

# Rules and Regulations

Federal Register

Vol. 74, No. 2

Monday, January 5, 2009

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## DEPARTMENT OF JUSTICE

### Executive Office for Immigration Review

#### 8 CFR Parts 1001, 1003, 1292

[Docket No. EOIR 160F; A.G. Order No. 3028-2008]

RIN 1125 AA59

#### Professional Conduct for Practitioners—Rules and Procedures, and Representation and Appearances

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

**ACTION:** Correction to final rule.

**SUMMARY:** This document contains a correction to the final rule published Thursday, December 18, 2008 at 73 FR 76914, relating to the rules and procedures that govern the standards of representation and professional conduct for practitioners who appear before the Executive Office for Immigration Review (EOIR).

**DATES:** *Effective Date:* January 5, 2009.

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

**SUPPLEMENTARY INFORMATION:** The final rule that is the subject of these corrections amends Department of Justice regulations by amending the rules and procedures for imposing disciplinary sanctions against practitioners who engage in criminal, unethical, or unprofessional conduct, or in frivolous behavior in proceedings before EOIR. The final rule increases the number of grounds for discipline and improves the clarity and uniformity of the existing rules while incorporating miscellaneous technical and procedural changes.

### Need for Correction

As published, the final rule contains a typographical error that may cause confusion and therefore is in need of clarification. The instruction for 8 CFR 1003.103 says in part that the first sentence of paragraph (a)(1) is revised. However the entire paragraph is revised. The first sentence is revised to reflect the technical correction in terminology from “the Office of the General Counsel of EOIR” to “the EOIR disciplinary counsel,” and to allow for immediate suspension of a practitioner who resigns from the highest court of any State, possession, territory, or Commonwealth of the United States, or the District of Columbia, or any Federal court, while a disciplinary investigation is pending. The paragraph is further revised to incorporate the technical correction in terminology from “the Office of the General Counsel of the Service” to “DHS.”

### Correction

For the reasons stated above, in the FR Doc. E8-30027, beginning on page 76914 in the **Federal Register** of Thursday, December 18, 2008, the following correction is made:

#### § 1003.103 [Corrected]

On page 76923, in the third column, instruction 7a. is corrected to read as follows:

- 7. Amend § 1003.103 by:
  - a. Revising paragraph (a)(1);
- \* \* \* \* \*

Dated: December 30, 2008.

**Rosemary Hart,**

*Federal Register Liaison.*

[FR Doc. E8-31302 Filed 1-2-09; 8:45 am]

**BILLING CODE 4410-30-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 11

[Docket No. FAA-199-6622; Amendment No. 11-55]

RIN 2120-AG95

#### Clarification for Submitting Petitions for Rulemaking or Exemption

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Federal Aviation Administration (FAA) is making minor technical changes to the requirements for submitting a petition for rulemaking or exemption. In a final rule published in the **Federal Register** on December 5, 2007, the FAA inadvertently did not make conforming amendments to plain language requirements in the structure and content of the final rule. This technical amendment restructures or reorders the filing of petitions and incorporates a reference for additional filing guidance and instructions using the Federal Docket Management System (FDMS). These changes ensure general rulemaking procedures are clear, written in plain language, and better inform the public of administrative practices.

**DATES:** *Effective Dates:* This rule is effective January 5, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Katrina Holiday, Office of Rulemaking, ARM-202, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202-267-9680); facsimile: (202-267-5075); e-mail: [katrina.holiday@faa.gov](mailto:katrina.holiday@faa.gov).

**SUPPLEMENTARY INFORMATION:** The FAA published in the **Federal Register** on December 5, 2007 (72 FR 68474) a document that amended the regulations for submitting petitions for rulemaking or exemption. This technical amendment—

(1) Incorporates a reference to available guidance and instructions that may ease the use of FDMS. This guidance is accessible via the Internet at <http://www.regulations.gov>, and additional instructions for petitions for rulemaking or exemption are also accessible via the Internet at <http://www.faa.gov/regulations>.

(2) Amends 14 CFR 11.63(a) and (b) by reordering these paragraphs by order of importance to address in paragraph (a) general submissions of petitions for rulemaking or exemption, and paragraph (b) specific petitions for rulemaking or exemption for relief from part 139 of this chapter.

Because these actions are merely administrative in nature, the FAA finds that notice and public procedure under 5 U.S.C. 553(b) is unnecessary. For the same reason, the FAA finds that good cause exists under 5 U.S.C. 553(d) for

making this amendment effective upon publication.

#### List of Subjects in 14 CFR Part 11

Administrative practice and procedure, Reporting and recordkeeping requirements.

■ Accordingly, Title 14 of the Code of Federal Regulations (CFR) part 11 is amended as follows:

#### The Amendments

#### PART 11—GENERAL RULEMAKING PROCEDURES

■ 1. The authority citation for part 11 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

■ 2. Revise § 11.63(a), (b), and (c) to read as follows:

#### § 11.63 How and to whom do I submit my petition for rulemaking or petition for exemption?

(a) To submit a petition for rulemaking or exemption—

(1) By electronic submission, submit your petition for rulemaking or exemption to FAA through the Internet at <http://www.regulations.gov>, the Federal Docket Management System Web site. For additional instructions, you may visit <http://www.faa.gov/regulations>.

(2) By paper submission, send the original signed copy of your petition for rulemaking or exemption to this address: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

(b) Submit a petition for rulemaking or exemption from part 139 of this chapter—

(1) To the appropriate FAA airport field office in whose area your airport is, or will be, established; and

(2) To the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590 or by electronic submission to this Internet address: <http://www.regulations.gov>.

(c) The FAA may designate other means by which you can submit petitions in the future.

\* \* \* \* \*

Issued in Washington, DC on December 30, 2008.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

[FR Doc. E8-31304 Filed 1-2-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30642; Amdt. No 3300]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective January 5, 2009. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 5, 2009.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

#### For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

*Availability*—All SIAPs and Takeoff

Minimums and ODPs are available

online free of charge. Visit <http://www.nfdc.faa.gov> to register.

Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

#### FOR FURTHER INFORMATION CONTACT:

Harry J. Hodges, Flight Procedure Standards Branch (AFS-420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPs, Takeoff Minimums and/or ODPs. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, and 8260-15B when required by an entry on 8260-15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

#### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and