

# Rules and Regulations

Federal Register

Vol. 76, No. 57

Thursday, March 24, 2011

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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF JUSTICE

### Executive Office for Immigration Review

#### 8 CFR Part 1274a

[EOIR No. 166F; AG Order No. 3260–2011]

RIN 1125–AA64

#### Reorganization of Regulations on Control of Employment of Aliens

**AGENCY:** Executive Office for Immigration Review, Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule adopts without change an interim rule with request for comments published in the **Federal Register** on January 15, 2009. The interim rule amended regulations of the Executive Office for Immigration Review (EOIR), Department of Justice, by deleting the unnecessary, duplicative provisions in part 1274a of chapter V in title 8 of the Code of Federal Regulations (CFR) that are the responsibility of the Department of Homeland Security (DHS). This rule also revised the remaining provisions in part 1274a to reference the applicable DHS regulations.

**DATES:** This rule is effective March 24, 2011.

**FOR FURTHER INFORMATION CONTACT:** Robin M. Stutman, General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041, telephone (703) 305–0470 (not a toll-free call).

**SUPPLEMENTARY INFORMATION:** On January 15, 2009, the Department of Justice published an interim rule with request for comments amending 8 CFR part 1274a. Reorganization of Regulations on Control of Employment of Aliens, 74 FR 2337 (Jan. 15, 2009). The Homeland Security Act of 2002, as amended, transferred the functions of

the former Immigration and Naturalization Service (INS) from the Department of Justice to DHS; however, it retained under the authority of the Attorney General the functions of EOIR, a separate agency within the Department of Justice. As the existing regulations often intermingled the responsibilities of the former INS and EOIR, this transfer required a reorganization of title 8 of the CFR in February 2003, including the establishment of a new chapter V in 8 CFR pertaining to EOIR. As part of this reorganization, a number of regulations pertaining to the responsibilities of DHS intentionally were duplicated in the new chapter V because those regulations also included provisions relating to the responsibilities of EOIR. As explained in the interim rule, the Department of Justice has determined that most of the duplicated regulations in part 1274a pertain to functions that are DHS's responsibility and do not need to be reproduced in EOIR's regulations in chapter V. The interim rule deleted the unnecessary, duplicative regulations in part 1274a and revised the remaining EOIR provisions to reference the applicable DHS regulations.

The Department of Justice provided an opportunity for post-promulgation comment even though this is a rule of internal agency organization. The comment period ended March 16, 2009. Two comments were received, including one from a legal service provider and another from a member of the public. The first comment proposed adding a new document—proof of asylee status—to the list of “Documents that Establish Employment Authorization” in 8 CFR 274a.2. The Department notes that the two sections mentioned by the commenter, 8 CFR 274a.2 and 274a.12, are DHS regulations and are not part of the EOIR regulations. This comment appears to be addressing changes proposed by DHS in its interim rule, Documents Acceptable for Employment Eligibility Verification, 73 FR 76505 (Dec. 17, 2008). Furthermore, the comment did not discuss EOIR's regulations or EOIR's interim rule. The second comment expressed a general opinion about employment of aliens in the United States and did not discuss EOIR's interim rule. As neither comment addressed the changes set forth in the interim rule, there is no reason to revise the provisions of that

rule. Accordingly, the interim rule amending 8 CFR part 1274a that was published on January 15, 2009, is being adopted as a final rule without change.

### Regulatory Requirements

#### *Administrative Procedure Act*

The Department of Justice provided an opportunity for post-promulgation public comment under 5 U.S.C. 553, even though compliance with the requirements in 5 U.S.C. 553 with regard to notice of proposed rulemaking and delayed effective date is unnecessary. Such compliance is unnecessary because this rule makes only technical amendments to the organization, procedures, and practices of the Department of Justice to improve the organization of the Department regulations, reflects the transfer of functions contemplated by the Homeland Security Act of 2002, and recodifies existing regulations.

#### *Regulatory Flexibility Act*

As notice of proposed rulemaking is not required for this rule under the Administrative Procedure Act, 5 U.S.C. 553, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

#### *Paperwork Reduction Act*

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this interim rule because there are no new or revised recordkeeping or reporting requirements.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

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

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, (SBREFA), 5 U.S.C. 804. This rule will not result in

an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### *Congressional Review Act*

This action pertains to agency organization, procedures, and practices and does not substantially affect the rights or obligations of non-agency parties. Accordingly, it is not a "rule" as that term is used by the Congressional Review Act (Subtitle E, SBREFA). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

#### *Executive Order 12866*

This rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

#### *Executive Order 13132*

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the Department of Justice has determined that this rule does not have sufficient federalism implications to warrant a federalism summary impact statement.

#### *Executive Order 12988*

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

#### **List of Subjects in Part 1274a**

Administrative practice and procedure, Immigration.

#### **PART 1247a—[AMENDED]**

■ Accordingly, the interim rule amending 8 CFR part 1274a that was published at 74 FR 2337 on January 15, 2009, is adopted as a final rule without change.

Dated: March 18, 2011.

**Eric H. Holder, Jr.,**

*Attorney General.*

[FR Doc. 2011-6961 Filed 3-23-11; 8:45 am]

**BILLING CODE 4410-30-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2010-0452; Directorate Identifier 98-ANE-80-AD; Amendment 39-16639; AD 2011-07-02]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217A, -217C, and -219 Series Turbofan Engines**

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding an existing airworthiness directive (AD) for the products listed above. That AD currently requires initial and repetitive torque inspections of the 3rd stage and 4th stage low-pressure turbine (LPT) blades for shroud notch wear and replacement of the blade if wear limits are exceeded. That AD also requires replacing LPT-to-exhaust case bolts and nuts with bolts and nuts made of Tinidur material. This new AD requires the same torque inspection, blade, and Tinidur nut replacement actions, but requires replacement of the LPT-to-exhaust case bolts with longer bolts made of Tinidur material. This AD also requires installation of crushable sleeve spacers on the bolts. This AD was prompted by nine reports of failure of Tinidur material LPT-to-exhaust case bolts, as a result of blade failure, since AD 2005-02-03 became effective. We are issuing this AD to prevent turbine blade failures that could result in uncontained engine debris and damage to the airplane.

**DATES:** This AD is effective April 28, 2011. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of April 28, 2011.

**ADDRESSES:** For service information identified in this AD, contact Pratt & Whitney, 400 Main St., East Hartford, CT 06108; *phone:* (860) 565-8770, *fax:* (860) 565-4503. You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the

availability of this material at the FAA, call 781-238-7125.

#### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility 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 address for the Docket Office (*phone:* 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Ian Dargin, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park; Burlington, MA 01803; *phone:* 781-238-7178; *fax:* 781-238-7199; e-mail: [ian.dargin@faa.gov](mailto:ian.dargin@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2005-02-03, Amendment 39-13948 (70 FR 3867, January 27, 2005). That AD applies to the specified products. The NPRM published in the **Federal Register** on July 1, 2010 (75 FR 38052). That NPRM proposed the same torque inspection, blade, and LPT-to-exhaust case retaining nut replacement actions as the superseded AD, but would also require replacement of the LPT-to-exhaust case bolts with longer bolts made of Tinidur material. That NPRM also proposed to require installation of crushable sleeve spacers on the LPT-to-exhaust case bolts.

##### **Comments**

We gave the public the opportunity to participate in developing this AD. We have considered the comments received.

##### **Request to Include Other FAA-Approved Methods**

One commenter, American Airlines, requested that paragraph (s) of the proposed AD be revised to include other FAA-approved methods not published in the OEM's engine manual.

We agree and changed paragraph (t) to state: "For the purpose of this AD, "refurbished" is defined as restoration of the shrouds and/or blade re-twist per the JT8D-200 Engine Manual, Part No. 773128, or per an operator's approved manual system."