134-0003
- (h) MCC, 15801 SW 137th Avenue, Miami, Florida 33177
- (i) FCI, Talladega, Alabama 35160
- (j) FCI, Tallahassee, Florida 32301

§ 503.4 Bureau of Prisons North Central Regional Office.

The Bureau of Prisons North Central Regional Office is located at 10920 Ambassador Drive, Airworld Center, Kansas City, Missouri 64153. The following institutions are located within this region.

- (a) MCC, 71 W. Van Buren Street, Chicago, Illinois 60605
- (b) FPC, Duluth, Minnesota 55814
- (c) USP, Leavenworth, Kansas 66048
- (d) USP, Marion, Illinois 62959
- (e) FCI, Milan, Michigan 48160
- (f) FCI, Oxford, Wisconsin 53952
- (g) Federal Medical Center (FMC), P.O. Box 4600, Rochester, Minnesota 55903-4600
- (h) FCI, Sandstone, Minnesota 55072
- (i) Medical Center for Federal Prisoners (MCFP), Springfield, Missouri 65808
- (j) USP, Terre Haute, Indiana 47808

§ 503.5 Bureau of Prisons South Central Regional Office.

The Bureau of Prisons South Central Regional Office is located at 1607 Main, Suite 700, Dallas, Texas 75201. The following institutions are located within this region.

- (a) FCI, Bastrop, Texas 78602
- (b) FPC, Big Spring, Texas 79721-6085
- (c) FCI, El Reno, Oklahoma 73036
- (d) FCI, Fort Worth, Texas 76119
- (e) Federal Detention Center (FDC), P.O. Box 5050, Oakdale, Louisiana 71463 (scheduled to open in early 1986)
- (f) FCI, (La Tuna), Anthony, New Mexico-Texas 88021
- (g) FCI, Seagoville, Texas 75159
- (h) FCI, Texarkana, Texas 75501

§ 503.6 Bureau of Prisons Western Regional Office.

The Bureau of Prisons Western Regional Office is located (effective January 1986) at Belmont Shores, 1301 Shoreway Drive, Belmont, California 94002. The following institutions are located within this region.

- (a) FPC, P.O. Box 500, Boron, California 93516
- (b) FCI, (Englewood) 9595 W. Quincy, Littleton, Colorado 80123
- (c) USP, Lompoc, California 93436
- (d) FCI, Box 1680 Black Canyon Stage 1, Phoenix, Arizona 85029
- (e) FCI, (Pleasanton), 5701 8th Street, Dublin, California 94568
- (f) FCI, Safford, Arizona 85546
- (g) MCC, San Diego, California 92101-6078
- (h) FCI, Terminal Island, California 90731
- (i) MCC, 8901 S. Wilmot Road, Tucson, Arizona 85706

§ 503.7 Bureau of Prisons Staff Training Centers.

The Bureau of Prisons Staff Training Centers are located at:

- (a) Federal Law Enforcement Training Center, Building 21, Glynco, Georgia 31524
 - (b) Denver Staff Training Center, 15400 E. 14th Place, Suite 500, Aurora, Colorado 80011
 - (c) Food Management Training Center, c/o FCI, Ft. Worth, Texas 76119
 - (d) Trust Fund Training Center, c/o FCI, Ft. Worth, Texas 76119
- [FR Doc. 85-23330 Filed 9-30-85; 8:45 am]
- BILLING CODE 4410-05-M

28 CFR Part 527**Control, Custody, Care, Treatment and Instruction of Inmates; Transfers to State Agents**

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: This document amends the Bureau of Prisons final rule on Transfer of Inmates to State Agents for Production on State Writs. These amendments are intended to address, and to improve, the review process that is implemented when a request is made on behalf of a local or state court that an inmate be transferred to the physical custody of state or local agents pursuant to a state writ of habeas corpus ad prosequendum or ad testificandum.

EFFECTIVE DATE: October 1, 1985.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW, Washington, DC 20534.

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

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its final rule on Transfer of Inmates to State Agents for Production on State Writs. A final rule on this subject was published in the Federal Register July 1, 1981 (at 46 FR 34549). The present amendments are directed to the staff review process. In § 527.31(b), the phrase "which include those of the public" is added as one aspect of "federal interests". In § 527.31(g), the rule is revised to state that transfers in civil cases pursuant to a writ of habeas corpus ad testificandum must be cleared through the Regional Counsel, as well as the Warden. Because release by writ is a legal procedure, it is appropriate for the Regional Counsel to be directly involved in the decision-making, rather than being available for consultation, as required by the Bureau's present policy.

Another revision to paragraph (g) substitutes "twelve months" for "six months" as the suggested framework in which to consider postponement of the production until after the inmate's release from custody. As stated, this is a suggested time frame and does not alter the factors to be considered when recommending an inmate's transfer; specifically, if the case is substantial, where testimony cannot be obtained through alternative means such as depositions or interrogatories, and where security arrangements permit.

These amendments are intended to clarify the procedures for reviewing the transfer of inmates to state agents for production on state writs. They are not intended to place any increased burden on the inmate or on the public. For this reason, the Bureau of Prisons finds good cause under 5 U.S.C. 553 to publish these amendments as final changes, without a notice of proposed rulemaking, an opportunity for public comment, or a delay in the effective date.

Members of the public may submit comments concerning these amendments 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 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 set of rulemaking 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.

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 by revising Subchapter B, Part 527, Subpart D to read as follows.

Dated: September 20, 1985.

Norman A. Carlson,

Director, Bureau of Prisons.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER**PART 527—TRANSFERS**

In Subchapter B, Part 527, Subpart D is amended to read as follows:

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

1. The authority citation for Part 527, Subpart D continues to read as follows:

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.

2. In § 527.31, paragraphs (b) and (g) are revised to read as follows:

§ 527.31 Procedures.

* * * * *

(b) The Warden shall authorize transfer only when satisfied that the inmate's appearance is necessary, that state and local arrangements are satisfactory, that the safety or other interests of the inmate (such as an imminent parole hearing) are not seriously jeopardized, and that federal interests, which include those of the public, will not be interfered with, or harmed. Authorization may not be given where substantial concern exists over any of these considerations.

* * * * *

(g) Transfers in civil cases pursuant to a writ of habeas corpus ad testificandum must be cleared through both the Regional Counsel and the Warden. Transfer ordinarily shall be recommended only if the case is substantial, where testimony cannot be obtained through alternative means such as depositions or interrogatories, and where security arrangements permit. Postponement of the production until after the inmate's release from federal custody will always be considered.

particularly if release is within twelve months.

[FR Doc. 85-23325 Filed 9-30-85; 9:45 am]

BILLING CODE 4410-05-M

28 CFR Part 540

Control, Custody, Care, Treatment, and Instruction of Inmates; Correspondence

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its final rule on correspondence. The revisions are intended to clarify the prior rule language and to address various issues that have arisen since the final rule was published in 1980.

EFFECTIVE DATE: November 1, 1985.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 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 final amendments to its rule on correspondence. The republished rule sets forth the correspondence procedures to be followed within Bureau institutions.

The Bureau published proposed amendments to its final rule in the *Federal Register* August 17, 1984 (at 49 FR 32966 et seq.). The amendments were intended to both clarify and to address issues that have arisen since publication of the existing rule. Interested persons were invited to submit comments on the proposed changes. Members of the public may submit comments concerning the final rule by writing the previously cited address. These comments will be considered but will receive no response in the *Federal Register*.

In addition to the aforementioned amendments, other changes are also being made to the final rule. These changes are meant to clarify the intent of the existing rule, or are non-substantive in nature (e.g., make the rule gender-neutral, update cross-references), or relieve a restriction, or reflect changes mandated by a recent court decision. Based on the nature of these changes, the Bureau finds good cause under 5 U.S.C. 553 to include these changes within this final rule without a notice of proposed rulemaking, and an opportunity for public comment. In recognition of these revisions, and for

ease of reading, the Bureau is republishing its entire rule on correspondence.

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 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.

Correspondence—Summary of Changes

1. Section 540.2—Paragraph (a)(1) is revised to substitute § 540.17 for § 540.16. Paragraph (b)(4) is revised to clarify that the phrase "radio or television news program" refers to a program whose primary purpose is to report the news. Paragraph (c) is expanded to allow U.S. Probation Officers to have their incoming correspondence to inmates handled as special mail. A similar addition is made in § 540.12(b).

Several commenters objected to the special mail marking requirements (§ 540.18), stating it is not practical to require this, and that most court clerks, judges, prosecutors, and attorneys will not be aware of the requirement. One commenter suggested this provision be deleted, a second suggested that staff visually inspect all mail, and then separate mail that appears to meet the special mail qualifications. A third commenter, while not objecting to the special mail requirement, suggested that the rule be modified to treat as special mail that correspondence which "substantially conforms to the Bureau's present formulation".

The Bureau does not agree with these suggestions. The volume of correspondence, and the varied forms of identification that can be placed on an envelope, make it impractical to require staff to assess each piece of mail to determine if the letterhead or other marking qualifies for special mail handling. The Bureau recognizes various types of correspondence as special mail, and to ensure appropriate recognition by staff, it is appropriate to require that such mail carry specific identification. Also, not all mail from § 540.2(c) correspondents may be special mail on every occasion. For example, mail from an attorney may occasionally not be related to the attorney-client relationship. This requirement is a minimal burden on correspondents, resulting in significant administrative advantage in speeding up the processing

of mail. Contrary to the thrust of one comment, the Bureau's special mail marking is not new. In addition, the requirement has been, and is, known through publication in the *Federal Register*.

2. Section 540.10—Proposed § 540.10 becomes final § 540.10.

3. Section 540.11—Proposed § 540.11, Mail Depositories, is now being finalized. The final rule clearly identifies information to be included in the return address. A similar change is made in proposed, now final, § 540.12(d). The information required in a return address is the same as stated in proposed § 540.21(b).

4. Section 540.12—Based on a new final § 540.11, previously designated final §§ 540.11–20 become new final §§ 540.12–21. In new § 540.12, the last sentence of Part II is reworded to clearly indicate that an inmate who does not want to receive his or her general correspondence must make this request in writing. Absent this written declaration, the inmate's general correspondence is subject to being opened and read, as specified in this rule.

5. Section 540.13—The extraneous phrase "because of content" is deleted. Except as specified in the rule, the Warden is to notify the sender in writing of the rejection of correspondence, and the reasons for same.

6. Section 540.14—Based on the recent court decision in *Abbott v. Richardson* (United States District Court, District of Columbia, C.A. No. 73-1047), the Bureau has deleted former final § 540.13(a), which stated that the Bureau could not limit the number of letters an inmate may receive unless that number placed an unreasonable burden on the institution. Hereafter, no limit will be imposed on the number of incoming letters an inmate may receive. As a result of this deletion, paragraphs (b)–(e) now become paragraphs (a)–(d).

In paragraph (b)(3), "§ 540.17" is substituted for "§ 540.16". Based on the requirement that an inmate's outgoing correspondence contain a return address, § 540.14(b)(4) is added, allowing an inmate's outgoing general correspondence to be opened if the envelope has an incomplete return address. This provision is necessary to allow staff to identify the inmate sender, so that the letter may be returned for the adding of a proper return address.

We disagree with a comment that describes proposed paragraph (e), now final paragraph (d), as vague and overbroad. The paragraph is intended to, and we believe it does, provide staff with guidance on when correspondence