

considered for assignment with FPI if the Attorney General has determined that the inmate or detainee cannot be removed from the United States because the designated country of removal will not accept his/her return. Any request by an inmate for consideration must be made through the unit team. FPI does not discriminate on the bases of race, color, religion, ethnic origin, age, or disability.

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4. In § 345.42, paragraph (d) is added to read as follows:

§ 345.42 Inmate worker dismissal.

* * * * *

(d) Any inmate or detainee who is a pretrial inmate or who is currently under an order of deportation, exclusion, or removal shall be removed from any FPI work assignment and reassigned to a non-FPI work assignment for which the inmate is eligible. However, an inmate or detainee who is currently under an order of deportation, exclusion, or removal may be retained in the FPI assignment if the Attorney General has determined that the inmate or detainee cannot be removed from the United States because the designated country of removal will not accept his/her return.

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DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 540

RIN 1120-AA69

[BOP-1073-F]

Correspondence: Return Address

AGENCY: Bureau of Prisons, Justice.

ACTION: Final Rule.

SUMMARY: This rule modifies the Bureau of Prisons rule on Correspondence in order to ensure that return address information on an envelope used for outgoing inmate correspondence will be completely and consistently filled out by the inmate. This amendment is intended to provide for the continued secure and efficient operation of the institution.

EFFECTIVE DATE: July 15, 1999.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, D.C. 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 amending its regulations on correspondence (28 CFR part 540, subpart B). A final rule on this subject was published October 1, 1985 (50 FR 40109) and was amended February 1, 1991 (56 FR 4159), December 18, 1995 (61 FR 65204).

Current provisions in § 540.12(d) state that an inmate shall ensure that each of the inmate's outgoing envelopes contains that inmate's name and register number, P.O. Box, city, state, and zip code. Section 540.11 repeats this information. Envelopes provided for inmate use may contain the name of the institution. In order to ensure consistency, the Bureau is revising § 540.12(d) to specify that return address information on envelopes provided by the institution is completely filled out by the inmate, and that the same return address information is included on any envelope used by the inmate which was not provided by the institution. Sections 540.11 and 540.21(b) are amended to include a reference to this requirement rather than a restatement of the requirement.

Because this amendment is administrative in nature, the Bureau finds good cause for making this amendment effective without notice of proposed rulemaking. Members of the public may submit comments concerning this rule by writing to the previously cited address. Comments received will be considered, but will receive no response in the **Federal Register**.

Executive Order 12866

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute "significant regulatory actions" under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons: 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, and its economic impact is limited to the Bureau's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write Roy Nanovic, Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First St., Washington, DC 20534; telephone (202) 514-6655.

List of Subjects in 28 CFR Part 540

Prisoners.

Kathleen Hawk Sawyer,
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(o), part 540 in subchapter C of 28 CFR, chapter V is amended as set forth below.

**SUBCHAPTER C—INSTITUTIONAL
MANAGEMENT****PART 540—CONTACT WITH PERSONS
IN THE COMMUNITY**

1. The authority citation for 28 CFR part 540 continues to read as follows:

Authority: 5 U.S.C. 301, 551, 552a; 18 U.S.C. 1791, 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; Public Law 104–208, Section 614 (110 Stat. 3009); 28 CFR 0.95–0.99.

2. Section 540.11 is amended by revising the third sentence to read as follows:

§ 540.11 Mail depositories.

* * * Each item placed in a mail depository must contain a return address (see § 540.12(d)).

3. In § 540.12, paragraph (d) is revised to read as follows:

§ 540.12 Controls and procedures.

* * * * *

(d) The inmate is responsible for filling out the return address completely on envelopes provided for the inmate's use by the institution. If the inmate uses

an envelope not provided by the institution, the inmate is responsible for ensuring that the envelope used contains all return address information listed on the envelope provided by the institution.

4. In § 540.21, paragraph (b) is amended by revising the second sentence to read as follows:

§ 540.21 Payment of postage.

* * * * *

(b) * * * Inmates who use their own envelopes must place a return address on the envelope (see § 540.12(d)).

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