

Note: Offenses committed in a prison or in a Community Treatment Center that are not limited to the confines of the prison or Community Treatment Center (e.g., mail fraud of a victim outside the prison) are graded as new criminal behavior in the community.

5. It is proposed to revise 28 CFR 2.47 *Warrant Placed As A Detainer and Dispositional Review* to read as follows:

§ 2.47 *Warrant placed as a detainer and dispositional review.*

(a) When a parolee is serving a new sentence in a Federal, State or local institution, a parole violation warrant may be placed against him as a detainer.

(1) If the prisoner is serving a new sentence in a Federal institution, a revocation hearing shall be scheduled within 120 days of notification of placement of the detainer, or as soon thereafter as practicable, provided the prisoner is eligible for and has applied for an initial hearing on the new sentence, or is serving a new sentence of one year or less. In any other case, the detainer shall be reviewed on the record pursuant to paragraph (a)(2) of this section.

(2) If the prisoner is serving a new sentence in a State or local institution, the violation warrant shall be reviewed by the Regional Commissioner not later than 180 days following notification to the Commission of such placement. The parolee shall receive notice of the pending review, and shall be permitted to submit a written application containing information relative to the disposition of the warrant. He shall also be notified of his right to request counsel under the provisions of § 2.48(b) to assist him in completing this written application.

(b) If the prisoner is serving a new Federal sentence, the Regional Commissioner, following a dispositional record review, may:

(1) Pursuant to the general policy of the Commission, let the warrant stand as a detainer and order that the revocation hearing be scheduled to coincide with the initial hearing on the new Federal sentence or upon release from the new sentence, whichever comes first;

(2) Withdraw the warrant, and either order reinstatement of the parolee to supervision upon release from confinement or close the case if the expiration date has passed.

(c) If the prisoner is serving a new State or local sentence, the Regional Commissioner, following a dispositional record review may:

(1) Withdraw the detainer and order reinstatement of the parolee to

supervision upon release from custody, or close the case if the expiration date has passed.

(2) Order a revocation hearing to be conducted by a hearing examiner or an official designated by the Regional Commissioner at the institution in which the parolee is confined.

(3) Let the detainer stand and order further review at an appropriate time. If the warrant is not withdrawn and no revocation hearing is conducted while the prisoner is in state or local custody, an institutional revocation hearing shall be conducted after the prisoner's return to Federal custody.

(d) Revocation hearings pursuant to this section shall be conducted in accordance with the provisions governing institutional revocation hearings, except that a hearing conducted at a state or local facility may be conducted by a hearing examiner, hearing examiner panel, or other official designated by the Regional Commissioner. Following a revocation hearing conducted pursuant to this section, the Commission may take any action specified in § 2.52.

(e)(1) A parole violator whose parole is revoked shall be given credit for all time in Federal, State, or local confinement on a new offense for purposes of satisfaction of the reparole guidelines at §§ 2.20 and 2.21.

(2) However, it shall be the policy of the Commission that the revoked parolee's original sentence (which due to the new conviction, stopped running upon his last release from federal confinement on parole) again start to run only upon release from the confinement portion of the new sentence or the date of reparole granted pursuant of these rules, whichever comes first. This paragraph does not apply to cases where, by law, the running of the original sentence is not interrupted by a new conviction (e.g., YCA; NARA; Mexican or Canadian treaty cases).

(f) If a Regional Commissioner determines that additional information is required in order to make a decision pursuant to paragraph (a)(2) of this section, he may schedule a dispositional hearing at the state or local institution where the parolee is confined to obtain such information. Such hearing may be conducted by a hearing examiner, hearing examiner panel, or other official designated by the Regional Commissioner. The parolee shall have notice of such hearing, be allowed to testify in his behalf, and have opportunity for counsel as provided in § 2.48(b).

Dated: February 25, 1987.

Benjamin F. Bees,
Chairman, U.S. Parole Commission.
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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202 and 206

Gas Royalty Valuation Regulations, Public Hearing

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of public hearing, change of dates.

SUMMARY: The Minerals Management Service (MMS) published proposed regulations governing valuation of gas for royalty calculation purposes in the Federal Register on February 13, 1987 (52 FR 4732). That Federal Register notice announced that hearings on the proposed rule would be held on April 7 and 8, 1987, in Denver, Colorado, and on April 21 and 22, 1987, in Houston, Texas. Because of other commitments, MMS has decided to change the dates of the hearing to be held in Houston, Texas, to April 28 and 29, 1987. The dates of the hearing to be held in Denver, Colorado, are not changed.

DATES: Denver, Colorado hearing: April 7 & 8, 8:30 am to 4:00 pm, each day. Houston, Texas hearing: April 28 and 29, 8:30 am to 4:00 pm each day.

ADDRESSES: The hearings will be held at the following locations:

1. Denver-Sheraton Denver Airport Hotel, 3535 Quebec Street, Denver, Colorado.

2. Houston-Houston Airport Hilton Inn, 500 North Belt East, Houston, Texas.

As stated in the prior Notice, the public is invited to participate in the hearings. Procedures for requests to make oral presentations and for conduct of the hearings are contained in the prior Notice.

FOR FURTHER INFORMATION CONTACT: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, telephone (303) 231-3432, (FTS) 326-3432.

Dated: March 2, 1987.

William D. Bettenberg,
Director, Minerals Management Service.
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