IV. Environmental Analysis

58. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment. The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion rules are those that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended. The actions taken in this Final Rule fall within this categorical exclusion in the Commission’s regulations. Accordingly, neither an environmental impact statement nor environmental assessment is required.

V. Regulatory Flexibility Act

59. The Regulatory Flexibility Act of 1980 (RFA) generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. The RFA mandates consideration of regulatory alternatives that accomplish the stated objectives of a proposed rule and that minimize any significant economic impact on a substantial number of small entities. The Small Business Administration’s (SBA) Office of Size Standards develops a size standard for electric utilities, stating that a firm is small if, including its affiliates, it is primarily engaged in the transmission, generation and/or distribution of electric energy for sale and its total electric output for the preceding twelve months did not exceed four million megawatt hours. The RFA is not implicated by this rule because the modification discussed herein will not have a significant economic impact on a substantial number of small entities. Moreover, the regional Reliability Standard reflects a continuation of existing requirements for these reliability entities. Accordingly, no regulatory flexibility analysis is required.

VI. Document Availability

60. In addition to publishing the full text of this document in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC’s Home Page (http://www.ferc.gov) and in FERC’s Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

61. From FERC’s Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

62. User assistance is available for eLibrary and the FERC’s Web site during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202)832–8659. E-mail the Public Reference Room at public.referenceroom@ferc.gov.

VI. Effective Date and Congressional Notification

63. These regulations are effective June 27, 2011. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB, that this rule is not a “major rule” as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of Subjects in 18 CFR Part 40

Electric power, Electric utilities, Reporting and recordkeeping requirements.

DEPARTMENT OF STATE

22 CFR Parts 41 and 42

RIN 1400–AC87

[Public Notice: 7426]

Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended

AGENCY: State Department.

ACTION: Final rule.

SUMMARY: This rule changes Department regulations to broaden the authority of
a consular officer to revoke a visa at any
time subsequent to issuance of the visa,
in his or her discretion. These changes
to the Department’s revocation
regulations expand consular officer visa
revocation authority to the full extent
allowed by statute. Additionally, this
rule change allows consular officers and
designated officials within the
Department to revoke a visa
provisionally while considering a final
visa revocation.

DATES: This rule is effective April 27,
2011.

FOR FURTHER INFORMATION CONTACT:
Lawrence B. Kurland, Jr., Legislation
and Regulations Division, Visa Services,
Department of State, 2401 E Street, NW.,
Room L-603D, Washington, DC 20520–
0106, (202) 663–1260, e-mail
(KurlandLB@state.gov).

SUPPLEMENTARY INFORMATION:

Why is the Department promulgating
this rule?

On occasion, after a visa has been
issued, the Department or a consular
officer may determine that a visa should
be revoked when information reveals
that the applicant was originally or has
since become ineligible or may be
ineligible to possess a U.S. visa. Section
221(i) of the Immigration and
Nationality Act (8 U.S.C. 1201(i)) (INA)
authorizes the Secretary and consular
officers to revoke a visa in their
discretion.

Current regulations limit the
circumstances in which consular
officers may revoke visas. In light of
security concerns, this amendment
grants additional authority to consular
officers to revoke visas, consistent with
the statutory provisions of the INA.
Although this rule eliminates the
provisions that permit reconsideration
of a revocation, it also allows for the
provisional revocation of a visa when
there is a need for further consideration
of information that might lead to a final
revocation. In cases where the person
subject to a provisional revocation is
found to be eligible for the visa, the visa
will be reinstated with no need for
reapplication. However, with the
exception of provisional revocations, an
applicant whose visa has been revoked
must apply for another visa, at which
time his or her eligibility for the visa
will be adjudicated.

Regulatory Findings

Administrative Procedure Act

This regulation involves a foreign
affairs function of the United States and,
therefore, in accordance with 5 U.S.C.
553(a)(1), is not subject to the rule
making procedures set forth at 5 U.S.C.
553.

Regulatory Flexibility Act/Executive
Order 13272: Small Business.

Because this final rule is exempt from
notice and comment rulemaking under
5 U.S.C. 553, it is exempt from the
regulatory flexibility analysis
requirements set forth at sections 603
and 604 of the Regulatory Flexibility
Act (5 U.S.C. 603 and 604). Nonetheless,
consistent with section 605(b) of the
Regulatory Flexibility Act (5 U.S.C.
605(b)), the Department certifies that
this rule will not have a significant
economic impact on a substantial
number of small entities. This rule
regulates individual aliens who hold
nonimmigrant or immigrant visas,
including employment-based visas.
According to section 221(i) of the INA,
the Department already grants the
Secretary and consular officers authority
to revoke visas in their discretion (an
authority already exercised by the Secretary
and designees), and this rule simply
lifts a regulatory restriction on consular
officers to exercise the same authority,
the Department expects that any effect
of this rule on small entities will be
minimal.

The Unfunded Mandates Reform Act of
1995

Section 202 of the Unfunded
Mandates Reform Act of 1995, Public
Law 104–4, 109 Stat. 48, 2 U.S.C. 1532,
generally requires agencies to prepare a
statement before proposing any rule that
may result in an annual expenditure of
$100 million or more by State, local,
or tribal governments, or by the private
sector. This rule will not result in any
such expenditure, nor will it
substantially affect the States,
local, or tribal governments or
private-sector.

The Small Business Regulatory
Enforcement Fairness Act of 1996

This rule is not a major rule as
defined by 5 U.S.C. 804, for purposes of
congressional review of agency
rulemaking under the Small Business
Regulatory Enforcement Fairness Act of
1996, Public Law 104–121. 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
adverse effects on competition,
employment, investment, productivity,
innovation, or the ability of United
States-based companies to compete with
foreign based companies in domestic
and import markets.

Executive Order 12866

The Department of State has reviewed
this rule to ensure its consistency with
the regulatory philosophy and
principles set forth in Executive Order
12866 and has determined that the
benefits of the proposed regulation
justify its costs. The Department does
not consider the rule to be an
economically significant action within
the scope of section 3(f)(1) of the
Executive Order since it is not likely to
have an annual effect on the economy
of $100 million or more or to adversely
affect in a material way the economy, a
sector of the economy, competition,
jobs, the environment, public health or
safety, or state, local or tribal
governments or communities.

Executive Order 13563

The Department of State has
considered this rule in light of
Executive Order 13563, dated January
18, 2011, and affirms that this regulation
is consistent with the guidance therein.

Executive Orders 12372 and 13132:
Federalism

This regulation will not have
substantial direct effects on the States,
on the relationship between the national
government and the States, or the
distribution of power and
responsibilities among the various
levels of government. Nor will the rule
have federalism implications warranting
the application of Executive Orders No.
12372 and No. 13132.

Executive Order 13175—Consultation
and Coordination With Indian Tribal
Governments

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
pre-empt tribal law. Accordingly, the
requirements of section 5 of Executive
Order 13175 do not apply to this
rulemaking.

Paperwork Reduction Act

This rule does not impose information
collection requirements under the
provisions of the Paperwork Reduction
Act, 44 U.S.C., Chapter 35.

List of Subjects in 22 CFR Part 41

Aliens, Foreign officials, Immigration,
Passports and visas, students.

Accordingly, for the reasons set forth
in the preamble, 22 CFR parts 41 and 42
are amended as follows:
PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

1. The authority citation for section 41 continues to read as follows:


2. Section 41.122 is revised to read as follows:

§ 41.122 Revocation of visas.
(a) Grounds for revocation by consular officers. A consular officer, the Secretary, or a Department official to whom the Secretary has delegated this authority is authorized to revoke a nonimmigrant visa at any time, in his or her discretion.

(b) Provisional revocation. A consular officer, the Secretary, or any Department official to whom the Secretary has delegated this authority may provisionally revoke a nonimmigrant visa while considering information related to whether a visa holder is eligible for the visa. Provisional revocation shall have the same force and effect as any other visa revocation under INA 221(i).

(c) Notice of revocation. Unless otherwise instructed by the Department, a consular officer shall, if practicable, notify the alien to whom the visa was issued that the visa was revoked or provisionally revoked. Regardless of delivery of such notice, once the revocation has been entered into the Department’s Consular Lookout and Support System (CLASS), the visa is no longer to be considered valid for travel to the United States. The date of the revocation shall be indicated in CLASS and on any notice sent to the alien to whom the visa was issued.

(d) Procedure for physically canceling visas. An immigrant visa that is revoked shall be canceled by writing or stamping the word “REVOKED” plainly across the face of the visa, if the visa is available to the consular officer. The failure or inability to physically cancel the visa does not affect the validity of the revocation.

(e) Revocation of visa by immigration officer. An immigration officer is authorized to revoke a valid visa by physically canceling it in accordance with the procedure described in paragraph (d) of this section if:

(1) The alien obtains an immigrant visa or an adjustment of status to that of permanent resident;

(2) The alien is ordered excluded from the United States under INA 236, as in effect prior to April 1, 1997, or removed from the United States pursuant to INA 235;

(3) The alien is notified pursuant to INA 235 by an immigration officer at a port of entry that the alien appears to be inadmissible to the United States, and the alien requests and is granted permission to withdraw the application for admission;

(4) A final order of deportation or removal or a final order granting voluntary departure with an alternate order of deportation or removal is entered against the alien;

(5) The alien has been permitted by DHS to depart voluntarily from the United States;

(6) DHS has revoked a waiver of inadmissibility pursuant to INA 212(d)(3)(A) in relation to the visa that was issued to the alien;

(7) The visa is presented in connection with an application for admission to the United States by a person other than the alien to whom the visa was issued;

(8) The visa has been physically removed from the passport in which it was issued; or

(9) The visa has been issued in a combined Mexican or Canadian B–1/B–2 visa and border crossing identification card, and the immigration officer makes the determination specified in § 41.32(c) with respect to the alien’s Mexican citizenship and/or residence or the determination specified in § 41.33(b) with respect to the alien’s status as a permanent resident of Canada.

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

3. The authority citation for section 42 continues to read as follows:


4. Section 42.82 is revised to read as follows:

§ 42.82 Revocation of visas.
(a) Grounds for revocation by consular officers. A consular officer, the Secretary, or any Department official to whom the Secretary has delegated this authority is authorized to revoke an immigrant visa at any time, in his or her discretion.

(b) Provisional revocation. A consular officer, the Secretary, or any Department official to whom the Secretary has delegated this authority may provisionally revoke an immigrant visa while considering information related to whether a visa holder is eligible for the visa. Provisional revocation shall have the same force and effect as any other visa revocation under INA 221(i).

(c) Notice of revocation. Unless otherwise instructed by the Department, a consular officer shall, if practicable, notify the alien to whom the visa was issued that the visa was revoked or provisionally revoked. Regardless of delivery of such notice, once the revocation has been entered into the Department’s Consular Lookout and Support System (CLASS), the visa is no longer to be considered valid for travel to the United States. The date of the revocation shall be indicated in CLASS and on any notice sent to the alien to whom the visa was issued.

(d) Procedure for physically canceling visas. An immigrant visa that is revoked shall be canceled by writing or stamping the word “REVOKED” plainly across the face of the visa, if the visa is available to the consular officer. The failure or inability to physically cancel the visa does not affect the validity of the revocation.

Dated: April 18, 2011.

Janice L. Jacobs,
Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 2011–10077 Filed 4–26–11; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199


Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Young Adult

AGENCY: Office of the Secretary, DoD.

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule implements Section 702 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (NDAA for FY11). It establishes the TRICARE Young Adult (TYA) program to provide an extended medical coverage opportunity to most unmarried children under the age of 26 of uniformed services sponsors. The TRICARE Young