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By direction of the Commission.

**Donald S. Clark,**  
Secretary.

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## DEPARTMENT OF HOMELAND SECURITY

### 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.

**DATES:** *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 Security<sup>1</sup> 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.

#### 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.<sup>2</sup>

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.      |

<sup>1</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 Department of Homeland Security.

<sup>2</sup> 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.

| Name Change From:                    | To:                                       |
|--------------------------------------|-------------------------------------------|
| 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.               |

### 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.

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■ 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.           |
| * * * * *                       |                                                |
| 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.                 |

| Location                     | Name                                      |
|------------------------------|-------------------------------------------|
| 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.                |

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Dated: February 15, 2018.

**Kevin K. McAleenan,**  
Acting Commissioner, U.S. Customs and  
Border Protection.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R03–OAR–2017–0382; FRL–9974–  
66—Region 3]

### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions To Implement the Revocation of the 1997 Ozone NAAQS

**AGENCY:** Environmental Protection  
Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Commonwealth of Virginia (Virginia) state implementation plan (SIP). The revisions are related to the implementation of the 2008 ozone national ambient air quality standards (NAAQS or standards) and the revocation of the 1997 ozone NAAQS. EPA is approving these revisions updating the Virginia SIP to reflect the revocation of the 1997 ozone NAAQS in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on March 26, 2018.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2017–0382. All documents in the docket are listed on the <http://www.regulations.gov> website.

Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Sara Calcinore, (215) 814–2043, or by email at [calcinore.sara@epa.gov](mailto:calcinore.sara@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under the CAA, EPA establishes NAAQS for criteria pollutants<sup>1</sup> in order to protect human health and the environment. In response to scientific evidence linking ozone exposure to adverse health effects, EPA promulgated the first ozone NAAQS, the 0.12 part per million (ppm) 1-hour ozone NAAQS, in 1979. *See* 44 FR 8202 (February 8, 1979). The CAA requires EPA to review and reevaluate the NAAQS every 5 years in order to consider updated information regarding the effects of the criteria pollutants on human health and the environment. On July 18, 1997, EPA promulgated a revised ozone NAAQS, referred to as the 1997 ozone NAAQS, of 0.08 ppm averaged over eight hours. 62 FR 38855. This 8-hour ozone NAAQS was determined to be more protective of public health than the previous 1979 1-hour ozone NAAQS. In 2008, EPA

strengthened the 8-hour ozone NAAQS from 0.08 to 0.075 ppm. The 0.075 ppm standard is referred to as the 2008 ozone NAAQS and is more stringent than the previous 1997 ozone NAAQS. *See* 73 FR 16436 (March 27, 2008).<sup>2</sup>

On March 6, 2015, EPA issued a final rule addressing a range of nonattainment area SIP requirements for the 2008 ozone NAAQS. 80 FR 12264. This final rule also revoked the 1997 ozone NAAQS and established anti-backsliding requirements for areas not attaining the 1997 ozone NAAQS in 40 CFR 51.1105 that became effective once the 1997 ozone NAAQS was revoked. The anti-backsliding provisions require states to retain all applicable control requirements for the 1997 ozone NAAQS, while enabling states, where possible, to focus planning efforts on meeting the more protective 2008 ozone NAAQS. According to EPA's final rule, the revocation of the 1997 ozone NAAQS was effective as of April 6, 2015.

On September 9, 2016, Virginia amended the Virginia Administrative Code to be consistent with EPA's March 6, 2015 final rule. On February 10, 2017, Virginia, through the Virginia Department of Environmental Quality (VADEQ), formally submitted a SIP revision (Revision G16) reflecting these amendments.

On August 17, 2017 (82 FR 39097 and 82 FR 39031), EPA simultaneously published a notice of proposed rulemaking (NPR) and a direct final rule (DFR) for Virginia approving the SIP revision. EPA received two adverse comments on the rulemaking and attempted to withdraw the DFR prior to

<sup>1</sup> The "criteria pollutants" include ozone (O<sub>3</sub>), particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), and lead (Pb).

<sup>2</sup> On October 1, 2015, EPA strengthened the ground-level ozone NAAQS to 0.070 ppm. *See* 80 FR 65292 (October 26, 2015). This rulemaking addresses the 2008 ozone NAAQS and does not address the 2015 ozone NAAQS.