

Table 1 to paragraph (g) – Applicable MSBs

For—	Use—
Arrius 2B1 engines with EECUs that have incorporated Modification TU 19C	Turbomeca MSB No. 319 73 2080, Revision 1, dated February 13, 2004
Arrius 2B1 engines with EECUs that have incorporated Modification TU 67C or TU 23C	Turbomeca MSB No. 319 73 2081, Revision 1, dated February 13, 2004
Arrius 2B1A and 2B1A1_1 engines	Turbomeca MSB No. 319 73 2082, Revision 1, dated February 13, 2004, Version C, dated July 31, 2008, or Version D, dated June 6, 2011
Arrius 2B2 engines	Turbomeca MSB No. 319 73 2090, Original Issue, dated February 13, 2004

BILLING CODE 4910-13-C**(h) Installation Prohibition**

After the effective date of this AD, do not install onto any engine any EECU having a P/N identified in paragraph (c) of this AD.

(i) Definition

For the purpose of this AD, a “part eligible for installation” is an EECU having a P/N that is not identified in paragraph (c) of this AD.

(j) No Reporting Requirements

The reporting requirements specified in Turbomeca MSB No. 319 73 2080, Revision 1, dated February 13, 2004; Turbomeca MSB No. 319 73 2081, Revision 1, dated February 13, 2004; Turbomeca MSB No. 319 73 2082, Revision 1, dated February 13, 2004, Version C, dated July 31, 2008, and Version D, dated June 6, 2011; and Turbomeca MSB No. 319 73 2090, Original Issue, dated February 13, 2004, are not required by this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *ANE-AD-AMOC@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(l) Related Information

(1) For more information about this AD, contact Wego Wang, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781)

238-7134; fax: (781) 238-7199; email: *wego.wang@faa.gov*.

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2021-0088R1, dated July 26, 2021, for more information. You may examine the EASA AD in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0793.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on February 23, 2022.

(i) Turbomeca Mandatory Service Bulletin (MSB) No. 319 73 2082, Version C, dated July 31, 2008.

(ii) Turbomeca MSB No. 319 73 2082, Version D, dated June 6, 2011.

(4) The following service information was approved for IBR on June 29, 2005 (70 FR 34334, June 14, 2005).

(i) Turbomeca MSB No. 319 73 2080, Revision 1, dated February 13, 2004.

(ii) Turbomeca MSB No. 319 73 2081, Revision 1, dated February 13, 2004.

(iii) Turbomeca MSB No. 319 73 2082, Revision 1, dated February 13, 2004.

(iv) Turbomeca MSB No. 319 73 2090, Original Issue, dated February 13, 2004.

(5) For Turbomeca service information identified in this AD, contact Safran Helicopter Engines, S.A., Avenue du 1er Mai, 40220 Tarnos, France; phone: +33 (0) 5 59 74 45 00.

(6) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222-5110.

(7) You may view this service information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *fr.inspection@nara.gov*, or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on December 17, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

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BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 12**

[Docket No. RM20-9-000; Order No. 880]

Safety of Water Power Projects and Project Works**Correction**

In rule document 2021-27736, appearing on pages 1490-1520, in the issue of Tuesday, January 11, 2022, make the following changes:

§ 12.4 [Corrected].

■ 1. On page 1514, in the first column, under amendatory instruction number 3, instruction “3c” currently reads, “Adding paragraphs (b)(2)(iii)(C) and (D);” should read, “Revising paragraphs (c)(1), (c)(2) introductory text, and (c)(3); and”

■ 2. On page 1514, in the first column, under amendatory instruction number 3, instruction “3d” currently reads, “Revising paragraphs (c)(1), (c)(2)

introductory text, and (c)(3); and” should read, “Adding paragraph (d).” ■ 3. On page 1514, in the first column, under amendatory instruction number 3, instruction “3e” should be deleted.

§ 12.10 Reporting safety-related incidents [Corrected].

■ 1. On page 1514, in the third column, amendatory instruction number “4(b)(5)” should read “4(b)(4)”

[FR Doc. C1–2021–27736 Filed 1–18–22; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF STATE

22 CFR Parts 22 and 42

[Public Notice: 11526]

RIN 1400–AF37

Visas: Immigrant Visas

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (Department) amends its regulation governing immigrant visa fees to allow for the exemption from immigrant visa (IV) fees for certain applicants previously denied an immigrant visa pursuant to certain Presidential Proclamations issued by the previous administration and associated technical corrections.

DATES: This final rule is effective on January 19, 2022.

FOR FURTHER INFORMATION CONTACT: Claire Kelly, Office of Visa Services, Bureau of Consular Affairs, Department of State, 600 19th St. NW, Washington, DC 20006, (202) 485–7586.

SUPPLEMENTARY INFORMATION:

I. What changes to 22 CFR 22.1, 42.71, and 42.74 does the Department make?

The Department is amending 22 CFR 22.1 and 42.71 to exempt applicants who were denied an IV under section 212(f) of the Immigration and Nationality Act (INA) on or between December 8, 2017, and January 19, 2020, due to Presidential Proclamations 9645 and 9983 (collectively, “Proc. 9645/9983”) from the payment of immigrant visa fees. The Department is also correcting a typographical error in 22 CFR 22.1, Item 32(e), which should refer to 22 CFR 42.71, *not* 22 CFR 42.74, and correcting the header for § 42.71(b)(2) to specifically refer to adoptees. The Department is also correcting a formatting error in 22 CFR 42.74(a).

II. Policy Justification

On January 20, 2021, President Biden signed Proclamation 10141, “Ending

Discriminatory Bans on Entry to the United States” (Proc. 10141), which revoked Proc. 9645/9983. Among other requirements, Proc. 10141 directed the Department to create “a proposal to ensure that individuals whose immigrant visa applications were denied on the basis of the suspension and restriction on entry imposed by Proclamation 9645 or 9983 may have their applications reconsidered” and that the proposal “shall consider whether to reopen immigrant visa applications that were denied” and “whether it is necessary to charge an additional fee to process those visa applications.”

An IV applicant who is the beneficiary of a valid immigration petition may submit another visa application after being refused and in most circumstances they are required to pay again the relevant application fees. With this final rule, the Department exempts from such fees only those IV applicants who are applying again after being refused an IV pursuant to Proc. 9645/9983, with that limitation on scope being justified by the President’s findings articulated in Proc. 10141, as described below. Many IV applicants denied under Proc. 9645/9983, assuming no material change in circumstances, may now be eligible for a visa, and the Department is exempting this defined category of IV applicants from payment of IV fees if they apply again for an immigrant visa.

Some applicants were initially denied IVs under the Proc. 9645/9983 and additional refusal grounds. These applicants are not eligible for the fee exemption established by this final rule, unless a consular officer has previously determined, and informed the applicant in a visa denial letter, that the refusal on other grounds has been overcome and the only impediment to issuance of an IV on January 20, 2021, was Proc. 9645/9983, as reflected in a denial under section 212(f) of the INA, 8 U.S.C. 1182(f). If the other refusal grounds have not been overcome, the applicant will be required to pay the IV fees if they wish to apply again for an immigrant visa.

This final rule also does not apply to IV applicants who were refused due to Proc. 9645/9983 on or after January 20, 2020, as 22 CFR 42.81(e) provides for the reconsideration of their previously filed application, without an additional application fee. That regulation allows IV applicants to have their case reconsidered, without payment of an additional fee, by providing “further evidence tending to overcome the ground of ineligibility on which the refusal was based” within one year of

the date of refusal. The Department considers Proc. 10141, issued January 20, 2021, as the presentation of evidence overcoming the ineligibility, thus allowing cases refused within the prior year to be reconsidered under 22 CFR 42.81(e) without a new application fee.

Proc. 10141 described Proc. 9645/9983 as “just plain wrong.” As a means of remedying a suspension of entry under Proc. 9645/9983 that the President found objectionable as explained in Proc. 10141, the Department exempts, from payment of immigrant visa fees, applicants who were denied an IV on or between December 8, 2017, and January 19, 2020, solely due to the Proc. 9645/9983 and who submits a new application for an immigrant visa. Specifically, under this rule, these individuals would be exempt from the applicable immigrant visa application processing fee, as well as the affidavit of support review fee, if the applicant would otherwise be required to pay that fee again.

III. Regulatory Findings and Impact Statements

A. Administrative Procedure Act

This rule is exempt from notice and comment under the Administrative Procedure Act (APA) because it involves a foreign affairs function of the United States. 5 U.S.C. 553(a)(1).

Article II of the Constitution endows the President with certain foreign affairs powers, including the power to regulate the entry of noncitizens to the United States. *See* U.S. CONST. art. II; *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 542 (1950) (“The exclusion of aliens is a fundamental act of sovereignty . . . [and] is inherent in the executive power to control the foreign affairs of the nation.”); *Harisiades v. Shaughnessy*, 342 U.S. 580, 588–89 (1952) (“[A]ny policy toward aliens is vitally and intricately interwoven with contemporaneous policies in regard to the conduct of foreign relations [and] the war power”). An agency action that is taken as an extension of the President’s Article II foreign affairs authority is a diplomatic function and falls within the foreign affairs exception (hereafter, the “exception”). *See East Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 755 (9th Cir. 2018) (noting that Article II “vests power in the President to regulate the entry of aliens into the United States,” and are inherent executive powers that constitute a foreign affairs function (citing *Knauff*, 338 U.S. at 542)). Visa functions specifically involve regulating the admission or exclusion of noncitizens. Therefore,