

Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order JO 7400.11F at NARA, email: [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** Christopher McMullin, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the air traffic service route structure in the north central United States to maintain the efficient flow of air traffic.

**History**

The FAA published a notice of proposed rulemaking for Docket No. FAA 2021-0414 in the **Federal Register** (86 FR 29531; June 2, 2021), revoking Colored Federal airway R-4 in central Alaska. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Colored Federal Airways are published in paragraph 6009(b) of FAA Order JO 7400.11F dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Colored Federal airway listed in this document will be published subsequently in the Order.

**Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO

7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

This action amends 14 CFR part 71 to revoke Colored Federal airway R-4, due to the decommissioning of BCC NDB. The change is outlined below.

**R-4:** R-4 currently navigates between the Chena, AK, NDB and the Bear Creek, AK, NDB. This action removes the entire route.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**Environmental Review**

The FAA has determined that this airspace action of revoking Colored Federal airway R-4 in central Alaska qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally

categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

- 1. The authority citation for part 71 is amended to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p.389.

**§ 71.1 [Amended]**

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 6009(b) Colored Federal Airways.*

\* \* \* \* \*

**R-4 [Remove]**

\* \* \* \* \*

Issued in Washington, DC.

**Michael R. Beckles,**

*Acting Manager, Rules and Regulations Group.*

[FR Doc. 2021-20578 Filed 9-22-21; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Customs and Border Protection**

**19 CFR Part 122**

[CBP Dec. 21-14]

**Technical Amendment To List of User Fee Airports: Addition of Three Airports, Removal of Two Airports**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security (DHS).

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

**SUMMARY:** This document amends U.S. Customs and Border Protection (CBP) regulations by revising the list of user fee airports. User fee airports are airports that have been approved by the Commissioner of CBP to receive, for a fee, the customs services of CBP officers for processing aircraft, passengers, and cargo entering the United States, but that do not qualify for designation as international or landing rights airports. Specifically, this technical amendment reflects the designation of user fee status for three additional airports: Witham Field Airport in Stuart, Florida; Plattsburgh International Airport in Plattsburgh, New York; and Fort Worth Meacham International Airport in Fort Worth, Texas. This document also amends CBP regulations by removing the designation of user fee status for two airports: Griffiss International Airport in Rome, New York, and Cobb County International Airport in Kennesaw, Georgia.

**DATES:** *Effective date:* September 23, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ryan Flanagan, Director, Alternative Funding Program, Office of Field Operations, U.S. Customs and Border Protection at [Ryan.H.Flanagan@cbp.dhs.gov](mailto:Ryan.H.Flanagan@cbp.dhs.gov) or 202-550-9566.

**SUPPLEMENTARY INFORMATION:**

**Background**

Title 19, part 122 of the Code of Federal Regulations (19 CFR part 122) sets forth regulations relating to the entry and clearance of aircraft engaged in international commerce and the transportation of persons and cargo by aircraft in international commerce.<sup>1</sup> Generally, a civil aircraft arriving from outside the United States must land at an airport designated as an international airport. Alternatively, the pilot of a civil aircraft may request permission to land at a specific airport and, if landing rights are granted, the civil aircraft may land at that landing rights airport.<sup>2</sup>

Section 236 of the Trade and Tariff Act of 1984 (Pub. L. 98-573, 98 Stat. 2948, 2994 (1984)), codified at 19 U.S.C. 58b, created an alternative option for civil aircraft that desire to land at an airport that is neither an international airport nor a landing rights airport. This alternative option allows the Commissioner of U.S. Customs and

Border Protection (CBP) to designate an airport, upon request by the airport authority, as a user fee airport.<sup>3</sup> Pursuant to 19 U.S.C. 58b, a requesting airport may be designated as a user fee airport only if the Commissioner of CBP determines that the volume or value of business at the airport is insufficient to justify the unreimbursed availability of customs services at the airport and the governor of the state in which the airport is located approves the designation. As the volume or value of business cleared through this type of airport is insufficient to justify the availability of customs services at no cost, customs services provided by CBP at the airport are not funded by appropriations from the general treasury of the United States. Instead, the user fee airport pays for the customs services provided by CBP. The user fee airport must pay the fees charged, which must be in an amount equal to the expenses incurred by the Commissioner of CBP in providing customs services at the user fee airport, including the salary and expenses of CBP employees to provide the customs services. *See* 19 U.S.C. 58b.

The Commissioner of CBP designates airports as user fee airports in accordance with 19 U.S.C. 58b and 19 CFR 122.15. The Commissioner designates user fee airports on a case-by-case basis. If the Commissioner decides that the conditions for designation as a user fee airport are satisfied, a Memorandum of Agreement (MOA) is executed between the Commissioner of CBP and the sponsor of the user fee airport. Pursuant to 19 CFR 122.15(c), the designation of an airport as a user fee airport must be withdrawn if either CBP or the airport authority gives 120 days written notice of termination to the other party or if any amounts due to be paid to CBP are not paid on a timely basis.

The list of designated user fee airports is set forth in 19 CFR 122.15(b). Periodically, CBP updates the list to include newly designated airports that were not previously on the list, to reflect any changes in the names of the designated user fee airports, and to remove airports that are no longer designated as user fee airports.

<sup>3</sup> Sections 403(1) and 411 of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 stat. 2135, 2178-79 (2002)), codified at 6 U.S.C. 203(1) and 211, transferred certain functions, including the authority to designate user fee facilities, from the U.S. Customs Service of the Department of the Treasury to the newly established U.S. Department of Homeland Security. The Secretary of Homeland Security delegated the authority to designate user fee facilities to the Commissioner of CBP through Department of Homeland Security Delegation, Sec. II.A., No. 7010.3 (May 11, 2006).

**Recent Changes Requiring Updates to the List of User Fee Airports**

This document updates the list of user fee airports in 19 CFR 122.15(b) by adding the following three airports: Witham Field Airport in Stuart, Florida; Plattsburgh International Airport in Plattsburgh, New York; and Fort Worth Meacham International Airport in Fort Worth, Texas. The Commissioner of CBP has signed MOAs with the respective airport authorities designating each of these three airports as a user fee airport.<sup>4</sup>

Additionally, this document updates the list of user fee airports in 19 CFR 122.15(b) by removing two airports: Griffiss International Airport in Rome, New York, and Cobb County International Airport in Kennesaw, Georgia. After the airport authority of Griffiss International Airport requested to terminate its user fee status on August 5, 2020, the airport authority and CBP mutually agreed to terminate the user fee status of Griffiss International Airport effective on October 10, 2020. The airport authority of Cobb County International Airport requested to terminate its user fee status on July 1, 2020, and the airport authority and CBP mutually agreed to terminate the user fee status of Cobb County International Airport effective on October 10, 2020.

**Inapplicability of Public Notice and Delayed Effective Date Requirements**

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency is exempted from the prior public notice and comment procedures if it finds, for good cause, that such procedures are impracticable, unnecessary, or contrary to the public interest. This final rule makes conforming changes by updating the list of user fee airports to add three airports that have already been designated by the Commissioner of CBP as user fee airports and by removing two airports for which the Commissioner has withdrawn the user fee airport designation, in accordance with 19 U.S.C. 58b. Because this conforming rule has no substantive impact, is technical in nature, and does not impose additional burdens on or take away any existing rights or privileges from the public, CBP finds for good cause that the prior public notice and comment procedures are impracticable, unnecessary, and contrary to the public

<sup>4</sup> Then-Commissioner Kevin K. McAleenan signed MOAs designating Witham Field Airport on November 5, 2018, and Fort Worth Meacham International Airport on August 29, 2017. Then-Acting Commissioner Mark A. Morgan signed an MOA designating Plattsburgh International Airport on August 28, 2019.

<sup>1</sup> For purposes of this technical rule, an "aircraft" is defined as any device used or designed for navigation or flight in air and does not include hovercraft. 19 CFR 122.1(a).

<sup>2</sup> A landing rights airport is "any airport, other than an international airport or user fee airport, at which flights from a foreign area are given permission by Customs to land." 19 CFR 122.1(f).

interest. For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

**Regulatory Flexibility Act and Executive Order 12866**

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This amendment does not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

**Paperwork Reduction Act**

There is no new collection of information required in this document; therefore, the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) are inapplicable.

**Signing Authority**

This document is limited to a technical correction of CBP regulations.

Accordingly, it is being signed under the authority of 19 CFR 0.1(b). Acting Commissioner Troy A. Miller, having reviewed and approved this document, is delegating the authority to electronically sign this document to Robert F. Altneu, who is the Director of the Regulations and Disclosure Law Division for CBP, for purposes of publication in the **Federal Register**.

**List of Subjects in 19 CFR Part 122**

Air carriers, Aircraft, Airports, Customs duties and inspection, Freight.

**Amendments to Regulations**

Part 122, of title 19 of the Code of Federal Regulations (19 CFR part 122) is amended as set forth below:

**PART 122—AIR COMMERCE REGULATIONS**

■ 1. The general authority citation for part 122 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1415, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

\* \* \* \* \*

- 2. In § 122.15, amend the table in paragraph (b) as follows:
  - a. Add a second entry for “Fort Worth, Texas” immediately following the existing entry for “Fort Worth, Texas”;
  - b. Remove the entry for “Kennesaw, Georgia”;
  - c. Add an entry for “Plattsburgh, New York” in alphabetical order;
  - d. Remove the entry for “Rome, New York”; and
  - e. Add an entry for “Stuart, Florida” in alphabetical order.

The additions read as follows:

**§ 122.15 User fee airports.**

\* \* \* \* \*

(b) \* \* \*

Location	Name
* * * * *	
Fort Worth, Texas .....	Fort Worth Meacham International Airport.
* * * * *	
Plattsburgh, New York .....	Plattsburgh International Airport.
* * * * *	
Stuart, Florida .....	Witham Field Airport.
* * * * *	

\* \* \* \* \*

**Robert F. Altneu,**  
*Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.*  
 [FR Doc. 2021–20518 Filed 9–22–21; 8:45 am]  
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**DEPARTMENT OF THE TREASURY**

**Alcohol and Tobacco Tax and Trade Bureau**

**27 CFR Part 9**

[Docket No. TTB–2020–0007; T.D. TTB–172A; Ref: T.D. TTB–172 and Notice No. 192]

RIN 1513–AC55

**Modification of the Boundaries of the Santa Lucia Highlands and Arroyo Seco Viticultural Areas; Correction**

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.  
**ACTION:** Final rule; Treasury decision; correction.

**SUMMARY:** The Alcohol and Tobacco Tax and Trade Bureau (TTB) published a final rule modifying the boundaries of the Santa Lucia Highlands viticultural area and the adjacent Arroyo Seco viticultural area in the **Federal Register** of August 25, 2021. That final rule contained an error in an amendatory instruction. This document corrects that error.

**DATES:** Effective September 24, 2021.

**FOR FURTHER INFORMATION CONTACT:** Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

**SUPPLEMENTARY INFORMATION:** TTB recently published a final rule modifying the boundaries of the established Arroyo Seco American viticultural area (AVA) and the adjacent, established Santa Lucia Highlands AVA in Monterey County, California. TTB published this final rule as T.D. TTB–172. After publication, TTB discovered that T.D. TTB–172 contained an error in one of the amendatory instructions. In amendatory instruction 2b, the phrase

“Redesignating paragraphs (c)(14) through (21) as paragraphs (c)(17) through (24)” should have read, “Redesignating paragraphs (c)(14) through (22) as paragraphs (c)(17) through (25).”

**Corrections**

In the final rule document numbered FR Doc. 2021–18208 beginning on page 47377 in the **Federal Register** issue of Wednesday, August 25, 2021, make the following correction:

**§ 9.59 [Corrected]**

■ On page 47379, in the second column, in the amendatory instructions for § 9.59, amendatory instruction 2b is corrected to read, “Redesignating paragraphs (c)(14) through (22) as paragraphs (c)(17) through (25).”

Signed: September 16, 2021.

**Mary G. Ryan,**  
*Administrator.*

[FR Doc. 2021–20437 Filed 9–22–21; 8:45 am]

**BILLING CODE 4810–31–P**