

DEPARTMENT OF JUSTICE**Bureau of Prisons****28 CFR Part 540****[BOP 1094-P]****RIN 1120-AA89****Correspondence: Inspection of
Outgoing General Correspondence****AGENCY:** Bureau of Prisons, Justice.**ACTION:** Proposed rule.

SUMMARY: In this document, the Bureau of Prisons is proposing to amend its regulations on correspondence to require that outgoing inmate general correspondence at all institutions may not be sealed and may be read and inspected by staff. This amendment is intended to provide for the continued efficient and secure operation of the institution and to protect the public. This amendment does not apply to special mail.

DATES: Comments due by September 27, 1999.

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 correspondence (28 CFR part 540, subpart B). Current regulations on this subject were published in the **Federal Register** on October 1, 1985 (50 FR 40109) and were amended on February 1, 1991 (56 FR 4159), and on December 18, 1995 (61 FR 65204).

Current provisions on general correspondence specify that outgoing general mail from inmates in a minimum or low security level institution may be sealed by the inmate and sent out unopened and uninspected under certain circumstances. Outgoing general mail from inmates in medium, high, and administrative facilities may not be sealed by the inmate and is subject to inspection. As part of a general review of security measures at Bureau institutions, the Bureau is proposing to require that general mail from all inmates, regardless of institution security level, be sent out unsealed and subject to inspection. Special mail is unaffected by this amendment.

The Bureau believes that inspection of outgoing mail from inmates in minimum or low security level

institutions is consistent with the application of other Bureau policies pertaining to contacts with the public. This amendment serves to ensure the secure operation of all institutions by reducing the potential for inmates to use sealed mail for criminal activity.

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.

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 section 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 at the address given above.

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(p), part 540 in subchapter C of 28 CFR, chapter V is proposed to be 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, 28 CFR 0.95–0.99.

2. In § 540.14, paragraph (b) is revised, paragraph (c) is removed, and paragraph (d) is redesignated as new paragraph (c).

§ 540.14 General correspondence.

* * * * *

(b) Except for "special mail," all outgoing mail from an inmate (whether sentenced or unsentenced) may not be

sealed by the inmate and may be read
and inspected by staff.

* * * * *

[FR Doc. 99-19067 Filed 7-26-99; 8:45 am]

BILLING CODE 4410-05-P