

U.S. Customs and Border Protection

19 CFR PART 122

CBP DEC. 18-01

TECHNICAL AMENDMENT TO LIST OF USER FEE AIRPORTS: NAME CHANGES OF SEVERAL AIRPORTS AND THE ADDITION OF FIVE AIRPORTS

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 revising the list of user fee airports to reflect the name changes of several airports and the designation of user fee status for five additional airports: South Texas International Airport at Edinburg in Edinburg, Texas; Florida Keys Marathon Airport in Marathon, Florida; Appleton International Airport in Appleton, Wisconsin; South Bend International Airport in South Bend, Indiana; and Conroe-North Houston Regional Airport in Conroe, Texas. User fee airports are those airports which, while not qualifying for designation as international or landing rights airports, have been approved by the Commissioner of CBP to receive, for a fee, the services of CBP officers for the processing of aircraft entering the United States, and the passengers and cargo of those aircraft.

EFFECTIVE DATE: February 22, 2018.

FOR FURTHER INFORMATION CONTACT: Chris Sullivan, Director, Alternative Funding Program, Office of Field Operations, U.S. Customs and Border Protection at *Christopher.J.Sullivan@cbp.dhs.gov* or 202-344-3907.

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 in international commerce and the transportation of persons and cargo by aircraft in international commerce. Generally, a civil

aircraft arriving from a place outside of the United States is required to 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.

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 option for civil aircraft desiring to land at an airport other than an international airport or a landing rights airport. A civil aircraft arriving from a place outside of the United States may ask for permission to land at an airport designated by the Secretary of Homeland Security¹ as a user fee airport.

Pursuant to 19 U.S.C. 58b, an airport may be designated as a user fee airport if the Commissioner of CBP, as delegated by the Secretary of Homeland Security, determines that the volume or value of business at the airport is insufficient to justify the 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 anticipated at this type of airport is insufficient to justify its designation as an international or landing rights airport, the availability of customs services is not paid for out of appropriations from the general treasury of the United States. Instead, customs services are provided on a fully reimbursable basis to be paid for by the user fee airport. The fees charged must be paid by the user fee airport and must be in the amount equal to the expenses incurred by the Commissioner of CBP in providing customs services at such airport, including the salary and expenses of those employed by the Commissioner of CBP 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 pursuant to 19 CFR 122.15. 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 user fee airport sponsor. In this manner, user fee airports are designated on a case-by-case basis.

The list of designated user fee airports is set forth in 19 CFR 122.15(b). Periodically, CBP updates the list to reflect designated airports that have not yet been added to the list and to reflect any changes in the names of the designated user fee airports.

¹ 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 Department of Homeland Security.

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 five airports: South Texas International Airport at Edinburg in Edinburg, Texas; Florida Keys Marathon Airport in Marathon, Florida; Appleton International Airport in Appleton, Wisconsin; South Bend International Airport in South Bend, Indiana; and Conroe-North Houston Regional Airport in Conroe, Texas. During the last several years, the Commissioner of CBP signed MOAs designating each of these five airports as a user fee airport.²

Additionally, this document updates the list of user fee airports to reflect name changes of airports that were previously designated as user fee airports. The name changes are shown in the following chart. The left column contains the former name of each airport as it is currently listed in 19 CFR 122.15(b). The right column contains the updated name of each airport.

| <i>Name Change From:</i> | <i>To:</i> |
|--------------------------------------|---|
| Melbourne Airport | Orlando Melbourne International Airport. |
| Jefferson County Airport..... | Rocky Mountain Metropolitan Airport. |
| Leesburg Regional Airport | Leesburg International Airport. |
| Manchester Airport..... | Manchester-Boston Regional Airport. |
| Collin County Regional Airport | McKinney National Airport. |
| Midland International Airport..... | Midland International Air and Space Port. |
| Rogers Municipal Airport..... | Rogers Executive Airport—Carter Field. |
| St. Augustine Airport | Northeast Florida Regional Airport. |
| Waukegan Regional Airport..... | Waukegan National Airport. |
| Binghamton Regional Airport..... | Greater Binghamton Airport. |

² The Commissioner of CBP signed an MOA designating Conroe-North Houston Regional Airport on June 14, 2016, an MOA designating South Bend International Airport on July 5, 2016, an MOA designating South Texas International Airport at Edinburg on September 18, 2014, an MOA designating Florida Keys Marathon Airport on April 3, 2015, and an MOA designating Appleton International Airport on October 23, 2015.

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 they 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 five airports that have already been designated by the Commissioner of CBP in accordance with 19 U.S.C. 58b as user fee airports and to update the name of several user fee airports. 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 comments 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.

Regulatory Flexibility Act and Executive Orders 12866 and 13771

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. Additionally, because this amendment is not a significant regulatory action it is not subject to the requirements of Executive Order 13771.

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).

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.

* * * * *

■ 2. In § 122.15, amend the table in paragraph (b) by:

■ a. Adding an entry for “Appleton, Wisconsin” in alphabetical order;

■ b. Revising the entry for “Broomfield, Colorado”;

■ c. Adding entries for “Conroe, Texas” and “Edinburg, Texas” in alphabetical order;

■ d. Revising the entries for “Johnson City, New York”, “Leesburg, Florida”, and “Manchester, New Hampshire”;

■ e. Adding an entry for “Marathon, Florida” in alphabetical order;

■ f. Revising the entries for “McKinney, Texas”, “Melbourne, Florida”, “Midland, Texas”, and “Rogers, Arkansas”;

■ g. Adding an entry for “South Bend, Indiana” in alphabetical order; and

■ h. Revising the entries for “St. Augustine, Florida” and “Waukegan, Illinois”.

The additions and revisions read as follows:

§ 122.15 User fee airports.

* * * * *

(b) * * *

| Location | Name |
|----------------------------|--------------------------------------|
| * * * * * | |
| Appleton, Wisconsin | Appleton International Airport. |
| * * * * * | |
| Broomfield, Colorado | Rocky Mountain Metropolitan Airport. |
| * * * * * | |

| Location | Name |
|---------------------------------|---|
| Conroe, Texas..... | Conroe-North Houston Regional Airport. * * * * * |
| Edinburg, Texas..... | South Texas International Airport at Edinburg. * * * * * |
| Johnson City, New York..... | Greater Binghamton Airport. * * * * * |
| Leesburg, Florida..... | Leesburg International Airport. * * * * * |
| Manchester, New Hampshire | Manchester-Boston Regional Airport. * * * * * |
| Marathon, Florida | Florida Keys Marathon Airport. * * * * * |
| McKinney, Texas | McKinney National Airport. * * * * * |
| Melbourne, Florida | Orlando Melbourne International Airport. * * * * * |
| Midland, Texas | Midland International Air and Space Port. * * * * * |
| Rogers, Arkansas | Rogers Executive Airport—Carter Field. * * * * * |
| South Bend, Indiana | South Bend International Airport. * * * * * |
| St. Augustine, Florida | Northeast Florida Regional Airport. * * * * * |
| Waukegan, Illinois..... | Waukegan National Airport. * * * * * |

Dated: February 15, 2018.

KEVIN K. McALEENAN,
Acting Commissioner,
U.S. Customs and Border Protection.

[Published in the Federal Register, February 22, 2018 (83 FR 7608)]

**ACCREDITATION AND APPROVAL OF SAYBOLT LP
(LAPLACE, LA) AS A COMMERCIAL LABORATORY**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt LP (LaPlace, LA), as a commercial laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP (LaPlace, LA), has been accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of April 7, 2017.

DATES: Saybolt LP (LaPlace, LA) was approved and accredited as a commercial gauger and laboratory as of April 7, 2017. The next triennial inspection date will be scheduled for April 2020.

FOR FURTHER INFORMATION CONTACT: Christopher J. Mocella, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 that Saybolt LP, 109 Woodland Dr., LaPlace, LA 70068, has been accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12.

Saybolt LP (LaPlace, LA) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

| CBPL No. | ASTM | Title |
|------------|-------|--|
| 27-03..... | D4006 | Standard Test Method for Water in Crude Oil by Distillation. |
| 27-04..... | D95 | Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation. |
| 27-05..... | D4928 | Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration. |
| 27-06..... | D473 | Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method. |
| 27-08..... | D86 | Standard Test Method for Distillation of Petroleum Products. |

| CBPL No. | ASTM | Title |
|------------|-------|---|
| 27-11..... | D445 | Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids. |
| 27-13..... | D4294 | Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry. |
| 27-46..... | D5002 | Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer. |
| 27-48..... | D4052 | Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter. |
| 27-50..... | D93 | Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester. |
| 27-54..... | D1796 | Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method. |
| 27-58..... | D5191 | Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method). |

Anyone wishing to employ this entity to conduct laboratory analyses should request and receive written assurances from the entity that it is accredited by the U.S. Customs and Border Protection to conduct the specific test service requested. Alternatively, inquiries regarding the specific test service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: February 14, 2018.

JAMES D. SWEET,
Acting Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 22, 2018 (83 FR 7751)]

ACCREDITATION AND APPROVAL OF SAYBOLT LP (CLARKSVILLE, IN) AS A COMMERCIAL GAUGER

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt LP (Clarksville, IN), as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP (Clarksville, IN), has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of July 18, 2017.

DATES: Saybolt LP (Clarksville, IN) was approved and accredited as a commercial gauger and laboratory as of July 18, 2017. The next triennial inspection date will be scheduled for July 2020.

FOR FURTHER INFORMATION CONTACT: Christopher J. Mocella, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Saybolt LP, 905C Eastern Blvd., Clarksville, IN 47129, has been approved to gauge petroleum and certain petroleum products for customs purposes in accordance with the provisions of 19 CFR 151.13. Saybolt LP (Clarksville, IN) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

| API Chapters | Title |
|--------------|---------------------------------|
| 2 | Tank Calibration. |
| 3 | Tank Gauging. |
| 4 | Proving Systems. |
| 5 | Metering. |
| 6 | Metering Assemblies. |
| 7 | Temperature Determination. |
| 8 | Sampling. |
| 9 | Density Determinations. |
| 11 | Physical Properties. |
| 12 | Calculations. |
| 14 | Natural Gas Fluids Measurement. |
| 17 | Maritime Measurement. |

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *<http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>*.

Dated: February 14, 2018.

JAMES D. SWEET,
Acting Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 22, 2018 (83 FR 7752)]

U.S. Immigration and Customs Enforcement

ANNOUNCEMENT OF PROGRAM FOR THE PRIVATE SECTOR TO PARTICIPATE IN TRADE-RELATED TRAINING OF U.S. CUSTOMS AND BORDER PROTECTION AND U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL

AGENCY: U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces CBP's and ICE's process to solicit, evaluate, and select interested parties in the private sector to fulfill agency needs for instruction and related instructional materials for trade-related training, pursuant to section 104 of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA).

DATES: Private sector parties interested in providing training to CBP or ICE personnel may submit a training proposal satisfying the criteria set forth below on or after February 16, 2018.

ADDRESSES: Private sector parties interested in submitting a request to provide trade-related training should submit proposals as indicated below:

CBP proposals should be submitted to tradeseminars@cbp.dhs.gov.

ICE proposals should be submitted to IPRCenter@dhs.gov and TTUOperations@ice.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Questions should be addressed to agency-designated personnel below:

CBP: Christal Oliphant (202-863-6517) for anti-dumping and countervailing duties (AD/CVD) seminars; Robert Copyak (202-863-6014) for intellectual property rights (IPR) and other seminars.

ICE: Special Agent Nadine Andrews (703-603-3955).

SUPPLEMENTARY INFORMATION:

Background

On February 24, 2016, former President Barack Obama signed into law the Trade Facilitation and Trade Enforcement Act (TFTEA), (Pub. L. 114-125, 130 Stat. 122, Feb. 24, 2016) (19 U.S.C. 4301 note). Section 104 of the TFTEA directs the Commissioner of U.S. Customs and Border Protection (CBP) and the Director of U.S. Immigration and Customs Enforcement (ICE) to establish and carry out, on a fiscal

year basis, trade-related educational seminars to: (1) Improve the ability of personnel of CBP to classify and appraise imported merchandise; (2) improve the trade enforcement efforts of CBP and ICE personnel; and (3) otherwise improve the ability and effectiveness of CBP and ICE personnel to facilitate legitimate international trade. Interested parties in the private sector that meet the guidelines and criteria set forth in this notice and are selected by CBP or ICE may provide instruction and related instructional materials at these seminars pursuant to section 104.

Topics upon which training may be conducted include tariff classification, customs valuation, country of origin (including procedures for identifying merchandise bearing mislabeled country of origin markings), proper assessment of AD/CVD, evasion of duties on imports of textiles, border enforcement of IPR, enforcement of child labor laws, and other topics as appropriate and useful as concerns the trade-related duties and missions of CBP and ICE.

Trade-Related Training by Private Sector Parties

Interested parties desiring to conduct training under this program will be selected based on: (1) The availability of CBP and ICE personnel for such training; (2) the relevance of the training to the topics specified in section 104; (3) the usefulness of the proposed training as concerns the trade-related duties and missions of CBP and ICE; (4) any existing or future need to train CBP and ICE personnel on identifying and detecting incorrect or false country of origin with respect to imported merchandise; and (5) the expertise and experience of the proposed private sector instructors in the subject matter of the proposed training.

Proposals for private sector training should be directed to either CBP or ICE, as appropriate, at the above addresses, and contain the following information and materials:

- (1) Name, address, telephone number, and email address of the entity proposing the training;
- (2) Type of business in which the entity is engaged;
- (3) Topic for the proposed training;
- (4) Outline of proposed curriculum and instructional materials;
- (5) Name, address, telephone number, email address, and qualifications of the proposed private sector instructor(s) (including previous experience in conducting training on the proposed topic);
- (6) Name of the ports or locations at which the training is proposed to be given (which may be conducted at a location provided by the entity proposing the training), as applicable, and the intended audience in CBP and/ or ICE;

- (7) Proposed dates for the training;
- (8) Length of the training; and
- (9) Any previous history of trade-related training provided to CBP and/or ICE.

An interested private sector party who submits a proposal to train CBP and/or ICE personnel will be notified whether the proposed training meets the guidelines in this notice and have been selected to conduct the training.

As provided for in section 104(d), the Commissioner of CBP will give due consideration to carrying out educational seminars under this program to improve the ability of CBP personnel to enforce specific AD/CVD orders if such training is proposed by a petitioner involved in the action underlying that order.

TFTEA does not provide for or authorize any compensation or reimbursement of costs and expenses for private sector parties who participate in training for CBP or ICE personnel under this program. Therefore, no compensation or payment will be made to any private sector parties selected to provide such training. Private sector parties selected to participate will be required to execute a gratuitous services agreement.

The procedures set forth herein create no private rights, benefits, or privileges for any person or party.

Please note that nothing in TFTEA or this notice precludes or limits CBP or ICE from soliciting private sector parties to participate in specific training programs considered useful to the missions of the agencies or from continuing any such current training programs with private sector parties.

Dated: February 13, 2018.

KEVIN K. McALEENAN,
Acting Commissioner,
U.S. Customs and Border Protection.

THOMAS D. HOMAN,
Deputy Director and Senior Official
Performing the Duties of the Director,
U.S. Immigration and Customs Enforcement.

[Published in the Federal Register, February 16, 2018 (83 FR 7064)]

