

of the Notice of Intent to Discipline filed by DHS shall be forwarded to the EOIR disciplinary counsel, who may submit a written request to the Board or the adjudicating official requesting that any discipline imposed upon a practitioner that restricts his or her authority to practice before DHS also apply to the practitioner's authority to practice before the Board and the Immigration Courts. Proof of service on the practitioner of any request to broaden the scope of the proposed discipline must be filed with the adjudicating official.

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- 5. Amend § 1003.106 by:
- a. Revising paragraph (a)(1);
 - b. Adding paragraph (a)(2) introductory text; and by
 - c. Removing from the first sentence in paragraph (a)(2)(ii) the words "Except as provided in §§ 1003.105(c)(3), upon" and adding in their place "Upon".

The addition and revision read as follows:

§ 1003.106 Right to be heard and disposition.

(a) * * *

(1) *Summary disciplinary proceedings.* A practitioner who is subject to summary disciplinary proceedings pursuant to § 1003.103(b) must make a prima facie showing to the Board in his or her answer that there is a material issue of fact in dispute with regard to the basis for summary disciplinary proceedings, or with one or more of the exceptions set forth in § 1003.103(b)(2)(i) through (iii). If the practitioner files a timely answer and the Board determines that there is a material issue of fact in dispute with regard to the basis for summary disciplinary proceedings, or with one or more of the exceptions set forth in § 1003.103(b)(2)(i) through (iii), then the Board shall refer the case to the Chief Immigration Judge for the appointment of an adjudicating official. If the practitioner fails to make such a prima facie showing, the Board shall retain jurisdiction over the case and issue a final order. Notwithstanding the foregoing, the Board shall refer any case to the Chief Immigration Judge for the appointment of an adjudicating official in which the practitioner has filed a timely answer and the case involves a charge or charges that cannot be adjudicated under the summary disciplinary proceedings provisions in § 1003.103(b). The Board shall refer such a case regardless of whether the practitioner has requested a hearing.

(2) *Procedure.* The procedures of paragraphs (b) through (d) of this section apply to cases in which the

practitioner files a timely answer to the Notice of Intent to Discipline, with the exception of cases in which the Board issues a final order pursuant to § 1003.105(d)(2) or § 1003.106(a)(1).

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§ 1003.107 [Amended]

- 6. Amend § 1003.107 by:
 - a. Removing from the section heading the word "expulsion" and adding in its place the word "disbarment".
 - b. Removing from paragraph (a) the words "the Service" and adding in their place the term "DHS";
 - c. Removing from the first sentence of paragraph (b) introductory text the word "expelled" and adding in its place the word "disbarred";
 - d. Removing from the third sentence of paragraph (b) introductory text the word "expelled" and adding in its place the word "disbarred";
 - e. Removing from the second sentence of paragraph (b)(1) the word "expelled" and adding in its place the word "disbarred"; and by
 - f. Removing from the second sentence of paragraph (b)(1) the word "expulsion" and adding in its place the word "disbarment".

PART 1292—REPRESENTATION AND APPEARANCES

- 7. The authority citation for part 1292 continues to read as follows:

Authority: 8 U.S.C. 1103, 1252b, 1362.

- 8. Section 1292.3 is revised to read as follows:

§ 1292.3 Professional conduct for practitioners—Rules and procedures.

Attorneys and representatives practicing before the Board, the Immigration Courts, or DHS are subject to the imposition of disciplinary sanctions as provided in 8 CFR part 1003, subpart G, § 1003.101 *et seq.* See also 8 CFR 292.3 (pertaining to practice before DHS).

Dated: January 3, 2012.

Eric H. Holder, Jr.,

Attorney General.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. NE130; Special Conditions No. 33-008-SC]

Special Conditions: Pratt and Whitney Canada Model PW210S Turboshift Engine

Correction

In rule document 2011-14113 appearing on pages 33981-33982 in the issue of Friday, June 10, 2011, make the following correction:

On page 33981, in the first column, in the heading, Special Conditions No. "33-008-SCI" should read "33-008-SC".

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PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in February 2012. The interest assumptions are used for paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective February 1, 2012.

FOR FURTHER INFORMATION CONTACT:

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(*Klion.Catherine@pbgc.gov*), Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, (202) 326-4024. (TTY/TDD users may call the Federal relay service toll-free at 1-(800) 877-8339 and ask to be connected to (202) 326-4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR Part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits