

## DEPARTMENT OF JUSTICE

## Bureau of Prisons

## 28 CFR Part 548

[BOP 1011-F]

RIN 1120-AA17

## Religious Beliefs and Practices

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule with request for comments.

**SUMMARY:** In this document, the Bureau of Prisons is finalizing its interim rule on religious beliefs and practices and is requesting comment on a further revision regarding procedures for requesting religious activities. This is intended to provide the inmate with reasonable and equitable opportunity to pursue religious beliefs and practices.

**DATES:** This final rule is effective August 22, 1997; comments on § 548.12 due by October 21, 1997.

**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 finalizing its interim rule on religious beliefs and practices which was published in the *Federal Register* on September 6, 1995 (60 FR 46486). No comments were received on the interim rule, and, except as noted below, the Bureau is therefore adopting the interim regulation as final. In adopting the rule as final, the Bureau is making an editorial change (adding a serial comma in the first sentence) in § 548.16(c) and is making an administrative change (removing from the regulation details on how staff document requests for religious diets) in § 548.20(a) and a grammatical correction in § 548.20(b). In addition, the Bureau is further revising and accepting comment on § 548.12. Section 548.12 describes the duties of an institution chaplain. It is being revised to note that institution

chaplains are responsible for managing religious activities within the institution and to indicate that the chaplain may ask the requesting inmate to provide information regarding specific religious practices for the purpose of making an informed decision regarding the request.

The Bureau believes that requesting information regarding specific religious practices is reasonable particularly when the request may involve a new or unusual practice for which there is little available written documentation. While the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and delay in effective date for the change to § 548.12, the Bureau is implementing this change with a request for further comment on this point. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered before § 548.12 is finalized.

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 (5 U.S.C. 601 *et seq.*), does not have a significant economic impact on a substantial number of small entities, within the meaning of the Act. 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 548**

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), the interim rule published September 6, 1995 (60

FR 46486) is adopted as final with the following changes.

**SUBCHAPTER C—INSTITUTIONAL MANAGEMENT****PART 548—RELIGIOUS PROGRAMS**

1. The authority citation for 28 CFR part 548 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 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; 28 U.S.C. 509, 510; 42 U.S.C. 1996; 28 CFR 0.95–0.99.

2. Section 548.12 is revised to read as follows:

**§ 548.12 Chaplains.**

Institution chaplains are responsible for managing religious activities within the institution. Institution chaplains are available upon request to provide pastoral care and counseling to inmates through group programs and individual services. Pastoral care and counseling from representatives in the community are available in accordance with the provisions of §§ 548.14 and 548.19. The chaplain may ask the requesting inmate to provide information regarding specific requested religious activities for the purpose of making an informed decision regarding the request.

3. In § 548.16, paragraph (c) is amended by revising the first sentence to read as follows:

**§ 548.16 Inmate religious property.**

\* \* \* \* \*

(c) An inmate who wishes to have religious books, magazines or periodicals must comply with the general rules of the institution regarding ordering, purchasing, retaining, and accumulating personal property. \* \* \*

**§ 548.20 [Amended]**

4. In § 548.20, paragraph (a) is amended by removing the last sentence and paragraph (b) is amended by revising the phrase "agreed to" in the second sentence as "agreed".

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