

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### 5 CFR Part 1660

#### Allocation of Fiduciary Responsibility

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Final rule.

**SUMMARY:** The Executive Director of the Federal Retirement Thrift Investment Board (Board) is removing 5 CFR Part 1660, which has been superseded by regulations issued by the United States Department of Labor.

**EFFECTIVE DATE:** August 12, 1996.

**FOR FURTHER INFORMATION CONTACT:** David L. Hutner, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC 20005. By telephone: (202) 942-1661.

**SUPPLEMENTARY INFORMATION:** Section 114(a)(1) of the Federal Employees' Retirement System Technical Corrections Act of 1986, Public Law 99-556, 100 Stat. 3133 (October 27, 1986) authorized the Board to establish procedures by which fiduciaries of the Thrift Savings Plan (TSP) could allocate their fiduciary responsibilities. Sections 114(a) (1) and (2) of the statute further provided that the authority to make allocations under the procedures established by the Board, as well as any allocation made under those procedures, would expire upon the earlier of December 31, 1988, or the effective date of final regulations issued by the United States Department of Labor (DOL) under 5 U.S.C. 8477(e)(1)(E).

The Board published interim regulations governing allocation of fiduciary responsibilities at 52 FR 38,221 (October 15, 1987). The interim regulations were codified at 5 CFR part 1660.

On December 29, 1988, DOL published final rules governing allocation of fiduciary responsibility with respect to the TSP at 53 FR 52,684. The final rules were codified at 29 CFR part 2584. Because 5 CFR part 1660 was superseded by the final regulations issued by DOL and no longer has any force or effect, its removal is appropriate. The removal of the expired regulation has no legal consequences; it is, in essence, a housekeeping matter.

#### Regulatory Flexibility Act

I certify that removal of these regulations will not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

I certify that removal of these regulations will not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

#### Waiver of Notice of Proposed Rulemaking

Pursuant to 5 U.S.C. 553(b)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Under section 114(a) of the Federal Employees' Retirement System Technical Corrections Act of 1986 (Pub. L. No. 99-556, 100 Stat. 3133), the force and effect of 5 CFR part 1660 expired on December 29, 1988. Since the removal of the expired regulation has no legal consequences, publishing a proposal to remove it is unnecessary, impractical and contrary to the public interest.

#### List of Subjects in 5 CFR Part 1660

Employee benefit plans, Government employees, Retirement, Pensions.  
Roger W. Mehle,  
*Executive Director, Federal Retirement Thrift Investment Board.*

#### PART 1660—[REMOVED]

Under the authority of 5 U.S.C. 8474 (b) and section 114 of Pub. L. 99-556, and for the reasons set out in the preamble, 5 CFR part 1660 is removed.

[FR Doc. 96-17800 Filed 7-11-96; 8:45 am]  
BILLING CODE 6760-01-M

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 212

[INS No. 1751-96]

RIN 1115-AE29

#### Effect of Parole of Cuban and Haitian Nationals on Resettlement Assistance Eligibility

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This interim rule amends the Immigration and Naturalization Service ("the Service") regulations to clarify that nationals of Cuba or Haiti who were paroled into the United States since October 10, 1980, are to be considered to have been paroled in an immigration status referred to in section 501(e)(1) of the Refugee Education Assistance Act of 1980, as amended. This rule is necessary to ensure that these aliens are not inadvertently considered to hold an

immigration status other than the status referred to in section 501(e)(1).

**DATES:** This interim rule is effective July 12, 1996. Written comments must be received on or before September 10, 1996.

**ADDRESSES:** Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., Room 5307, Washington, DC 20536, Attn: Public Comment Clerk. To ensure proper handling, please reference the INS Number 1751-96 on your correspondence. Comments are available for public inspection at this location by calling (202) 514-3048 to arrange an appointment.

**FOR FURTHER INFORMATION CONTACT:** Janice B. Podolny, Associate General Counsel, Chief of Examinations Division, Office of the General Counsel, Suite 6100, 425 I Street NW., Washington, DC 20536, telephone: (202) 514-2895.

**SUPPLEMENTARY INFORMATION:** Section 501 of the Refugee Education Assistance Act of 1980, Public Law 96-422, dated October 10, 1980, as amended, provides for certain assistance to and on behalf of aliens paroled into the United States from Cuba and Haiti. Under section 501(e)(1), and alien paroled as a "Cuban-Haitian Entrant (Status Pending)," or in some other "special status \* \* \* for nationals of Cuba or Haiti" is eligible for this assistance, even if the alien has acquired permanent residence, or some other immigration status, at the time assistance is sought. Under section 501(e)(2), by contrast, Cuban or Haitian nationals who are paroled in some parole status other than the "special status" are eligible for assistance only so long as they have not acquired some other immigration status.

Recent high volume influxes of aliens from Cuba, in particular, have resulted in the parole of aliens, without a clear indication that their parole is in a "special status" for Cubans and Haitians. For example, due to clerical oversight the Forms I-94, Arrival-Departure Record, issued to these aliens often have not borne any endorsement to show that their parole gives them an immigration status that is within the scope of section 501(e)(1). This interim rule amends 8 CFR 212.5 to clarify that these aliens, and any Haitian nationals as well, paroled on or after October 10, 1980, are to be considered to have been paroled in the status referred to in section 501(e)(1). This amendment will make it clear that these aliens have been, and remain, in the immigration

status referred to in section 501(e)(1), even if they have since acquired some other immigration status. Exceptions are made for aliens paroled for criminal prosecution or solely in order to testify in some official proceedings in the United States.

This interim rule is an interpretive rule. For this reason, the Commissioner of the Immigration and Naturalization Service may properly adopt this rule without the prior notice and comment period that is ordinarily required. 5 U.S.C. 553(b). Because of the urgent need to clarify the immigration status of these aliens, and to make it clear that they hold an immigration status referred to in section 501(e)(1), the Commissioner finds that good cause exists to make this rule effective upon publication in the Federal Register. The Service believes that this interim rule accurately distinguishes the immigration status categories established by sections 501(e)(1) and 501(e)(2), but will consider any comments addressing this issue that are received during the comment period.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule does not have a significant economic impact on a substantial number of small entities.

#### Unfunded Mandate Reform Act of 1995

This interim rule is not a Federal intergovernmental mandate, as defined by 2 U.S.C. 658(5). For this reason, it is not necessary to conduct the analysis provided for under 2 U.S.C. 1532, to develop the small government agency plan under 2 U.S.C. 1533, to solicit State, local or tribal government input under 2 U.S.C. 1534, or to justify this rule as the least burdensome alternative under 2 U.S.C. 1535.

#### Small Business Regulatory Enforcement Fairness Act of 1996

This interim rule is not a major rule, as defined by 5 U.S.C. 804(2).

#### Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has conducted the required review.

#### Executive Order 12612

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels

of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### List of Subjects in 8 CFR Part 212

Administrative practice and procedure, Aliens, Immigration. Accordingly, part 212 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### **PART 212—DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE**

1. The authority citation for part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1227, 1228, 1252; 8 CFR part 2.

2. Section 212.5 is amended by adding a new paragraph (g), to read as follows:

#### **§ 212.5 Parole of aliens into the United States.**

\* \* \* \* \*

(g) *Effect of parole of Cuban and Haitian nationals.* (1) Except as provided in paragraph (g)(2) of this section, any national of Cuba or Haiti who was paroled into the United States on or after October 10, 1980, shall be considered to have been paroled in the special status for nationals of Cuba or Haiti, referred to in section 501(e)(1) of the Refugee Education Assistance Act of 1980, Public Law 96-422, as amended (8 U.S.C. 1522 note).

(2) A national of Cuba or Haiti shall not be considered to have been paroled in the special status for nationals of Cuba or Haiti, referred to in section 501(e)(1) of the Refugee Education Assistance Act of 1980, Public Law 96-422, as amended, if the individual was paroled into the United States:

(i) In the custody of a Federal, State or local law enforcement or prosecutorial authority, for purposes of criminal prosecution in the United States; or

(ii) Solely to testify as a witness in proceedings before a judicial, administrative, or legislative body in the United States.

Dated: July 2, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96-17674 Filed 7-11-96; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF ENERGY

### 10 CFR Part 784

#### Patent Waiver Regulation

**AGENCY:** Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (DOE) is publishing a final rule to recodify and update a patent waiver regulation that was incorporated in the Department of Energy Acquisition Regulations (DEAR) in 1984 (applicable to contracts) and the DOE Assistance Regulations (applicable to grants and cooperative agreements). The final rule contains changes that conform the regulation provisions to post-1984 statutory amendments, including the addition of terms and conditions for contractor retention of patent rights required by 35 U.S.C. 210. The rule also contains some new clarifying provisions and minor procedural changes to the DOE patent waiver process.

This final rule will govern waiver of the Department's rights in inventions made under contracts, grants, cooperative agreements, understandings, or other DOE arrangements with entities other than small businesses and non-profit organizations. This rule will also apply to all participants in cooperative research and development agreements (CRADAs), with both Bayh-Dole entities and non-Bayh-Dole entities. Rights in inventions made under DOE funding agreements with small businesses and nonprofit organizations are generally controlled by 35 U.S.C. 202, which provides, with certain exceptions, for contractor retention of title to inventions. However, this rule does apply to waiver of rights in inventions when DOE has reserved title and other rights in funding agreements with nonprofit organizations and small business firms pursuant to the exceptions in 35 U.S.C. 202.

**EFFECTIVE DATE:** August 12, 1996.

**FOR FURTHER INFORMATION CONTACT:** Michael P. Hoffman, Office of Assistant General Counsel for Technology Transfer and Intellectual Property, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Telephone (202) 586-3441.

#### **SUPPLEMENTARY INFORMATION:**

I. Background

II. Section-by-Section Discussion of Final Rule

III. Procedural Requirements

A. Applicable Procedures

B. Review Under Executive Order 12886

C. Review Under Regulatory Flexibility Act

D. Review Under NEPA