

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AH54

### Prevailing Rate Systems; Redefinition of Anchorage, AK, Nonappropriated Fund Wage Area

**AGENCY:** Office of Personnel Management.

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

**SUMMARY:** The Office of Personnel Management is issuing an interim rule to redefine the Anchorage, AK, nonappropriated fund (NAF) Federal Wage System (FWS) wage area for pay-setting purposes.

**DATES:** This interim rule becomes effective on July 12, 1996. Comments must be received by August 12, 1996.

**ADDRESSES:** Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415, or FAX: (202) 606-0824.

**FOR FURTHER INFORMATION CONTACT:** Paul Shields, (202) 606-2848.

**SUPPLEMENTARY INFORMATION:** The Office of Personnel Management is redefining the Anchorage, AK, FWS NAF wage area to add the Valdez-Cordova census area as an area of application, and delete 10 area of application census divisions.

The Anchorage, Alaska, NAF wage area was composed of a 1 census division survey area and an 18 census division area of application. With this change, the wage area is now made up of the same survey area (Anchorage Borough, Alaska) and 9 area of application boroughs and census areas (Fairbanks North Star, Juneau, Kenai Peninsula, Ketchikan Gateway, Kodiak

Island, Sitka, Southeast Fairbanks, Valdez-Cordova, and Yukon-Koyukuk).

These changes became necessary because the Air Force is planning for the first time to hire temporary NAF FWS employees in the Valdez Recreation Area in the Valdez-Cordova census area, an area currently undefined for NAF wage setting purposes. In addition, the definition of the entire Anchorage NAF wage area needed to be updated because the Alaska boroughs and census areas and their names have been changed since this wage area was last defined in regulation and because base closures have left some locations without any NAF employees. The 10 area of application census divisions being deleted are: Aleutian Islands, Barrow-North Slope, Bethel, Bristol Bay, Kobuk, Kuskokwim, Nome, Outer Ketchikan, Southeast Fairbanks, and Upper Yukon.

As required in regulation, 5 CFR 532.219, the following criteria were considered in redefining these wage areas:

- (1) Proximity of largest activity in each county;
- (2) Transportation facilities and commuting patterns; and
- (3) Similarities of the counties in:
  - (i) Overall population;
  - (ii) Private employment in major industry categories; and
  - (iii) Kinds and sizes of private industrial establishments.

An analysis of the proposed change under these criteria supports the recommended redefinition. Valdez-Cordova is contiguous to the Anchorage survey area. Further, because the Anchorage, Alaska, NAF wage area is the only NAF wage area in Alaska and there are no other nearby NAF wage areas, the proposed redefinition is clearly the only reasonable alternative.

The Federal Prevailing Rate Advisory Committee reviewed this recommendation and by consensus recommended approval.

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because it is necessary to define the Valdez-Cordova census area to a NAF wage area as soon as possible

to provide for setting the pay of new Air Force NAF employees in that location.

### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal agencies and employees.

### List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Lorraine A. Green,

*Deputy Director.*

Accordingly, OPM is amending 5 CFR part 532 as follows:

### PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix D to subpart B is amended by revising the listing for Anchorage, Alaska, to read as follows:

Appendix D to Subchapter B of Part 532—Nonappropriated Fund Wage and Survey Areas

\* \* \* \* \*

Alaska

Anchorage

*Survey Area*

Alaska: (Borough)

Anchorage

*Area of application. Survey area plus:*

Alaska: (Boroughs and census areas)

Fairbanks North Star

Juneau

Kenai Peninsula

Ketchikan Gateway

Kodiak Island

Sitka

Southeast Fairbanks

Valdez-Cordova

Yukon-Koyukuk

\* \* \* \* \*

[FR Doc. 96-17782 Filed 7-11-96; 8:45 am]

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## 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