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By direction of the Commission.

Donald S. Clark,

Secretary.

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DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 524

[BOP-1131-F]

RIN 1120-AB32

Classification and Program Review

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons (Bureau) revises its regulations on classification and program review to remove unnecessary regulations and to ensure that classification and program review procedures adequately address inmate needs.

DATES: This rule is effective July 24, 2006.

FOR FURTHER INFORMATION CONTACT:

Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 307-2105, e-mail boprules@bop.gov.

SUPPLEMENTARY INFORMATION: In this document, we revise and streamline the regulations regarding inmate classification and program review, which currently describe procedure, practice, and general statements of policy, to remove an unnecessary level of operational details with regard to the classification and program review process. A proposed rule on this subject was published on November 3, 2005 (70 FR 66814). Because we received no comments on the proposed rule, we now publish the final rule without substantive change.

For clarification, we make one minor change to § 524.11(d). Formerly, this paragraph stated that an inmate “may choose not to participate in an offered [work] program unless the program is a work assignment or required by Bureau policy, court order, or statute.” The repetition of similar terms, such as “work program” and “work assignment” may have been confusing. We therefore revise this paragraph to clarify that an inmate “must participate in this work assignment and any other program required by Bureau policy, court order, or statute,” but that an inmate “may choose not to participate in other voluntary programs.”

Details removed from the regulations will be addressed in our corresponding policy statement on the classification and review program. We do not, by this rule, intend to make any substantive changes to the current rules or to the classification and program review system. We merely intend to clarify and streamline the existing rules.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, “Regulatory Planning and Review”, section 1(b), Principles of Regulation. The Director, Bureau of Prisons has determined that this rule is not a “significant regulatory action” under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order 13132

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, under Executive Order 13132, we determine 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, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), reviewed this regulation and by approving it certifies that it 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.

List of Subjects in 28 CFR Part 524

Prisoners.

Harley G. Lappin,

Director, Bureau of Prisons.

■ Under rulemaking authority vested in the Attorney General in 5 U.S.C. 301; 28 U.S.C. 509, 510 and delegated to the Director, Bureau of Prisons in 28 CFR 0.96, we amend 28 CFR part 524 as set forth below.

Subchapter B—Inmate Admission, Classification, and Transfer

PART 524—CLASSIFICATION OF INMATES

■ 1. Revise the authority citation for 28 CFR part 524 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.

■ 2. Revise subpart B to read as follows:

Subpart B—Classification and Program Review of Inmates

Sec.

524.10 Purpose.

524.11 Process for classification and program reviews.

Subpart B—Classification and Program Review of Inmates

§ 524.10 Purpose.

The purpose of this subpart is to explain the Bureau of Prisons (Bureau) process for classifying newly committed inmates and conducting program reviews for all inmates except:

- (a) Pretrial inmates, covered in 28 CFR part 551; and
- (b) Inmates committed for study and observation.

§ 524.11 Process for classification and program reviews.

(a) *When:*

(1) Newly committed inmates will be classified within 28 calendar days of arrival at the institution designated for service of sentence.

(2) Inmates will receive a program review at least once every 180 calendar days. When an inmate is within twelve

months of the projected release date, staff will conduct a program review at least once every 90 calendar days.

(b) *Inmate appearance before classification team:*

(1) Inmates will be notified at least 48 hours before that inmate's scheduled appearance before the classification team (whether for the initial classification or later program reviews).

(2) Inmates may submit a written waiver of the 48-hour notice requirement.

(3) The inmate is expected to attend the initial classification and all later program reviews. If the inmate refuses to appear at a scheduled meeting, staff must document on the Program Review Report the inmate's refusal and, if known, the reasons for refusal, and give a copy of this report to the inmate.

(c) *Program Review Report:* Staff must complete a Program Review Report at the inmate's initial classification. This report ordinarily includes information on the inmate's apparent needs and offers a correctional program designed to meet those needs. The Unit Manager and the inmate must sign the Program Review Report, and a copy must be given to the inmate.

(d) *Work Programs:* Each sentenced inmate who is physically and mentally able is assigned to a work program at initial classification. The inmate must participate in this work assignment and any other program required by Bureau policy, court order, or statute. The

inmate may choose not to participate in other voluntary programs.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

[Docket No. H054A]

RIN 1218-AB45

Occupational Exposure to Hexavalent Chromium; Corrections

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Correcting amendments.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is correcting errors in the final rule addressing occupational exposure to hexavalent chromium that appeared in the **Federal Register** on February 28, 2006.

DATES: Effective June 23, 2006.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Ropp, Director, OSHA Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1999.

SUPPLEMENTARY INFORMATION: On February 28, 2006 (71 FR 10099), OSHA

issued a revised standard for occupational exposure to hexavalent chromium. Subsequently, errors were discovered in the regulatory text. This notice is being published to correct these errors.

Correction of Publication

The following correcting amendments are made to the final rule for Chromium (VI) published in the **Federal Register** on February 28, 2006 (71 FR 10099).

■ Accordingly, 29 CFR parts 1910, 1915, and 1926 are corrected by making the following correcting amendments.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

■ 1. The authority citation for part 1910 continues to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order Numbers 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), or 5-2002 (67 FR 65008), as applicable.

■ 2. Section 1910.1000 is corrected as follows:

■ a. In Table Z-1 by revising the entry for "tert-Butyl chromate (as CrO₃)" and footnote 5, removing the entry for "Chromic acid and chromates (as CrO₃)", and adding a new footnote 6;

■ b. In Table Z-2 by revising footnote c.

The revisions and additions read as follows:

§ 1910.1000 Air contaminants.

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TABLE Z-1.—LIMITS FOR AIR CONTAMINANTS

Substance	CAS No. ^c	ppm ^{a 1}	mg/m ^{3 b1}	Skin designation
* * * * *				
tert-Butyl chromate (as CrO ₃); see 1910.1026 ⁶	1189-85-1		*	*
* * * * *				
Chromium (VI) compounds; see 1910.1026 ⁵ .			*	*
* * * * *				

¹ The PELs are 8-hour TWAs unless otherwise noted; a (C) designation denotes a ceiling limit. They are to be determined from breathing-zone air samples.

^a Parts of vapor or gas per million parts of contaminated air by volume at 25 °C and 760 torr.

^b Milligrams of substance per cubic meter of air. When entry is in this column only, the value is exact; when listed with a ppm entry, it is approximate.

^c The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound, measured as the metal, the CAS number for the metal is given—not CAS numbers for the individual compounds.

⁵ See Table Z-2 for the exposure limit for any operations or sectors where the exposure limit in § 1910.1026 is stayed or is otherwise not in effect.

⁶ If the exposure limit in § 1910.1026 is stayed or is otherwise not in effect, the exposure limit is a ceiling of 0.1 mg/m³.