ASW TX E5 Palestine, TX [Amended]

Palestine Municipal Airport, IA
(Lat. 31°46′47″ N, long. 95°42′23″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Palestine Municipal Airport.

Issued in Fort Worth, Texas, on May 12, 2022.

Martin A. Skinner,

Manager, Operations Support Group, ATO Central Service Center.

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BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 122

[CBP Dec. 22–09]

Technical Amendment to List of User Fee Airports: Removal of One Airport

AGENCY: U.S. Customs and Border Protection; DHS.

ACTION: Final rule; technical amendment.

SUMMARY: This document amends U.S. Customs and Border Protection (CBP) regulations by removing one airport from 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 do not qualify for designation as international or landing rights airports. Specifically, this technical amendment reflects the removal of the designation of user fee airport status for the Hillsboro Airport in Hillsboro, Oregon.

DATES: Effective May 19, 2022.

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* 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.[1] Generally, a civil aircraft arriving from outside the United States must land at an airport designated as an international airport. Alternatively, 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.[2]

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 seeking to land at an airport that is neither an international airport nor a landing rights airport. This alternative option allows the Secretary of Treasury to designate an airport, upon request by the airport authority or other sponsoring entity, as a user fee airport.[3] Pursuant to 19 U.S.C. 58b and connected delegated authorities, a requesting airport may be designated as a user fee airport only if 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 CBP in providing customs and related services at the user fee airport, including the salary and expenses of CBP employees to provide such services. *See* 19 U.S.C. 58b; *see also* 19 CFR 24.17(a)–(b).

CBP designates airports as user fee airports in accordance with 19 U.S.C. 58b and 19 CFR 122.15 and on a case-by-case basis. If CBP decides that the conditions for designation as a user fee airport are satisfied, a Memorandum of Agreement (MOA) is executed between 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 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.

Recent Change Requiring Update to the List of User Fee Airports

This document updates the list of user fee airports in 19 CFR 122.15(b) by removing the Hillsboro Airport in Hillsboro, Oregon. On November 30, 2020, the General Aviation Operations Supervisor of the Hillsboro Airport requested termination of the user fee status for the Hillsboro Airport, and the General Aviation Operations Supervisor and CBP mutually agreed to terminate the user fee status of Hillsboro Airport effective on July 20, 2021.

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 a conforming change by updating the list of user fee airports by removing one airport in light of CBP's withdrawal of its designation as a user fee airport under 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 interest. For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

[1] 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).

[2] 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).

[3] 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 (UFF) to the Commissioner of CBP through Department of Homeland Security Delegation, Sec. II.A., No. 7010.3 (May 11, 2006). The Chief Operating Officer and Senior Official Performing the Duties of the Commissioner subsequently delegated the authority to the Executive Assistant Commissioner (EAC) of the Office of Field Operations, on March 23, 2020, to designate new UFFs. On December 23, 2020, the broader authority to withdraw a facility's designation as a UFF, as well as execute, amend, or terminate Memorandum of Agreements, was also delegated to the EAC of the Office of Field Operations.

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). CBP Commissioner Chris Magnus, 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, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

* * * * *

§ 122.15 [Amended]

■ 2. In § 122.15, amend the table in paragraph (b) by removing the entry for ''Hillsboro, Oregon''.

Dated: May 13, 2022.

Robert F. Altneu,

Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.

[FR Doc. 2022–10668 Filed 5–18–22; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 310

[Docket ID: DoD–2020–OS–0084]

RIN 0790–AK99

Privacy Act of 1974; Implementation

AGENCY: Office of the Secretary of Defense (OSD), Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The DoD is issuing a final rule to amend its regulations to exempt portions of the DoD–0003, ''Mobilization Deployment Management Information System (MDMIS),'' system of records from certain provisions of the Privacy Act of 1974.

DATES: This rule is effective on June 21, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Rahwa Keleta, Privacy and Civil Liberties Division, Directorate for Privacy, Civil Liberties and Freedom of Information, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700; *OSD.PCLFD@mail.mil*; (703) 571–0070.

SUPPLEMENTARY INFORMATION:

Discussion of Comments and Changes

In the notice of proposed rulemaking (NPRM), the proposed rule was to be published at 32 CFR 310.13(e)(3). DoD is now publishing this rule at 32 CFR 310.13(e)(9). The proposed rule published in the **Federal Register** on December 16, 2020 (85 FR 81438–81439). Comments were accepted for 60 days until February 16, 2021. One comment was received. Please see the summarized comment and the Department's response as follows:

DoD received one substantive comment on the NPRM. The commenter voiced concern regarding the classification process within the DoD. Although this comment does not directly pertain to the Privacy Act and the exemption claimed for this SORN, to promote public understanding in this area, a description of the DoD classification process is provided in this preamble.

Executive Order 13526 prescribes the framework for the Federal government (to include DoD) to classify national security information. Only DoD personnel who are delegated original classification authority in writing are authorized to review the DoD's information and make the initial decision that an item of information could reasonably be expected to cause identifiable or describable damage to the national security if it were disclosed to the public. Several oversight and compliance safeguarding mechanisms exist to ensure the process to classify information is appropriate.

These existing safeguarding mechanisms include the following: Personnel authorized to make original classification determinations are required to receive training in proper classification, including the avoidance of over-classification, and declassification at least once a calendar year. Additionally, information may only be classified if it pertains to specific categories or subjects, including military plans, weapons systems, or operations and intelligence activities. Furthermore, agency heads must (on a periodic basis) complete a comprehensive review of the agency's classification guidance, to include reviewing information that is classified within the agency; provide the results of such review to appropriate officials outside the agency at the National Archives and Records Administration (NARA); and release an unclassified version of the review to the public. Authorized holders of classified information are also encouraged and expected to ''challenge'' classification determinations if they believe the classification status is improper, and any individual or entity can request any Federal agency to review classified information for declassification, regardless of its age or origin, in accordance with the Mandatory Declassification Review (MDR) process. Additional information about the MDR process can be found on the NARA's MDR program page at *https://www.archives.gov/isoo/training/mdr.* In the interest of protecting information critical to the Nation's defense, it is appropriate for the DoD to properly classify and exempt such information from public release under the Privacy Act so as to protect U.S. national security.

Having considered the public comment, the DoD will implement the rulemaking without any changes resulting from the comment. However, DoD will make one corrective edit to 32 CFR 310.13(e)(9)(iii)(A). In the prior NPRM, records in that paragraph were referenced as ''common enterprise records,'' a term that does not appear in the DoD–0003 system of records notice nor necessarily apply to records in the MDMIS. The final rule removes this description and simply references ''records in this system.''