

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-27600; File No. S7-03-04]

RIN 3235-AJ05

Investment Company Governance

AGENCY: Securities and Exchange Commission.

ACTION: Request for additional comment.

SUMMARY: The Commission is reopening the comment period on its June 2006 request for comment regarding amendments to investment company ("fund") governance provisions. The purpose of the additional comment period is to permit public comment on two papers prepared by the Office of Economic Analysis on this topic that will be made public by including them in the comment file. The comments the Commission receives will be used to inform our further consideration of the matter.

DATES: Comments must be received on or before 60 days after publication of the second of the two staff economic papers in the public comment file. When the second of the two staff economic papers in the public comment file is published, the Commission will publish a document announcing the comment deadline.

ADDRESSES: To help us process and review your comments more efficiently, comments should be sent by one method only.

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/proposed.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number S7-03-04 on the subject line; or
- Use the Federal eRulemaking Portal (<http://www.regulations.gov>). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

All submissions should refer to File Number S7-03-04. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/proposed.shtml>). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT:

Jonathan Sokobin, Deputy Chief Economist, Office of Economic Analysis, (202) 551-6600 or Vincent Meehan, Staff Attorney, or Penelope Saltzman, Branch Chief, Office of Regulatory Policy, (202) 551-6792, Division of Investment Management, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: In June 2006, the Commission requested additional comment¹ regarding amendments to fund governance provisions of rules under the Investment Company Act.² We received many comments in response to our request, some of which provided information on the costs of the provisions. Few, however, directly addressed in a meaningful way the economic implications of the provisions. Before considering further rulemaking on this matter, the Commission wishes to develop a more comprehensive record and a more thorough understanding of the economic consequences of the provisions.

To that end, the Commission invites comment on any aspect of the two staff economic papers that will be published shortly after the issuance of this release. Specifically, our staff economists have reviewed existing relevant economic literature related to conflicts of interest

¹ Investment Company Governance, Investment Company Act Release No. 27395 (June 13, 2006) [71 FR 35366 (June 19, 2006)].

² 15 U.S.C. 80a.

that advisers have with regard to mutual funds they advise, as well as literature related to mutual fund governance, independent chairmen, and board independence. Our staff economists also have performed an analysis of the statistical properties of mutual fund returns and potential limitations inherent in any empirical analysis designed to identify a relationship between those returns and fund governance. We will include their papers in the public comment file, and we request comment on them. In addition, in order to facilitate our assessment of the economic implications of the fund governance provisions and any alternative approaches available to us, we also seek comment on any other extant analyses, and we request that commenters provide us their best assessment of these.

Dated: December 15, 2006.

By the Commission.

Nancy M. Morris,
Secretary.

[FR Doc. E6-21903 Filed 12-20-06; 8:45 am]

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DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 547

RIN 3141-AA29

Technical Standards for "Electronic, Computer, or Other Technologic Aids" Used in the Play of Class II Games

AGENCY: National Indian Gaming Commission, Interior.

ACTION: Notice of extension of comment period.

SUMMARY: This notice extends the period for comments on proposed Class II technical standards published in the **Federal Register** on August 11, 2006 (71 FR 46336).

DATES: The comment period for the proposed technical regulations is extended from December 15, 2006, to January 31, 2007.

FOR FURTHER INFORMATION CONTACT:

Michael Gross, Senior Attorney, at 202/632-7003; fax 202/632-7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: Congress established the National Indian Gaming Commission (NIGC or Commission) under the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2701 *et seq.*) (IGRA) to regulate gaming on Indian lands. On August 11, 2006, the Commission published proposed Class II technical standards in the **Federal Register** (71 FR 46336).

Dated: December 14, 2006.

Philip N. Hogen,
Chairman, National Indian Gaming Commission.

Cloyce V. Choney,
Commissioner, National Indian Gaming Commission.

[FR Doc. E6-21784 Filed 12-20-06; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 571 and 572

[BOP-1120-P]

RIN 1120-AB10

Reduction in Sentence for Medical Reasons

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: The Bureau of Prisons (Bureau) is revising its regulations on procedures for reductions in sentence (RIS) for medical reasons. 28 CFR Part 571, Subpart G, is currently entitled “Compassionate Release (Procedures for the Implementation of 18 U.S.C. 3582(c)(1)(A)(i) and 4205(g)).” We are revising these regulations to (1) more accurately reflect our authority under these statutes and our current policy, (2) clarify procedures for RIS consideration, and (3) describe procedures for RIS consideration of D.C. Code offenders, for whom the Bureau has responsibility under the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Revitalization Act), D.C. Official Code § 24-101(b). The new Subpart G will be entitled “Reduction in Sentence for Medical Reasons.”

DATES: Comments due by February 20, 2007.

ADDRESSES: Regulations Unit, Office of General Counsel, Bureau of Prisons, 320 First Street, NW., Washington, DC 20534. Our e-mail address is BOPRULES@bop.gov.

FOR FURTHER INFORMATION CONTACT: Sarah Qureshi, Office of General

Counsel, Bureau of Prisons, phone (202) 353-8248.

SUPPLEMENTARY INFORMATION: The Bureau is revising its regulations on procedures for reductions in sentence (RIS) for medical reasons. 28 CFR Part 571, Subpart G, is currently entitled “Compassionate Release (Procedures for the Implementation of 18 U.S.C. 3582(c)(1)(A) and 4205(g)).”

Title 18 of the United States Code, section 3582(c)(1)(A)(i) states that a court, on motion of the Director of the Bureau, may reduce a term of imprisonment if “extraordinary and compelling reasons warrant such a reduction.” Based on the Bureau’s experience in implementing this statute and resultant policy decisions, we clarify through these proposed regulations the specific criteria that the Bureau will consider for a RIS.

It is important to note we do not intend this regulation to change the number of RIS cases recommended by the Bureau to sentencing courts. It is merely a clarification that we will only consider inmates with extraordinary and compelling medical conditions for RIS, and not inmates in other, non-medical situations which may be characterized as “hardships,” such as a family member’s medical problems, economic difficulties, or the inmate’s claim of an unjust sentence.

In this regulation, we explain that an inmate may be a candidate for RIS consideration if Bureau medical staff, or a Bureau-selected doctor consulting on his/her case, conclude with reasonable medical certainty that the inmate has one of the following two conditions:

- A terminal illness with a life expectancy of one year or less; or
- A profoundly debilitating medical condition that:

(1) May be physical or cognitive in nature;

(2) is irreversible and cannot be remedied through medication or other measures; and

(3) has eliminated or severely limited the inmate’s ability to attend to fundamental bodily functions and personal care needs without substantial assistance from others, including personal hygiene and toilet functions, basic nutrition, medical care, and physical safety.

If an inmate has such a medical condition, we will not automatically give that inmate a RIS recommendation. Instead, as is our current practice, we will carefully consider whether the inmate is a danger to society, and other relevant considerations which focus on potential risks to public safety and the nature of the offense, before

recommending a RIS. These considerations may include but are not limited to: Potential impact on victims or witnesses, criminal history, inmate’s age and length of sentence, and the previous existence of the medical condition.

Section-by-Section Explanation

Subpart G—New Title

Previously, this subpart was entitled “Compassionate Release.” We are changing the title of subpart G to read “Reduction in Sentence for Medical Reasons.” The Bureau has received letters and Administrative Remedy appeals from inmates who mistakenly believe that we will consider circumstances other than the inmate’s medical condition for reducing a sentence. Such is not the Bureau’s practice. We believe this title more accurately describes our criteria and procedures.

Section 571.60 Purpose

In this section, we state that the purpose of this part is to describe the procedures used to assess whether an inmate in Bureau custody is appropriate for a reduction in sentence.

Section 571.61 Legal Authority for Reducing the Term of Imprisonment of an Inmate Requesting a Reduction in Sentence

This section describes the statutes that allow the Director to make a motion to the sentencing court requesting a RIS. In addition to previous authority, 18 U.S.C. 3582(c)(1)(A)(i) and 4205(g), we added the District of Columbia (D.C.) Code § 24-101, §§ 24-461 through 24-465, § 24-467, and § 24-468.

Under the D.C. Revitalization Act, enacted August 5, 1997, the Bureau is responsible for the care and custody of “the felony population sentenced pursuant to the District of Columbia Official Code” (D.C. Code offenders). (D.C. Official Code § 24-101(b)). D.C. Code offenders in Bureau custody are subject to Federal laws and Bureau regulations as long as they are “consistent with the sentence imposed.”

Under the D.C. Revitalization Act, we must follow the D.C. Code when reviewing a RIS for D.C. Code offenders in Bureau custody. We therefore add the relevant D.C. Code provisions to this regulation.

Section 571.62 Medical Conditions Considered for a Reduction in Sentence

In this section, we clarify what extraordinary and compelling circumstances may warrant a RIS. We explain that an inmate may be a candidate for RIS consideration if