

September 15, 2011, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**ASO NC E5 Southport, NC [Removed]**

\* \* \* \* \*

**ASO NC E5 Oak Island, NC [New]**

Cape Fear Regional Jetport/Howie Franklin Field, NC

(Lat. 33 °55'51" N., long. 78 °04'24" W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Cape Fear Regional Jetport/Howie Franklin Field.

Issued in College Park, Georgia, on March 30, 2012.

**Barry A. Knight,**

*Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### 19 CFR Part 122

[CBP Dec. 12-08]

#### Technical Amendment to Cuba Airport List: Addition of Recently Approved Airports

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

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

**SUMMARY:** This document amends the Customs and Border Protection (CBP) regulations by updating the list of airports authorized to accept aircraft traveling to or from Cuba.

**DATES:** *Effective:* April 20, 2012.

**FOR FURTHER INFORMATION CONTACT:** Arthur A.E. Pitts, Sr., U.S. Customs and Border Protection, Office of Field Operations, 202-344-2752.

#### SUPPLEMENTARY INFORMATION:

##### Background

Part 122, subpart O, of the CBP regulations sets forth special procedures that apply to all aircraft (except public aircraft) entering or departing the United States to or from Cuba. Prior to January 2011, the regulations required direct flights between the United States and Cuba to arrive at or depart from one of three named U.S. airports: John F. Kennedy International Airport, Los Angeles International Airport, or Miami International Airport.

In a statement issued on January 14, 2011, the President announced a series of changes to ease the restrictions on travel to and from Cuba as part of an initiative to support the Cuban people's desire to freely determine their country's future by, among other things, supporting licensed travel and intensifying people-to-people exchanges. In the statement, the President announced that additional U.S. airports able to process international flights may request CBP approval to accept direct flights to and from Cuba in accordance with procedures to be established by CBP. On January 28, 2011, CBP published a final rule in the **Federal Register** (76 FR 5058) that amended the CBP regulations to establish such procedures and airport eligibility criteria.

As provided in 19 CFR 122.153(b), airports meeting certain prerequisites may submit a written request to CBP requesting approval to become an airport of entry and departure for aircraft traveling to and from Cuba. Upon determination that the airport is suitable to process these flights, CBP will notify the requestor that the airport has been approved, and that it may immediately begin to accept such aircraft. For more detailed background information on the application and approval procedure and the eligibility criteria, see the January 28, 2011 final rule and 19 CFR 122.153.

##### List of Approved Airports

The CBP regulations also specify that for reference purposes, approved airports will be listed on the CBP Web site and reflected in updates to the list in 19 CFR 122.153(c). The current list includes the three airports that were authorized to accept aircraft traveling to or from Cuba before the publication of the January 28, 2011 final rule: John F. Kennedy International Airport, Los Angeles International Airport, and Miami International Airport. This document updates the list of airports to reflect the 16 airports that CBP has approved to accept aircraft traveling to or from Cuba, since the publication of the final rule. Those airports include:

- Hartsfield-Jackson Atlanta International Airport
- Austin-Bergstrom International Airport
- Baltimore/Washington International Thurgood Marshall Airport
- O'Hare International Airport
- Dallas/Fort Worth International Airport
- Fort Lauderdale-Hollywood International Airport
- Southwest Florida International Airport

- George Bush Intercontinental Airport
- Key West International Airport
- Louis Armstrong New Orleans International Airport
- Oakland International Airport
- Orlando International Airport
- Pittsburgh International Airport
- San Juan Luis Muñoz Marín International Airport
- Tampa International Airport
- Palm Beach International Airport

The updated list of approved airports also appears on the CBP Web site: [www.cbp.gov](http://www.cbp.gov).

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

Because this amendment merely updates the list of airports authorized to accept aircraft traveling to or from Cuba to include airports already approved by CBP in accordance with 19 CFR 122.153 and neither imposes additional burdens on, nor takes away any existing rights or privileges from the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

#### The 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.

#### Signing Authority

This final rule technical amendment is being issued in accordance with 19 CFR 0.2(a).

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

Administrative practice and procedure, Air carriers, Aircraft, Airports, Alcohol and alcoholic beverages, Cigars and cigarettes, Cuba, Customs duties and inspection, Drug traffic control, Freight, Penalties, Reporting and recordkeeping requirements, Security measures.

#### Amendments to Regulations

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

#### PART 122—AIR COMMERCE REGULATIONS

■ 1. The 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 § 122.153, revise paragraph (c) to read as follows:

**§ 122.153 Limitations on airport of entry or departure.**

\* \* \* \* \*

(c) *List of airports authorized to accept aircraft traveling to or from*

*Cuba.* For reference purposes, the following is a list of airports that have been authorized by CBP to accept aircraft traveling between Cuba and the United States.

Location	Name
Atlanta, Georgia .....	Hartsfield-Jackson Atlanta International Airport.
Austin, Texas .....	Austin-Bergstrom International Airport.
Baltimore, Maryland .....	Baltimore/Washington International Thurgood Marshall Airport.
Chicago, Illinois .....	O'Hare International Airport.
Dallas, Texas .....	Dallas/Fort Worth International Airport.
Fort Lauderdale, Florida .....	Fort Lauderdale-Hollywood International Airport.
Fort Myers, Florida .....	Southwest Florida International Airport.
Houston, Texas .....	George Bush Intercontinental Airport.
Jamaica, New York .....	John F. Kennedy International Airport.
Key West, Florida .....	Key West International Airport.
Los Angeles, California .....	Los Angeles International Airport.
Miami, Florida .....	Miami International Airport.
New Orleans, Louisiana .....	Louis Armstrong New Orleans International Airport.
Oakland, California .....	Oakland International Airport.
Orlando, Florida .....	Orlando International Airport.
Pittsburgh, Pennsylvania .....	Pittsburgh International Airport.
San Juan, Puerto Rico .....	San Juan Luis Muñoz Marín International Airport.
Tampa, Florida .....	Tampa International Airport.
West Palm Beach, Florida .....	Palm Beach International Airport.

Dated: April 10, 2012.

**David V. Aguilar,**

*Acting Commissioner, U.S. Customs and Border Protection.*

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

[Docket No. USCG-2011-1176]

RIN 1625-AA08

**Special Local Regulations for Marine Events; Potomac River, Charles County, MD**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary Final rule.

**SUMMARY:** The Coast Guard is establishing special local regulations during the "Potomac River Sharkfest Swim" amateur swim, a marine event to be held on the waters of the Potomac River on June 2, 2012. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Potomac River during the event.

**DATES:** This rule is effective and will be enforced from 10 a.m. until 2:30 p.m. on June 2, 2012.

**ADDRESSES:** Comments and material received from the public, as well as

documents mentioned in this preamble as being available in the docket, are part of docket USCG-2011-1176 and are available online by going to <http://www.regulations.gov>, inserting USCG-2011-1176 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or email Mr. Ronald Houck, U.S. Coast Guard Sector Baltimore, MD; telephone 410-576-2674, email [Ronald.L.Houck@uscg.mil](mailto:Ronald.L.Houck@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

On February 9, 2012, we published a notice of proposed rulemaking (NPRM) entitled "Special Local Regulations for Marine Events; Potomac River, Charles County, MD" in the **Federal Register** (77 FR 27). We received one comment on the proposed rule. No public meeting was requested, and none was held.

**Background and Purpose**

On June 2, 2012, Enviro-Sports Productions, Inc. of Stinson Beach, California, will sponsor an amateur

swim across the Potomac River between Newburg, Maryland and King George, VA. The event consists of up to 500 swimmers on a course located upriver and parallel to the Governor Harry W. Nice Memorial (US-301) Bridge. The swimmers will be supported by sponsor-provided watercraft. The start will be located along the shore at the Aqua-Land Marina and the finish will be located along the shore at Dahlgren Wayside Park. A portion of the swim course will cross the federal navigation channel. Due to the need for vessel control during the event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, spectators and other transiting vessels.

**Discussion of Comments and Changes**

The Coast Guard received one comment in response to the NPRM. No public meeting was requested and none was held. What follows is a review of, and the Coast Guard's response to, the issue that was presented by the commenter concerning the proposed regulations.

The commenter, Mr. David R. Horning of EnviroSports, who is the event organizer, stated that after further review of the tidal currents for June 2, 2012, it has been determined that the best time to start the swim event would be between 11:30 a.m. and 12 p.m. (Noon) to get all participants across the Potomac River safely. Furthermore, the timeline in the proposed regulation closing this portion of the Potomac