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, 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 524

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 524 in subchapter B of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

PART 524—CLASSIFICATION OF INMATES

1. The authority citation for 28 CFR part 524 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3521–3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. In § 524.12, paragraph (c) is revised to read as follows:

§ 524.12 Initial classification and program reviews.

* * * * *

(c) Staff shall notify an inmate at least 48 hours prior to that inmate's scheduled appearance before the classification team (whether for the initial classification or subsequent program review). An inmate may waive in writing the 48-hour notice requirement. The inmate is expected to attend the initial classification and all subsequent program reviews. If the inmate refuses to appear at a scheduled meeting, staff shall document on the Program Review Report the inmate's refusal and, if known, the reasons for refusal. A copy of this report is to be forwarded to the inmate. The inmate is responsible for becoming aware of, and will be held accountable for, the classification team's actions.

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[FR Doc. 99–4732 Filed 2–24–99; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 551

[BOP–1030–F]

RIN 1120–AA31

Birth Control, Pregnancy, Child Placement, and Abortion

AGENCY: Bureau of Prisons, Justice.

ACTION: Final Rule.

SUMMARY: This document finalizes the interim rule pertaining to birth control, pregnancy, child placement, and abortion regulations for female inmates. The interim rule removed references to restrictions on the Bureau of Prisons' funding of an elective abortion to conform to changes in legislative authority. The interim rule also made various editorial or organizational changes for the sake of clarity. There are no changes necessary to the interim rule.

EFFECTIVE DATE: February 25, 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 finalizing its regulations in 28 CFR part 551, Subpart C, on Birth Control, Pregnancy, Child Placement, and Abortion. A final rule on this subject was published in the **Federal Register** June 29, 1979 (44 FR 38252) and was amended December 30, 1986 (51 FR 47179). An interim rule on this subject was published in the **Federal Register** on December 6, 1994. The Bureau received comment from two respondents.

Both commenters, writing for public interest organizations, agreed with the general intent of the regulations (28 CFR § 551.23) allowing women prisoners to have elective abortions. However, both stressed that the rule should clearly state that the Bureau of Prisons will assume all medical and transportation costs related to the abortion.

Federal Bureau of Prisons' regulations must conform with current law, and implementing text within Bureau policy instructs staff on the appropriate policies and procedures regarding this matter. Currently, the law states that the Bureau may not use appropriated funds to require any person to perform or facilitate the performance of an abortion. The Bureau may only pay for those abortions in which the life of the mother would be in danger if the fetus was carried to full term or in cases of rape. In all other cases, non-Bureau funds must be obtained to pay for any abortion procedure, or else the planned abortion may not be performed. In all cases, however, the Bureau will expend funds to escort the inmate to an appropriate facility outside the facility to receive the procedure.

While not the subject of the interim rule, both commenters were also concerned with timely access to counseling services for women prisoners seeking abortion. They noted their concern that counseling be provided in an expeditious manner and that any delay in receipt of counseling services not prevent the planned abortion from being performed.

The Bureau believes that counseling services will be provided in a timely manner so that women prisoners will receive adequate counseling before making the decision whether to carry the fetus to full term or to have an elective abortion.

The second commenter was also concerned that the inmates' privacy will be compromised by placement of documentation of counseling sessions in the inmates' central file and by requiring the inmate to submit a written statement to the unit manager rather than directly to medical staff. By placing such documentation only in the inmates' medical file and by requiring the written statement to be submitted only to medical staff, Federal and state confidentiality provisions are invoked. The Bureau believes this concern to be overstated. Bureau staff are required to keep all inmate information, that is not public information, confidential and are guided by the Privacy Act and Bureau of Prisons policy in so doing.

The second commenter further raised concerns regarding child placement provisions. This commenter felt that

prisoners should have access to information and resources to include access to telephones to discuss placement with family members, outside agencies, and other individuals. Bureau telephone regulations are governed by 28 CFR part 540 subpart I, and allow for inmates to use the telephone to maintain community ties and in compelling circumstances such as a family emergency. Also, staff and counselors are available to assist the inmate in finding a suitable placement for her child.

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, 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 551

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), the interim rule published December 6, 1994 (59 FR 62968) amending part 551 in subchapter C of 28 CFR, is adopted as a final rule with no changes.

[FR Doc. 99–4733 Filed 2–24–99; 8:45 am]

BILLING CODE 4410–05–P