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## DEPARTMENT OF HOMELAND SECURITY

**8 CFR Parts 1, 208, 209, 212, 214, 217, 235, 245, 274a, 286, and 299**

[CIS No. 2460-08; DHS Docket No. USCIS-2008-0039]

RIN 1615-AB77

## DEPARTMENT OF JUSTICE

### Executive Office for Immigration Review

**8 CFR Parts 1001, 1208, 1209, 1212, 1235, and 1245 and 1274a**

[EOIR Docket No. 169 AG Order No. 3120-2009]

RIN 1125-AA67

### Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands

**AGENCY:** U.S. Citizenship and Immigration Services, DHS; Executive Office for Immigration Review, DOJ.

**ACTION:** Interim final rule; Correction.

**SUMMARY:** This document contains corrections to the interim final rule published in the **Federal Register** on October 28, 2009. The interim final rule implemented conforming amendments to the Department of Homeland Security and the Department of Justice regulations to comply with the Consolidated Natural Resources Act of 2008. A review after publication identified one inadvertent omission and three errors in the interim final rule.

**DATES:** This correction will be effective on November 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Fred Ongcapin, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., 2nd Floor, Washington, DC 20529-2211, telephone (202) 272-8221 (not a toll-free call).

## SUPPLEMENTARY INFORMATION:

### Need for Correction

On October 28, 2009, the Department of Homeland Security (DHS) and the Department of Justice (DOJ) jointly published an interim final rule in the **Federal Register** at 74 FR 55726 implementing conforming amendments to DHS and DOJ regulations to comply with the Consolidated Natural Resources Act of 2008 (CNRA). The CNRA extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI). Among the amendments made, the rule designated certain employment authorization/identity documents that are used only in the CNMI as acceptable for completing the Employment Eligibility Verification Form (Form I-9). The rule also introduced a new version of the Form I-9 to be used only in the CNMI. This document corrects one inadvertent omission and three errors.

(1) DHS is correcting an omission to the regulatory text in the interim final rule. In the middle of the second column on page 55732 of that rule, the preamble announces that DHS is creating a new Form I-9 for use by CNMI employers that contains new acceptable documents specific to the CNMI. However, DHS inadvertently omitted revising the regulatory text at 8 CFR 274a.2(a)(2) to provide for the new CNMI-only Form I-9. This rule corrects this omission by amending 8 CFR 274a.2(a)(2) to require CNMI employers to use the CNMI-specific Form I-9 to satisfy the Form I-9 requirements. Use of the CNMI-only Form I-9 is limited to the 2-year transition period, November 28, 2009, through November 27, 2011. This correction clarifies that use of the CNMI Form I-9 is limited to the CNMI and that CNMI employers may not use the regular Form I-9 during the 2-year transition period.

(2) DHS is correcting an error in the regulatory text and a related error in the Supplementary Information of the interim final rule. The regulatory text that added new 8 CFR 274a.2(b)(1)(v)(D)(1)(i) on page 55739 erroneously states that the issuing authority for the Alien Entry Permit with red band is the Department of Labor of the CNMI. The correct issuing authority is the CNMI Office of the Attorney General, Division of Immigration. Likewise, on page 55732,

the Supplementary Information erroneously states that the Department of Labor of the CNMI issues all three of the CNMI-issued documents listed in the rule at 8 CFR 274a.2(b)(1)(v)(D)(1), including the Alien Entry Permit.

(3) DOJ is correcting an error in the regulatory text of the interim final rule. The regulatory text that added new 8 CFR 1212.1(q) on page 55742 erroneously cross-references 8 CFR 212.1(l) with respect to admissibility under the Guam-CNMI Visa Waiver Program. The correct cross-reference should be to 8 CFR 212.1(q). Through this rule, DHS and DOJ are correcting these errors.

### Correction of Publication

■ Accordingly, the publication on October 28, 2009 (74 FR 55726) of the interim final rule that was the subject of FR Doc. E9-26094 is corrected as follows:

### PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

■ 1. On page 55732, first column, under the heading “2. Employment Authorization Documentation” second paragraph, seventh sentence, remove the phrase “Department of Labor of”.

■ 2. On page 55739, third column, add amendment 24a, with regulatory text, immediately before amendment 25 to read:

■ 24a. Section 274a.2(a)(2) is amended by adding two new sentences immediately after the first sentence to read as follows:

#### § 274a.2 Verification of employment eligibility.

(a) \* \* \*

(2) *Verification form.* \* \* \* In the Commonwealth of the Northern Mariana Islands (CNMI) only, for a 2-year period starting from the transition program effective date (as defined in 8 CFR 1.1), the Form I-9 CNMI Employment Eligibility Verification Form must be used in lieu of Form I-9 in complying with the requirements of 8 CFR 274a.1 through 274a.11. Whenever “Form I-9” is mentioned in this title 8, “Form I-9” means Form I-9 or, when used in the CNMI for a 2-year period starting from the transition program effective date (as defined in 8 CFR 1.1), Form I-9 CNMI.

\* \* \*

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■ 3. On page 55739, in the third column under § 274a.2 (b)(1)(v)(D)(1)(i), revise the phrase “Department of Labor” to read “Office of the Attorney General, Division of Immigration”.

**PART 1212—DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE**

■ 4. On page 55742, in the third column, in paragraph 1212.1(q)(1) introductory text, the citation “8 CFR 212(1)” is revised to read “8 CFR 212(q)”.

**Rosemary Hart,**

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**Christina E. McDonald,**

*Deputy Associate General Counsel for Regulatory Affairs, Department of Homeland Security.*

[FR Doc. E9–28417 Filed 11–25–09; 8:45 am]

**BILLING CODE 9111–97–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2009–1092; Directorate Identifier 2009–NM–219–AD; Amendment 39–16068; AD 2009–24–09]

**RIN 2120–AA64**

**Airworthiness Directives; Airbus Model A330–200 and -300 Series Airplanes; and Model A340–200 and -300 Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

An A330 operator experienced a low level of the Yellow hydraulic circuit due to a loose[ning] of check valve part number (P/N) CAR401. During the inspection on the other two hydraulic systems, the other three CAR401 check valves were also found to be loose with their lock wire broken in two instances.

A340 aeroplanes are also equipped with the same high pressure manifold check valves.

Investigations are on-going to determine the root cause of this event.

Additional cases of CAR401 check valve loosening have been experienced in service on aeroplanes having accumulated more than 1000 flight cycles (FC). The check valve fitted on the Yellow hydraulic system is more affected, probably due to additional system cycles induced by cargo door operation.

The loss of torque due to pressure cycles could contribute to check valve loosening, resulting in a leak and finally the loss of the associated hydraulic system and, in the worst case, of the three hydraulic systems of the aeroplane.

\* \* \* \* \*

The unsafe condition is the possible loss of all three hydraulic systems, which could result in loss of control of the airplane. This AD requires actions that are intended to address the unsafe condition described in the MCAI.

**DATES:** This AD becomes effective December 14, 2009.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of December 14, 2009.

We must receive comments on this AD by January 11, 2010.

**ADDRESSES:** You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* (202) 493–2251.

- *Mail:* U.S. Department of

Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:**

Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1138; fax (425) 227–1149.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Emergency Airworthiness Directive 2009–0223–E, dated October 13, 2009 (referred to after this as “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

An A330 operator experienced a low level of the Yellow hydraulic circuit due to a loose[ning] of check valve part number (P/N) CAR401. During the inspection on the other two hydraulic systems, the other three CAR401 check valves were also found to be loose with their lock wire broken in two instances.

A340 aeroplanes are also equipped with the same high pressure manifold check valves.

Investigations are on-going to determine the root cause of this event.

Additional cases of CAR401 check valve loosening have been experienced in service on aeroplanes having accumulated more than 1000 flight cycles (FC). The check valve fitted on the Yellow hydraulic system is more affected, probably due to additional system cycles induced by cargo door operation.

The loss of torque due to pressure cycles could contribute to check valve loosening, resulting in a leak and finally the loss of the associated hydraulic system and, in the worst case, of the three hydraulic systems of the aeroplane.

This AD requires to perform the following inspection programme to detect any check valve loosening and, if necessary, apply the associated corrective actions:

1st Step: On yellow and blue hydraulic circuits: lock wire inspection, inspection for traces of seepage or black deposit, check valve torque and red marking application.

2nd Step: On green hydraulic circuit: same inspections as required in 1st Step and on yellow and blue hydraulic circuits: inspection of check valves for condition.

Finally: On green, yellow and blue hydraulic circuits: repetitive inspection of check valves for condition.

The unsafe condition is the possible loss of all three hydraulic systems, which could result in loss of control of the airplane. The inspection program involves a detailed inspection of the lock wire for presence and integrity, a detailed inspection for traces of seepage or black deposits, an inspection for proper torque, and a detailed inspection to determine alignment of the check valve and manifold. The corrective actions include replacing seal assemblies, replacing the check valve, removing the lock wire, and re-torquing the check valve. The required actions also include installing a new lock wire. You may obtain further information by examining the MCAI in the AD docket.