

FDC date	State	City	Airport	FDC number	Subject
06/26/03	NE	SEWARD	SEWARD MUNI	3/5060	GPS RWY 16, ORIG
06/27/03	NC	MONROE	MONROE REGIONAL	3/5067	RNAV (GPS) RWY 5, ORIG
06/27/03	SC	NORTH MYRTLE BEACH.	GRAND STRAND	3/5088	ILS RWY 23, AMDT 10C
06/27/03	TX	BEAUMONT	BEAUMONT MUNI	5138	3/RNAV (GPS) RWY 13, ORIG
06/27/03	TX	BEAUMONT	BEAUMONT MUNI	5139	3/VOR/DME RWY 13, AMDT 3
06/27/03	TX	BEUMONT	BEAUMONT MUNI	3/5140	RNAV (GPS) RWY 31, ORIG
06/27/03	TX	BEAUMONT	BEAUMONT MUNI	3/5145	VOR/DME RWY 31, AMDT 4
06/30/03	MA	STOW	MINUTE MAN AIRFIELD	3/5130	VOR/DME RWY 21, AMDT 3A
07/01OK/03	OK	NORMAN	UNIVERSITY OF OKLAHOMA WESTHEIMER.	5297	3/LOC RWY 3, AMDT 3D

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DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Prisoners Serving Sentences Under the United States and District of Columbia Codes

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending a number of procedural rules to reflect changes in the structure of the Commission, and the transfer of District of Columbia felony offenders to the custody of the Bureau of Prisons. In addition to eliminating obsolete procedural rules, the Commission is simplifying a rule on the timing of interim hearings for Federal offenders and providing consistent instructions regarding the determination of a revocation hearing location for alleged parole and supervised release violators. Finally, the Commission is making a number of corrections and editorial changes, primarily amendments to the citations to the District of Columbia Code made necessary as a result of a recodification of D.C. criminal laws.

DATES: *Effective Date:* August 13, 2003.

FOR FURTHER INFORMATION CONTACT: Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, telephone (301) 492-5959. Questions about this publication are welcome, but inquiries concerning individual cases cannot be answered over the telephone.

SUPPLEMENTARY INFORMATION: Until October, 1991 the U.S. Parole Commission carried out its responsibilities through Regional Commissioners and staff located in five

regional offices across the country, and National Commissioners and staff located in its headquarters office in Chevy Chase, Maryland. Over the next five years the Commission gradually consolidated its operations into the headquarters office in Maryland as the agency faced the prospect of a reduced caseload of Federal prisoners and parolees due to laws that abolished parole for Federal offenders and limited the life of the Commission. The Commission made some changes in its voting procedures as the agency reduced its size (see 61 FR 55742 (Oct. 29, 1996)). But some procedures that were deemed necessary when regional offices existed were left in place though the rationale for the procedures was diminished. The voting and notice procedures that the Commission is eliminating through this publication fall into this category. The voting procedures, found at 28 CFR 2.24(b)(1) and (2) and 2.28(a)(1), allow a Regional Commissioner to make a modest modification (either an increase or a decrease) to a recommended or established release date without securing the concurring vote of a National Commissioner. Section 2.24(a) also includes a requirement that the prisoner be given notice when his case is transferred by the Regional Commissioner to the National Commissioners for a further vote due to the Regional Commissioner's significant disagreement with the recommendation of an examiner panel. The voting procedures were created as a response to the Regional Commissioners' desire for greater flexibility in decision-making and to avoid the process of securing National Commissioner votes (including shipping case files across the country) when there was only a modest disagreement on a release date. The notice requirement was implemented to ensure that the prisoner was informed of the reason the Commission would not be able to meet the normal 21-day time limit for making a release decision when the case was referred to the National

Commissioners. The rationales described above do not have the same force now that the Commissioners are all located in one office in Chevy Chase, Maryland, and case files do not have to be transferred across the country for Commissioner votes. In recent years the Commission has very rarely used the voting procedures of §§ 2.24(b)(1) and (2). The revised rules eliminate the requirement regarding notice of a referral for subsequent voting and provide that the concurrence of two Commissioners is needed to make a decision when the Regional Commissioner disagrees with the examiner panel on the disposition of the case, or when the Regional Commissioner votes to reopen a case under § 2.28(a) and advance a presumptive release date.

Another rule amendment that the Commission is making to correspond to a change in its structure is the amendment to § 2.17. The Commission is amending the procedural rule regarding the voting quorum in original jurisdiction cases to reflect an increase in the agency's authorized membership, and the possibility that the number of Commissioners may change from the present number now holding office (three Commissioners). In section 11231(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997, Pub. L. 105-33, Congress increased the number of persons authorized to serve on the Parole Commission to five, in conjunction with giving the Commission new responsibilities regarding District of Columbia felony offenders. In original jurisdiction cases the Commission's intent is that all decisions, whether made after a hearing or after reviewing a petition for reconsideration, are made by a majority vote of the Commission. The voting requirements in the present rules for original jurisdiction cases are based on a three-member Commission. Therefore, the Commission is changing the original