

(iv) Falls within one of the six classes described in paragraph (b)(4) of this section.

(2) A motion to reopen filed without an application for suspension of deportation or cancellation of removal shall not be considered complete until it has been supplemented with the application for suspension of deportation or cancellation of removal and all other supporting documentation. An alien shall have until February 8, 1999 to complete that motion. A motion to reopen filed without an application and supporting documents will not be adjudicated until it is completed with the required application for suspension of deportation or cancellation of removal and supporting documents. The Service shall have 45 days from the date of service of the application for suspension of deportation or cancellation of removal to respond to that completed motion. If the alien fails to file the required application by 150 days after September 11, 1998 the motion will be denied as abandoned.

(c) *Fee for motion to reopen waived.* No filing fee is required for a motion to reopen to apply for suspension of deportation or cancellation of removal under the special rules of section 309(g) of IIRIRA, as amended by section 203(c) of NACARA.

(d) *Jurisdiction over motions to reopen under section 203 of NACARA and remand of appeals.* (1) Notwithstanding any other provisions, any motion to reopen filed pursuant to the special rules of section 309(g) of IIRIRA, as amended by section 203(c) of NACARA, shall be filed with the Immigration Court, even if the Board of Immigration Appeals issued an order in the case. The Immigration Court that last had jurisdiction over the proceedings will adjudicate a motion to reopen filed pursuant to the special rules of section 309(g) of IIRIRA, as amended by section 203(c) of NACARA.

(2) The Board will remand to the Immigration Court any presently pending appeal in which the alien appears eligible to apply for suspension of deportation or cancellation of removal under the special rules of section 309(g) of IIRIRA, as amended by section 203 of NACARA, and appears prima facie eligible for that relief. The alien will then have the opportunity to apply for suspension or cancellation under the special rules of NACARA before the Immigration Court.

Dated: June 5, 1998.

Janet Reno,

Attorney General.

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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: Final rule.

SUMMARY: This rule adopts without change an interim rule published by the Immigration and Naturalization Service (Service) in the **Federal Register** on July 12, 1996. The interim rule amended Service regulations to clarify that, with certain exceptions specified in the interim rule, 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, Pub. L. 96-422, dated October 10, 1980, as amended. This amendment was 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 rule is effective June 11, 1998.

FOR FURTHER INFORMATION CONTACT: Janice B. Podolny, Associate General Counsel, Chief of Examinations Division, Office of the General Counsel, Immigration and Naturalization Service, Room 6100, 425 I Street NW., Washington, DC 20536, telephone: (202) 514-2895. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On July 12, 1996, the Service published an interim rule in the **Federal Register** at 61 FR 36610-11. The interim rule clarified that, with certain exceptions specified in the interim rule, nationals of Cuba and Haiti who were paroled into the United States since October 10, 1980, are to be considered to have been paroled in the immigration status referred to in section 501(e)(1) of the Refugee Education Assistance Act of 1980, as amended.

The comment period expired September 10, 1996. The Service received only one comment, from a commenter who supported the promulgation of this rule. The commenter made further comments regarding the expiration of the validity of Forms I-94 issued to parolees, and the parolees' concomitant need to obtain

extensions of their parole and of their employment authorization. Since these further comments do not relate to the purpose and substance of the interim rule, nor of this final rule, the Service need not address these further comments in promulgating this final rule.

Effective Date

Because of the urgent need to clarify the status of the aliens affected by the interim rule, the Commissioner found that good cause existed to make the interim rule effective on July 12, 1996, the date the Service published the interim rule in the **Federal Register**, as stated at 61 FR 36611. This final rule makes no substantive change. For this reason, the Commissioner finds that good cause also exists to make this final rule effective upon publication in the **Federal Register**, as permitted under 5 U.S.C. 553.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this final rule does not have a significant economic impact on a substantial number of small entities. The factual basis for this certification is that this rule simply clarifies the immigration status that the affected aliens already hold, and does not alter the rights or obligations of any person or entity.

Unfunded Mandates Reform Act of 1995

This final rule is not a Federal mandate, as defined by 2 U.S.C. 658. For this reason, it is not necessary to conduct the analyses provided for under the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

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

Executive Order 12866

The Commissioner does not consider this rule 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 waived the required review.

Executive Order 12612

This final rule 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,

the Commission has determined that this final rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

List of Subjects in 8 CFR Part 212

Administrative practice and procedure, Aliens, Immigration.

Accordingly, the interim rule amending 8 CFR part 212, which was published in the **Federal Register** at 61 FR 36610-36611 on July 12, 1996, is adopted as a final rule without change.

Dated: May 14, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98-15542 Filed 6-10-98; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

13 CFR Parts 121, 125, and 126

HUBZone Empowerment Contracting Program

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The HUBZone Act of 1997, Title VI of Public Law 105-135, enacted on December 2, 1997 (111 Stat. 2592), created the HUBZone Empowerment Contracting Program (hereinafter "the HUBZone Program"). This final rule adds a new Part 126 to Title 13 of the Code of Federal Regulations to implement the HUBZone program.

DATES: The effective date of this rule is September 9, 1998. However, at the conclusion of the congressional review, if the effective date has been changed, the Small Business Administration (SBA) will publish a document in the **Federal Register** to establish the actual effective date or to terminate the rule.

FOR FURTHER INFORMATION CONTACT:

Michael McHale, Assistant Administrator, Office of Procurement Policy and Liaison, 409 Third Street, SW, Washington, DC 20416, (202) 205-6731.

SUPPLEMENTARY INFORMATION: On April 2, 1998, SBA published a proposed rule to implement the HUBZone program. See 63 FR 16148. The proposed rule set forth the program requirements for qualification as a HUBZone small business concern (HUBZone SBC), the federal contracting assistance available

to qualified HUBZone SBCs, and other aspects of this program. SBA published a technical correction on April 14, 1998. See 63 FR 18150.

The public comment period closed on May 4, 1998. SBA received 35 comment letters on the proposed rule. This final rule includes changes based on some of the comments received.

Section-by-Section Analysis

The conforming amendments to Part 121 of this title remain as proposed. However, SBA has added a second conforming amendment to Part 125 of this title. Section 125.2 of this title must be amended to include HUBZone contracts in the contracts reviewed by SBA's procurement center representatives.

A new part 126 is added to Title 13 of the Code of Federal Regulations to implement the HUBZone program.

Section 126.100 explains that the purpose of the HUBZone program is to provide federal contracting assistance for qualified small business concerns (SBC) located in historically underutilized business zones in an effort to increase employment opportunities and investment in those areas. SBA received no comments concerning this section and it remains as proposed.

Section 126.101 lists the departments and agencies affected directly by the HUBZone program. SBA received no comments concerning this section and it remains as proposed.

Section 126.102 describes the effect the HUBZone program will have on the 8(d) subcontracting program. The HUBZone Act of 1997 amended section 8(d) of the Small Business Act, 15 U.S.C. 637(d), to include qualified HUBZone SBCs in the formal subcontracting plans required by 8(d) of the Small Business Act and described in section 125.3 of this title. Two comments on this section stated that SBA has not adequately addressed how SBA will implement the inclusion of qualified HUBZone SBCs in the 8(d) subcontracting assistance program. SBA refers commenters to changes made to section 125.3 of this title, concerning SBA's 8(d) subcontracting program, to implement the inclusion of qualified HUBZone SBCs in this program. Changes to the Federal Acquisition Regulation also will need to be made to further implement these changes. This section remains as proposed.

Section 126.103 defines terms that are important to the HUBZone program. SBA received comments regarding several of the proposed definitions.

In defining some terms essential to the HUBZone program, the HUBZone

Act of 1997 relied upon definitions provided by other federal agencies. This final rule cross-references those definitions for use in connection with the HUBZone program.

HUBZone definition: The HUBZone Act defines a HUBZone as "a historically underutilized business zone which is in an area located within one or more qualified census tracts, qualified non-metropolitan counties, or lands within the external boundaries of an Indian reservation." Further, the HUBZone Act states that the term "qualified census tract" has the meaning given that term in § 42(d)(5)(C)(ii)(I) of the Internal Revenue Code. This section of the Internal Revenue Code refers to the low-income housing credit program maintained by the Department of Housing and Urban Development (HUD). The Secretary of HUD designates the qualified census tracts by Notice published periodically in the **Federal Register**. These notices are titled "Statutorily Mandated Designation of Qualified Census Tracts and Difficult Development Areas for Section 42 of the Internal Revenue Code of 1986." The most recent Notice may be found at 59 FR 53518 (1994). The rule includes a cross-reference to § 42(d)(5)(C)(ii)(I) of the Internal Revenue Code.

Qualified non-metropolitan counties definition: The term qualified non-metropolitan counties is based on the most recent data available concerning median household income and unemployment rates. The Bureau of Census of the Department of Commerce gathers the data regarding median household income and the Bureau of Labor Statistics of the Department of Labor gathers the data regarding unemployment rates. The public can find the information from the Bureau of Census at any local Federal Depository Library. To find the nearest Federal Depository Library, call toll-free (888) 293-6498. The information from the Bureau of Labor Statistics is available for public inspection at the U.S. Department of Labor, Bureau of Labor Statistics, Division of Local Area Unemployment Statistics office in Washington, D.C. (the text of the rule lists the complete address). Again, the rule cross-references this information to provide guidance in determining whether or not a small business concern is located in a HUBZone.

Qualified census tract definition: The terms qualified census tract and qualified non-metropolitan counties are based on statistics gathered periodically by various federal agencies. The census reflects changes every 10 years, while unemployment statistics are calculated