

main gearbox (MGB), before further flight, replace the MGB or as an alternative to replacing an affected MGB, replace the epicyclic reduction gear module Post Modification (MOD) 0763C52 in the affected MGB in accordance with paragraph 3.B.2 of the Accomplishment Instructions of Airbus Helicopters Service Bulletin SB No. AS365–63.00.21, Revision 3, dated July 26, 2018 (SB AS365–63.00.21), except you are not required to contact Airbus Helicopters.

(2) For helicopters without any Type X planet gear assembly installed but with at least one Type Y planet gear assembly with an S/N listed in Appendix 4.B. of ASB AS365–05.00.78 installed on the MGB, within 300 hours time-in-service (TIS), or before any gear accumulates 1,300 hours TIS since new, whichever occurs first, replace the MGB or as an alternative to replacing the MGB, replace the epicyclic reduction gear module MOD 0763C52 in the affected MGB in accordance with paragraphs 3.B.2. of the Accomplishment Instructions of SB AS365–63.00.21, except you are not required to contact Airbus Helicopters.

(3) As of the effective date of this AD, do not install an MGB with a Type X or Type Y gear assembly with an S/N listed in Appendix 4.A. or 4.B. of ASB AS365–05.00.78 installed on the MGB, on any helicopter.

(4) For all helicopters, within 10 hours TIS and thereafter before the first flight of the day or at intervals not to exceed 10 hours TIS, whichever occurs first, inspect the lower MGB magnetic plugs for particles.

(i) If there are particles that consist of any scale, flake, or splinter, or particles other than cotter pin fragments, pieces of lock wire, swarf, abrasion, or miscellaneous non-metallic waste and the planet gear assembly has logged less than 50 hours TIS since new, inspect the MGB plugs for particles before further flight and inspect the oil filter for particles within 5 hours TIS. Thereafter, for 25 hours TIS, continue to inspect the MGB plugs for particles before each flight, inspect the oil filter for particles at intervals not to exceed 5 hours TIS, and perform the actions required by paragraphs (f)(4)(ii)(A) through (B) of this AD.

(ii) If there are particles that consist of any scale, flake, or splinter, or particles other than cotter pin fragments, pieces of lock wire, swarf, abrasion, or miscellaneous non-metallic waste and the planet gear assembly has logged more than 50 hours TIS since new, inspect the cumulative surface area of the particles collected from both the magnetic plug and the oil filter, since last MGB overhaul or since new if no overhaul has been performed.

(A) If the total surface area of the particles is less than 3 mm<sup>2</sup>, examine the particles with largest surface area (S), longest particle length (L) and thickest particles (e).

(1) If largest surface area (S) of a particle is less than 1 mm<sup>2</sup>, the L is less than 1.5 mm, and the e is less than 0.2 mm, inspect the MGB plugs for particles before further flight and inspect the oil filter for particles within 5 hours TIS. Thereafter, for 25 hours TIS, continue to inspect the MGB plugs for particles before each flight, inspect the oil filter for particles at intervals not to exceed

5 hours TIS, and perform the actions required by paragraphs (f)(4)(ii)(A) through (B) of this AD.

(2) If largest particle size (S) is greater than 1 mm<sup>2</sup>, the L is greater than 1.5 mm, or the e is greater than 0.2 mm, perform a metallurgical analysis for any 16NCD13 particles using a method in accordance with FAA-approved procedures.

(3) If there are any 16NCD13 particles, replace the MGB with an airworthy MGB.

(4) If there are no 16NCD13 particles, inspect the MGB plugs for particles before further flight and inspect the oil filter for particles within 5 hours TIS. Thereafter, for 25 hours TIS, continue to inspect the MGB plugs for particles before each flight, inspect the oil filter for particles at intervals not to exceed 5 hours TIS, and perform the actions required by paragraphs (f)(4)(ii)(A) through (B) of this AD.

(B) If the total surface area of collected particles is greater than or equal to 3 mm<sup>2</sup>, before further flight, perform a metallurgical analysis for any 6NCD13 particles using a method in accordance with FAA-approved procedures.

(1) If there are any 16NCD13 particles, before further flight, replace the MGB with an airworthy MGB.

(2) If there are no 16NCD13 particles, inspect the MGB plugs for particles before further flight and inspect the oil filter for particles within 5 hours TIS. Thereafter, for 25 hours TIS, continue to inspect the MGB plugs for particles before each flight, inspect the oil filter for particles at intervals not to exceed 5 hours TIS, and perform the actions required by paragraphs (f)(4)(ii)(A) through (B) of this AD.

#### (g) Special Flight Permits

Special flight permits may be permitted provided that there are no passengers on board.

#### (h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation 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 International Validation Branch, send it to the attention of the person identified in paragraph (i)(1) of this AD. Information may be emailed to: 9-AVS-AIR-730-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.

#### (i) Additional Information

(1) For more information about this AD, contact Rao Edupuganti, Aviation Safety Engineer, Dynamic Systems Section, Technical Innovation Policy Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email rao.edupuganti@faa.gov.

(2) The subject of this AD is addressed in European Aviation Safety Agency (now

European Union Aviation Safety Agency) (EASA) AD 2017–0116R2, dated March 2, 2018. You may view the EASA AD at <https://www.regulations.gov> in Docket No. FAA–2017–1036.

#### (j) Subject

Joint Aircraft Service Component (JASC) Code: 6300, Main Rotor Drive System.

#### (k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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.

(i) Airbus Helicopters Alert Service Bulletin ASB No. AS365–05.00.78, Revision 3, dated March 2, 2018.

(ii) Airbus Helicopters Service Bulletin SB No. AS365–63.00.21, Revision 3, dated July 26, 2018.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on May 27, 2021.

#### Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

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## DEPARTMENT OF STATE

### 22 CFR Part 22

[Public Notice: 11195]

RIN 1400–AF15

### Schedule of Fees for Consular Services—Fee Change for Certain Border Crossing Cards

AGENCY: Department of State.

ACTION: Final rule.

**SUMMARY:** The Department of State amends the Schedule of Fees for Consular Services (Schedule) for visa fees. More specifically, the rule amends

the Border Crossing Card fee paid by a Mexican citizen under age 15 whose parent or guardian has or is applying for a border crossing card (the “reduced Border Crossing Card fee”). The Department is decreasing this fee in light of the expiration of the authority provided by the Emergency Afghan Allies Extension Act of 2014, which imposed a temporary \$1 surcharge on the fees for Machine Readable Visa (MRV) and Border Crossing Card (BCC) application processing, to be deposited into the general fund of the Treasury. This provision required the Department of State to start collecting this surcharge on January 1, 2015, and it expired five and a half years after the first date on which the surcharge was collected, on June 30, 2020. The Department must reduce the reduced Border Crossing Card fee by \$1, for a total fee of \$15, to continue to collect the legislatively required fee amount of \$13 and all remaining applicable surcharges.

**DATES:** This rule is effective on June 15, 2021.

**FOR FURTHER INFORMATION CONTACT:** Rob Schlicht, Management Analyst, Office of the Comptroller, Bureau of Consular Affairs, Department of State; phone: 202-485-6681, telefax: 202-485-6826; email: [fees@state.gov](mailto:fees@state.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

This final rule makes changes to the Schedule of Fees for Consular Services of the Department of State’s Bureau of Consular Affairs. The Department sets and collects its fees based on the concept of full cost recovery, but some fees are set by statute. The Department of State is adjusting the reduced Border Crossing Card fee in light of the expiration of the authority provided by the Emergency Afghan Allies Extension Act of 2014, section 2, Public Law 113–160 (“the Act”), which imposed a temporary \$1 surcharge on fees for MRV and BCC application processing.

##### *What is the authority for this action?*

The Department of State derives the general authority to set fees based on the cost of the consular services it provides, and to charge those fees, from the general user charges statute, 31 U.S.C. 9701. *See, e.g.*, 31 U.S.C. 9701(b)(2)(A) (“The head of each agency . . . may prescribe regulations establishing the charge for a service or thing of value provided by the agency . . . based on

. . . the costs to the government.”). As implemented through Executive Order 10718 of June 27, 1957, 22 U.S.C. 4219 further authorizes the Department to establish fees to be charged for official services provided by U.S. embassies and consulates. Other authorities allow the Department to charge fees for consular services, but not to determine the amount of such fees, as the amount is statutorily determined.

The Department of State is required by law to collect a Border Crossing Card application processing fee for a Mexican citizen under age 15 whose parent or guardian has or is applying for a border crossing card. Public Law 105–277, Div. A, Sec. 101(b), 112 Stat. 2681–50, 1681–102. That fee is set by statute at \$13. Additional statutes imposed surcharges that previously brought the fee to a total of \$16. The Department is reducing the Border Crossing Card application processing fee for these Mexican citizen minors by \$1 to \$15 to reflect the expiration of the authority provided by the Act, which imposed a temporary \$1 surcharge on fees for MRV and BCC application processing.

##### *Why is this BCC fee \$15 instead of \$13?*

In addition to the statutory \$13 fee for BCCs for these Mexican citizen minors, Public Law 110–293, Title V, Sec. 501, 122 Stat. 2968, reproduced at 8 U.S.C. 1351 (note) requires the Secretary of State to collect a \$2 surcharge (the “HIV/AIDS/TB/Malaria surcharge”) on all MRVs and BCCs as part of the application processing fee; this surcharge must be deposited into the Treasury and goes to support programs to combat HIV/AIDS, tuberculosis, and malaria.

Since the authority provided by the Act to collect an additional \$1 surcharge on fees for MRV and BCC application processing expired on June 30, 2020, the Department has already administratively adjusted the reduced Border Crossing Card fee to reflect the expiration of this authority. This rulemaking adjusts the Schedule of Fees (22 CFR 22.1) accordingly.

#### **Regulatory Findings**

##### **Administrative Procedure Act**

The Department is publishing this rule as a final rule, with an effective date less than 30 days from the date of publication, based on the “good cause” exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). The APA

permits a final rule to become effective fewer than 30 days after the publication if the issuing agency finds good cause. 5 U.S.C. 553(d)(3).

The Department finds that good cause exists to forego notice and comment and establish an early effective date for this rulemaking because the authority provided by the Act to collect a temporary \$1 surcharge on fees for MRV and BCC application processing, expired on June 30, 2020, thereby eliminating any potential agency discretion with respect to this surcharge and rendering notice and comment unnecessary and impracticable.

##### **Regulatory Flexibility Act**

Since this rulemaking is exempt from notice and comment, the Regulatory Flexibility Act does not apply. However, the Department has nonetheless reviewed this rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities as defined in 5 U.S.C. 601(6). This rule decreases the Border Crossing Card application processing fee for certain Mexican citizen minors.

##### **Unfunded Mandates 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 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, 2 U.S.C. 1501–1504.

##### **Congressional Review Act**

This rule is not a major rule as defined by 5 U.S.C. 804(2).

##### **Executive Orders 12866 and 13563**

The Department has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Orders. This rule is necessary in light of expiration of the authority provided by the Emergency Afghan Allies Extension Act of 2014, which imposed a temporary \$1 surcharge on fees for MRV and BCC application processing. As a result, the reduced Border Crossing Card fee will be reduced by \$1 from \$16 to \$15.

Details of the fee changes are as follows:

Item No.	Fee	Unit cost	Current fee	Change in fee	Percentage increase	Estimated number of applications affected <sup>1</sup>	Estimated change in annual fees collected <sup>2</sup>
<b>SCHEDULE OF FEES FOR CONSULAR SERVICES</b>							
<b>NONIMMIGRANT VISA SERVICES</b>							
21. Nonimmigrant Visa Application and Border Crossing Card Processing Fees (per person):							
(f) Border crossing card—under age 15; for Mexican citizens if parent or guardian has or is applying for a border crossing card (valid 10 years or until the applicant reaches age 15; whichever is sooner) .....	\$15	( <sup>3</sup> )	\$16	\$1	– 6.25	200,846	(\$200,846)

<sup>1</sup> Based on FY 2019 workload.<sup>2</sup> Using FY 2019 workload to generate collections. This will be a reduction in total annual remittance to Treasury.<sup>3</sup> The fee for Border Crossing Card applications by minors is statutorily set at \$13.

## Executive Order 13771

This regulation is not an E.O. 13771 regulatory action because it is not a significant rulemaking under E.O. 12866.

## Executive Orders 12372 and 13132

This regulation 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, it is determined that this rule does not have sufficient federalism implications to require consultations, nor does it warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on

federal programs and activities do not apply to this regulation.

## Executive Order 13175

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

## Paperwork Reduction Act

This rule does not create or revise any reporting or record-keeping requirements.

## List of Subjects in 22 CFR Part 22

Consular services, Fees.

Accordingly, for the reasons stated in the preamble, 22 CFR part 22 is amended as follows:

## SCHEDULE OF FEES FOR CONSULAR SERVICES

Item No.	Fee
<b>NONIMMIGRANT VISA SERVICES</b>	
21. * * *	
(f) Border crossing card—under age 15; for Mexican citizens if parent or guardian has or is applying for a border crossing card (valid 10 years or until the applicant reaches age 15, whichever is sooner) .....	\$15

## PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

■ 1. The authority citation for part 22 continues to read as follows:

**Authority:** 8 U.S.C. 1101 note, 1153 note, 1157 note, 1183a note, 1184(c)(12), 1201(c), 1351, 1351 note, 1713, 1714, 1714 note; 10 U.S.C. 2602(c); 22 U.S.C. 214, 214 note, 1475e, 2504(h), 2651a, 4206, 4215, 4219, 6551; 31 U.S.C. 9701; E.O. 10718, 22 FR 4632 (1957); E.O. 11295, 31 FR 10603 (1966).

■ 2. In § 22.1, amend the table by revising entry 21(f) under the heading “Nonimmigrant Visa Services” to read as follows:

### § 22.1 Schedule of fees.

The following table sets forth the changes to the following category listed on the U.S. Department of State’s Schedule of Fees for Consular Services:

**Ian Brownlee,**

*Acting Assistant Secretary of State for Consular Affairs Department of State.*

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