with the duty of reviewing the recommended decision of the hearing examiner who conducts a parole hearing, and with casting the vote that forms a panel recommendation to the Regional Commissioner. The current regulation refers to this official as the Regional Administrator. In anticipation of the closing of the U.S. Parole Commission's regional offices and the consolidation of its operational staff, the title of Regional Administrator is changed to Executive Hearing Examiner. EFFECTIVE DATE: January 31, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela A. Posch, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815. Telephone (301) 492– 5959.

SUPPLEMENTARY INFORMATION: With the anticipated elimination of the U.S. Parole Commission's regional office structure, it will be necessary for the Commission to change the title, and some of the administrative functions, of the senior hearing examiners who currently serve as Regional Administrators. However, for the decisionmaking function described at 28 CFR 2.23, the role of the Regional Administrator will not change. Thus, the substitution of the title Executive Hearing Examiner for "Regional Administrator" in 28 CFR 2.23 reflects agency structural changes that are outside the scope of the function described by that regulation. The Executive Hearing Examiner will continue to provide, for each case to be decided by the Commission, the review and participation of a senior hearing examiner before a panel recommendation is finalized.

Implementation

This rule change will take effect upon the anticipated closing of the Commission's regional office, and the consolidation of agency operational staff at the Commission's Chevy Chase, Maryland Headquarters. Thereafter, Regional Commissioners will continue to decide cases arising in each Commissioner's respective region. However, Regional Commissioners will be served by a centralized operations staff.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a significant rule within the meaning of Executive Order 12866, and the rule has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant

economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Probation and parole, Prisoners.

Accordingly, the U.S. Parole Commission adopts the following amendment to 28 CFR part 2:

Text of the Final Rule

PART 2—[AMENDED]

(1) The authority citation for 28 CFR Part 2 continues to read as follows: Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.23 [Amended]

(2) 28 CFR Part 2, § 2.23 is amended by deleting the words "Regional Administrator" and substituting "Executive Hearing Examiner" wherever the words "Regional Administrator" appear.

Dated: September 21, 1995.

Jasper R. Clay, Jr., *Vice Chairman, U.S. Parole Commission.*[FR Doc. 95–24195 Filed 9–29–95; 8:45 am]

BILLING CODE 4410–01–P

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Modification of Parole Conditions

AGENCY: Parole Commission, Justice. **ACTION:** Final rule.

SUMMARY: The U.S. Parole Commission is revising the regulation that describes the statutory procedure that the Commission must follow whenever it changes a parolee's conditions of parole. The current regulation omits reference to an important exception to the statutory requirement that each parolee be given ten days to comment on any modification of the conditions of parole before it goes into effect. The Commission may waive the ten-day notice procedure when it determines that an immediate modification of the conditions of parole is necessary to prevent harm to the parolee or the public. Although the Commission presently has the statutory authority to apply this exception, and does so when circumstances warrant, the Commission has determined that its regulation should be amended to describe this authority. EFFECTIVE DATE: November 1, 1995.

FOR FURTHER INFORMATION CONTACT: Pamela A. Posch, Office of General

Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815. Telephone (301) 492–5959.

SUPPLEMENTARY INFORMATION: In 1976, Congress enacted 18 U.S.C. 4209, which authorizes the Commission to impose conditions of parole, and to modify those conditions provided that notice is given to the parolee, and ten days to provide comment, before such modification takes effect. The ten-day notice provision could only be waived following a revocation hearing, or in response to a request by the parolee. In 1986, Congress amended 18 U.S.C. 4209 to permit the Parole Commission to waive the ten-day notice provision whenever necessary to prevent immediate harm to the parolee or the public.

The Parole Commission has made use of that statutory authority to order modifications of parole conditions when urgently needed to protect the public safety. However, the Commission did not amend its regulation at 28 CFR 2.40(g), in order to update the description of the Commission's statutory authority that is contained in that regulation. The revised regulation promulgated herein corrects that omission.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a significant rule within the meaning of Executive Order 12866, and the rule has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Probation and parole, Prisoners.

Accordingly, the U.S. Parole Commission adopts the following amendment to 28 CFR Part 2:

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. 28 CFR Part 2, § 2.40(g) is revised to read as follows:

§ 2.40 Conditions of release.

*

(g) The ten-day notice provision of paragraph (b) of this section shall not